

# Former Winners Bargain Centres, Victoria Road, Bicester

14/00154/F

**Ward:** Bicester Town

**District Councillor:** Cllr D Edwards &  
Cllr D M Pickford

**Case Officer:** Rebecca Horley

**Recommendation:** Approval

**Applicant:** Montpelier Estates Ltd, Middle Barn, Chilton Business Centre, Chilton,  
Aylesbury HP18 9LS

**Application Description:** Demolition of existing structures and construction of a 40 assisted living units (Class C2) together with ancillary accommodation

**Committee Referral:** Major development

**Committee Date:** 24<sup>th</sup> April 2014

## 1. Site Description and Proposed Development

- 1.1 The application site is the former Winners bargain centre building and associated land and building which has its existing main access to Victoria Road and a shared boundary with Linden Road (and secondary currently disused access). The site area is 0.33 hectares. The existing building is set behind 11-13 Victoria Road (L Harness Funeral Directors) and the Tyre and Exhaust business. The existing main building is a warehouse type building built from red brick with a part pitched and part flat roof. At its highest point the existing main building is 6 metres to the ridge. There is another smaller building located adjacent to number 19a Linden Road which is a small hall and measures 4.2 metres in height.
- 1.2 The site is located just outside of the Bicester Town Centre as defined in the adopted Cherwell Local Plan and on the boundary with the Conservation Area. The Non-Statutory Cherwell Local Plan and Proposed Submission Local Plan (August 2012) show the site to be within the town centre boundary. To the south east of the site, approximately 40m away are the rear elevations of residential properties on Bath Terrace, their gardens extend to the boundary. To the north and east of the site are the residential properties on Linden Road and to the west of the site are commercial properties and the rear elevations of the buildings which front onto Sheep Street.
- 1.3 The proposal includes the demolition of the existing buildings and the construction of a 40 unit assisted living home. The applicants have produced evidence to show that their application falls within Class C2 of the Use Classes Order which relates to residential institutions and they have offered a unilateral undertaking to keep to within this classification. The sort of development which falls into this class are hospitals, nursing homes or residential school, college or training centre where they provided residential accommodation and care to people in need of care. 'Assisted living' is a more flexible offer in the vast array of types of care provision for the elderly which is why the individual units appear to be more akin to 'normal' residential (Class C3).

- 1.4 The application is detailed and includes drawings which show the provision of 18 parking spaces plus 2 disabled parking spaces split between two areas, one accessed from Linden Road where the main entrance is shown and one from Victoria Road. There are also 2 garden areas shown near these car parks. The proposed footprint of the building is comparable to the existing buildings on the site with the focus being toward Linden Road. Provision for the flats is shown to be over 3 floors measuring approximately 11.6m high. The proposed materials are a combination of brick and render under a slate roof. The design and layout of the proposal will be discussed in greater detail later in the report.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of site notice, press notice and neighbour notification letters. The final date for comment was 6 March 2014 and at the time of writing no comments had been received. Amended plans were received on 10<sup>th</sup> April relating to design matters and a reconsultation was undertaken with Bicester Town Council, neighbours and the Conservation Officer. The deadline for comment on these drawings is the date of this Committee meeting (24<sup>th</sup> April 2014).

## **3. Consultations**

- 3.1 **Bicester Town Council:** Object to the application as the site should be kept for commercial use and it is the wrong site for nursing care.

### **Cherwell District Council Consultees**

3.2 **Design and Conservation:**

A number of schemes have been submitted for this site in recent years. These include a scheme for a 60 bed care home and an assisted living complex. There were a number of concerns that were raised with these schemes about the design and layout, especially in relation to the relationship of development with its surrounding context. Since this point there has been further discussion with the applicant on these issues. This has led to a number of design changes which has helped to address some of the issues.

#### Site Character and Context

- The site is located to the northeast of Bicester's Town Centre. This is an area that is mixed between low key residential development and 'back land' transition type development.
- The site is bound by Victoria Road to the southwest and Linden Road to the north.
- Linden Road is predominantly residential in character, lined with two storey mid 20th century development.
- Victoria Road by contrast contains a mix of commercial and light industrial uses, alongside mid 20th century and Victorian housing.

#### The Development Brief and Conceptual Approach

- The brief for the site is for a 40 unit assisted living development and associated landscaping.

- This is a challenging brief for a 0.8 acre / 0.3 HA development site, giving an overall density of 133 uha.
- Since the previous application, the design approach has been adjusted to have greater respect to the adjacent context. While there are still issues of regarding the mass and scale of the building, a number of changes have been made to improve the layout of the scheme.
- One of the challenges of this site is providing a design and layout which does not limit the opportunities for redevelopment of number 11 – 13 Victoria Road. There is concern that if these buildings were to become redundant the size of plot and the proximity of the care home to the site boundary would limit development opportunities coming forward in the future.

#### Site Layout Plan

- The building form follows the line of Linden Road along the northwest boundary, turning back into the site at the eastern end of the site.
- To the rear of the building is a landscaped garden. Parking is located to the southwest and the far east of the site.

#### Scale and Massing

- While the overall layout of the building has been improved, this remains a challenging brief for such a small site. My principal remaining concern about the development of this site is the impact of scale on the adjacent residential area.
- The scale of the proposed buildings does not fit comfortably with the residential scale of the adjacent housing and the scale is greatly increased from the original retail unit.
- While the building is described as being 2.5 storey, on review of the floor plans and the elevations it is still a 3 storey building. In pre application discussions on this proposal the second floor windows were designed to be subservient to the lower windows, however in the submitted proposals the windows and dormer details have grown substantially.
- The height and massing of the roof also appears to have increased from the schemes discussed during pre-application discussions.

#### Building Design

The changes to the layout of the building raise the potential for the building to make a better contribution to the street scene than previous schemes. Pre application discussions were held with the developer in late 2013. Notwithstanding the issue of scale, these discussions led to the development of an improved scheme. It is unfortunate that there have been some changes to the form, fenestration and façade treatment of the building since this point and the quality of the building submitted in the application is not as appropriate. Key issues include:

- The fenestration of the building. In pre application discussions the sketches illustrated a building form where the scale of windows reduced as you moved up through the building.
- The order of the fenestration has also changed. Previous options illustrated a proposal where windows were grouped, giving rhythm and areas of relief to the façade.

- In the pre app discussions the bay structures were predominantly used on the ground floor to provide articulation at street level and break up the mass of the façade.
- The dormer windows were much smaller in scale, sitting tightly within the roof space. These have been replaced with larger windows and high ridge dormers which gives additional scale to the building.
- Limited information is available on the proposed materials. Again, previous solutions presented in pre app with more extensive use of brick and selected use of render seemed most appropriate.

#### Internal layout plan

- The internal layout forms a double banked approach to providing accommodation. This is not ideal for an apartment form as there is no natural light into the majority of kitchens and bathrooms.
- The building is entered from Linden Road. On this side of the building there is an office, reception, WC, hair and café / activity area.
- In this space it is questioned whether there is sufficient space for 'hair'? This space is only 2m by 3.5m and has no natural light, limiting its viability.
- There is no kitchen provided in the communal facilities, limiting the offer of the café.
- Additional communal spaces are provided elsewhere in the building, including an activity room on the ground floor, a cinema on the second floor and a staff room on the second floor. There is no evidence of any nursing / medical facilities being provided.
- The building layout is based on long corridors and therefore gives the building an institutional rather than residential feel. Thought should be given as to how movement areas can be made into positive spaces.
- Access between floors is via a lift in the central reception area, with two sets of stairs to the far west and far east of the building.

#### Landscape and Public Realm

- There is limited information available on the landscape and public realm details; reference is made to a Landscape Strategy, though this document does not appear to have been included with the application.
- Appropriate boundary wall treatment will be expected along Linden Road and Victoria Road and details should be provided.
- Details of tree planting should be provided.
- Has a tree survey been commissioned for the two mature trees located at the north east of the site? Does development reflect appropriate standoff distances to these?
- There are two existing trees on Linden Road which are indicated for retention. The canopy of one of these is close to the main entrance and bridged footing might be required in this area to retain this tree.

#### Sustainability

- The building is to be constructed to BREEAM very good energy efficiency standards, which is seen as a positive approach.
- Combined heat power is being explored for the provision of energy.

#### Conclusions

- While a number of significant changes have been made to the proposals which improve the way that the building sits on the site, there remain a

number of areas where we have concerns about the massing, form and detail of the building

- While the roof has been configured to reduce its dominance, the scale of this building is much greater than its neighbours. As the operational requirements of such a facility typically require a minimum number of units, it is unlikely that the building could be changed to accommodate many less units which would compromise to the viability of the scheme. A balanced decision needs to be made on whether this is appropriate use for the site
- There also remain a number of more detailed design issues to resolve. It is disappointing that a number of changes which we felt were positive additions in the pre application discussions have been eroded in the designs presented in this application.

### 3.3 **Anti-Social Behaviour Manager:**

When we have considered a similar proposal on the site mention was made of the need to consider noise from externally mounted plant, external lighting and the ventilation requirements for a trade kitchen. It is noted from the latest application that there is no provision for a trade kitchen so this is no longer an issue. A prior approval condition is needed for the external lighting and for any externally mounted plant e.g. air conditioning or heating equipment. The submission for prior approval in respect of the later point must include an assessment of the noise produced by such plant.

Expressed in terms of British Standard BS 4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas, the performance standard being that the rated level of noise shall not exceed background by more than 5Db.

It should be noted that the applicants have submitted a specialist noise report that demonstrates that environmental noise will not be detrimental to their proposal.

### 3.4 **Landscape Officer:**

There is no current CDC policy requirement for POS and Play provision with care homes. No on site or off site provision is needed.

With regard to the existing trees, there are 2 in particular on Linden Road which will require the Arboricultural officer is to be consulted on with regard to their viability. I am of the opinion that they should be retained and protected during the course of construction in Accordance with BS5837. Their root protection areas must be identified and the building footprint revised to avoid the root protection areas

Turning to the landscape visual impact, in order to reduce the visual impact of the building's scale from residents and pedestrians on Linden Road the building should ideally set further back further than shown - refer to Site Plan 1125/F08/S02/Rev-C - from its site boundary to allow for the planting of small/medium trees and landscaping.

The Private Parking area off Victoria Road is going to present a negative visual effect on their street and therefore requires a frontage with trees and low shrub planting protected by ascot rail fencing.

The SE elevation abuts the SE boundary with a negative visual impact on residents on Victoria Road, even with their long rear gardens and occasional intervening planting. Enough space should be allowed between the site boundary and the elevation for landscape mitigation, which should be continued along the SE site boundary. The indicative tree canopies shown on this boundary will overhang the garden boundaries in the locations shown, with the risk of adjacent residents using common law rights to prune these canopies of the trees to the extent of the legal boundary. I would prefer that enough space is allocated for medium to large trees between the boundary and the indicative footpath to prevent the overhang issue and provide the appropriate visual landscape mitigation.

The submission of full landscape details under the relevant planning condition.

**3.5 Ecology Officer:**

The buildings proposed for demolition have very little potential to support roosting bats or nesting birds. In terms of possible enhancements, we have records of swifts nesting in buildings in nearby Sheep street, and the proposed building is of sufficient height to be suitable for swifts. The garden side of the new building is likely to be the most suitable in terms of aspect (facing south), height and space (there is suitable space between the two windows at the third storey level). Therefore I recommend a condition is attached to any permission requiring details for the provision of at least 6 integral swift nest boxes.

**3.6 Biodiversity and Countryside Officer:**

No objection. Bicester Footpath No 19 runs between Withington Road and Linden Road to the north of this planning application site but is not affected by the proposed development.

**3.7 Waste and Recycling Manager:**

No objection. The developer should take into account the Waste and Recycling guidance which can be found on the Cherwell District Council website. Section 106 contribution of £67.50 per property will also be required.

**3.8 Strategic Housing Officer:**

I have no objection to the redevelopment of this site, however I would argue that what is proposed is not C2 use and rather C3, as the units are self-contained and the layout and proposals for the use of the scheme conform to the model for Extra Care housing. As such this would require the necessary affordable housing policy requirement.

**Oxfordshire County Council Consultees**

3.9 Oxfordshire County Council has provided a single response relating to all aspects under their jurisdiction. It has been generally noted that there is no overall objection to the scheme and the summarised comments in relation to each County matter are provided below.

**3.10 Transport & Planning Strategy:**

Key issues:

- As outlined in Highways response to application 12/01465/F.

- The developer has not considered the surface water drainage for this site. For a development of this size, a Flood Risk Assessment is required with the application documentation.
- It is not acceptable to discharge surface water to mains sewer as proposed. A SUDS Drainage Strategy for the site will be required.

Legal Agreement required to secure:

- S278 Agreement – access related works on the public highway

Conditions:

- Full access details
- Close Existing Access (Linden Road)
- Access to Adjoining Land (Pedestrian access to Victoria Road west)
- Parking and Manoeuvring Areas Retained
- Cycle Parking Provision
- Travel Plan
- Details of Surface/Foul Water Disposal
- Prior to the commencement of development, a construction traffic management plan must be submitted to, and approved in writing by, the District Planning Authority. The construction works must be carried out in accordance with the details approved in the construction traffic management plan. Reason: To mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

Informatives:

- The developer needs to be aware of the requirements of the Flood and Water Management Act 2010.
- Any works on the public highway, including amended access proposals will require separate OCC approval under S278 of the Highways Act.

Detailed Comments:

Planning history - The proposal is similar albeit slightly smaller than a previously proposed scheme - application 12/001465/F. Previous highway comments and conditions must be repeated, as appropriate.

Drainage Team comments - The application documentation makes no reference to surface water drainage for the site other than to state in the planning application form that surface water will be put straight to mains. A development of this size would require Suds to be incorporated into the onsite surface water system so that no more than green-field run-off rates or better discharges into the public surface water system.

**3.11 Property:**

No objection subject to conditions and section 106 agreement.

Key Issues

The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure. The following development mix has been used with standard formulae applied. At 40 No assisted living units. Standard formula for all residential care units

1.25 x 40 = 50. It is calculated that this development would generate a net increase of 50 additional residents including:

The legal agreement would be required to secure:

Library	£ 3,200
Waste Management	£ 4,250
Museum Resource Centre	£ 250
<b>Total (indexed linked)</b>	<b>£ 7,700</b>

Administration & Monitoring £ 1,500

The County Councils legal fees in drawing up and/or completing a legal agreement will also need to be secured.

### Conditions

OCC as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirements for provision of hydrants in accordance with the requirements of the Fire & Rescue as a condition to the grant of any planning permission.

### Informative

Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems.

### Detailed Comments

Library – OCC has an adopted standard for publicly available library floor space of 23 m<sup>2</sup> per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc), totalling 27.5 m<sup>2</sup>. The Bicester library provision is significantly under-size in relation to its catchment population and a new library provision is planned for Franklin's Yard. Contributions will be collected from all developments in the locality.

As we do not yet have available costs for a new library facility the appropriate level of costs of mitigation in relation to this development proposal to address the impact is based upon the costs of extending a library is £2,370 per m<sup>2</sup> at 1st Quarter 2012 price base.

The development proposal would also generate the need to increase the core book stock held by the local library by 2 volumes per additional resident. The price per volume is £10.00. This equates to £85 per person at 1st Quarter 2012 price base

The full requirement for the provision of library infrastructure and supplementary core book stock in respect of this application would therefore be based on the following formula:

**£85 x 50 (the forecast number of new residents) = £4,250**

### Strategic Waste Management

Under Section 51 of the Environmental Protection Act 1990, County Councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of that waste.



To meet the additional pressures on the various Household Waste and Recycling Centre provision in Oxfordshire enhancements to these centres are either already taking place or are planned, and, to this end, contributions are now required from developers towards their redesign and redevelopment.

A new site serving 20,000 households costs in the region of £3,000,000; this equates to £64 per person at 1st Quarter 2012 price base

**£64 x 50 (the forecast number of new residents) = £3,200**

#### County Museum Resource Centre

Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC). The MRC is the principal store for the Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities.

The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility.

An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £460,000; this equates to £5 per person at 1st Quarter 2012 price base.

**£5 x 50 (the forecast number of new residents) = £250**

#### Administration

Oxfordshire County Council require an administrative payment of £1,500 for the purposes of administration and monitoring of the proposed S106 agreement, including elements relating to Education.

#### Indexation

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

#### General

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. Should the application be amended or the development mixed changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

### 3.12 **Drainage:**

No SUDs has been designed into this scheme and all surface water seems to be going straight to surface water sewer. There is an opportunity to reduce the amount of run-off going to surface water sewer by introducing SUDs into the scheme.

The previous application showed that this matter could be handled by condition.

**3.13 Archaeology:**

No objection to the previous applications. The proposals outlined 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.

**3.14 Ecology:**

No objection but refer to advice from CDC ecologist.

**Other Consultees**

**3.15 Environment Agency:**

The application is deemed to have a low environmental risk so no formal comments are available at this time. It is noted that the previous comment was that the EA had no objection subject to a condition to secure the requirement for a Method Statement relating to contamination. This will ensure that any unexpected contamination encountered during the developments is suitable assessed and dealt with, such that it does not pose a unacceptable risk to ground or surface water.

**3.16 Thames Water:**

Waste Comments

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

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water has no objection and recommends an informative be attached to this planning permission

**3.17 Crime Prevention Design Advisor:**

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

To ensure that the opportunity to design out crime is not missed I request that a condition be placed upon any approval for this application to demonstrate how 'Secured By Design accreditation will be achieved'.

**3.18 OCC Commissioning Manager, Housing with Care:**

No objection. In Bicester there is a current need for 110 ECH flats now rising to a requirement for 190 flats by 2029. Currently there is only a supply of 20 ECH flats so there is considerable under-supply at present. Whilst there are opportunities to develop future ECH flats at various strategic sites in Bicester these cannot be fully guaranteed and delivery dates are hard to predict. Given the above and the need to develop more ECH capacity sooner rather than later I am in support of the application for 40 ECH flats at Victoria Road and suggest that these be provided on a mixed tenure basis

## **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

C2: Protected species

C28: Layout, design and external appearance of new development

C30: standards of amenity and privacy (new housing development)

C31: Compatible uses

ENV1: Detrimental levels of noise...or other types of environmental pollution

ENV12: Contaminated Land

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

National Planning Policy Framework

Planning Practice Guidance

Cherwell Local Plan – Submission January 2014

The Submission Local Plan has been through public consultation and was submitted to PINs in January 2014 for Examination to take place in June 2014. The Submission Local Plan does not have Development Plan status but is 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:

SLE1: Employment development – change of use of employment site

SLE2: Securing Dynamic Town Centres

BSC2: The Effective and Efficient Use of Land – Brownfield Land and Housing Density

BSC4: Housing Mix

ESD1: Mitigating and adapting to climate change

ESD3: Sustainable Construction

ESD6: Sustainable Flood Risk Management

ESD7: Sustainable Drainage Systems

ESD10: Protection and enhancement of biodiversity and the natural environment

ESD16: The character of the built and historic environment

Policy Bicester 5: Strengthening Bicester Town Centre

Non-Statutory Cherwell Local Plan 2011

H6: Provision of housing schemes for older people

TR4: Mitigation Measures

OA1: General Policy

Bicester Masterplan Draft SPD

Town Centre Action Area - Retail quarter

Cherwell District Council Local Plan Background Paper – Extra Care/Elderly Accommodation (February 2013)

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Nature of the application
- Principle of a care home in this location
- Impacts on the character and appearance of the area
- Impacts on the historic environment
- Residential amenity
- Highway Safety and access
- Biodiversity, ecology and trees
- Other issues

### Relevant Planning History

5.2 12/01465/F – Planning permission was refused on 1<sup>st</sup> February 2013 for the demolition of the existing structures and construction of 60 bed care home (Class C2) together with ancillary accommodation, car parking facilities and landscaping on the following grounds:

*By virtue of the scale and massing of the proposed building and its relationship with surrounding properties, the proposal has an adverse impact on the character and appearance of the area. As a result it fails to preserve or enhance the setting of the Conservation Area and fails to make a positive contribution to local character and distinctiveness. Furthermore it has a negative impact on the residential living amenities of neighbouring properties. It is the opinion of the Local Planning Authority that the proposed development does not accord with these provisions and is therefore contrary to central Government guidance contained within the National Planning Policy Framework, Policies BE1 and BE6 of the South East Plan, Policies C28 and C30 of the adopted Cherwell Local Plan and Policies EN39, EN40 and D3 of the Non-Statutory Cherwell Local Plan 2011.*

- 5.3 13/00484/OUT – Planning permission was refused on 31<sup>st</sup> July 2013 for the demolition of existing structures and construction of a 36 unit assisted living home (Class C2) together with ancillary accommodation on the following grounds:

*In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to Policies OA1 and TR4, of the Non-Statutory Cherwell Local Plan 2011, Policy INF 1 of the Proposed Cherwell Local Plan Proposed Submission Draft March 2013 and government guidance contained within the National Planning Policy Framework.*

The subsequent appeal was dismissed on 28<sup>th</sup> January 2014.

#### **Nature of the application**

- 5.4 There is frequently debate about the differences between C2 (Residential Institutions) and C3 (Dwelling Houses) uses and at the heart of the issue is often the level of financial considerations. Traditionally the C2 uses were provided by charitable organisations or Registered Social Landlords but there is now a vast array of types of care provision for the elderly. It is noted that the Strategic Housing officer has expressed the view that the layout is more akin to a C3 use.
- 5.5 A C2 use is a Residential Institution which is defined as offering, inter alia, residential accommodation and care to people in need of care. A recognised feature of a C2 use would be where units are not for sale on the open market but are restricted by a section 106 obligation requiring occupants to be either in need of a specified level of care or in receipt of a specified minimum package of care services and/or above a specified minimum age. Applying eligibility criteria and undertaking an initial assessment of care needs with regular reviews and monitoring can reinforce this. Given the additional costs involved in paying for care and accommodation it makes sense for the units to be occupied by those in genuine need of care.
- 5.6 Specifically with regard to the layout, the drawings show some level of shared activity space. In the past, schemes have provided a wide range of communal facilities but the recent trend has been to slightly reduce provision. This is partly because there is evidence that they are not always used and partly to reduce build cost and service charges. It is recommended by OCC that essential communal facilities in future schemes should include lounge and dining rooms, commercial kitchens, adapted bathrooms, offices for housing and care staff, buggy stores, activity or meeting rooms, guest suites and hairdressers. This scheme provides all or most of these or is capable of being adapted to provide such as required and particularly if the communal gardens are included.
- 5.7 The stipulations in the projected section 106 specify the C2 use defining occupancy requirements of age (60+), hours of care and that they are in need of personal care. This approach has been previously agreed with the recent applications. Given the stipulations laid down within the section 106 and that

we have confirmation in writing that the office is 'manned' 24 hours a day, seven days a week to provide all round care, officers are satisfied that this application is for a C2 use and it will be conditioned accordingly.

### **Principle of a care home in this location**

- 5.8 Whilst the principle of the development of this site for the use proposed has very recently been accepted by the Planning Inspectorate, it is considered appropriate to revisit the policy principles to set the context. The site is referred to as being within the town centre of Bicester in the Proposed Submission Local Plan (PSLP). Whilst this document is not formally adopted it does set out the Council's strategic approach to future development within the district. The adopted Cherwell Local Plan encourages housing schemes for the elderly within convenient reach of shops, community facilities and public transport (Policy H4). This policy however does not refer specifically to care home facilities.
- 5.9 The site is an existing employment/retail site although it has not been in use for well over a year. The adopted Local Plan does not contain any policies which prevent or seek to resist the loss of retail/employment uses. However Policy SLE1 of the PSLP sets out that where an applicant wishes to change the use of an employment site proposals will be considered with regard to the following criteria;
- Whether the applicant can demonstrate that an employment use should not be retained
  - Whether the applicant can demonstrate that there are valid reasons why the use of a site for the existing or another employment use is not economically viable
  - Whether there are other planning objectives that would outweigh the value of retaining the site in an employment use and where the applicant can demonstrate that the proposal would not have the effect of limiting the level of provision and quality of land available for employment in accordance with policies in the Local Plan.
- This criteria is underpinned by the regard to the appropriateness of the location and whether or not the employment activity has an unacceptable adverse impact upon adjacent residential uses and if the site has been vacant in the long term.
- 5.10 The PSLP currently carries only limited weight, therefore it would seem unreasonable to insist that the applicant has to meet each of the criteria above. However the original application was submitted with a marketing document setting out that since marketing the site for the first time in March 2011 very little interest was received from retailers and whilst 17 serious expressions of interest were received these were all from residential or care home developers. It could therefore be concluded that there was insufficient demand for the site with its current retail use particularly given the more recent town centre scheme.
- 5.11 It could also be argued that the introduction of a care home onto the site does not result in a complete loss of employment use as there will be an element of staff required for attendance at the accommodation.

- 5.12 Policy Bicester 5 of the PSLP states that shopping, leisure and other town centre uses will be supported in the town centre area and that residential uses will be supported in appropriate locations. This therefore establishes that a residential use is appropriate within a town centre location. The NPPF at chapter 2 also refers to residential uses being an appropriate town centre use and focusses on ensuring the planning system contributes to the achievement of sustainable development.
- 5.13 Given the above assessment and the location of the site in relation to the town's main retail streets it is considered that the principle of a residential care home within Bicester town centre between commercial properties and other residential areas is acceptable.
- 5.14 It is worth noting that as this scheme is for a C2 residential use will not contribute to the housing land supply. However, the Local Plan Background Paper recognises and projects that there will be a 24% increase in over 65's in the Cherwell District by 2033 which is higher than the national average. This application represents an opportunity to address this particular aspect of a housing need.

#### **Impact on the character and appearance of the area**

- 5.15 The comments of the Council's Design and Conservation Team Leader are set out in full above at paragraph 3.2 but the following section will highlight some of these comments and feed into the assessment of the impact the proposed development will have on the character and appearance of the area.
- 5.16 Although there are a range of uses in the immediate area around the site the majority of the buildings are domestic in scale and despite some of the commercial buildings having large footprints the height of buildings do not tend to exceed that of domestic properties. Residential and commercial properties do not tend to exceed two storeys. The revised details of the proposed building are stated as 2.5 storey and this can be read as such with the flat roof occupying the third floor. The overall height, proposed at 10.3m, is higher than properties close by on Linden Road which vary from 6.2m to 7.5m to their ridge. The differences in heights between the existing properties and the proposal would not, however, necessarily harm the residential scale of the surroundings if other design elements or features could be secured.
- 5.17 It is likely that the scale and massing of the proposed building has resulted from the need to provide sufficient rooms for the proposal to be viable and the space and layout standards required when providing a facility of this nature. The difficulties of trying to accommodate a care home of this size on the site are recognised and in order to reduce any dominance in the street scene the block plan shows an acceptable set back from the street and the front elevation is broken into 3 elements. The wide gables are obscured by other buildings to the southwest and rear gardens to the south east. The Linden Road façade holds some visual interest with blocks of differing materials using render and brick.
- 5.18 The amended drawings received show changes to the dormers to smaller flat roofed features which will be less bulky and assist in improving the appearance of the development. The dormer windows are now smaller in scale, sitting

tighter within the roof space. Improved fenestration generally has created a more acceptable development. The precise materials can be detailed by condition. These now meet the principle concerns of the Conservation Officer.

### **Impacts on the historic environment**

- 5.19 The boundary of Bicester Conservation Area runs parallel with the western boundary of the site along the eastern side of Victoria Road and extends to the east to incorporate the properties in Bath Terrace (locally listed) and half the length of their gardens. Given the proximity of the site to the Conservation Area there is the potential for the development to impact upon its setting.
- 5.20 The properties on Bath Terrace are very traditional and retain a lot of the character that is likely to have justified their inclusion within the Conservation Area boundary and this is despite it being the rear elevations that face the application site. However the view of the Conservation Area from the site to the west is very different as it is the rear elevations of the retail and commercial premises that front onto Sheep Street that are visible. With the exception of one or two frontages onto Victoria Road it is largely service areas and unsympathetic extensions that are visible. Although there are some examples along the rear of Sheep Street where backland buildings (buildings to the rear of burgage plots) and yards have been brought into productive small scale retail and service use, features which is specifically referred to in the Bicester Conservation Area appraisal.
- 5.21 Having established that the proposed building is more sympathetic in terms of its design within the street scene, this goes a long way to improving any consequential impact on the Conservation Area. The submitted drawings show how the proposed building is set off the boundary to the south by approximately 1.5 metres bringing it to within ~30 metres of the Conservation Area Boundary and at its closet point, the car park proposed off Victoria Road fronts onto the Conservation Area. Although closer to the Conservation Area it is considered that the relationship/s to it are acceptable and will not harm the significance of the heritage assets of the Conservation Area or the locally listed buildings nearby.

### **Residential amenity**

- 5.22 There are several aspects of residential amenity that need to be considered. Such issues include overlooking, dominance, overshadowing, nuisance caused by noise or other environmental factors and other issues that may affect the living environment of residents.
- 5.23 Some of the residential properties on the northern side of Linden Road currently do not enjoy a particularly pleasing outlook and this will change significantly. Having an active frontage which does not directly face dwelling frontages will improve any sense of overdomination despite the obvious increase in height of the new proposal. The nearest Linden Road properties are adequately set back from the road with the closest distance being to No. 37 at approximately 20m. Other properties are further away and at oblique angles to the proposal. It is considered that the development is unlikely to result in a demonstrable level of over-dominance or overshadowing. Given that the existing building has no first floor windows, had a retail warehouse use and is



partially screened by a boundary fence the new building may result in the feeling of some overlooking towards the properties on the north side of Linden Road but in reality actual overlooking would not be considered a particular issue as there remains a minimum of 20 metres between the buildings and the front elevations are overlooked by the public due to their relationship with the road.

- 5.24 No. 19a Linden Road is slightly smaller in height than the other properties in the vicinity. It has one first floor side facing window overlooking the site. There is a gap of 23 metres between the site elevation of 19a and the closest element of the proposed building. This is considered to be a sufficient gap in order not to result in an adverse impact on residential amenities through overbearing or overshadowing. At a distance of 23 metres it is also considered that overlooking into the side facing window and private amenity would not be demonstrable issue. This property is closest to the access and the car park, but the view is held that the level of noise and disturbance would be acceptable as there is already an access point and a similar nuisance could result from the existing premises.
- 5.25 The properties on Bath Terrace are in the region of 45 metres away from the site boundary. However their gardens extend up to the boundary. The proposal indicates that a blank wall with a width of 17.3 metres and a height of 11 metres will be within 1 metre of the boundary with these gardens. The openings shown on that south gable elevation are to serve hallways and stairs only. The distance to the rear of the properties is approximately 33m. It was considered that the relationship is acceptable and the proposal would not be overbearing and detrimental to the resident's enjoyment of their private amenity space and this exercise has demonstrated that a scheme can be designed that would have no direct impact on these properties.
- 5.26 It is assumed there is no residential occupancy at L Hartness, the funeral directors or the exhaust and tyre garage on Victoria Road or Victoria House which is a commercial/light industrial building at the south eastern corner of the site, therefore residential amenity is not a material consideration in relation to these properties.
- 5.27 Based on the above considerations the view was held that the submitted drawings would have had no harmful impact on the residential amenities of the neighbouring occupiers. The development is, therefore, considered to comply with Policy C30 of the adopted Cherwell Local Plan and guidance in the NPPF.

#### **Highway Safety and access**

- 5.28 The comments of the Local Highway Authority do not amount to an objection and it would be reasonable to impose conditions in the event of the application being approved. There is no objection to the level of parking provision and it would seem unreasonable to require additional on site parking when the site is located close to a number of public car parks and within the town centre which has good public transport links.

## **Biodiversity, Ecology and Trees**

- 5.29 The Council's Ecologist is satisfied that the building is unlikely to be an appropriate habitat for bats although nesting birds may utilise the building. Therefore providing the applicant is made aware of the responsibility not to disturb nesting birds there is no reason to object to the application on the grounds of harm to ecology or protected species. Development proposals should however be seeking enhancements to biodiversity but this is something that can be required through a planning condition in the event of an approval.
- 5.30 There are a couple of existing trees within the site. These contribute to the visual amenities of the area and are proposed to be retained. These would need to be protected during the construction process and if in the event that they were damaged or died they would need to be replaced by trees of a suitable species and size.

## **Other issues**

- 5.31 The site is not within an area known to flood but the development of the site could result in variations of the amount of surface water. However the existing site is almost entirely made up of buildings and hard standing and the proposal includes areas of green space and provides the opportunity to incorporate sustainable urban drainage features which the applicant has confirmed will be delivered. Despite the initial concerns of the County Council's Drainage Officer it has previously been agreed that an appropriately worded condition can address this point without further information being submitted at this time.

## **Section 106 contributions**

- 5.32 The Government's policy on the use of planning obligations (Section 106 requirements) is set out in the National Planning Policy Framework. Local Planning Authorities must take this guidance into account in their decisions on planning applications and must have good reasons for departing from it. Planning obligations are used for 3 purposes: to prescribe the nature of the development (e.g. requiring a given portion of housing is affordable); compensate for loss or damage created by a development (e.g. loss of open space) and mitigate a development's impact (e.g. through increased public transport provision). The planning obligation must be directly relevant to the proposed development, the 3 key tests being that the requirement should be necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development (para 204 of the NPPF).
- 5.33 The previous application was determined at appeal with the nub of the case relating to a disagreement over the level of contributions being sought by the County Council particularly with regard to adult day care. This is no longer being sought and all the elements making up the section 106 including stipulations over the description of a C2 use and other financial contributions as listed by the County Council above and by this Council (amounting only to bins) have all been agreed. The section 106 is close to being completed and is expected to be so before the application expires.

## Engagement

- 5.34 A 2012 amendment to the Town and Country Planning (Development Management Procedure) Order and the NPPF requires that Local Planning Authority's demonstrate that they have worked with the applicant/agent in a positive and proactive way. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.
- 5.35 A meeting was held on 8<sup>th</sup> April with the architect in order to progress matters relating to the influence of the design. Revised drawings were re-consulted and any updated comments will be presented to this Committee meeting as at the time of writing the consultation period was still running.

## Conclusion

- 5.36 There is no 'in principle' objection to the siting of a care home use in this specific location within Bicester town centre as residential uses are considered to be acceptable town centre uses. Furthermore the site is adjacent to existing residential areas and will not cause harm to the amenities of neighbours and this has been effectively demonstrated by the submitted drawings. A vital aspect of the development is its effects on the street scene and setting of the Conservation Area which is heavily influenced by its design which has now been satisfactorily overcome.

## 6. Recommendation

### Approval, subject to:

- a) the completion of a Section 106 prior to 1 May 2014 to the satisfaction of the HPPDM, and
- b) any consequential amendments required following comments received on the revised drawings ( today)
- c) 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, Planning Statement, Design & Access Statement, drawing nos. M100-004 01 and L01, 1125/F08/001/Rev-C, 1125/F08/S02/Rev-C received with the application and drawing nos. 1125/F08/002/Rev-B and 003/Rev-B received on 10<sup>th</sup> April 2014.

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, samples of the brick and the render to be used in the construction of the walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

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 hereby approved, samples of the slate to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

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.

5. Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling.

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

6. Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

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.

7. Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire

hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason - To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

8. 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.

9. 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.

10. 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

11. Prior to the first use of the accesses hereby approved, the existing access onto Linden Road shall be permanently stopped up in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the means of access shall not be used by any vehicular traffic whatsoever.

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

12. 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

13. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan 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.

14. Provision shall be made within the layout for pedestrian access to serve the land adjoining to Victoria Road West.

Reason - In order to secure the proper planning of the area and the comprehensive development of adjoining land and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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.

16. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

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

17. Prior to the commencement of development, a construction traffic management plan must be submitted to, and approved in writing by, the District Planning Authority. The construction works must be carried out in accordance with the details approved in the construction traffic management plan.

Reason - To mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times and to comply with Government guidance contained within the National Planning Policy Framework.

18. 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.

19. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason - To ensure that risks from land contamination to the future users of

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

20. If a potential risk from contamination is identified as a result of the work carried out under condition 19, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

21. If contamination is found by undertaking the work carried out under condition 20, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

22. If remedial works have been identified in condition 21, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 21. 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.

23. No removal of hedgerows, trees or shrubs nor works to or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1<sup>st</sup> March and 31<sup>st</sup> 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.

24. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a plan for enhancing biodiversity on site 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 in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

25. No external lights shall be erected on the land without the prior express consent of the Local Planning Authority.

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

26. The building hereby approved shall be constructed to at least a BREEAM 'Very Good' standard, proof of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

27. The premises shall be used only for purposes falling within Class C2 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policies C28 and C31 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

**PLANNING NOTES**

1. Legal Agreement
2. Construction sites
3. Archaeology
4. The developer needs to be aware of the requirements of the Flood and Water Management Act 2010.
5. Any works on the public highway, including amended access proposals will require separate OCC approval under S278 of the Highways Act.

**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.