

The Pits, The Moors, Kidlington

15/00723/F

Ward: Kidlington North

District Councillor: Cllr Rhodes
Cllr Williamson

Case Officer: Paul Ihringer

Recommendation: Approval

Applicant: CMG (Kidlington) Ltd, Kidlington Parish Council and Porthaven Properties NO.2

Application Description: 70 bedroom care home

Committee Referral: Major

Committee Date: 6th August 2015

1. Site Description and Proposed Development

- 1.1 The application site (referred to as both The Pits and The Gravel Pits) is an elongated strip of land located on the northern edge of Kidlington near the junction of The Moors and Banbury Road. These two roads abut the southern and part of the western boundaries of the site respectively (the train line between Oxford and Banbury also passes close to the western boundary). The eastern flank of the plot runs parallel with a single track road which serves three properties and a caravan park. To the north of the site is 216 The Moors with an agricultural field beyond. The boundary with the field demarcates the boundary Oxford Green Belt.
- 1.2 The proposed development site, 0.73 hectares (1.8 acres) in area, was until recently used as allotments (Gravel Pits Allotments) and was sub-divided into 22 individual plots. With a few old sheds remaining *in situ*, the plots are starting to get over grown having been vacated at some point in the last year. The site is well screened by trees from both the Banbury Road and The Moors, but is exposed when viewed from the track on the eastern boundary.
- 1.3 The allotments were accessed via an unmade track which emerges very close to the junction of The Moors and the Banbury Road. The track still serves the occupiers of 222 The Moors, a large two storey house located between the allotments and the Banbury Road. The rear garden of this property is screened from the allotments by a mature row of evergreen trees running along the side boundary.
- 1.4 As a result of its former use as a gravel pit, the majority of the application site is on lower ground (up to 2.5m) than the land surrounding it. Notwithstanding its most recent use, the fact that it was formerly a gravel pit means that the land could be potentially contaminated. The only other notable site constraints relate to the sighting of a number of protected species within the vicinity and the proximity of a SSSI (Shipton on Cherwell and Whitehill Fern Quarries is within 2km).
- 1.5 In order to raise additional revenue and rationalise the number of allotment sites that it operates, Kidlington Parish Council, who own the land, has resolved to sell off the site. Those people who previously worked the allotments have

been found alternative plots at the Station Road (200m to the north east) and the Bicester Road sites.

- 1.6 The potential purchasers of the site are seeking planning permission to erect a 70 bedroom care home which would provide support for the frail elderly including people suffering with dementia (a separate application seeking advertisement consent for various signage was submitted in conjunction - 15/0752/ADV refers). The two storey building would have an 'L' shaped footprint with a maximum length of 83m running along the eastern boundary and would have an elevation of just over 50m facing the northern boundary. The applicant is proposing to use two different types of brick as well as rendered sections in order to try and provide some visual interest to what is an elongated structure. A number of differently proportioned gables are also included in the design to try and further soften the appearance of the building with some articulation. As the depth of the main body of the building is just over 10m the applicant has opted for a false roof pitch to limit the overall height (7.9m - 10.3m) of the care home.
- 1.7 The home would feature en-suite bedrooms, 24 hour on site nursing provision, a cafe, hair salon and cinema. Other shared facilities include lounges, dining rooms and day spaces. The surrounding green space would be made up of landscaped garden areas linked by a perimeter path. A native hedge running along a large proportion of the site boundary would help to enclose the care home with strategically placed fencing and railing further ensuring that residents are prevented from being able to easily wander outside the confines of the site.
- 1.8 The facility would be served by 32 parking spaces to the front (western elevation) of the building and would be linked to the Moors via a new access point which currently forms part of a bus stop and is just to the west of the access serving the caravan park. The applicant has come to an agreement with OCC to find an alternative location for the bus stop.
- 1.9 Given the difference in levels, the track between the access point and the car park would be on an engineered slope (the parking area would be 1.8m below the access point). As part of the landscaping scheme, the row of conifers fronting The Moors would be removed. Other than the communal garden areas, planting would be focused on the addition of new trees and hedging, principally running along the site boundaries.
- 1.10 The applicant's agent states that the care home, aside from 'knock-on' employment benefits to businesses directly or indirectly servicing the facility (including 80 temporary jobs during the construction phase), would create 70 full-time jobs.
- 1.11 Members deferred a decision on the planning application at last month's Planning Committee to allow the developer more time to reassess the proposed access arrangements.

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 5th June 2015.

9 letters have been received. The following issues were raised

Material planning comments:

- Speed (above limit) of vehicles going down The Moors
- Conflict with other existing accesses in close proximity
- Inappropriate location of access
- Conflict with caravans (using adjoining access)
- Conflict with pedestrians
- Number of movements increasing
- Danger associated with junction onto Banbury Road
- Existing access to allotments not shown on the plans
- Existing properties inaccurately plotted
- No context plan
- Possible alternative access off Briar Close
- Appropriateness of the travel assessment
- Swifts nesting nearby – boxes required
- Some allotment holders unable to take up new sites (age and health issues)
- Ecology report inadequate
- Habitats should be conserved particularly as Green Belt under pressure
- Travel plan overstates public transport frequency
- Number of people likely to travel on foot overstated
- Travel plan will only receive limited funding (five years)
- Housing scheme refused on this site in 1987 (CHS.825/87) – highway safety grounds
- Briar End safe way into the allotment site
- Changes recommended by Highways Authority will be positive, but could be further improved
- Insufficient parking proposed
- Loss of allotment site

Non material comments:

- Three weeks not long enough consultation time
- Kidlington PC had advised that land would be used for housing
- No contact with the neighbouring residents

The applicant sought the opinions of the local residents by undertaking a public exhibition at Exeter Hall on the 8 April 2015. The event was advertised by way of a leaflet drop. Local politician were also invited to the event which resulted in feedback forms being filled in, by nine of those attending. The only concern that resulted from this consultation exercise related to traffic flows and the access.

3. Consultations

3.1 Kidlington Parish Council: Comments as follows:

“KPC are unable to comment due to vested interest.”

In response to concerns raised by Members, in respect of the proposed access, the Parish Council sent a letter in support of the proposed access (appendix 1)

Cherwell District Council Consultees

3.2 Planning Policy Officer: Comments as follows:

Five year housing land supply and need for extra care and specialist housing for older people

The five year land supply was comprehensively reviewed for the 2014 Annual Monitoring Report which was published on 31 March 2015. The AMR concluded that the district has a 5.1 year supply of deliverable sites for the five year period 2015-2020 (commencing on 1 April 2015). This is based on the housing requirement of the Submission Local Plan (as Proposed to be Modified, February 2015) which is 22,840 homes for the period 2011-2031 and is in accordance with the objectively assessed need for the same period contained in the 2014 SHMA (1,140 homes per annum of a total of 22,800). The five year land supply also includes a 5% buffer for the reasons explained at paragraph 6.28 of the AMR. The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.

As the Council now has a defensible five year housing land supply position the application site is not needed to assist in housing delivery in the near term. It does however need to be considered in the context of the Development Plan and all other material considerations including the need for specialist housing for older people in saved policy H4 and emerging policy BSC4.

Loss of Allotments

The Planning Policy Statement supporting the application indicates that the Parish Council have confirmed that all Gravel Pits tenants were offered a choice of alternative provision at either the Station Fields or Bicester Road sites in Kidlington and that all tenants have now being relocated.

The assessment of need in the evidence supporting the application and that supporting emerging Local Plan policies is not directly comparable but by using an approximate ratio of 8 plots to 0.2 has as indicated in Green Space Strategy Background document (LEI01 page 100) the analysis of allotment space need supporting the application's case can be assessed against the context of the emerging Local Plan standards.

CDC's 2011 Open Space Update (LEI02 Appendix 3) indicated an allotment shortfall of 0.38 ha (circa 15 plots) at Kidlington.

The application's Planning Policy Statement indicates the Parish Council has during 2014 added 58 new plots to Kidlington's' allotment stock: 23 new plots at Station Fields located in close proximity to Gravel Pit, and 35 temporary plots at Bicester Road.

The application proposal would result on the loss of 22 allotment plots. However, the applicant indicates that these have been replaced in close proximity to the site and that allotment users have been relocated.

It is also noted that the application's Planning Policy Statement indicates the economic and community benefits of the proposed care use.

Overall Policy Observations

The proposal site is well located in relation to services, facilities and public transport as encouraged by saved Policy H4 of the adopted Local Plan and emerging Policy BSC4. The emerging policy (Local Plan 2031) seeks a mix of homes in the interests of meeting housing need with paragraphs B.118 and B.124 of the emerging Local Plan highlighting the needs of an ageing population at national and local level therefore providing support in principle for proposals which would help meet this type of need.

The application site is a designated green space in the emerging Local Plan (5.4 Key Policies Map) and its loss would be contrary to Policy BSC10 which protects against the loss of existing open space, outdoor sport and recreation sites. In addition, Policy Villages 4 indicates a shortfall of allotments in Kidlington.

Policy R17 of the NSCLP provides the relevant criteria to assess development proposals until development management policies are adopted in Local Plan Part 2

Paragraph 74 of the NPPF indicates that open space, sports and recreational buildings and land should not be built unless proposals comply with a set of criteria.

Policy R17 and paragraph 74 of the NPPF both allow for development of allotment land if suitable replacement is provided.

The application evidence indicates that the loss resulting from the proposed development (22 plots) has been replaced by suitable provision (23 plots at Station Fields) and all allotment users relocated.

The Council now has a defensible five year housing land supply position and the application site is not needed to assist in housing delivery in the near term. It does however need to be considered in the context of the Development Plan and all other material considerations including the need for specialist housing for older people in saved policy H4 and emerging policy BSC4.

A number of other policies are also of relevance when determining this application in particular with regards to:

- design: saved policies C28, C30 and C31, NSCLP policies D3 and D4 and emerging policy ESD16.
- environmental mitigation: NSCLP policies EN15 and D9 and emerging policies ESD1, ESD3 and ESD7.
- transport: saved policies TR1 and TR7, NSCLP policies TR3, TR4, TR5, TR9, and TR11, and emerging policy SLE4.

Policy Recommendation

Although the loss of green space would be contrary to Policy BSC10 supporting evidence indicates that suitable alternative allotment provision has been made and the proposal is broadly in accordance national policies, and adopted and emerging Development Plan policies.

3.3 Design and Conservation Officer: Comments as follows:

Recommendations based on the originally submitted plans:

Roof: Request contextual views.
The gable roofs should match the pitch of the main roof.

Design context: The plan form and modelling of the façade should lead to interesting architecture.
The design statement needs to justify or explain the design.
The plans and elevations should be reviewed to produce a building of integrity.
Consider the sustainability of the building in terms of lighting and ventilation, coupled with the positive effects of natural light and ventilation. Is it possible to incorporate further windows in the long corridors and to the nursing stations?

D&A Statement: The proposal needs to enhance the area which is currently lacking an identity, we need to create a sense of place rather than make it more piecemeal.

It does not follow that the sometimes banal norm for retirement homes cannot be challenged in an effort to make our built environment better.

3.4 Arboricultural Officer: Comments as follows:

“Generally, I have no significant arboricultural issues regarding this application and I concur with the classifications, findings and recommendations within the submitted arboricultural report.

“The vast majority of vegetation on-site is of low amenity value and should not be considered a constraint to the proposals. One tree however, a sycamore identified as T1 (cat ‘B’ retention) should be retained due to it’s ‘Good’ condition, prominence / visibility and bio-diversity value. This tree is shown on Landscape drawing No 706-001B as being removed with a replacement feature tree planted in close proximity. I would insist that T1 is retained alongside a new planting as proposed with appropriate protective measures recommended within an agreed AMS.

“There are a number of trees located in neighbouring properties outside of the red-line boundary. To reduce any risk of construction damage, protection of these trees should also be included within an agreed AMS.”

3.5 Landscape Officer: Comments as follows:

“The care home is sited on land which lies at a lower level than the surrounding ground. The site looks to be at least 2m lower in places. As a result the impact of the building on surrounding dwellings will be reduced.

“The layout works in terms of the building having a face to The Moors and the car parking being largely concealed from the frontage

Landscaping proposals

“These show some thought has gone into the proposals. There is a good mix of ‘public’ and ‘private’ provision with the opportunity for horticultural therapy, group seating outdoors as well as the provision of patio areas to individual rooms. Staff and vehicular areas are segregated.

“Slopes to the east of the site are steep and a slope of max 1:4 should not be exceeded for grass cutting. There is room to adjust path alignments if necessary so it shouldn’t be a problem.

“The entrance to the site from The Moors seems a little bare compared to the attractive landscape within the development. I wouldn’t want to replicate the current high hedge and close off views into the site, but a little more framing of the view in may fit better with the existing street scene.”

3.6 Ecology Officer: Comments as follows:

I am pleased to see the applicant has now submitted updated information including a reptile survey and carried out a further check of the site. I am satisfied that sufficient ecological information has now been submitted at this stage.

The site supports a population of slow worms and common lizards. An outline scheme for mitigation is proposed but a full mitigation scheme with identification of appropriate receptor site and working methods needs to be conditioned prior to any works commencing on site.

Breeding bird populations are present and therefore site clearance needs to avoid the breeding season unless prior checks by an ecologist have been carried out.

Currently badgers look to be unlikely to be affected by the works however an update check should be carried out prior to works commencing and should any badgers have moved onto the site, or within the recommended distance to be disturbed by works, a licence may be required. Access for badgers to forage and cross the site should be maintained and factored into fencing choices.

The proposals for biodiversity enhancement on site within the ecological assessment are generally good. A full scheme needs to be submitted with

details of location and a planting plan with proposed management. I would also request that the applicants take notice of the suggestions for swift boxes/bricks on the development made by Chris Mason in his comments. There are records of swifts nesting in the vicinity of this site and therefore this provision could be very beneficial and in line with NPPF recommendations will go a long way to achieving a net gain for biodiversity on site when taken with the suggestions already made in their report. I would advise contact with the Swift Conservation Coordinator to discuss appropriate locations and types.

It can be presumed that bats are likely to use the boundaries of the site for foraging and commuting therefore maintaining dark corridors around the site is important. Any lighting scheme must ensure that lighting is directed away from vegetation and that unnecessary light spill is minimised by the use of baffles or design in line with Bat Conservation Trust Guidelines.

3.7 Environmental Protection Officer: Comments as follows:

Land

"I have reviewed the SLR Preliminary Land Quality Risk Assessment (reference 402-03762-00002, date February 2015) submitted with this application. This assessment has identified several pollutant linkages for further investigation. The findings of the report are acceptable and section 5 of the report includes proposed further investigation works. I can confirm these proposals are acceptable and as such recommend applying the following conditions relating to land contamination (set out in recommended conditions below)

Air

"It's noted that this development is quite close to the A4260. There isn't an air quality assessment submitted with this application but based on the traffic generation figures given in the transport assessment (and accepted by OCC as reasonable), I don't recommend requesting an air quality assessment is provided. I would recommend that air quality is referred to in the travel plan requested by OCC. The site is close to residential properties so to ensure that air quality mitigation is incorporated into the construction phase of the development, I recommend a construction environment management plan is required by condition" (set out in recommended conditions below)

3.8 Anti-Social Behaviour Officer: No comments received

Oxfordshire County Council Consultees

3.9 Highways Liaison Officer: Comments as follows:

Access road and parking

"The plans submitted with the planning application showing the layout of the parking and access road and its junction with The Moors are considered to be acceptable – full details will need to be submitted and approved by the Local Planning Authority (LPA) in consultation with the highway authority. This is to ensure that the arrangements are suitable to accommodate the needs of the development and therefore keep any overspill car parking onto the public highway to an absolute minimum.

“The crossing from the care home side of the car park to the footway leaving the development alongside the access road could be better differentiated to help pedestrians and alert drivers to the need to drive at an appropriate manner. This will also help visually impaired residents walking to and from the development. This could be achieved using a different colour surfacing material or some form of concrete blocks suitable for over running by large vehicles. A ramp on either side of the crossing would help reduce vehicle speeds as they enter/leave the car park, for the benefit of pedestrians and cyclists.

New junction with The Moors

“The proposed junction of the access road with The Moors will be delivered by a S278 agreement. Contrary to what is said in paragraph 2.5.2 of the Axis Transport Assessment, the bus stop that is proposed to be removed as part of the new junction with The Moors is currently used by up to 2 buses an hour. As such, the bus stop will need to be replaced in the near vicinity – it is acknowledged that the developer has committed to pay for this replacement. Plans for its replacement will need to be developed as part of the new junction arrangements, bearing in mind the potential constraints of the existing highway and private residential driveways. The plans for the junction and replacement bus stop will need to be approved before commencement of the development and delivered by means of the S278 process. The work will need to be completed before first occupation of the care home.

“Overall, the proposals for the new access junction that accompany the planning application appear to be an improvement on the current arrangements, assuming that the bus stop can be replaced satisfactorily nearby – currently, for most of the time when the bus stop is not in use, vehicles turning into The Moors from the Banbury Road can avoid the existing speed hump to the left and their speed and behaviour is therefore not modified positively as originally intended by the traffic calming scheme. The narrower new arrangement will require all vehicles to drive over the speed hump which will have a positive impact on driver behaviour. This is especially welcomed given the fact that the new access junction will result in more vehicle turning movements on and off the Moors compared to now. It will also see much more pedestrian activity with staff, residents and visitors crossing the Moors to/from the bus stops on Banbury Road; a higher than usual proportion of these movements will be elderly pedestrians with mobility and/or visual impairments. How the existing speed hump is affected by the new junction arrangement, particularly in relation to drainage, will need to be considered as part of the detailed design undertaken by the developer.

“To further reduce speed of vehicles turning left into The Moors from Banbury Road (whether or not they are accessing the care home), the kerb line on the northern side of the junction should be realigned – the junction is currently excessively wide and is more than likely laid out like it is as a hangover from when the A4260 was a Trunk Road. It certainly was laid out when the speed limit of the A4260 was higher than at present – a reduction from 40mph to 30mph was carried out in around 2002. This work should form part of the care home access that will be delivered by the S278. This change is particularly important given the increase in movements to and from the care home including by pedestrians crossing the Moors to get to Banbury Road bus

stops. A higher than normal proportion of these pedestrians will be by more vulnerable pedestrians e.g. people with mobility and visual impairments, those using wheelchairs, scooters etc.

“To help staff, residents and visitors get to and from the bus stops on Banbury Road more safely and comfortably, the alignment of the footway as it emerges from Banbury Road onto The Moors should be improved and proper dropped kerbs with appropriate tactile paving provided – this should be carried out as part of the new junction on The Moors (*The HLO attached a plan to illustrate what was required*)”

Traffic impacts

“Overall, the traffic impacts set out in the Transport Assessment accompanying the planning application appear logically calculated and acceptable. It is predicted that a maximum of 19 two way vehicle trips will be generated in the pm peak which we agree will have a very limited impact on the highway network – this additional traffic is unlikely to cause any significant capacity or safety issues at local junctions. However, please see above for details of a required change to the kerblines of the junction of the Moors with Banbury Road to reduce vehicle speeds turning left into The Moors

Walking and cycling

“Whilst the site is not very close to the centre of Kidlington, it is accepted that in terms of residents, there will be limited demand for them to walk to the shops and services that are located there. It is more likely that residents fit enough to make trips to the shops and library etc would be doing so on the bus, in which case there are bus stops within a very short walk of the care home – on the Moors and (for a much more frequent service) Banbury Road.

“The TA demonstrates that the care home is located within reasonable walking and cycling distance for a large area of the residential population of the northern part of Kidlington.

“8 cycle parking spaces are proposed for the site. Given that there are 70 bed spaces and 70 staff on a three shift pattern, and the site has the potential to attract a higher than average level of cycling by staff and visitors as a result of its location close to a large residential area with relatively high levels of existing cycling, this appears to be a very low number. The county council does not have adopted standards for cycle parking for residential care homes. It is considered that a minimum of 25 secure cycle parking spaces should be provided. These should be located more attractively than is shown on the site layout plan at present – it is shown on the far side of the car park from the entrance. For it to be as attractive as possible it should be directly outside the main entrance (or very close by). The details of the number, location and design of the cycle parking will need to be the subject of a condition attached to any planning permission should it be granted. The preferred design of the cycle parking would be for Sheffield type stands to be used spaced 1000mm apart and covered.

Bus services

“The proximity of a good choice of bus services to the care home will mean that staff will be able to travel to and from work by bus – at least during the day. Similarly, people visiting care home residents will easily be able to travel

by bus as long as they live within walking distance of the Oxford to Kidlington bus service – this covers a large area of population.

“However, the frequency of the bus service 2C and 2D drops off dramatically in weekday evenings and on Saturdays during the daytime and does not run at all on a Sunday. Given that staff need to travel to the care home 7 days a week, this will hamper staff from travelling to the care home by bus outside of weekday daytimes. Many visitors will want to travel to the care home at weekends. It is also likely that a reasonable proportion of visitors and staff will either be unable to drive or have no access to a car. Therefore, in the interests on ensuring access to the care home is as sustainable as possible right throughout the week, a contribution of £500 per bed space by means of a S106 agreement is considered to be reasonable to help improve the frequency/hours of operation of the bus services on the Banbury Road.

Bus shelter

“Up to two local buses per hour operate along the Moors, linking nearby villages and parts of Kidlington with its centre. The bus shelter facility should be replicated in a nearby location, once the necessary consents have been achieved for its relocation. The county council can assist with advice regarding a site meeting for the relocated bus stop, and in contacting the relevant stakeholders.

Travel planning

“To ensure as much travel as possible to and from the development is sustainable, the developer will submit a travel plan to the Travel Plan Team at Oxfordshire County Council, for approval before first occupation.

Drainage

“The planning application submission assumes that infiltration will be possible for the entire site and the drainage strategy is based on it. However there is no evidence that the infiltration potential of the ground will be suitable as no testing has been carried out. Ground water issues have also been mentioned in the flood risk assessment which may well affect the infiltration drainage solutions.

“In order to back up the strategy and eventual final design of the surface water drainage system, trial holes and infiltration tests will be required. To satisfy the county council a full drainage strategy will need to be submitted.

Construction Travel Management Plan

“A Construction Travel Management Plan will be required for this site.”

3.10 Ecology Officer: Comments as follows:

“The District Council should be seeking the advice of their in-house ecologist who can advise them on this application.

“In addition, the following guidance document on Biodiversity & Planning in Oxfordshire combines planning policy with information about wildlife sites, habitats and species to help identify where biodiversity should be protected. The guidance also gives advice on opportunities for enhancing biodiversity:

Other Consultees

3.11 **Thames Water:** No objections subject to condition

3.12 **Environment Agency:** No objections subject to condition

3.13 **Canal and River Trust:** “No comments”

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 2011-2031 Part 1

BSC 2: The Effective and Efficient Use of Land – Brownfield land and Housing Density Policy

BSC4: Housing Mix

BSC 10: Open Space, Outdoor Sport and Recreation Provision

ESD5: Renewable Energy

ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD 13: Local Landscape Protection and Enhancement

ESD15: The Character of the Built and Historic Environment

SLE4: Improved Transport and Connections

Adopted Cherwell Local Plan (Saved Policies)

TR1: Transportation funding

C28: Layout, design and external appearance of new development

C30: Design of new residential development

ENV12: Contaminated land

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015.

The Plan was the subject of an independent examination conducted by an Inspector appointed by the Secretary of State. The Inspector's report was published on 12th June 2015 and the recommended main modifications required to make the Plan sound have been included in the adopted plan.

The Plan provides the strategic planning policy framework and sets out strategic site allocations for the District to 2031. Now adopted, the Plan forms part of the statutory development plan and provides the basis for decisions on land use planning affecting Cherwell District.

The Local Plan 2011-2031 – Part 1 replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. Those saved policies of the 1996 adopted Cherwell Local Plan which are retained remain part of the development plan. These are set out in Appendix 7 of the Local Plan 2011-2031.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Local Plan and its associated documents are available on the Council's website:
www.cherwell.gov.uk

Although the consultation responses were submitted prior to the adoption of the Cherwell Local Plan 2011-2031 Part 1, Officers are satisfied that there has been no substantive change in the policy position that would result in a different conclusion being reached by any of the consultees.

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

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

R17 Allotments
TR3: Transport assessments and travel plans
TR4: Mitigation measures
TR5: Road safety
TR9: Cycle
TR11: Parking

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning History
- The Principle
- Design and Neighbour Impact
- Highway Safety and Parking
- Supplementary Highway Comments
- Other Matters
- Planning Obligations

Planning History

5.2 CHS.825/87 – Outline application for low cost housing – refused on the grounds that there was sufficient housing allocated and highway safety grounds in respect of the proximity of the access to the junction of The Moors and Banbury Road.

The Principle

5.3 Kidlington, along with all other settlements within the district, does not have a delineated boundary. Officers are, however, satisfied that notwithstanding its edge of village position, it is reasonable to conclude that the site lies inside the built up limits of Kidlington. Aside from its position between housing, the site, and indeed the majority of the rest of the village, has been excluded from the Oxford Green Belt.

5.4 Having established that the site lies within the settlement boundary, the first test the development needs to overcome is the principle of allowing a change of use. In the absence of any relevant saved development plan policy, when considering the loss of allotment land, the Council relies on Policy BSC10 of the Cherwell Local Plan 2011-2031 Part 1 (CLP2031) and Policy R17 of the Non-Statutory Cherwell Local Plan (NSCLP).

5.5 The remit of Policy R17 of the NSCLP which specifically seeks to protect allotment land, reads as follows:

DEVELOPMENT ON ALLOTMENT LAND WILL NOT BE PERMITTED UNLESS IT CAN BE DEMONSTRATED THAT:

(i) REASONABLE REPLACEMENT CAN BE MADE IN A SUITABLE LOCATION; OR

(ii) THERE IS NO DEMAND FOR THE ALLOTMENTS AND EXISTING ALLOTMENT PROVISION IN THE AREA IS SUFFICIENT; AND

(iii) THE LAND IS NOT OF VALUE, OR POTENTIAL VALUE TO THE COMMUNITY, TAKING INTO ACCOUNT THE ADEQUACY OF OPEN SPACE PROVISION IN THE AREA.

5.6 Whilst the general thrust of the guidance set out in Paragraph 74 of the NPPF, which focuses on open space and community assets, reflects the above policy, it is less onerous in that there is no requirement to assess the 'value or potential value' to the community land as set out bullet point (iii) of Policy R17. Given the relative planning weight that is attributed to the two documents (i.e. the NPPF takes precedence over the NSCLP), it is considered that the principle of development is acceptable providing that the applicant demonstrates that there is either a lack of demand or that an appropriate alternative is made available.

5.7 In their submission, the applicant's agent states that all the allotment holders have been found alternative plots at either the Station Fields or Bicester Road sites. Given the close proximity to Station Fields (Bicester Road is approximately 2.5km away and abuts the eastern edge of the village) unsurprisingly most people elected for the closest option. According to the applicant the allotment holders all got their preferred location. There have been no public comments that would bring the validity of this statement into question (other than one objector asking that the *status quo* remain unaltered).

5.8 As regards the provision of allotments, the applicant provided the following table of existing plots within or abutting the village:

Allotment Site	Number of Plots
Station Fields	47
Yarnton Road	44
Hazel Walk	29
Blenheim Road	13
Bicester Road	35
Total	168

- 5.9 Although the closure of the Gravel Pits site resulted in a loss of 22 plots, the Parish Council added an additional 58 plots during 2014. This figure, however, includes the Bicester Road site which only benefits from a temporary permission (land forms part of Parish Council's new cemetery). The remaining 23 plots resulted from an 'extensive site clearance' at the Station Fields site which doubled the number of plots available.
- 5.10 The applicant acknowledges that for the purposes of calculating whether there are sufficient plots to meet the needs of a settlement the size of Kidlington, it could not justify the inclusion of the plots at the Bicester Road site. The National Society of Allotment and Leisure Gardeners (NSALG) suggest that there should be a minimum national standard of 20 allotments per thousand households. The applicant estimates that there are approximately 6,000 households in Kidlington (the census reveals that there were 5,542 households in 2011). Whilst no information has been provided in respect of plot size, officers, including the Planning Policy Officer, are nonetheless satisfied that enough evidence has been provided to conclude that Kidlington retains sufficient allotment space and that the development therefore accords with Government guidance contained within paragraph 74 of the NPPF.
- 5.11 Turning to the issue of whether a care home would be appropriate in this location; this is assessed against Policy BSC4 of the CLP2031 which has replaced Policy H4 of the CLP. Both these policies advise that the needs of the applicant's target market should be in *suitable locations close to services and facilities* (Policy BSC4). Policy BSC4 also emphasises the current and growing demand for such accommodation (paragraphs B.124 and B.125) - a needs report commissioned by the applicant, which analysed the local market, confirms that there is a strong market for care home accommodation in the Kidlington area.
- 5.12 Whilst within one of the most sustainable settlement in the district, its location on the northern edge does not make it particularly accessible to many local community facilities, which are mainly centrally located. However, given that the business would target the frail and those with dementia, it is unlikely that any of the future residents are going to leave the confines of the home, on foot, to visit local amenities.

- 5.13 In terms of accessibility for those working at the care home and those visiting their relatives, the site enjoys good road links and is accessible by public transport. Officers are therefore satisfied that the principle of a care home in this location is acceptable and accords with the aforementioned policy.
- 5.14 Although the Planning Policy Officer confirms the current five year housing land position (5.1 years with a 5% buffer) and that the Council therefore has a defensible position, approving this application would help to further bolster the Council's figures. This is because, following the introduction of the Planning Practice Guidance last year, the Government now allows local authorities to include C2 care facilities when calculating their five year housing land supply (Paragraph: 037 Reference ID: 3-037-20150320). Another benefit of the proposal is the new employment opportunities that would be created, including the addition of 70 jobs (full-time equivalent) at the care home.

Design and neighbour impact

- 5.15 The Council's Design and Conservation Officer (DCO) raised a number of concerns in respect of the originally submitted scheme. Whilst it could not be said to be a sensitive part of the built environment (the site is not in a conservation area or within the setting of a listed building) the DCO criticised the fact that it would not make as positive a statement in this part of the village as it perhaps could. She also picked upon some of the detailing and design elements which were open to improvement. Most notably criticism was levelled at inconsistencies between the various roof pitches, the lack of natural light to the main corridors and an absence of contextual plans and appropriate justifications.
- 5.16 In response, the applicant revised the scheme in an attempt to address the DCO's misgivings. The applicant summarises the changes as follows:
- The roof form has been revised to equalise the roof pitch throughout.
 - The ridge lines to the roof have been lowered.
 - The roof in the north west corner has been lowered. This creates a lower eaves and ridge line with dormer windows facing the car park.
 - The northern quiet lounge has been relocated on the plan to allow more daylight to the corridors.
 - Extensive internal glazing has been introduced into the day space internal walls to allow more daylight in the corridors.
 - The northern quiet lounge now benefits from a larger, wider bay window to allow more light.
 - Bay windows have been added to bedroom 3, 6 & 9 to justify the gable to these elevations.
- 5.17 The DCO welcomed a number of the revisions and the further design justification contained within the supplementary design and access statement. However, it was felt that further minor modifications could be made to improve the appearance of the building. Following the receipt of these final revisions, it has been concluded that the development accords with Policy C28 of the CLP, Policy ESD15 of the CLP2031 and Government guidance contained within the NPPF.

- 5.18 As regards neighbour impact, there are windows in the side elevation of 222 The Moors that face into the site. However the minimum distance to the western elevation of the care home is 28m, well beyond the required 22m set out in the Council's Home Extensions and Alterations Design Guide (2007). The proposed boundary treatment and tree planting on the site's eastern boundary should help to mitigate any disturbance from the parking area. As mentioned previously, this neighbour's rear garden is already well screened from the development site by a row of leylandii trees. It is however considered necessary to ensure that the first floor windows in the facing northern wing of the care home are obscurely glazed in order to ensure that the amenities of these neighbours are protected in perpetuity (this elevation of the building is within 5m of the boundary).
- 5.19 The closest properties to the east would be less affected given the topography and the limited number of facing windows. Obscure glazing is however recommended in the first floor of the eastern elevation of the north wing to ensure that the amenities of the occupiers of 214 The Moors are not compromised.
- 5.20 With these conditions in place, and in the absence of any other neighbours that would be unduly affected, it is concluded that the development would accord with Policy C30 of the CLP and the NPPF.

Highway Safety and Parking

- 5.21 Those members of the public who took the opportunity to comment on the proposal flagged highway safety concerns as the principal issue with the application. They argue that there would be potential conflict with the track running along the site's eastern boundary which provides access to three properties and a camping site, and the vehicles exiting Briar Close (which also serves Briar End). Objectors also cite the 1987 refusal (CHS.825/87 refers) for low cost housing on the site. One of the reasons for refusal was on highway safety grounds (proximity of the access to the junction of The Moor and Banbury Road). It has been further suggested that it would be preferable to access the site from Briar Close/Briar End which it has been previously established, as part of the original permission, could accommodate more traffic associated with a new housing development.
- 5.22 The Highways Liaison Officer (HLO) reaches a different conclusion arguing that the new access junction would actually represent an improvement in highway safety terms. This is because the scheme would require a reconfiguration of the road layout resulting in the loss of a bus lay-by (these works would be delivered by a S278 agreement). The lay-by is misused by many drivers as they avoid the adjacent speed hump – this is something that would not be possible with the revised highway arrangement proposed. Safety would also be improved by a required reworking of the junction of the Banbury Road and The Moors which would reduce the speed of vehicles turning left onto The Moors from the Banbury Road (it is worth noting that the 1987 refusal pre-dated a change in the speed limit on Banbury Road). Improvements to the pavement linking the site to the bus stop on the Banbury Road are also being sought.
- 5.23 The HLO is satisfied with the proposed parking provision although contributions are being sought to improve the frequency of the bus services in the area, during weekday evenings and at the weekend, to ensure that those wishing to

travel to the care home by public transport are able to do so outside normal working hours. The HLO is recommending that a minimum of 25 secure cycle parking spaces are provided (the applicant only calculated a need for 8 spaces) in order cater for the expected higher than average number of people (visitors and staff) that are likely to cycle to the care home. The cycle parking would be secured by condition.

- 5.24 Following revisions to the scheme, based on the comments made by the HLO and subsequent discussions with the applicant's transport advisor, officers are satisfied that the scheme complies with Policy TR1 of the CLP, transport policies set out in the NSCLP and Government guidance contained within the NPPF relating to parking and highway safety.

Supplementary Highways Comments

- 5.25 Following last month's Planning Committee, the applicant's highways consultant forwarded a supplementary assessment in the form of a letter (appendix 2) which reiterated the benefits of the proposed development in respect of the traffic calming measures that would be introduced. It also highlighted that the care home would produce a relatively limited number of car journeys and would therefore not bring it into conflict with either the access to 222 The Moors and the access serving 208, 214 and 216 which also attract a limited number of movements.
- 5.26 The consultant also contended that the refusal of an application for housing on the allotment site in the 1980s on highway safety grounds was of little relevance, because not only would the care home have fewer movements but the road conditions had changed significantly in the intervening period of time, which has resulted in vehicles travelling at significantly reduced speed along the Moors. In response to this letter the HLO simply stated that there was nothing in the supplementary information that would lead them to change their opinion i.e. that the proposed access is acceptable.
- 5.27 A letter from the Parish Council (appendix 1) also highlighted the highway improvements but also stressed that an access from Briar Close would be undesirable. Not only would the Parish Council be liable to pay 3rd parties for a ransom strip for land to form an access outside their control, they also flag the fact that although ambulances responding to an emergency would be limited (given the facilities that would be available at the care home) it would be safer to have a direct access on to The Moors rather than have ambulances and other traffic pass through a residential cul de sac.
- 5.28 Officers concur with the HLO's recommendation that the proposed scheme remains acceptable in highway safety terms. The additional supporting information (appendices 1 and 2) hopefully addresses the misgivings raised by Members at last month's Planning Committee.

Other Matters

- 5.29 Given the former use as a gravel pit, the applicant was advised to submit a report assessing the potential contaminated land risks. The Council's Environmental Protection Officer (EPO) is happy with the scope of the report and its recommendations (further investigative works required). As for air quality, the EPO notes the proximity to the A4260 but as the traffic generation figures contained within the transport assessment are not queried by the HLO it

has been concluded that this matter can be dealt with as part of the construction environmental plan condition rather than requiring an air quality assessment at the application stage. The development therefore accords with Policy ENV1 of the CLP.

- 5.30 The Council's Ecologist was pleased with the approach taken by the developer in providing all the preliminary ecology reports, including updates to the pre-app surveys of the site. Although further investigative work would be needed, the Ecologist describes the suggested biodiversity enhancement as 'generally good'. On the basis of this assessment and subject to condition it is therefore concluded that the development accords with Policy ESD10 of CLP2031 as well as the NPPF and the relevant EU directives.
- 5.31 There are a number of trees on and abutting the site. However as most are considered to be of little value, the Council's Arboriculturalist only concern, other than ensuring that the trees outside the red line aren't unduly affected during construction, was that the tree identified as T1 (a sycamore in the south west corner of the site) should be retained. The applicant has amended the scheme accordingly.
- 5.32 The Landscape Officer is largely supportive of the proposal stating that there is *a good mix of 'public' and 'private' provision with the opportunity for horticultural therapy*. The one negative observation was the absence of much planting on the boundary with The Moors. The retention of the sycamore as part of a minor revision to the landscaping scheme would address this criticism.

Planning Obligations

- 5.33 Cherwell's financial contribution requirements can be dealt with by condition (bins). The County Council originally sought a total of £35,000 (£500 per unit of accommodation) – see section 3.9 above - which following discussion with the applicant was eventually lowered to £28,000 (£400 per unit). In addition, £6,000 has been earmarked to contribute to a replacement bus shelter. £1,240 is required to monitor the travel plan. Other works to improve the road layout, referred to under the sub-heading Highway Safety and Parking above, would be dealt with by a S278 agreement.

Consultation with applicant

- 5.34 Good communications were maintained with the agent to ensure that the issues that arose during the application process were successfully dealt with.

Conclusion

- 5.35 With the additional highway safety justification in response to concerns raised by Members and subject to a satisfactory S106, this application is recommended for approval as it is concluded that the development accords with the policy set out in section 4 of this report.

6. Recommendation

Approval, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the County Council to secure financial contributions as outlined in paragraph

5.33,

b) the following conditions:

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

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

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

Transport Assessment produced by Axis and dated April 2015;
Preliminary Land Quality Risk Assessment produced by SLR and dated February 2015;
Preliminary Ecological Appraisal produced by SLR and dated February 2015;
Flood Risk and surface Water Drainage Statement produced by SLR and dated April 2015;
Design and Access Statement dated 20 April 2015;
Supplementary Design and Access Statement dated June 2015;
Landscape Design Statement produced by Alsfa and dated 13 April 2015;
Arboricultural Assessment and Protection Method Statement produced by ACS Consulting and dated 15 April 2015;
Statement of Community Involvement;
Planning Policy Statement;
Comprehensive Market Survey produced by Carterwood and dated December 2014

and the following approved plans: 14-078-100 Rev. B; 14-078-110 Rev. P; 14-078-120 Rev. P; 14-078-121 Rev. N; 14-078-135 Rev. C; 14-078-150 Rev. D; 14-078-151 Rev. D; 14-078-152 Rev. D; 14-078-160 Rev. A; 706 001 Rev. C.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance 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 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.

- 4 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, 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.

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

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

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

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

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

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

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

- 7 Prior to the first occupation of the development hereby approved, details of refuse bins and their housing shall be submitted to and approved in writing by the Local Planning Authority. The approved bins and housing shall be provided prior to the first occupation of the building.

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.

- 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) Applicant to confirm in writing the contact and qualification details of the project arboriculturalist employed on behalf of the Applicant to undertake the supervising and monitoring 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

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 Retained Trees

a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local

Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the decision notice.

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.

- 11 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, vision splays and pedestrian provision 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.

- 12 Prior to the commencement of the development hereby approved, full details of improvements to the pedestrian route between the development and Banbury Road 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 - To ensure safe and suitable access to the development for all persons.

- 13 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and 32 parking spaces within the curtilage of the site, arranged so that motor vehicles (including refuse, fire tender and delivery vehicles) may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of adequate off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

- 14 Prior to commencement of the development, full details of the number, location and design of cycle parking serving the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme prior to the first occupation of the development.

Reason - To encourage as much cycling to the development by staff and visitors as possible in accordance with the national Planning Policy Framework.

- 15 The developer will submit a travel plan to the Travel Plan Team at Oxfordshire County Council, for approval before first occupation.

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

- 16 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason: in the interests of highway safety and consideration for local residents

- 17 Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the 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 or the translocation of any reptile, a strategy for the translocation of reptiles, which shall include the identification of receptor sites, any management scheme or landscaping and the arrangements for implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out strictly 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 ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance

contained within the National Planning Policy Framework.

- 19 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 health and safety reasons in the case of a dangerous tree, or 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 ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 20 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, the results of an updated walkover survey for badgers (no older than three months), whether a development licence is required and where necessary the location and timing of the provision of any protective fencing around setts/commuting routes or other mitigation, 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 details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 21 Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a full scheme of enhancements for biodiversity on site including locations and types of habitat boxes, timing of provision, planting and management as appropriate with reference to Section 6.5 of the Ecological Impact Assessment, prepared by SLR, dated June 2015, 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 conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

- 22 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development;

and in order to avoid adverse environmental impact upon the community.

- 23 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.

- 24 If contamination is found by undertaking the work carried out under condition 23, 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.

- 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 The external lighting scheme 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 details.

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.

- 28 That the first floor windows in the western (facing the rear garden of 222 The Moors) and eastern elevation (facing the side elevation of 214 The Moors) of the northern wing shall be glazed at all times with obscured glass that achieves a minimum of level 3 obscurity and shall be non-opening below a height of 1.7 metres taken from internal finished floor level. The window shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason - To safeguard the privacy and amenities of the occupants of the neighbouring properties and to comply with Policy C30 of the adopted Cherwell Local Plan.

Planning Notes

1. Please note 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 frontage owners' 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.

For guidance and information on road adoptions please contact the County's Road Agreements Team on 01865815700 or email Road.Agreements@oxfordshire.gov.uk

2. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 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.