

Site Address: Thornbury House, 40 The Moors, Kidlington, OX5 2AL

12/00395/F

Ward: Kidlington North

District Councillor: Councillor's Rose and Williamson

Case Officer: Caroline Ford

Recommendation: Approval

Applicant: Bedfordshire Pilgrims Housing Association

Application Description: Erection of 54 Extra Care flats including new access road, communal facilities and car parking

Committee Referral: Major

1. Site Description and Proposed Development

- 1.1 The site is situated to the north of The Moors. It is currently open, but in the past accommodated a Children's Home (which was demolished and relocated to a site adjacent to the application site to the west). To the north of the site is open countryside, which all falls within the Oxford Green Belt. To the east are residential properties within Lambs Close. To the south is a Builder's yard, where a car garage is currently in operation and further to the south are residential properties. To the south west, is Homewell House, part of which is a listed building and which is a four storey building accommodating supported retirement housing.
- 1.2 In terms of site constraints, the site is within an area that is residential in nature. Given the proximity of Homewell House and the Children's Home it is within an area where care facilities are in place already. There is a listed building within proximity, the conservation area boundary runs within proximity (part of the access falls within the conservation area) and the Green Belt boundary runs along the northern edge of the site. There is potential for ecology within the area – the Rushey Meadows SSSI is within 2km of the site and there are records of protected species (bats and great crested newts predominately) within the area. The site has some potential to contain archaeological interest and it is potentially contaminated. There are no other site constraints.
- 1.3 The application seeks planning permission to construct a 54 flat extra care home within one building arranged over three floors. The plans have been amended during the processing of the application. In its amended form, the building is proposed to have a linear wing in a horizontal form to the south of the site (three storeys in height) and two projecting wings extending in a northerly direction, the western wing being three storey and the eastern wing being two and one storey – adjacent to Lambs Close. The access to the site is proposed to be from The Moors accessed via a route between Homewell House and 34 The Moors. Car parking is proposed to the south of the building and would provide space for 20 vehicles. Internally, the building would comprise one and two bedroom flats (39 one bed for rent and 15 two bed for shared ownership) and would provide communal facilities such as sitting rooms, a dining room and a hair salon. The flats would be 100% affordable units. The design and access statement advises that the average age of occupants is 84 years (based on the applicant BPHA's other Extra Care Schemes).

Planning History

- 1.4 The planning history reveals that the site was previously used for a Children's Home operated by Oxfordshire County Council (OCC). Various applications were made for works to this home. However in 2009 planning permission was granted by OCC for the demolition of the existing children's home and the erection of a new two storey children's home which is built and positioned to the west of the site. The application

site is vacant following the previous Children's Homes demolition.

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 18th April 2013. A further 21 day consultation period has been carried out following the receipt of amended plans. The final date for comment is the 11th June 2013.

55 letters have been received objecting to the proposal based on the original submission. The following issues were raised:

- Out of keeping with the surrounding area
- The proposal for three storeys is out of keeping with the majority of housing which is two storey and will tower over them
- The density would change the character and density of the area
- The change in terms of lowering the roof height slightly and removal of balconies does not address the problem of impact as the building is still proposed to be three storey.
- There is room to move the building away from Lambs Close and closer to the Children's Home.
- Harm to the nature of the conservation area nearby and to old stone buildings some of which are listed. Proposal would not complement the integrity of the built historic environment. Detrimental to the setting of these heritage assets.
- The building is institutional and monolithic with little architectural merit
- Height will dominate the skyline from the Green Belt
- The proximity to Lambs Close properties appears unnecessarily close to and intrusive (even if legally permitted) particularly as there is ample room to build further to the north or west. Sun light would be blocked. Overlooking would occur.
- The laundry, ventilation system motors and outflows together with the kitchen and plant room are close to neighbouring properties which would be affected by noise and smells
- 20 parking spaces is inadequate for the size of the scheme and the high density of housing combined with this lack of car parking spaces will lead to unacceptable parking on street on The Moors. This will cause traffic jams. Problems are already experienced with Homewell House
- Documents suggest local people will be employed, however this is speculation and should not be relied upon
- Given the low age of admittance to this type of facility, residents could own a car and this would further add parking pressure
- Increase in traffic on a busy and congested road. Already difficult for pedestrians.
- If double yellow lines were used with residents parking, there would be a considerable loss of amenity to local residents
- The Moors is already very busy and cars already park on the road. Damage is sometimes caused to the grass verges from vehicles manoeuvring.
- Access for vehicles and pedestrians appears to be significantly insufficient (two cars cannot pass). Highway safety an issue with the pinch point/ narrowness of the access drive so near to the road. This could lead to congestion and the lack of visibility could also cause problems
- Already problems for pedestrians/ users of the footpaths and roads on the Moors and the use of the access would increase risk further
- Would emergency vehicles/ large lorries be able to pass through the

narrow access?

- One side of the access has a listed wall and there is a higher chance of damage to this
- Any further development on the adjacent land would potentially mean parking would be on The Moors
- Upgrades to local footpaths should be made but this would have a high cost
- A speed limit should be imposed on local roads, given the extent of use by pedestrians accessing various facilities in the area – e.g. the playing fields
- Could the listed walls be rebuilt in a position to allow better visibility splays?
- There is no parking proposed for 32a, 32b, 32c or 32d The Moors, which will cause more on road parking.
- Inadequate public transport provision serving The Moors
- Too large for the area
- A reduction in scale to two storeys, reduction in number of units and the footprint, which would result in more parking spaces and less demand for parking would be a more welcome addition to the locality
- Not against the principle of this type of development here, but concerns raised as set out
- It will border the green belt
- Close to a site where Great Crested Newts have been recorded. Various species of bats in the local area
- The site is close to the flood plain and the water table is high and so this will put at risk existing properties from flooding due to increased run off
- Longer distance views will be spoilt. It will be an eyesore for those enjoying the surrounding countryside
- Destroy the wildlife in the area in which they thrive
- Views and natural environment will take a back seat. No need for a three storey building in such a rare and beautiful unspoilt area
- Overwhelming impact upon the public amenity of the landscape beyond. Proposal will disfigure the charm of a uniquely treasured Oxford landscape.
- Concern over the notification and consultation process. Leaflets were handed out late, no facility to record objections and no record of attendees made. Local Councillors could not attend
- The NPPF (para 66) refers to public consultation that is advisable to ensure local residents are engaged
- No information as to area shown to south of site as 'possible future development' – possible precedent for this land. Decision should be delayed until this proposal can be considered.
- Find the plans offensive and will be a great detriment to the local community and surrounding environment
- Proposed building is brutal and the proposal presents not so much a home for older people as a barracks development.
- One of the few remaining green areas should be preserved and maintained
- The scale of the building will block out views
- There will be an unwelcome interference with the houses opposite with regard to their sightlines and daylight from the east.
- Disruption during the construction period
- Property values would be lowered
- Agreeing to this first step would make it more difficult to refuse future development
- Concern over emergency exit procedures. Long corridors and lifts are not conducive with the safe and speedy access of elderly and infirm

residents

- Lifts should be an internal feature
- Disappointed the Council is considering the application.
- Could more ambitious building occur on the fields beyond the site? Major objection to any encroachment on the surrounding fields and green belt
- The proposal could cause the closure of the Forge Garage which has served the local community for nearly 50 years
- Proposals appear to have been driven by financial concerns to exploit the site with little regard to nearby residents and the surrounding environment
- The site and adjacent land is a valuable area within the Kidlington community and should be protected for future generations.
- Is the scale of the plan accurate as the access shows two cars able to pass and this is physically impossible.
- How can the number of staff specified look after the potential number of residents? Questionable from a health and safety perspective. Planning permission should not be granted and if anything happened those responsible should be brought to account.
- The proposal would result in a major intensification on the site.
- Sustainability features should be incorporated – will there be solar panels/ tiles, units for recycling grey water and rainwater as well as run off, ground/ air source heat pumps? If not, why not?
- Potential impacts upon the sewer route in the vicinity of the development due to the large scale.
- Would prefer to see developments for mixed age groups, rather than dedicated warehousing for elderly people.
- A development of this kind would start a decline in standards and style in the area
- An environmental impact assessment should be carried out
- Concern that OCC have an interest as a landowner. Responses given could be questionable (e.g. support as HA where there is a clear highway problem)

A public meeting was held on the 15 April 2013 attended by 98 individuals. The result of this meeting is summarised below:

- Agreed residents would broadly support this type of development on the site provided changes were made to the building design and location.
- Attendees wished their strong objections to be recorded on the following grounds:
 - Impact on surrounding residential area;
 - Inadequate parking provision;
 - The limitations of the access road to site;
 - Sustainability and climate change;
 - Amenity impact;
 - Design of the building;
 - Inadequate public consultation

1 letter has been received in support of the application. The following comments were made:

- Growing number of elderly people requiring this type of accommodation. This proposal will help meet that need.
- Free up family housing and help meet another sector of high housing demand.
- By doing so it will reduce pressure for the release of Green Belt land to meet housing need.

2 responses to date have been received to the amended plans raising the following points:

- The lowering of the elevation on the Eastern side is a welcome addition but it does not address the overall height of the development which is still too high and out of context with the area.
- Proposals are still disproportionate and represent over development of the site.
- The close proximity of this monolithic predominantly three storey building will still be visually and physically intrusive and not harmonize with the neighbouring residential two storey properties.
- The boiler room, kitchen and laundry room are still sited close to accommodation in Lambs Close unlike those shown with the original Arboricultural report, which does not appear to now be accessible. Still concern over the positioning of these services and they should be relocated to another part of the building.
- Concerned there are only 2 staff members on duty over night. Does this comply with fire regulations?

The Cabinet Member for Adult Social Care at OCC has sent a letter directly to Councillor Gibbard, copied to the Case Officer. The following points are made:

- The Kidlington area of Cherwell has a demand for 80 ECH flats now, rising to a further demand for 130 flats by 2033 as population ages. This is based on the normal demand norm of 55 ECH flats per 1,000 people aged 75 and over. There are no other ECH schemes (with care staff and other facilities on site) in this local area. Given this, it is felt that a scheme size of 52 (stet) flats is justified and will begin to meet these local needs.
- The HCA has recognised the need and allocated a fund to the scheme. This is only available if building works start in the next few months otherwise this will be withdrawn and potentially moved to another location outside of Cherwell. Given the pressure to increase the supply of affordable housing and limitations on such grant in the future, it would be a great loss to those with both housing and care needs if this funding were moved elsewhere.
- The strategic importance of ECH has also been endorsed by the Oxfordshire Health and Wellbeing Board who have set a target of some 930 flats to be in operation by March 2015, including the planned supply at this scheme. It is also understood that the Cherwell Housing Strategy 2012-17 is very supportive of the extra care model as is the Oxfordshire Local Investment Plan agreed by all six local authorities.

3. Consultations

3.1 **Kidlington Parish Council:** Support the principle and purpose of the development, but wish to object on the following grounds:

- The overall impact and design of the proposed development – the south east and east wing of the proposed development is immediately adjacent to Lambs Close and the surrounding residential area of conventional two storey dwellings. The proposed building is three storeys in height and situated at a minimum allowed distance of 22m to a dwelling in Lambs Close. It is considered this will be intrusive and not in keeping with the neighbouring buildings.
- In addition to the height impact, the current design has the plant, laundry and kitchen rooms at the south east corner facing directly onto Lambs Close, potentially becoming an environmental problem with smell and waste.
- The Council considers the south east and east elevations of the development

should be reduced to two storeys in height and footprint of the building moved to the west.

- The Council believes the development is out of scale, in the context of the location, of existing dwellings in Lambs Close and is contrary to paragraphs 63 and 64 of the NPPF.
- Parking provision – The current plans show a total of 20 standard size parking bays. This is inadequate to meet the possible need. Taking into account the entrance age is 51; it is not unreasonable to expect the number of residents having their own vehicles accounting for the majority of the planned parking bays. This does not adequately provide for the 7 members of daily staff nor the needs of medical personnel, emergency vehicles, contractors and delivery vehicles.
- No parking spaces for emergency vehicles are designated or factored in near the entrance to the building and none of the bays are designed to disabled parking standards.
- There is clear under provision for future planning in relation to parking constraints. The site does not allow for any additional provision to be added at a later date.
- The Council suggests an area designated for parking at the front of the building for the essential services associated with the proposed use, such as ambulances.
- The Council believes the current under provision for parking and future planning conflicts with paragraph 39 of the NPPF.
- Site access – The access road to the development is narrow, taking into account the necessary provision for a pedestrian footpath, the road width will be further reduced to a single vehicle carriageway. This raises concerns about traffic flow and congestion over spilling onto the surrounding residential roads.
- The proposed development fails to achieve safe and suitable access to all people and is contrary to paragraph 32 of the NPPF.
- Consultation process – The notification of the neighbourhood consultation associated to residents was given via a letter drop 48 hours before the consultation event. The developers have noted in their submission documents that a 48 hour notice period was not satisfactory. The Council believes the consultation process to be inadequate in terms of community engagement and the overall engagement process fails to achieve the objectives set out in paragraph 66 and the guidance on community consultation, particularly paragraph 17 bullet points 1 and 2 of the NPPF concerning ‘empowering local people to shape their surroundings’ and ‘providing a creative exercise in finding ways to enhance and improve the places in which people live their lives’.

3.2 Councillor Rose:

- Concern regarding the scale of the development
- Inadequate parking provision is provided – 20 spaces for the occupiers of 52 flats, their visitors and auxiliary staff requirements – The Moors is already subject to on road parking overflow from Homewell House.
- The density of occupation compared to the area – three storeys would dramatically change the character and density of housing in the area. A two storey construction would be more in keeping with the area.
- The proximity to the Church Street conservation area
- The proximity to the Green Belt
- The presence of great crested newts near the site
- The requirement to remove or replace listed structures (walls) to ensure safe access
- The access if unmodified is hazardous as it is a single carriageway with poor sightlines to and from The Moors
- In the event of emergency, evacuation would be phased, which for residents

who require extra care in a three story building, would seem quite unsafe.

- Supportive of Extra Care accommodation, and villagers have known for some time that the Thornbury site was going to be used for such a purpose. However, local residents were under the impression that the WHOLE site, including the Forge Garage site and courtyard, would be used for the extra care housing development. The plans as seen indicate there would be inevitably be additional housing as well. Believe that a lower density (and two story) development is more suitable to the surroundings.
- The scale of the development does not appear to take into account the character of the locality, and believe they do not meet the Cherwell Local Plan.
- In addition the developers do not appear to have embraced the National Planning Policy Framework 2012 which states:- "The applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."
- Feel that the plans should be refused in their current form.

Councillor Rose has further commented to the amended plans:

- Still concerned regarding the scale of this development.
- Inadequate parking provision – cannot be persuaded that there will be adequate parking for the residents and staff as well as visitors.
- Density of occupation compared to the area. Although the design has been modified to reduce the impact on Lambs Close, three stories would dramatically change the character of the area.
- Proximity to the Church Street Conservation area
- Proximity to the green belt
- The presence of Great Crested Newts near the site
- The requirement to remove or replace listed structures to ensure safe access.
- The access if unmodified is hazardous.
- Concerned about evacuation measures in an emergency

Cherwell District Council Consultees

- 3.3 **Conservation Officer:** There are two areas to consider in responding to this application: the proposed design of the building, and the potential impact on the setting of the Listed Building and Conservation Area. In terms of design it is appreciated that the plans have been amended to reflect previous concerns, and to reduce impact on the residences to the east. The 'stepping up' of the building on this eastern side is an engineered solution to a difficult situation, resulting in the substantial dormers 'peeking over' the rooftop. The proposal is still a very large structure which has taken few design references from the surrounding buildings. She is concerned over the lack of green space around the building. The height of the three storey element would cast vast shadows over the inner courtyard. To the north of the site are open fields, which would have made an ideal view for bedrooms and communal areas - this opportunity has been lost with the proposed creation of a rather dead space in the middle which would not benefit from a great deal of natural light. It is also not considered that the building has been honestly designed. The use of dormers for the third storey is an attempt to make the building seem like a 2.5 storey building, rather than the 3 storey one that it is. Rather than create an illusion of a smaller building, it actually makes each elevation look 'busy' and cluttered. A more honest approach would have been to have proper windows. Looking at the sections, very little space is actually gained by the dormers, as the pitched roof is another illusion in an attempt to create a traditional appearance. From this, it is concluded that the design is confused. There are elements of contemporary design - the rendered areas - where the lines are crisp and sharp with modern fenestration, and the 'traditional' areas - the brick areas - where the dormers, arches and lintels try to

soften the appearance. Neither design reflects the design of the buildings around it. Homewell House has Georgian balanced proportions with reducing fenestration, the development to the east is late 20th century. She makes suggestions as to how the design could be amended if a traditional or a contemporary design is sought.

The space between the proposal and the listed building is vital to the acceptability of the scheme. Homewell House was designed to be an isolated structure in grounds. Due to earlier County Council alterations, Homewell House and its setting have suffered greatly, and its context eroded significantly. With this open space, Homewell House can be seen in context with its coach house, and with an area around it which allows a buffer between it and the proposal, an attempt is made to allow the gradual return of its historic setting. The insertion of the driveway to the proposal also allows this view of Homewell House to be publicly accessible, and could therefore be considered an enhancement. Had the proposal been located closer to Homewell House, the sheer bulk of the proposal would have been too much of a competing element and would have destroyed the relationship between Homewell House, its former coach house, and their mutual setting.

Were this to be a normal residential or commercial property, it would be considered that the above issues outweighed the acceptability of the scheme and it should be refused. However, the NPPF recognises sustainability and public benefit, and although our built heritage is a finite resource, it needs to be borne in mind that this proposal is for the long term care and housing of the elderly. As an ageing population with pressures on land for housing, we find ourselves needing appropriate buildings within sustainable locations for the members of society that are downsizing as their age increases. Kidlington is a vibrant village with good connections and amenities, facts which have helped it to retain pockets of its historic environment within a growing townscape. In her opinion, the conservation area would not greatly suffer from this proposal due to the distance from the boundary, and it would enable the significance of the former builders yard and the eastern side of Homewell House to be greater revealed with increased public access and views across the open space. The setting of the listed building is under threat from the proposal, but again, due to it being set at a distance with a large expanse of open space between the two structures, this harm should be less than substantial. I therefore conclude that in its present form, the public benefit outweighs the harm to the heritage assets, although a thorough reworking of the design is needed to make the scheme acceptable in design terms.

- 3.4 **Strategic Housing Officer:** The proposal will provide accommodation for those persons deemed to be in housing need and in need of some level of assistance to be able to continue to live independently. The scheme will provide housing opportunity for those who are in residential care, want to downsize to a more appropriate, manageable property or are unable to afford to secure accommodation on the open market that will meet their housing and care needs. The scheme will provide for 100% affordable housing by Bedfordshire Pilgrims Housing Association (BPHA) with a mix of rented and shared ownership properties available to those who are eligible and nominated through the Council's Choice Based Lettings Scheme. There will be three levels of care need which will make up this scheme, low level, low medium and medium – high. This, it is felt gives an appropriate mix and sustainability to the scheme. The building will be managed by BPHA whereas the support service that will be given to the residents will be commissioned by OCC. It is anticipated that the scheme will be complete by March 2015.
- 3.5 **Environmental Protection Officer:** The report submitted has been carried out in line with current guidance for assessment of the risk from land contamination and the results are therefore accepted. Further information and mitigation to address the identified unacceptable risk is required. Various conditions suggested.

- 3.6 **Ecologist:** The submitted surveys are appropriate in scope and depth. Should development not occur on site within 2 years then updated surveys for Great Crested Newts (GCN) should be carried out. The lighting restrictions in relation to bats should be followed. There are many records of Swifts in the area and in line with the recommendations within the NPPF to look for enhancements for biodiversity on site, in addition to the proposed bat boxes on the buildings, and bird boxes within the retained trees as mentioned within the submitted ecological reports, it would be beneficial if at least three swift boxes were included within the building itself. The suggested mitigation for reptiles and GCN is satisfactory in the short term (exclusion, removal to agreed receptor site and fencing), however in the long term, with regard to maintaining a population on site, she is less convinced, however this is as a result of cumulative impacts of surrounding recent development and proposed development rather than this particular proposal. She queries whether the applicants own the land on which the breeding pond sits and therefore can guarantee its sympathetic management in the long term to ameliorate the effect of lost territorial habitat in the surrounding area – this has been raised with the applicant’s agent. It is further advised that the concerns are unlikely to prevent the applicant from obtaining a licence for this particular proposal and that the enhancements within the GCN report would be welcome. Various conditions are recommended.
- 3.7 **Arboricultural Officer:** No objections raised subject to conditions – the application is accompanied by a comprehensive Arboricultural statement which following a site visit, the Officer confirms he agrees with the preliminary findings and recommendations regarding tree removal, retention and protection. The design of the development allows for a well-considered landscaping scheme not only towards the north, east and western boundaries but also within the courtyard areas of the site interior and adjacent to hard standing parking bay. Tree planting in these hard surface areas will require structured–cell planting pits with the provision of appropriate soil volumes.
- 3.8 **Waste and Recycling Manager:** The developer should take into account the waste and recycling guidance which can be found on the Cherwell District Council website. Section 106 contribution required.

Oxfordshire County Council Consultees

- 3.9 **Highway Authority:** The HA have provided two responses. The first made the following comments – The submission does not include a detailed plan of the access and the submitted block plan and topographical survey are contradictory with regard to the width of the access road. The survey shows the access road is considerably narrower than that demonstrated by the block plan, and furthermore, assuming the dimensions of the survey to be correct, two cars would not be able to pass within only a few metres of the junction with The Moors. Therefore the advice was that the application should be refused as the proposed development would result in excessive reversing and manoeuvring along the access road and on the adjacent highway to the detriment of the safety and convenience of highway users.

The Highway Officer further advises that at pre-application stage, criteria for the access road was set out, which required the access road to be 4.8m in width for the first 12m after which it could taper to 4.1m before its pinch point, adjacent 34 The Moors, where a width of 3.9m would be acceptable over a short distance. They advise that with regard to all other transport matters the proposal is considered acceptable.

- 3.10 Following this advice, the applicant submitted further information in the form of a detailed plan of the access and a supporting email. They advised that the drawing shows that the requirements set out at pre-application stage can largely be possible, with the exception of a very small narrowing. This area is 230mm wide at the widest point tapering to nothing over a length of 1.7m. Essentially at the 12m mark, only

4.57m can be achieved.

- 3.11 On the basis of the additional information submitted, the Highway Authority revised their response to one of No objection. They advise that the applicant has submitted a revised plan demonstrating the width available along the access road. He is satisfied that an appropriate access can be provided, subject to detail, within the parameters set out by this plan. Conditions should be imposed on any planning permission and a planning obligation would be required.
- 3.12 **Developer Funding Team:** No objections subject to a contribution required towards libraries and stock and a condition relating to fire hydrants.
- 3.13 **Minerals and Waste Authority:** The application site lies within a Mineral Consultation area relating to deposits of sand and gravel. However, BGS mapping indicates these deposits are thin, such that they are unlikely to be of commercial value. In view of this, coupled with the site's location adjoining existing residential development on the northern edge of Kidlington, no objection is raised on minerals policy grounds.
- 3.14 **Archaeologist:** The proposals would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

Other Consultees

- 3.15 **Thames Water:** Comments made with regard to surface water drainage, with regard to legal changes under the Water Industry (Scheme for the adoption of private sewers) Regulations 2011 and with regard to the discharging of groundwater into a public sewer can be compiled into a planning note. An informative is also recommended with regard to water.
- 3.16 **Environment Agency:** The application is deemed to have a low environmental risk. Unable to make an individual response to this application. A note is recommended to be added to any permission to ensure that the applicant contacts the EA to establish if consent from the EA as a regulatory body (in issuing legally required consents, permits or licences for various activities) is required for the works for the works proposed.
- 3.17 **Natural England:** The proposal is unlikely to affect any statutorily protected sites or landscapes. Natural England advises that there is sufficient information regarding Great Crested newts. From the information available, the development is likely to affect great crested newts, through disturbance to individuals, or from damage or destruction of a breeding site or resting place. However NE are satisfied that the avoidance or mitigation measures proposed would be sufficient to maintain the favourable conservation status of the species. The basis for this view is that a detailed great crested newt survey has been undertaken at the appropriate time of year using recognised techniques, evidence of great crested newts have been found on or in the vicinity of the site, great crested newts and/ or their breeding sites or resting places will be affected but the mitigation proposed is adequate to ensure there will be no loss of habitat, maintain habitat linkages and secure long term management of the site for the benefit of the great crested newts. A planning condition should be attached to any planning permission. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Natural England's response does not represent confirmation that a species licence, should one be sought, will be issued, the LPA are advised to consider the proposal in line with the derogation tests to consider the likelihood of a licence being granted. Biodiversity enhancements for the site should be sought.

- 3.18 **Thames Valley Police (Crime Prevention Design Advisor):** The principles and standards of Secured By Design should be referred to by the applicants. These principles should be incorporated. A condition should be recommended to ensure the opportunity to design out crime is not missed.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H4:	Housing schemes for the elderly and disabled
H5:	Affordable Housing
C2:	Development affecting protected species
C4:	Creation of new habitats
C28:	Layout, design and external appearance of new development
C30:	Design of new residential development
ENV12:	Contaminated land
T1:	Transportation funding

4.2 Other Material Policy and Guidance

National Planning Policy Framework

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:

BSC2: The Efficient and Effective Use of Land – Brownfield land and housing density
BSC3: Affordable Housing
BSC4: Housing mix

Non Statutory Cherwell Local Plan

H6: Housing for people with disabilities and older people
H7: Affordable Housing
H15: The Category 1 Villages
EN17: Contaminated land
EN23: Ecological surveys
EN25: Protection of sites and species
EN39: Conservation areas and listed buildings
D6: Design Control

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning Policy and principle of the development
- Five year land supply
- Visual amenity
- Setting of heritage assets

- Neighbour amenity
- Highway safety
- Ecology
- Trees
- Ground contamination
- Planning obligations

Planning policy and principle of the development

- 5.2 The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development economic, social and environmental, which are interlinked. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay and where the plan is absent, silent or out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
- 5.3 The NPPF sets out core planning principles that planning should achieve. These are all relevant to the consideration of planning applications, however one of which advises that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 5.4 The NPPF seeks to guide Local Planning Authorities to deliver a wide choice of high quality homes. Local Planning Authorities should boost significantly the supply of housing and are encouraged to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 5.5 At the local level, the principle of new residential development in Kidlington is assessed under policy H15 of the non statutory Cherwell Local Plan (there are no saved policies in the adopted Local Plan relating to residential development in Kidlington). Policy H15 restricts proposals for residential development to infilling, minor development comprising small groups of dwellings on sites within the built up area of the village and the conversion of non residential buildings in accordance with Policy H22.
- 5.6 Policy H4 of the adopted Cherwell Local Plan and Policy H6 of the non statutory Cherwell Local Plan sets out that the provision of housing schemes for the elderly and people with disabilities will be encouraged on sites within convenient easy reach of shops, community facilities and public transport. Policy H5 of the adopted Cherwell Local Plan and Policy H7 of the non statutory Cherwell Local Plan relates to the provision of affordable housing.
- 5.7 The emerging local plan at policy BSC2 advises that new housing development in Cherwell will be expected to make effective and efficient use of land. Policy BSC3 relates to affordable housing and policy BSC4 relates to the housing mix that would be required on new housing sites. The supporting text advises that there is a significant need for housing for those with care needs. It sets out how extra care will be important in meeting the housing need of an older population across all tenures, helping people live longer in their own homes but with support and care facilities. Extra care can contribute to achieving more social cohesion by providing an opportunity for community living and a better mix of housing within residential areas. Kidlington is classified under Policy Villages 1: Village Categorisation as a category A

settlement where new residential development is restricted to minor development, infilling and conversions.

- 5.8 Cherwell has a high level of need for affordable housing. The Council's Housing Strategy 2012-17 takes into account Government policy on the provision of affordable housing. The Strategy sets a target of delivering 750 affordable homes in total between 2012 and 2017. The Strategy also has a priority to provide housing for the District's most vulnerable residents, including extra care for older people.
- 5.9 The site is situated on the edge of the village, but given the characteristics of the area with the surrounding development, it is considered to be within the built up limits of the settlement. The site is situated adjacent to the Green Belt boundary but not within it, therefore it is not necessary to consider the 'appropriateness' of the development in Green Belt terms, however the impact on the surrounding area, including the Green Belt to the north will be outlined below. The land is also partly brownfield, having been previously developed with the Children's Home that was historically on this site (and it's associated outside space). As such it is considered that in principle the effective re-use of the land is acceptable. The proposal would provide 100% affordable housing units for the elderly and for people with disabilities within an area that is in close proximity to other buildings offering 'care' provision – the Children's Home and Homewell House and which is within a sustainable settlement that has a good range of shops and services, community facilities and is well served by public transport. The proposal would deliver a further choice of homes and contribute to the achievement of a mixed community. It is considered that in principle, the use of the site for Extra Care flats is acceptable and the proposal complies with the NPPF and policy H4 of the adopted Cherwell Local Plan. The proposal would also help towards the achievement of the targets set within the Council's Housing Strategy 2012-17.

Five year land supply

- 5.10 The District cannot currently demonstrate a five year supply of deliverable housing land. The NPPF at paragraph 47 requires that the Council identify and update annually a supply of specific deliverable sites to provide five years worth of housing with an additional buffer of 5%. At committee on the 16 May 2013, Members resolved to approve applications at Land north East of Chestnut Close, Launton (11 dwellings) and Springfield Farm, Ambrosden (90 dwellings), and the figures have been updated since then. The updated figures show the Council has a 4.4 year supply for the period 2013-2018 (with a 5% buffer). In this event the NPPF requires that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 5.11 Under Policy Villages 2: Distributing Growth, Kidlington is within Group 3, where 259 dwellings would be required over the period 2011-2031.
- 5.12 In this case, the principle of the development is considered to be acceptable as set out above. However it is also important to note that the approval of this application would contribute to the Council's five year supply as the site is deliverable within the five year period because of funding time scales.

Visual amenity and design

- 5.13 One of the core planning principles set out in the NPPF, which should underpin decision taking states that planning should '*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*'. *Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.* The NPPF advises at paragraph 58 that *planning policies and decisions should aim to ensure that developments achieve a number of results including the establishment of*

a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and that developments should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Paragraph 60 advises that whilst particular tastes or styles should not be discouraged, it is proper to seek to promote or reinforce local distinctiveness.

- 5.14 The adopted Cherwell Local Plan also contains established policy C28 which states 'control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external finish materials, are sympathetic to the character of the urban or rural context of that development'. Policy C30 states 'design control will be exercised to ensure... (i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority'. As the adopted Cherwell Local Plan was adopted in 1996, its policies are very dated, however given the advice within the National Planning Policy Framework, it is considered that the policies outlined above accord with the thrust and core principles of the NPPF and as such carry full weight currently.
- 5.15 The design of the building has been amended through the processing of the application to improve the impact upon the neighbouring properties to the east within Lambs Close. The 54 flats are proposed to be arranged over mostly 3 floors (but two storeys to the east). Objections have been raised in relation to the building being out of keeping and scale with the surroundings and changing the density and character of the area. Whilst it is recognised that the scale is larger than the surrounding two storey dwellings, the closest of which are in Lambs Close, it is also directly to the rear of Homewell House, a four storey building consisting of retirement housing. Furthermore, the scale of the building has been decreased to two storey adjacent to Lambs Close. Officers are content that the scale of the development is in keeping with the surrounding area and that it would be appropriate within its context.
- 5.16 The original plan showed a wing of development in a horizontal form adjacent to the northern boundary. Objections were raised to this on the basis of harm to the wider green belt and landscape surrounding Kidlington. The land is well screened by existing vegetation from the land to the north; the Case Officer has viewed the site from the public footpath and the Children's Home adjacent, albeit two storeys was barely visible. However in the amended form, the building does not have such a bulk adjacent to the northern boundary and this has further improved the scheme and it is now considered that the proposal would cause limited harm to the wider landscape and setting of Kidlington.
- 5.17 The design of the building has been criticised with comments raised that it is institutional in appearance and not conducive to the residents that are likely to reside there. The concerns of the Conservation Officer with regard to the design are set out within paragraph 3.3.
- 5.18 The building is functional as an extra care home; however in Officer's view the design is appropriate and would not cause undue harm. Gable detailing is used throughout and the front elevation includes a feature entrance with a large amount of glazing, which adds interest to it. The building generally appears as a residential block and does not stand out as being designed specifically for older people. The site is set back some distance from the road and so would not appear as a prominent addition to the street scene and there is a variety of building types and designs in the area including residential dwellings, the Children's Home and Homewell House. As such it is considered that the design as proposed can be accommodated without causing

serious harm and that whilst concerns raised are noted, it is considered that the proposal could not be recommended for refusal on these grounds and this decision defended at appeal. Officers are satisfied that the design of the building is acceptable in this location and it is considered that the proposal complies with policy C28 of the adopted Cherwell Local Plan and advice within the NPPF which seeks to secure good design.

Impact upon the setting of heritage assets

- 5.19 The site is within proximity to the Kidlington Church Street Conservation area boundary and to Homewell House, part of which is a grade II listed building. The NPPF advises at paragraph 131 that in determining 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.
- 5.20 With regard to the conservation area, the boundary runs along the side of the access (including part of the access) and along the rear boundary of several properties on The Moors. The proposed building would be within the setting of the conservation area and whilst it would form a modern building, this does not necessarily mean that harm would be caused. The Conservation Officer advises that the conservation area would not greatly suffer due to the distance from the boundary and it would enable the significance of the former builders yard and the eastern side of Homewell House to be greater revealed with public access across the open space.
- 5.21 With regard to the listed building, this is attached to the modern part of Homewell House and given that the proposal is further away, Officers do not consider that serious harm would be caused to the setting of the listed building. The Conservation Officer feels the setting of the listed building is under threat, but that the proposal, being set at a distance, with a large expanse of open space between the two, means that the harm would be less than substantial. Walls to the side of the access are likely to be curtilage listed to Homewell House and these are not to be altered as part of the proposals. As such, the historic fabric would not be altered or lost.
- 5.22 Local residents have raised concerns over the proposal and the harm that would be caused to designated heritage assets and therefore it is accepted that whilst the harm is not substantial, there may be some less than substantial harm. The NPPF advises that where this is the case, any such harm should be weighed against the public benefits of the proposal. In this case, the approval of this proposal would bring substantial benefits in the form of 100% affordable housing provision, a contribution to the Council's five year housing land supply as well as the provision of extra care housing for older people and those in need, which results in a form of housing that would contribute to the achievement of a mixed community. Officers are satisfied that the scheme is acceptable and that any harm to heritage assets would be outweighed by the public benefits of the proposal. This forms part of the conclusion from the Conservation Officer who recognises the public benefits that would arise.

Residential amenity of neighbouring properties

- 5.23 A significant level of concern was raised by the residents of Lambs Close with regard to the harm that may be caused to their residential amenity. Amendments to the scheme have been sought through the processing of the application due to Officer concerns in relation to the originally proposed three storey height along the east boundary and the associated windows that would have resulted in overlooking to these neighbours. The amended proposal has reduced the eastern wing to be two storeys in height, with a flat roof and with the majority including no habitable room windows facing towards the east (except for roof lights, which serve a corridor). At the

northern extremity of the eastern wing, habitable room windows at two storey are proposed to face east, however the position of this means that it would unlikely cause serious harm. In Officer's view, the amended proposal has reduced the impact of the proposal to an acceptable level in terms of the residents in Lambs Close and that they would not be unduly affected by way of loss of light, loss of privacy or over dominance.

- 5.24 Neighbouring properties to the south east including 5 and 6 Lambs Close, those on The Moors and the occupiers of the flats within Homewell House are sufficiently distant (all at least 22m away) and have such a relationship that the impact to the amenity of the occupiers, would not be so harmful that the proposal could be resisted.
- 5.25 The scheme in its amended form has resulted in more of the three storey element standing closer to the Children's Home. Whilst this is the case, the 22m distance is retained, which is the Council's rule of thumb in terms of the distance between habitable room windows and having assessed the floor plans of the Children's Home it is considered that whilst some impact would be caused, it would not be so harmful as to make the proposal unacceptable.
- 5.26 It is also necessary to consider the impact that occupiers of the development itself may experience. The distance across the courtyard is no less than 13m and whilst this distance is relatively short, occupiers would be within the confines of the extra care development and it is not considered that the residential amenity would be unduly affected.
- 5.27 Concern has been raised in relation to the positioning of the kitchens and service areas and their proximity to the properties on Lambs Close. These are facilities that are needed to serve the residents and whilst some impact may arise, and which may be on a higher level than a household would produce, from a planning point of view, it is not considered that any harm caused by way of odours, noise or other nuisance would be to such an unacceptable level to harm the amenity of the neighbours that the proposal could be resisted on these grounds.
- 5.28 Given the above assessment, it is considered that the proposal complies with Policy C30 of the adopted Cherwell Local Plan.

Highway safety

- 5.29 As is set out within paragraphs 3.9-3.11, the Highway Authority initially raised an objection to the scheme on highway safety grounds, however following the receipt of an additional plan showing in more detail the proposed access, they withdrew their objection. As such, the Highway Authority is content with the highway safety and parking arrangements and raise no objections.
- 5.30 Whilst Officer's note the level of concern that has been raised with regard to the perceived lack of parking on site and the safety of the access arrangements, the technical advice from the Highway Authority is that the proposal is acceptable. With regard to parking, 20 spaces are provided, which local residents consider to be wholly inadequate. Essentially, the residents of this type of development rarely own their own car and therefore the parking provision can be low. The site is within a sustainable location, with good transport links and the level of parking proposed is comparable with the level of parking secured for other similar schemes (e.g. Cassington Road, Yarnton). A travel plan has been prepared, which demonstrates low numbers of staff on duty at any one time, provides details of existing public transport available and details measure and initiatives to reduce the numbers of cars accessing the site.

Ecology

- 5.31 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)

- 5.32 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.
- 5.33 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"
- 5.34 Paragraph. 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that, "local planning authorities should consult Natural England before granting planning permission" and paragraph 99 goes onto advise that "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."
- 5.35 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that "every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity" and;
- 5.36 Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that "a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions".
- 5.37 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 5.38 Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to

damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:

- 1) is the development needed for **public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature** (development).
- 2) Is there any **satisfactory alternative**?
- 3) Is there **adequate mitigation** being provided to maintain the favourable conservation status of the population of the species?

5.39 Therefore where planning permission is required and protected species are likely to be found to be present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 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 (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local planning authority that the 3 strict derogation tests can be met prior to the determination of the application. Following the consultation with Natural England and the Council's Ecologist advice given (or using their standing advice) must therefore be duly considered and recommendations followed, prior to the determination of the application.

5.40 In respect of planning applications and the Council discharging of its legal duties, case law has shown that:

- 1) if it is clear/perhaps very likely that **Natural England will not grant a licence** then the Council should refuse planning permission
- 2) if it is likely that **Natural England will grant the licence** then the Council may grant planning permission
- 3) if it is **unclear/uncertain** whether Natural England will grant a licence then the Council must refuse planning permission (Morge has clarified Woolley)

[R (Morge) v Hampshire County Council – June 2010 Court of Appeal case]
[R (Woolley) v Cheshire East Borough Council – May 2009 High Court case]

NB: Natural England will not consider a licence application until planning permission has been granted on a site, therefore if a criminal offence is likely to be committed; it is in the applicant's interest to deal with the 3 derogation tests at the planning application stage.

5.41 In respect to the application site, an ecological survey was carried out in February 2012, which identified that the site provided habitat for foraging badgers, bats, amphibians, reptiles and nesting birds. The site also contained habitats of potential value to Great Crested Newt, with a pond located 100m south west of the site, which harbours a small population of Great Crested Newts. Surveys of this pond were deemed necessary to determine a mitigation strategy and to establish whether a European Protected Species Licence would be required. Recommendations are made with regard to other species and a number of enhancement measures are identified. A further survey should be undertaken to determine the presence of reptiles and to inform any mitigation requirements prior to site clearance and construction works on site.

5.42 In June 2012, a Great Crested Newt and Reptile survey was carried out. The initial

survey had found potential reptile and amphibian habitat on site which was connected through linear natural features to a nearby pond, potentially used by GCN for breeding. The proposed development would entail the loss of most of the vegetated areas on site and potential habitat for reptiles and amphibians. Surveys carried out in April and May 2012 detected a small population of breeding GCN within the pond and low numbers of slow worms within the long grassland within the development boundary. The survey advises that before development can proceed, a European Protected Species licence from Natural England will be necessary to permit site clearance operations which would remove terrestrial habitat of the GCN. The report recommends various measures to protect GCN before and during the construction period and enhancements are proposed.

- 5.43 The Council's Ecologist has considered the surveys submitted. She considers that the conclusions are satisfactory in scope and depth but that should development not start on site within two years, updated surveys would be needed. She advises that the suggested mitigation measures for reptiles and GCN are satisfactory, particularly in the short term, however in the long term and to maintain a population on site, she is less convinced; however this is the cumulative impact of various developments, rather than this particular proposal. She queried whether the applicant owns the land that contains the pond in terms of long term management and enhancement. However she considers that these points are unlikely to restrict the applicant from gaining a licence for this particular proposal as the enhancements are suitable. Swifts have been recorded in the local area and it would be beneficial for Swift boxes to be incorporated, along with the suggested bat boxes in line with NPPF recommendations to look for enhancements for biodiversity. A number of planning conditions are recommended.
- 5.44 Following the Ecologists query with regard to the ownership of the land that the pond sits on, it has been established that the land is not within the ownership of the applicant. Whilst this is the case, the Ecologist has advised that the enhancements proposed on site are satisfactory and she has confirmed that the applicant is still likely to gain a licence from Natural England for the GCN work. As such, taking this assessment as well as the benefits that the scheme would bring in terms of providing extra care housing, it is considered that the derogation tests have been met. The comments of Natural England are also noted.
- 5.45 Given the above assessment, it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that evidence of GCN have been found in a pond nearby including potential habitat on site used by reptiles and amphibians. The mitigation proposed is appropriate to ensure that GCN are protected and it is considered that it is highly likely that Natural England will grant a licence for the work and therefore ecology is not a constraint to the development subject to the imposition of suitable conditions. The proposal therefore accords with the National Planning Policy Framework -Conserving and enhancing the natural environment and Policies C2 and C4 of the adopted Cherwell Local Plan.

Trees

- 5.46 The site includes a number of trees and an Arboricultural Report has been submitted with the application. The conclusion is that the development proposal in respect of trees is acceptable. Trees to be lost (16 in total) are limited to low quality trees that have limited public amenity value and detailed landscaping is proposed for the site including tree planting to ensure the tree cover of the site is enhanced, which can be secured through the use of planning conditions. Other tree works are also identified including pruning and pollarding. With regard to the construction phase, the report identifies that the proposed development remains outside the precautionary root protection area for the majority of the retained trees and that an Arboricultural Method Statement can be made the subject of a condition to control details such as drainage and service runs. As such, the proposal raises no Arboricultural constraints to the

development.

- 5.47 The comments of the Council's Arboricultural Officer are set out in paragraph 3.7. The Officer agrees with the findings of the report raising no objections, but who does request a number of conditions, which have been set out in the recommendation later in this report.

Ground contamination

- 5.48 A ground contamination report has been prepared, which has been reviewed by the Council's Environmental Protection Officer. He confirms that the report has been prepared in accordance with current guidance for assessment in relation to the risk from land contamination and therefore the conclusions are accepted. However further assessment into the risk from land contamination is required and remedial method statement provided to address the identified unacceptable risk and any further risk identified from additional risk assessment work. Various planning conditions are requested to ensure further information is provided to ensure the risk is to an acceptable level. Given this advice, it is considered that ground contamination is not a constraint to the development and any risk can be adequately mitigated against.

Planning Obligations

- 5.49 The development proposed is for 54 Extra Care flats, which would therefore give rise to additional pressure on services. A legal agreement to seek financial contributions towards general infrastructure related items, facilities or measures which will mitigate the effect of the development is therefore required. This would be necessary to make the development acceptable in planning terms; be directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 5.50 At the time of writing this report the Case Officer is still trying to establish the relevant Heads of Terms and the likely contribution required. However these are likely to be:
- Affordable housing (to secure 100%)
 - Highways
 - OCC library and stock
 - Public Art – (consideration being given to whether this needs to be a contribution or can be dealt with on site via a planning condition)
 - Refuse bins – (consideration being given to whether the Council's waste service would be used as to whether a contribution is required)
- 5.51 An update will be provided to committee in terms of the agreed final figures and Heads of Terms to be included within the legal agreement and the progress made on this.

Other matters

- 5.52 Comments have been raised in terms of the increased risk of flooding and increased pressure of services that could result. Thames Water raises no objection and recommends planning notes, which have been included. The site is not within a flood plain and the application form and plans show that the site area is less than 1ha therefore no flood risk assessment would need to be submitted as the likelihood is low. Details of how surface water is to be dealt with can be requested via condition, it is not considered that flooding or increased pressure on services would pose a constraint to the development to make it unacceptable.
- 5.53 The comments of Thames Valley Police Crime Prevention Design Advisor is noted, however it is not felt necessary given the development proposed to recommend a condition requiring the development to be built to Secured By Design principles. A planning note has been recommended to enable the developers to gain advice and build to and incorporate Secure By Design Principles should they wish to.
- 5.54 An objector has queried the need for an Environmental Impact Assessment. The

Case Officer screened the proposal, in line with the Environmental Impact Assessment Regulations upon receipt of the application and concluded that no EIA was necessary. This does not mean that relevant environmental matters will not be considered, the appraisal has considered all relevant matters in detail, it just means that the applicant does not need to submit a formal EIA.

- 5.55 Officers are aware that consideration is being given to the land to the south of the proposed extra care home and concern has been raised as to the likely impacts of this. The Case Officer has contacted the agent for the application and requested further detail of the potential for this site which demonstrates a scheme for around 11 dwellings. No such scheme is before the Council and it would need to take into account the extra care scheme should this be approved. Other issues may further restrict the development of this site when it is considered later, but this is not a reason to hold the current application back. Similarly comment has been raised about the potential for development to the north of the site. This land is wholly within the Green Belt and therefore Officers consider it highly unlikely this will be developed in the foreseeable future, however of course should an application be submitted, it would have to be considered by the Council.
- 5.56 A significant level of criticism has been received in relation to the consultation exercise carried out by the applicant and that this does not accord with the NPPF. At paragraph 66 the NPPF advises *that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.* Officers encourage as far as possible early and worthwhile engagement and recognise the benefits that can be brought, as is envisaged by the NPPF. In this case, whilst concerns may be raised in terms of the consultation undertaken, a public meeting was held and attended by the developers and amendments were made following feedback received. In any event there is no formal requirement for consultation to be carried out, it is advisable only and there is no relevant adopted planning policy that requires consultation to be carried out and so this would not be a reason to refuse the application.
- 5.57 Various matters have been raised that are not material to the consideration of this planning application including the loss of a view, disruption during construction, the loss of property value and the potential closure of the Forge garage. Questions have also been raised about evacuation measures in the event of an emergency and the number of staff on duty at any one time. These matters are for the operator to determine the appropriate levels for their operations in line with relevant legislation that is separate to the planning legislation. The planning application could not be resisted on these grounds. A condition has however been recommended in relation to fire hydrants as requested by OCC.

Engagement

- 5.58 With regard to the duty set out in paragraphs 186 and 187 of the Framework, Officers engaged with the applicant at pre-application stage and have thoroughly considered the application through the determination period, including seeking amended plans to address concerns in relation to the impact upon the residential amenity of neighbouring properties. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application, with the time period having been extended to allow time for the completion of the necessary legal agreement.

Conclusion

- 5.59 As has been set out, the proposal is considered to be an acceptable form of development. The proposal will undoubtedly have some impact upon the surrounding area, however Officers are content that any such impact would be to an acceptable

level and that any harm is outweighed by the benefits of the scheme, which will secure 100% affordable housing, in the form of extra care for those in need in a sustainable location. Officers have negotiated the scheme to have an improved impact on its surroundings and taking all matters into consideration, consider the scheme to be acceptable and in accordance with the above mentioned policies. The application is recommended for approval as set out below.

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;

b) the following conditions:

1. 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 condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, design and access statement, ecological survey carried out by Michael Woods Associates dated February 2012, Geo-Environmental site assessment carried out by RSK dated March 2012, drawing numbers BPHA.516.P11, topographic survey drawing and amended drawing numbers BPHA.516.P101, BPHA.516.P102, BPHA.516.P103, BPHA.516.P104, BPHA.516.P105, BPHA.516.P106 and detailed drawing of the site access – sketch showing available widths.

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. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development including samples of each material hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development, full design details of the windows and doors shall be submitted to and approved 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 to comply with Policy C28 of the adopted Cherwell Local Plan.

5. 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.

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

6. 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.

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

7. The submitted travel plan statement hereby approved shall be implemented and operated in accordance with the approved details.

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

8. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.

- a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.
- b) The relevant persons/contractors to be briefed by the 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 the agreed tree works and arboricultural incidents
- e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of any approved tree works, any operations that present a risk to retained trees, or any operations to facilitate specialised tree planting (eg: tree surgery, trenching operations close to the Root Protection Areas of retained trees or construction of load-bearing structured cell planting pits), the applicant shall give the Local Planning Authority seven days written notice that works are due to commence.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site 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, including pavements, pedestrian areas, reduced-dig 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the

most up to date and current British Standard, 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. Any trees, herbaceous planting 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 current/next planting season with others of similar size and species.

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 and Government guidance contained within the National Planning Policy Framework.

13. No development or any works of site clearance shall be carried out except in accordance with the submitted mitigation strategy outlined within the report 'Great Crested Newts and Reptile Survey, June 2012, Michael Woods Associates'. Any required amendments to this strategy as a result of updated surveys, additional information or licence requirements should be submitted to the Local Planning Authority.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement of any works which may affect Great Crested Newts and or their habitat, a detailed mitigation and monitoring strategy shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. In the case where the development hereby approved has not commenced within 3 years from the date of the approved Great Crested Newts and Reptile Survey, June 2012, Michael Woods Associates', prior to the commencement of the development hereby approved, a revised Great Crested Newt Survey shall be undertaken to establish changes in the presence, abundance and impact on Great Crested Newts. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

17. Prior to the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, in particular badgers, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

18. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on site in line with recommendations within Section 6 of the submitted 'Ecological Survey report, Michael Woods Associates, February 2012' and to include provision for swifts shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage and to enhance biodiversity further in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

19. All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

20. Any artificial lighting to be installed along the northern and eastern boundaries of the development should be equipped with directional cowls to limit light spillage off-site. Any exterior security lighting fitted to the new buildings should be on a motion-sensitive timer and also fitted with directional cowls.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance 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.

22. Prior to the commencement of the development hereby approved, 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. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, 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.

23. Prior to the commencement of the development hereby permitted, ground gas monitoring and risk assessment, as proposed in the information provided with this application, shall be prepared by a competent person and submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

24. An unacceptable risk from contamination has been identified in information provided with this application. Prior to the commencement of the development hereby permitted, and following the ground gas monitoring and risk assessment required for condition 23 a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

25. If remedial works have been identified in condition 24, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 24. A verification 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 and Government guidance contained within the National Planning Policy Framework.

26. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

27. Prior to the commencement of the development hereby approved, 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. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. 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 ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

28. That service vehicles shall not arrive at or depart from site before 08:00 hours or after 18:00 hours on any day. (Emergency services and other related emergency organizations being exempt).

Reason - In order to safeguard the amenities of the area and to comply with Policies C31 and ENV1 of the adopted Cherwell Local Plan.

29. The extra care units of accommodation hereby approved shall be occupied only by residents of 55 years of age and over.

Reason: In the interests of highway safety and to ensure the use of the building does not result in a requirement for further parking provision which cannot be provided on site and to comply with Government advice contained in the National Planning Policy Framework.

30. That the development hereby approved shall be used solely for the purpose of extra care accommodation, defined for the purposes of this application as self-contained homes for older people and/or people with disabilities and which enables independent living by providing a range of 24 hour care/support facilities and for no other purposes whatsoever, including any other purpose in Class C2 and C3 of the Schedule of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

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.

Planning Notes

1. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
2. The applicant is advised that access works would be subject to a Section 278 agreement. Areas for adoption would be subject to a Section 38 agreement. The Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontagers' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.
3. The applicant is advised to contact the Thames Valley Police Crime Prevention Design Adviser with regard to gaining advice to ensure the development complies with Secured By Design Principles.
4. The applicant is advised to contact the Environment Agency on 08708 506 506 or consult their website to establish if consent will be required for any works proposed. Please see <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>
5. The applicant is advised that in respect of Surface Water, Thames Water have recommended that it should be ensured that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer services will be required. They can be contacted on 0845 850 2777.
6. Thames Water advise that Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk
7. Thames Water further advise that 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. Application forms should be completed on line via 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.
8. 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.
 9. Oxfordshire County Council Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems.
 10. Badgers receive protection under the Protection of Badgers Act 1992. Badgers are likely to use the site for foraging even if sett's are not apparent on site therefore best practice with regard to construction and badgers should be adhered to as outlined in section 6.4.3 of the submitted Ecological Survey report prepared by Michael Woods Associates dated February 2012.

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 taking into account all representations received. The development is considered to be acceptable on its planning merits as the proposal is considered to be acceptable in principle and which pays proper regard to the character and appearance of the site and surrounding area and preserves the significance and the setting of the nearby conservation area and the setting of the nearby listed building, designated heritage assets. Additionally, in its amended form, the proposal has no undue adverse impact upon the residential amenities of neighbouring properties and it is acceptable on highway safety grounds. Furthermore, the proposal will cause no serious harm to protected species and provides appropriate mitigation in relation to the Great Crested Newts that have the potential to be affected. As such the proposal is in accordance with Policies H4, H5, C2, C4, C28, C30, ENV12 and T1 of the adopted Cherwell Local Plan and Government guidance contained within The National Planning Policy Framework – March 2012. 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.

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.