

**Site Address:**  
Land North East Of Junction Of Launton Road  
Skimmingdish Lane, Launton

**Application ref:**  
13/00372/OUT

**Ward:** Launton

**District Councillor:**  
Councillor David Hughes

**Case Officer:** Andrew Lewis

**Recommendation:** Approval

**Applicant:** Montpellier Estates Ltd

**Application Description:** Construction of 61 bed care home (Use Class C2) together with ancillary accommodation including café, hair salon and shop and associated development including car parking and servicing arrangements

**Committee Referral:** Major

#### **1. Site Description and Proposed Development**

- 1.1 The application site is approximately 0.58 hectares in size and lies on the north side of Skimmingdish Lane (A4421), the north circular road around Bicester. When originally constructed, this road was designed with a series of roundabouts that provided access to parcels of land identified for future development including the current application site. As a result there is a roundabout fronting the site with a spur already available to provide access into it. Skimmingdish is also a heavily engineered road with wide carriageway, deep verges and footpath/cycle track along large parts of it.
- 1.2 The site is open and of an unkempt appearance, it previously having been used as allotments although that use ceased in approximately 2007 having been in decline for a number of years prior to that. A public footpath runs along the western boundary and there are cultivated fields to the north and west. To the east is a large area of open space that will remain open that has been acquired by the applicant and beyond that a small brook lined by trees and other vegetation. The character and appearance of the immediate area to the north of Skimmingdish Lane is one of rural openness although beyond the adjacent fields lies RAF Bicester, a designated conservation area.
- 1.3 South of Skimmingdish Lane is the Launton Road Industrial Estate. Although buildings on it are primarily industrial there is an increasing mix of uses including recent retail units having been constructed, petrol filling stations and car sales, etc. The buildings are generally two storeys in height and mainly built in a modern, utilitarian style with simple materials, metal cladding is pre-dominant opposite the site.
- 1.4 The current application, which has been amended and scaled down, seeks approval for the erection of a primarily two storey building to provide a care home for the elderly, suffering from dementia. There will be a total of 61 bed spaces, 29 on the ground floor and 32 on the first floor. Community and shared facilities will be located throughout the building including a café and hairdresser on the ground floor and cinema room on the second floor. A small area of second floor space at the rear of the building will provide for staff and service facilities.

- 1.5 The main building is aligned almost at right angles to Skimmingdish Lane but with two wings, one that forms a frontage to the road, and the second creating an arm that wraps around an area of open space and creates an entrance to the main building from a proposed internal access road. Access is taken from a spur off the existing Launton Road roundabout. 20 parking spaces are provided, 2 for people with disabilities, plus a cycle shelter. A service area and turning facility is provided to the rear of the site.
- 1.6 Committee should be made aware of the nature of this application in so far as although it is submitted in outline, the only matter reserved for further approval is landscaping. Otherwise all details such as design, access, appearance, parking etc have been submitted for approval. Amongst the documents received to accompany the application are a Design and Access Statement (DAS), Planning Statement, Ecology Report, Acoustic Assessment, Flood Risk Assessment and Drainage Strategy (FRA), Landscape and Visual Assessment, and Travel Plan.

## **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 25<sup>th</sup> April 2013.

One comment has been received from Bicester Gliding Centre objecting to development under the climb out and approach routes to the airfield and the consequence of noise upon residents from aircraft.

## **3. Consultations**

- 3.1 Launton Parish Council: object to the application in its current form, due to the colour scheme proposed. The Council felt the development would have a detrimental impact on the visual amenity of RAF Bicester conservation area. In red and white (as illustrated on the plans) the buildings would be at odds with the otherwise wholly natural vista. The suggestion in the application that there is a minimal visual link between the buildings and RAF Bicester does not hold good given that the buildings height will exceed that of the trees in the vicinity

## **Cherwell District Council Consultees**

- 3.2 Planning Policy Officer:

The application site mostly falls within an area of land that has permission for an office development comprising 9 office buildings resulting in a gain of 5,857 sqm of employment floorspace (09/01659/REM). It is understood that the current proposal is for a C2 care home use with no self-contained units of accommodation, unlike domestic dwellings or extra care accommodation and that the 75 units will not contribute to the housing land supply.

The main policy issues are considered to be:

- Local planning policies for the countryside and care homes
- NPPF and the presumption in favour of sustainable development
- Suitability of the proposed location

### *Local Planning Policies*

The site lies within an area of countryside outside the built-up limits of Bicester. It is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996 or the policies of the Non-Statutory Cherwell Local

Plan 2011. Previous policies in the adopted Cherwell Local Plan 1996 for employment generating development at Bicester Airfield and adjoining land, including the application site, were not saved. Policies of restraint in this area of countryside therefore apply, including saved policies C7 and C8 of the adopted Local Plan and policies EN30 and EN34 of the Non-Statutory Plan.

Policy H4 of the adopted Local Plan 1996 and Policy H6 of the Non-Statutory Local Plan 2011 encourage the provision of housing schemes for the elderly and people with disabilities on sites within convenient reach of shops, community facilities and frequent public transport services. The supporting text to Policy H6 states that the most suitable location for this particular use is close to the centres of Banbury, Bicester and Kidlington. However, it also states that the policy's locational criteria may not necessarily apply to class C2 development if the residents are not mobile and require constant care.

The Proposed Submission Local Plan incorporating the Proposed Changes (PSLP March 2013) carries limited weight as the Plan is not complete and currently subject of further consultation. The application site adjoins an area of land proposed to be allocated for employment development in the PSLP 2013. Policy Bicester 11: North East Bicester Business Park has identified 2.7ha of developable land for B1 Business uses. Immediately adjacent to the application site is a strategic development site for tourism development (Policy Bicester 8: RAF Bicester). The supporting text to Policy BSC 8 (Securing Health and Well-Being) states that the Council will work with providers and partners to deliver health and care facilities.

#### *NPPF and the presumption in favour of sustainable development*

The NPPF includes a presumption in favour of sustainable development and states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework. It highlights the need to meet the housing needs of older people and people with disabilities. Policies H4 and H6 of the adopted and Non-Statutory Plans are consistent with this objective.

Paragraph 17 of the NPPF sets out twelve core planning principles which include: proactively driving and support sustainable economic development and the delivery of homes and thriving local places; taking account of the different roles and character of different areas, promoting the vitality of our main urban areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities; and, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable.

#### **Suitability of the proposed location**

The extant permission 09/01659/REM for an office development means that the principle of built development in this location has been established. C2 use would not provide new employment land in the strictest sense, but new jobs would be created. In principle a care home would not be necessarily be incompatible with B1 office development on the remaining and proposed employment land. Nevertheless detailed consideration should be given to both the loss of employment land, in consultation with the Economic Development team, and to the suitability of the site and living environment being on the edge of the built up area of Bicester beyond the perimeter road, next to a main roundabout and detached from existing residential areas. The loss of an area of countryside and any impact on the landscape need to be considered in the

context of the extant permission and it is understood that the design of the proposed care home will match the approved office heights and style and that the impact will be not be significantly different to what was previously permitted.

Please note that a Bicester Movement Study (February 2013) was commissioned by Oxfordshire County Council which forms part of the Local Plan evidence base. The study has identified a number of options for possible highway improvements including a new eastern route as part of the future transport strategy for Bicester. The Proposed Submission Local Plan (March 2013) (Policy SLE 4) supports the principle of a Bicester South East relief road following consideration of 'areas of search'. There should therefore be consultation with the County Council as Highways Authority to determine any potential implications for the application site.

Policy SLE 4: Improved Transport and Connections makes reference to the SE relief road and supports it too. "The Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan". It has also been referenced under Table 13: Infrastructure Plan: Bicester. It does say that improvement schemes such as the SE relief road will be linked to the Contributions SPD as well as Policy SLE 4.

- 3.3 Urban Design and Conservation Officer: No objection to the impact on RAF Bicester Conservation area. Design, scale and appearance is basically acceptable but request the building has more of a presence to the frontage to Skimmingdish Lane.
- 3.4 Strategic Housing Officer, Delivery Team, Regeneration and Housing: Due to this application being for C2 use, there is no affordable housing provision required as part of this application.
- 3.5 Anti Social Behaviour Manager-Public Protection and Development Management: Further to your consultation of 27/03/13 No objections in principal to the proposal. However a prior approval condition will however be required to cover external lighting.
- 3.6 Landscape Officer:  
Agree with the landscape character assessment in the Landscape Visual Appraisal by Aspect Landscape Planning, December 2012. The application site is subject to a degree of containment with the tree belt to the west. Localised and middle distance views are experienced due to the containment of field boundary vegetation of overgrown hedgerows and the semi-mature tree belt combined with the level topography, as indicated by the photographed views of 4,5,7 and 8 in the LVA.

The LVA states that the site is influenced by the surrounding urban development to the south east of the site; this is self-evident for walkers on public footpaths, from viewpoints 7, 8, 9 and 10. Viewpoint 9 does provide partial visual mitigation of the site due to the intervening vegetation associated with the dismantled railway. With this urban influence on the site and the precedent set by existing planning approval for Class B1 use which is of similar height and architectural style to the proposals, it is difficult to argue against this development. The development can be integrated with its surroundings with landscape mitigation measures that reflect the existing landscape vegetation structure adjacent to it.

I would prefer a more naturalised landscaping arrangement to the site's frontage with a profile similar to existing structure of the tree belt to the west of the site. The planting proposed is rather regimented: eye-catching contrast to the native structural planting proposed on the east west and north boundaries. The equally spaced trees: standards of similar sizes, species and spacings are inappropriate on this boundary due to the context of the surrounding native vegetation.

From the Landscape Masterplan 5055/ASP3 and the plan in Frampton's Design and Access Statement I am concerned that the application site boundary overlaps the public footpaths on the northwest and northeast boundaries. This may have been an oversight. In order to achieve the appropriate level of landscape mitigation the matter of the footpaths must be resolved.

- 3.7 Arts and Visitor Services Manager: A condition that an approved piece of public art be provided to enhance the communal / public areas for the benefit of residents

### **Oxfordshire County Council Consultees**

- 3.8 Highways Liaison and Transport Officers:

The anticipated traffic generation from the 75-bed care home development is not recognised to cause any detriment to the surrounding highway network. I agree with the conclusions that there will be a significant decrease in the number of trips compared to the originally consented B1 land use.

The site is reasonably situated to good cycle and pedestrian links into the town centre, via the shared use facilities situated along Skimmingdish Lane and Launton Road.

The site is within reasonable access to the half-hourly (S5) which runs between Langford Village and Launton to Oxford, via Bicester town centre. This can be accessed by the existing pair of bus stops on Boston Road, however the County Council would like to request that additional bus stop provision is provided on Skimmingdish Lane in proximity to the development site.

A request has been made for a toucan crossing and cycle safety measures as per the 2007 appeal decision but following discussions and it being confirmed that the B1 units are no longer to be built, this requirement has been dropped.

Concern was also expressed about the intention for a new strategic road that may cross the site. Shown in the Bicester Masterplan 2012 and the Bicester Transport Study it is still very aspirational and in view of the approval to develop the site the request to maintain the road line has been dropped.

There are some design elements of the scheme that need tweaking but these can be dealt with by condition.

If the LPA is minded to approve the submitted application, it has been recommended the following conditions are imposed:

1. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
2. That the vision splays shall not be obstructed by any object, structure, planting or other material height.
3. Prior to the commencement of the development hereby approved, full specification details of the access road including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development shall be constructed in accordance with the approved details.
4. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and

manoeuvring of vehicles at all times thereafter.

5. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

6. Prior to the commencement of the development hereby approved the Toucan Crossing and cycle footway on the north side of Skimmingdish Lane (as shown on drawing 2006/2281/006 by Stuart Michael Associates shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development shall be constructed in accordance with the approved details.

7. No development shall commence on site for the development 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 (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & 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.

## **Other Consultees**

### **3.9 Thames Water Utilities:**

#### **Waste Comments**

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries

should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing [wwgriskmanagement@thameswater.co.uk](mailto:wwgriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 0203 577 9963.

#### Water Comments

Thames Water recommend the following informative be attached to this planning permission. 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.

#### 3.10 Environment Agency:

The FRA submitted with this application does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore; provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

We have reviewed the Flood Risk Assessment (FRA) ref 131847 - R1(0) FRA dated November 2012 and consider that, while we do not have an in principle objection to the proposed development, we are concerned that the proposed floodplain compensation scheme will not provide mitigation for the loss of floodplain storage. Figure 5 of the FRAM drawing ref 10-01.dwg rev P2 indicates that there will a loss of 22m<sup>3</sup> of floodplain storage in the 1% AEP plus climate change flood and proposes ground lowering to a level of 69.51 mAOD which is between the 5%AEP and the 1% AEP level in order to mitigate on a level for level, volume for volume basis.

There does not appear to be a connection between the existing flood extent and the proposed mitigation area. Please confirm how this mitigation will be implemented in practice.

You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal reconsultation. Our objection will be maintained until an adequate FRA has been submitted.

#### 3.11 Crime Prevention Design Officer:

The only advice I can offer at this juncture is to refer the applicants to the principles and standards of the Association of Chief Police Officers (ACPO) crime prevention initiative for the built environment, Secured by Design (SBD). I urge them to incorporate said principles etc within the proposals and to contact me as soon as possible so that they may be advised on how to achieve this.

To ensure that the opportunity to design out crime is not missed I request that the following (or a similarly worded) condition be placed upon any approval for this application;

*No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.*

SBD is an Association of Chief Police Officers (ACPO) initiative which has a proven track record in assisting with the creation of safer places by providing guidance on Crime Prevention Through Environmental Design (CPTED), and by requiring a minimum set of standards on physical security measures. Details can be found at [www.securedbydesign.com](http://www.securedbydesign.com) and further advice can be obtained by contacting Thames Valley Police's Crime Prevention Design Team.

I feel that attachment of this condition would help the development to meet the requirements of:

- The National Planning Policy Framework 2012 (Part 7, Sect 58; 'Requiring good Design' and Part 8, Sect 69; 'Promoting Healthy Communities') where it is stated that development should create 'Safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion'.
- Supplementary Planning Guidance Document 'Safer Places - The Planning System and Crime Prevention', ODPM 2004.

In addition, it would assist the authority in complying with its obligations under Section 17 of the Crime and Disorder Act 1998 in doing all it reasonably can in each of its functions to prevent crime and disorder in its area.

The comments above are made on behalf of Thames Valley Police and relate to CPTED only

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

##### **4.1 Development Plan Policy**

###### **Adopted Cherwell Local Plan (Saved Policies)**

H4	Encouragement for homes for the elderly
TR20	Road Improvements-Skimmingdish Lane
TR5	Parking
TR1:	Transportation funding
C28:	Layout, design and external appearance of new development
C30:	Design of new residential development
C7/C8	Landscape Conservation

## 4.2 Other Material Policy and Guidance

### Draft Cherwell Local Plan- Proposed Submission Local Plan Incorporating Proposed Changes (March 2013)

The draft Local Plan has been through 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:

- Bicester 11-North East Bicester Business Park
- Bicester 8-RAF Bicester
- SLE 4- Supports the principle of a Bicester South East relief road
- BSC 8 -Securing Health and Well-Being

In addition:

- National Planning Policy Framework
- Bicester Movement Study (February 2013)
- Bicester Masterplan (2012)
- RAF Bicester Conservation Appraisal 2008

## 5. Appraisal

### **Principle of Development, Background and History**

- 5.1 The principle of developing the site has been agreed by the grant of outline planning permission at appeal, in 2007 (ref: 05/01563/OUT). Reserved matters were approved in 2010 (09/01659/REM). The Council had refused permission for four main reasons: flood risk (although this was later withdrawn), loss of allotments, speculative employment on an unallocated development site and unsustainable development outside of the built up limits of Bicester. At the Public Inquiry the Inspector considered the main issue to be whether the proposed employment use outweighed planning policies, adopted and emerging, the need for the development and the loss of allotment land. The allotment argument quickly fell as they were not protected, and the Inspector considered there to be sufficient provision in the area with no real demand for such use.
- 5.2 The main arguments therefore centred, firstly, on policy, the Inspector felt there was a planning vacuum and that there was no prospect of a comprehensive development, as envisaged in the ACLP 1996, following the designation of RAF Bicester as a Conservation Area, the change in a location of the NSCLP 2011, the move towards developing SW Bicester and an appeal decision to allow residential development at Gavray Drive, a large allocated employment site.
- 5.3 Secondly, with regard to landscape, the Inspector carefully argued that despite the proposal being "an isolated and sporadic form of development" its effect would be "localised and limited". He felt there was adequate separation to the airfield and its open setting, character and appearance preserved.
- 5.4 And thirdly, on "need", the opportunity for employment development was severely constrained yet there was a poor ratio between jobs and employment with significant commuting out of Bicester as a result. It was also agreed that the site was a relatively sustainable location.

- 5.5. The Inspector concluded that the proposal, whilst contrary to the countryside protection policies of the ACLP 1996, was acceptable because there was a pressing need for B1 employment land which outweighed all other considerations. Permission was granted subject to a limited number of conditions the most significant of which limited buildings to two storeys and restricted development in the flood zone area. A toucan crossing and travel plan were also required.
- 5.6. Clearly loss of B1 land is an issue but the draft plan allocates substantial amounts of land in and around Bicester including land adjacent the application site where the Bicester Business Park is proposed. Furthermore, the proposed use is scheduled to create 70 jobs, a not insignificant figure.
- 5.7. In terms of the proposed care use being located here, the thrust of our policy on location of elderly person's accommodation is accessible locations preferably near shops and services. One exception is when a high degree of care is needed and this is the case here. Residents will largely be "housebound" and many immobile. The surrounding area has limited services available but at the appeal the Inspector thought the site to be a sustainable and accessible location although there is no doubt it will benefit from the proposed improvements to public transport along Skimmingdish.

### **Other Main Issues**

- 5.8. As stated above, the site is regarded as a sustainable location and acceptable for B1 development. The main issues are therefore whether the details of the scheme, in particular its design and layout, are acceptable.

### **Layout and Floodplain**

- 5.9. At the reserved matters stage following consultation with the Environment Agency (EA) and a re-modelling exercise, there was a radical shift in position arising from changes to the functional floodplain. In fact, the EA requested all new buildings be relocated to the north-west corner of the site, outside of the functional floodplain. A compromise position was sought in which the majority of the new buildings were to be located outside of the functional floodplain together with extensive mitigation measures. Flood storage compensation would be provided by lowering land and creating floodable voids beneath buildings.
- 5.10. The present proposal very much reflects the requirement of the EA so that the developable footprint of the building has moved west and north. No development is now proposed on the eastern part of the site whatsoever and a legal agreement has been offered to rescind the extant permission.
- 5.11. The architect in the current scheme has achieved a layout where the proposed office buildings still form an active frontage to Skimmingdish Lane and to the new internal road network. The building has a U shape with two wings wrapping around an area of open space for use by residents and staff. Parking is provided to the east and a service area to the north, effectively at the rear of the site.

### **Design, Appearance and Scale**

- 5.12. The size of the building has been scaled down since it was first submitted and the number of bedrooms reduced from 75 to 61. As a result, the proposed building is now predominantly two storeys in height in line with the thrust of the appeal decision to restrict them vertically. The height of the approved office development was approximately 7.5m but with lift shaft and service towers above. In this case it is 5.75m to the main roof but with a second storey approximately 8.4m in height. The second storey is minimal in size and this has the appearance of a rotunda or even a

“control tower”.

- 5.13 The building has a low slung, contemporary feel with a flat roof and an elevational treatment of vertical render and brick banding interspersed with large areas of windows, which should make the internal space light and airy. This treatment has been criticised by the Parish Council but the lack of reference or need to relate to surrounding development has given the architect an opportunity to design a scheme that is reflective of its time. If there is one criticism of the design it could be that it is not assertive enough in its frontage to Skimmingdish Lane but this is not such a flaw as to justify refusing planning permission.
- 5.14 It is not considered it will have any additional impact on the nearby conservation area, which is approximately 300metres distant to the nearest point and over 1 kilometre to RAF Bicester’s technical area, and as they are still two storeys thus compliant with the appeal decision.

### **Highways, Access and Parking**

- 5.15 The entrance to the site was created with the construction of Skimmingdish Lane and probably in anticipation of a much larger and more comprehensive development including part of the RAF Bicester flying field in line with the CLP 1996. The access road is 7.5 metres wide but this is scaled down as you enter the site. The internal access road is 6 metres wide shared surfaced.
- 5.16 Parking is broken into groups. A total of 20 spaces are provided, 2 for people with disabilities. A cycle shelter is proposed near the rear of the site in proximity to both the main and staff entrance.
- 5.17 The site is unlikely to generate a large amount of traffic. As a result the Highway Authority no longer requires provision of a toucan crossing or extension to the cycle route. They do request provision of additional bus stops in the vicinity of the site as part of the package of improvement to the local bus service and to increase the site’s accessibility.

### **Landscaping**

- 5.18 A comprehensive scheme has not been produced but will be treated as a reserved matter. It is required to screen the development and reduce its visual impact both in general and to RAF Bicester and the conservation area. Comprehensive planting can be provided on all boundaries and through the site and it is recommended by the Council’s Landscape Officer to be of a natural style using native species.. An outdoor area will be created within the landscaped areas for staff and residents.

### **Air Safety**

- 5.19 Notwithstanding the point raised by the Gliding Centre, this issued was debated at the public Inquiry and not felt to be one that justified refusing planning permission. Although Government advice has been updated the circumstances remain the same and again, it is not considered there is a case to refuse planning permission on safety grounds.

### **Footpath**

- 5.20 A public footpath runs on the western boundary. A drafting area on the original submission showed this to be partly within the red line site boundary. It is not and the plan has been amended.

### **Engagement**

5.21 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

### **Conclusion**

5.22 The principle of development and other major issues such as access were all resolved at appeal. The main obstacle to the approval of this application has been the increased flood risk as a result of the EA remodelling the floodplain. The design, scale and appearance of the development is considered acceptable. Parking is at an appropriate level. The character and appearance of the conservation area will be preserved.

## **6. Recommendation**

### **Approval, subject to:**

- i) The applicants entering into an appropriate legal agreement to the satisfaction of the Council relating to rescinding the planning permission to develop the land east of the building for B1 use and to provide two bus stops in the vicinity of the site
- ii) The Environment Agency receiving sufficient information to enable them to remove their objection
- iii) The following conditions:

1 That no development shall be started until full details of the landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

2 That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995. (As amended).

3 That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

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 3(1) of the Town and Country Planning (General Development

Procedure) Order 1995.

- 4 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following approved plans:

- o Site Plan 1120/F04/S02 Rev A
- o Site Location Plan 1120/F04/S02 Rev A
- o Elevations 1120/F04/004 Rev A
- o Ground Floor Plan 1120/F04/001 Rev A
- o First Floor Plan 1120/F04/002 Rev A
- o Second Floor Plan 1120/F04/003 Rev A

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 Central Government guidance contained in the NPPF

- 5 That the external walls and roof(s) of the proposed building shall be constructed in accordance with a schedule of materials and finishes which, together with samples of all facing materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.

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

- 6 All plant, machinery, mechanical ventilation equipment and ducting, other than that shown on the approved plans, shall be installed internally. No other plant, machinery, mechanical ventilation equipment, flues or ducting shall be placed on the outside of the building without the prior written permission of the Local Planning Authority.

Reason: In the interest of visual amenity and to comply with policy C28 of the adopted Cherwell Local Plan

- 7 No development shall commence on site for the development 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 (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & 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 comply with Government advice contained in the NPPF.

- 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 NPPF.

- 9 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details. And the vision splays shall not be obstructed by any object, structure, planting or other material height.

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 contained in the NPPF.

- 10 (i) Before the use commences screened provision for the storage of refuse and recycling facilities shall be made in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be retained solely for their intended purpose and refuse and recycling items shall be placed and stored only in this storage area.
- (ii) Before the use commences screened provision for the storage of cycles shall be made in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be retained solely for their intended purpose and cycles shall be placed and stored only in this storage area.

Reason: To protect the amenities of the area, in the interests of sustainability and to encourage the use of cycles, and to accord with policies T5 of the South East Plan 2009 and ENV1 of the adopted Cherwell Local Plan.

- 11 The building hereby approved shall not be occupied until details have been submitted to and agreed in writing for a work of art to be placed on site. These details shall include the size, design and siting of the work of art and the design process for it. The development shall be undertaken in accordance with the details as approved.

Reason: To comply with the Council's policy on the provision of public art and to enhance the setting and environment of the Proposed Care Home

## **PLANNING NOTES**

In line with the Council's policy and the SPD on Planning Obligations, the Council requires a work of art to be commissioned the value for which should be 1% of the total development cost and the provision of which should be secured in consultation with the Council's Arts and Planning Officers.

The developer is advised to seek Secured by Design' accreditation.

SBD is an Association of Chief Police Officers (ACPO) initiative which has a proven track record in assisting with the creation of safer places by providing guidance on Crime Prevention Through Environmental Design (CPTED), and by requiring a minimum set of standards on physical security measures. Details can be found at [www.securedbydesign.com](http://www.securedbydesign.com) and further advice can be obtained by contacting Thames Valley Police's Crime Prevention Design Team.

**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 principle of development and other major issues such as access were all previously resolved. The layout and design have overcome issues of flood risk, subject to imposition of conditions. The design, scale and appearance of the development is considered acceptable. Parking is at an appropriate level. The character and appearance of the conservation area will be preserved. As such the proposal is in accordance with Policies H4 and C28 of the adopted Cherwell Local Plan and the thrust of the NPPF. 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.

**STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.