

# Land at Launton Road, Bicester Oxfordshire

12/01216/F

**Ward:** Bicester Town

**District Councillor:** Councillor Edwards  
and Pickford

**Case Officer:** Graham Wyatt

**Recommendation:** Approval

**Applicant:** Taylor Wimpey Oxon

**Application Description:** Erection of 23 dwellings with associated access

**Committee Referral:** Major development

## 1. Site Description and Proposed Development

- 1.1 The site forms a rectangular parcel of land sited measuring some 0.524ha sited between the recently constructed Aldi store and Child First Nursery. The site measures approximately 100m x 50m and currently contains a single building in the south western corner. The remaining land is currently given over to grass and other landscaping. Hardstanding from its previous use as a Transco depot remains on site. Mature hedging and trees exist on the front and rear boundaries (northwest and southeast). The site lies within walking distance of the town centre.
- 1.2 To the rear of the site lies a railway line that is part of the Bicester Town Station- Calvert line. Opposite the site on Launton Rd is an existing petrol filling station and Kia garage. Further commercial and industrial uses are found within Bessemer Close. Residential developments are also found along Launton Road and to the rear, across the railway line at Whimbrel Close and beyond.
- 1.3 The proposal seeks permission to clear the site and erect 23 dwellings on the land, 7 of which would be affordable units. The development proposes a mix of size and type of dwelling. The existing access would be utilised with parking and turning areas provided wholly within the site. The dwellings would all be two storey with a mixture of materials proposed. The dwellings would be arranged largely in a linear manner parallel to the front and rear of the site, with additional dwellings adjacent to Aldi and Child First.
- 1.4 The site does not lie within a Conservation Area and no listed buildings are in the vicinity. There are not other relevant site constraints.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a site notice, press advertisement and neighbour notification letters. The final date for comment was the 3<sup>rd</sup> October 2012. No correspondence has been received as a result of the consultation process.

### 3. Consultations

- 3.1 **Bicester Town Council:** The Town Council strongly objects to this application on the grounds of there are already sufficient houses in the local plan and the location is more suited to commercial use as outlined in the master plan

#### **Cherwell District Council Consultees**

- 3.2 **Head of Safer Communities** – No objection regarding noise impact.
- 3.3 **Strategic Housing Officer** – The current application shows all the affordable housing in one row at the end the site. We would like to see this dispersed more so that it is in two clusters. The housing will need to comply with the HCA design and quality standards and 50% of the units will need to meet Lifetime Homes Standards. These will apply to the 3 houses for rent. We would prefer to see these units transferred to a registered provider who is a preferred development partner of Cherwell District Council and can supply a list of contacts.
- 3.4 **Environmental Protection Officer**

*I'd like to see some additional clarification / risk assessment / site investigation works in the south west corner of the site i.e. corner of the site including the southern-most point. There seems to be a discrepancy in the "Investigation of Potential Contamination Sources" section of the report (section 9.2). This states that trial pit 8 was excavated in the vicinity of R22 where an oil odour was noted in the previous investigation. The KCB report soil sample location log refers to site investigation location R26 as having an oil odour and oily / sandy groundwater seepage at 1.8mbgl. This KCB investigation location is also reported earlier in your report in section 4.1.2 as being associated with this oil odour.*

*The nearest of your investigation locations to R26 was TP2 but due to the scaling of the approximate site investigation location markers on the drawing, and the actual size of the trial pit sample locations, its not clear whether this sample location was close to KCB's sample location R26 and the absence of groundwater seepage or oil odour may indicate that it is not. As this trial pit was terminated on the limestone at 2.2 mbgl and site levels and / or depth measurements of investigation locations may not be consistent between reports, I'd like to see further clarification of this risk, supported by additional investigation in the south west corner of the site, as necessary.*

*With regard to the rest of the site, thank you for a clear and concise coverage of the site investigation and the risk assessment works to date. I can confirm that I accept the recommendations within your report that no additional assessment works are required to demonstrate the rest of the site is suitable for its proposed use with no requirement for additional remedial measures (not withstanding the comments above regarding the south west corner of the site).*

*It is recognised that additional site works may not be practical at this stage without removal of the existing building on the site.*

## **Oxfordshire County Council Consultees**

- 3.5 **Highways Liaison Officer** – No objection in principle, subject to the highway conditions and a financial contribution towards highway improvements.
- 3.6 **Developer Funding Officer** – Require financial contribution to off-set the impact of the development on local infrastructure and amenities.

## **Other Consultees**

- 3.10 **Thames Water** – No objection regarding water or waste. Suggest an informative.

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

C28: Design, layout etc standards  
C30: Design control  
H5: Affordable housing  
R12: Public open space for new developments  
ENV1: Pollution control  
ENV12: Contaminated land

South East Plan 2009

CC1: Sustainable development  
CC4: Sustainable design and construction  
CC6: Sustainable communities and character of the environment  
CC7: Infrastructure and implementation  
H5: Housing design and density  
T1: Manage and invest  
T4: Parking  
BE1: Management for an urban renaissance  
NRM10: Noise

### **4.2 Other Material Policy and Guidance**

National Planning Policy Framework

## **Appraisal**

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

- Policy context
- Planning history
- Principle of the development
- Highway matters
- Planning obligations
- Other matters

## Policy Context

- 5.2 In establishing the acceptability of the principle of the erection of dwellings in this location regard should be paid to Government guidance contained within the NPPF – Delivering a wide choice of high quality homes, Policy H5 of the South East Plan 2009 and saved Policies C28 and C30 of the adopted Cherwell Local Plan.
- 5.3 Government guidance requires housing applications to be considered in the context of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Development should contribute to building a strong responsive and competitive economy, support strong, vibrant and healthy communities through the creation of a high quality built environment and contribute to protecting and enhancing the natural, built and historic environment.
- 5.4 Policies C28 and C30 of the Adopted Cherwell Local Plan 1996 and Policy H5 of the South East Plan 2009 seeks to raise the quality of new housing and reduce its environmental impact.

## Planning History

- 5.5 The site has been the subject of previous applications for residential development. Application 04/02756/OUT was approved on 26<sup>th</sup> May 2006 for a development comprising 35 flats with associated car parking and access. This permission has since expired. Other applications that are connected with the site relate to the area where the Aldi store has recently been erected.

## Principle of the Development

- 5.6 The proposal seeks to erect 23 dwellings on the land. Sixteen of the dwellings will be private with a further 7 units being affordable. The affordable and private units would be provided as follows:

**Affordable Rent** - 2 x 1 bed flat/maisonette, 2 x 2 bed houses and 1 x 3 bed house.

**Affordable Shared ownership** – 1 x 2 bed house and 1 x 3 bed house.

**Privately Owned** – 16 x 3 bed houses

- 5.7 The affordable units would be located on the northeast boundary with Aldi. The units would be split into two clusters forming a row of 2 and 3 bedroom houses and the maisonettes at the other end separated by two private 3 bedroom houses.
- 5.8 The development proposes 5 detached dwellings to front Launton Road with the remainder located behind forming link detached with garages between. Both brick and stone are proposed with slate and tile used for roofs. All dwellings will be two storey in height. Each unit will be provided with bin and cycle storage located within garden areas. Parking is provided for each unit with additional spaces for visitors.
- 5.9 The site lies within the built up area of Bicester and lies close to the town centre and its facilities and amenities. To the north east along Launton Road are additional facilities within retail parks where food stores, DIY stores and other

retail premises are available. Primary and secondary schools are within a short distance from the site.

- 5.10 The design of the units and the layout are considered acceptable. A landscaping scheme details both hard and soft landscaping has been submitted. The site is within a sustainable location close to facilities and amenities in the area. The development would be constructed of materials sympathetic to the area represents a proportionate and well designed addition development that would not appear unduly prominent nor detract from the character and appearance of the wider area as a whole. The proposal will not have a detrimental impact on the amenities of adjoining occupiers to an unacceptable level. Adequate amenity and parking areas would be provided for each unit.
- 5.11 The principle of the development is therefore considered acceptable as it would contribute towards a strong, vibrant and healthy community through the creation of a high quality built environment and contribute to protecting and enhancing the natural and built environment.

### **Highway Matters**

- 5.12 Oxfordshire County Council as Highway Authority have considered the proposal and comment that the development is broadly acceptable. However, concerns are raised that only 43 parking spaces are provided when 47 would be required. An amended parking scheme was therefore requested.
- 5.13 However, the site is within walking distance from the town centre and other amenities in the area. The applicant states that while providing more parking spaces would undoubtedly benefit sales, given the close proximity to town and the fact that Bicester is setting a standard with its eco-town development, the additional spaces would not be required. It is agreed that an additional 4 spaces should not be required in this instance.
- 5.14 OCC have requested a financial contribution towards off-setting the impact of the development. A developer funding contribution of £21,046 (index-linked) towards transport is requested in line with Cherwell District Council Planning Obligations SPD, via S106 Agreement.

### **Planning Obligations**

- 5.15 The County Council have considered the proposal and have requested a number of contributions to off-set the impact of the development on local infrastructure and amenities. The requested contributions relate to the following:
- Primary School - £74,789
  - Senior School - £105,595
  - Special Needs Schools - £3,108
  - Library & Stock - £4,556
  - Day Resource Centre - £4,095
  - Waste Recycling Centre - £3,500
  - Adult Learning Centre - £645
  - Museum Resource Centre - £278

- Total requested - £196,566

5.15 The requested contributions listed above and from Highways have been agreed by the applicant and instructions have been sent to our legal department with a view to securing a s106 agreement. Additional contributions of £24,963.27 towards off-site open space are sought by this Council. A further contribution of £67.50 per unit will also be required towards waste and recycling.

### **Other Matters**

5.16 The Town Council have objected to the proposal on the grounds that there are sufficient houses in the local plan and that the site is better suited to a commercial use as outlined in the Bicester Masterplan.

5.17 It is recognised that CDC currently has only a 3.2 years supply of housing land, falling far short of the 5 year supply required by the NPPF. Therefore, the district is failing to meet its requirements regarding the provision of housing and windfall sites such as this make a valuable contribution towards the districts housing figures.

5.18 The Bicester Masterplan is currently in the early stages of consultation and is not adopted policy. The weight it can be afforded is therefore limited. However, the site is not allocated as potential commercial land within the document in any event.

### **Recommendation: Approval subject to**

- a) The applicant entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions to infrastructure improvements as set out in paras 5.14-5.16 above;
- b) Conditions to the satisfaction of officers following liaison with the applicants but covering the main issues set out below;

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 No. 69-1821-001 Rev G, 69-1821-002 Rev B, 69-1821-003 Rev B, 69-1821-004 Rev B, 69-1821-005 Rev B, 69-1821-006 Rev B, 69-1821-007 Rev B, 69-1821-008 Rev B, 69-1821-A-001 Rev C, 69-1821-A-002 Rev C, 69-1821-B-001 Rev B, 69-1821-B-002 Rev B, 69-1821-C-001 Rev C, 69-1821-C-002 Rev B, 69-1821-C-003, 69-1821-C-004, 69-1821-D-001 Rev B, 69-1821-D-002 Rev B, 69-1821-E-001 Rev A, 69-1821—E-002 Rev B, 69-1821-F-001 Rev A, 69-1821-F-002 Rev A, 69-1821-GAR-001 and 69-1821-GAR-002

Reason - For the avoidance of doubt and 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 March 2012.

3. That the external walls and roof(s) of the dwellings and garages shall be constructed in accordance with the submitted details on drawing 69-1821-005 Rev B (External Finish Layout) and samples of the proposed materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work.

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 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 March 2012.

5. That the proposed vision splays shall be formed, laid out and constructed in accordance with detailed plans which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwelling and that the land and vegetation within the splays shall not be raised or allowed to grow above a maximum height of 0.6 metres above carriageway level.

Reason - In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework March 2012.

6. That before the development is first occupied a turning area and 43 car parking spaces shall be provided within the curtilage of the site so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, and as such the turning area and parking spaces 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. The turning area and car parking spaces shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government advice in the National Planning Policy Framework March 2012 and Policy T4 of the South East Plan 2009.

7. That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained in accordance with 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, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice in the National Planning Policy Framework March 2012.

8. That no surface water from the development shall be discharged onto the adjoining highway, and a scheme to prevent this occurrence shall be submitted to and approved in writing by the Local Planning Authority and constructed prior to the commencement of building operations.

Reason - In the interests of highway safety and to comply with Government advice in the National Planning Policy Framework March 2012 and PPS25: Development and Flood Risk.

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 enclosures along all boundaries and within the site shall be erected as per drawing 69-1821-004 Rev B and 69-1821-008 Rev B 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.

13. That all planting, seeding or turfing comprised in the details of landscaping as indicated on drawing 1438 01 Rev A dated August 2012 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.

14. 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 residential properties on, adjacent to or surrounding the site and shall include details of the consultation and communication to be carried out with local residents. Construction work shall thereafter be carried out in accordance with the approved CEMP.

Reason - To protect the amenities of the local residents, to avoid pollution and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

15. Prior to commencement of development, details of the proposed new footway (and associated ancillary work) along Launton Road must be submitted to and approved by the Local Planning Authority. The approved footway must be constructed to the approved specification prior to first occupation of the development and maintained thereafter.

Reason - In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework March 2012.

16. That prior 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 2009.

17. The developer shall draw to the attention of the Local Planning Authority (LPA) the presence of any previously unsuspected contamination encountered during the development.

In the event of contamination to land and/or water being encountered, no development shall continue until a programme of investigation and/or remedial work to include methods of monitoring and certification of such work having been undertaken has been submitted to and approved in writing by the Local Planning Authority.

None of the development shall be occupied until the approved remedial works, monitoring and certification of the works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy ENV12 of the adopted Cherwell Local Plan.

### **PLANNING NOTES**

1. Attention is drawn to the legal agreement in the form of a Unilateral Undertaking which has been made pursuant to Section 106 of the Town and Country Planning Act 1990.
2. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
3. The applicant is advised that the off site works will need to be constructed under a Section 278 of the Highways Act legal agreement. This agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 8 weeks is required to draw up the agreement following the receipt by the Highway Authority of a completed Section 278 application form.

### **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 area or highway safety. Moreover, the proposal will assist the district in the delivery of affordable and market housing, and will contribute towards returning the district to having a five year housing land supply. The proposal, therefore, complies with government guidance contained in, Policies CC1, CC4, CC6, CC7, T1, T4, BE1 and NRM10 of the South East Plan 2009 and Policies ENV1, H5, R12, C28 and C30 of the adopted Cherwell Local Plan 1996. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.