

**Site Address: OS Parcel 6920 East of
Oxford Road and Adjoining and South of
Canal Lane, Bodicote**

14/01888/F

Ward: Bloxham and Bodicote

District Councillor: Councillors Heath and Thirzie
Smart

Case Officer: Caroline Ford

Recommendation: Approval

Applicant: Taylor Wimpey Oxfordshire

Application Description: Erection of two local centre buildings – one to contain four apartments (3 X 2 bed and 1 X 1 bed) over one retail unit and a surgery and the other to contain four apartments (2 X 1 bed, 1 X 2 bed and 1 X 3 bed) over three retail units and a nursery

Committee Referral: Major

Committee Date: 3 September 2015

1. Site Description and Proposed Development

- 1.1 The site sits within the development site now known as Longford Park currently under construction on the edge of Bodicote. The site was granted outline planning permission under 05/01337/OUT on the 30 September 2009 on the completion of the required S106 agreement for up to 1070 dwellings and associated facilities. Following the grant of planning permission, a Design Code and Masterplan were approved and a number of reserved matters applications have also been approved allowing commencement of building on site. The Design Code identifies two areas that would be subject to development the Plateau (to the south of the site adjacent to Bodicote) and Haynesbridge (to the north of the site adjacent to Bankside). Within the plateau area of the site is provision for a local centre consisting of local shopping provision which is also to sit within proximity to the school, community centre and the main village centre. The site subject to this application is within the area set aside for a local centre within the Design Code.
- 1.2 In terms of site constraints, the site is within an area of high landscape value and there is some potential for the land to be contaminated, however there are no other specific site constraints. The outline application was accompanied by an Environmental Impact Assessment, which assessed the environmental implications of development on the site as a whole.
- 1.3 The proposal the subject of this application is for the local centre buildings consisting of retail units, a surgery and a building for a nursery as well as residential provision at first floor within two buildings. The proposal has been amended through the processing of the application in order to provide a scheme that now consists of the accommodation set out within the description of the development (which includes a greater number of apartments than was originally sought), and for an amended scheme which has improved the design of the buildings proposed and which overall has sought to overcome the objections and design comments originally received. Whilst the proposal is a full application, the Design Code has been a key consideration in the assessment of this proposal given the village square as a whole is an integral part of the wider site.
- 1.4 The application has been submitted as a full application for planning permission due to the proposal being a variation from that allowed for under the outline permission in terms of the planning conditions imposed at the outline stage. This being the case and because it constitutes major development, the application must be reported to Planning Committee for determination rather than being delegated (as all reserved

matters have been).

Planning History

- 1.5 The wider site is subject to an application for outline permission as below:
05/01337/OUT – Approved – OUTLINE. Residential development with associated facilities including primary school, playing fields, local shops and community facilities. 2200sq.m of employment provision (Use class B1 Business) (as amended by further information document received 10.11.05).

The timescale for submission of reserved matter proposals for the site expires in September 2015.

Reserved matters permission has been granted for a number of Parcels as below:
13/00822/REM – Approved - Reserved Matters Application - (05/01337/OUT) - 215 Units (this area of the site has been constructed and occupied).

14/00843/REM – Approved - Reserved matters to outline application 05/01337/OUT - 90 dwellings (this area of the site is under construction)

14/00917/REM – Approved - Reserved matters to outline application 05/01337/OUT - erection of 193 dwellings, access, appearance, landscaping, layout, scale, drainage and informal open space (this area of the site is under construction)

14/02148/REM – Approved - Reserved matters (outline - 05/01337/OUT) - Erection of 125 residential dwellings and their associated roads, drainage, landscaping, scale, appearance, garaging and parking

There are 3 other reserved matter proposals pending consideration for the balance of the residential units across the site.

There are also a number of applications for non-residential development across the wider site, which have either been approved or are currently pending consideration including:

- 14/00702/REM – Approved – Proposed spine road
- 14/01833/REM – Pending – Details of the proposed community park adjacent to Bankside, including play, recreation, education and biodiversity features, a footpath, and cycle network and other public amenities
- 14/01830/REM – Pending – Details of the proposed sports changing pavilion adjacent to the sports pitches, including 29 associated car parking spaces and 2 coach bays
- 14/01837/REM – Pending – Proposed community hall and youth wing, including 16 associated car parking spaces and 6 recycling bins
- 14/01835/REM – Pending – Details of the proposed village square including 44 public parking spaces and landscaped public open space
- 14/01841/REM – Pending – Proposed commercial units for B1 use adjacent to the Oxford Road, including 65 associated parking spaces
- 15/00047/REM – Pending – Proposed public house and 45 associated parking spaces

- 1.6 The wider site was subject to an Environmental Assessment which accompanied the 2005 application for outline planning permission. The current application is for full permission, therefore it has been screened separately and it is concluded that the proposal is not EIA development but that sufficient Environmental Information is before the Council in the form of the original Environmental Statement and an updated Ecological Assessment submitted pursuant to this permission.

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 26th August 2015. The reason for this consultation deadline date is that at the time of the first round of consultation, there were few occupations on site, however it is understood that Parcel A (adjacent to this site) is almost now completely occupied so consultation has been undertaken to ensure that new residents are aware of this application.

At the time of writing this report 1 letter has been received. The following issues were raised:

Noise concerns during the building work

Traffic – including the proposed accommodation and the increased traffic at certain times of the day along Longford Park Road

Impact upon properties closest to the amenities

Parking is already occurring on the road and this should not increase

Has adequate parking for the uses within the village centre been taken into account?

3. Consultations

- 3.1 **Bodicote Parish Council:** First response raised no objections. Second response objected to the proposal as they object to the whole development but have nothing further to add.
- 3.2 **Banbury Town Council:** No objections raised. Second response received again raised no objections.

Cherwell District Council Consultees

- 3.3 **Urban Design Officer:** Comments were provided by the Urban Design Officer in relation to the village centre as a whole in terms of the original submission. It was highlighted that the Code requires the area as a whole to act as one of the most important spaces at Longford Park. The required scale (3 storey) is highlighted, the need for key buildings, the position of buildings on the site and the need for consideration as to the relationship of the built form and open space combine to make a space. Concerns raised that the proposal had significant design issues and that there were variances with the Code.
- 3.4 **Housing Officer:** Initial response advised that he had no objection to the proposed mixed use development. Whilst this is a full application, the wider Bankside development must be taken into account when considering the impact of the proposed residential as part of this application. The applicant has proposed 5 flats above shops, which should incur an affordable housing provision. However given the affordable housing provision being delivered across the various Bankside parcels currently either under construction or under consideration, it is felt that to secure affordable rented housing as part of this application is not appropriate. The type of properties do not suit a comprehensive management approach from an RP given they are located above the shops, as well as future use issues which may be constrained by a leasehold agreement with the RP. Shared ownership of these units could be an option but only if all units were under that tenure. Therefore he is content to not require an affordable housing contribution in this exceptional and unique circumstance.
- 3.5 **Arboricultural Officer:** There are no trees on site which will be affected by the proposals. Details of any new tree and hedge planting are required.

- 3.6 **Landscape Officer:** Initial response advised that the village square should be considered as a whole and the area lacks detail and design.
- 3.7 **Ecology:** The submitted ecological report is sufficient to cover this area. The works should adhere to the mitigation measures outlined in section 6.1 of the ecological report. In addition it is expected that there should be biodiversity enhancements for these buildings. Although the ecological report states that enhancements are covered elsewhere, there is no information in relation to these smaller applications. What will be planted around the buildings? There are opportunities that could be taken and planting should maximise benefits from biodiversity. The inclusion of some bird boxes preferably within the fabric of the buildings to ensure their retention is a recommendation. Conditions are recommended.
- 3.8 **Environmental Protection Officer:** No objection with regard to land contamination and a planning note is recommended.

Oxfordshire County Council Consultees

3.9 **Initial Oxfordshire County Council response:**

Transport: Objection raised based on construction traffic, parking (allocated for the residential units and of a sufficient size), cycle parking (none shown and required), drainage (lack of details), servicing, the lack of tracking for servicing vehicles, no refuse storage demonstrated and the layout (discrepancies between different plans).

Travel Plans Team: A framework travel plan is required, either to feed into an existing plan or a new document. The individual retail units, nursery and surgery will require full travel plans and a monitoring fee will also be required.

3.10 **Second Oxfordshire County Council response:**

Transport: Objection raised and some issues originally raised in relation to the lack of the provision of cycle parking, the lack of information relating to refuse storage and the lack of information relating to parking allocation for the residential units have not been addressed. Due to the constraints of the site, these must be addressed prior to determination as it must be clear that the development works and that these matters can be sensibly accommodated.

There are still some discrepancies in relation to the proposal and the approved spine road layout, which needs to be addressed. The tracking of vehicles in and out of the two yards was reviewed as part of the spine road application. Because it could not be shown that large vehicles (which typically deliver to convenience stores) could enter and exit the yard for the convenience store and surgery premises due to the constraints of the spine road, it was agreed that a service bay capable of accommodating large articulated lorries could be located on the spine road outside the front of the building. This has not been shown on the layout plan. The plan should be revised to show the route that the deliveries will take into the store once offloaded. As there is no access path from the front to the back of the store, the only alternative seems to be on the footway around the corner and into the service yard, but this could interfere with pedestrians and people waiting at the bus stop, so would not be acceptable. With regard to the retail and nursery building, the developer has asserted that no vehicle larger than a 7 tonne panel van would be used, and tracking has been provided to show that this can enter and exit from the spine road and turn around within the service yard.

It is assumed that parking within the rear yards is for the residential units and staff; however these spaces have not been allocated. The layout plan should be revised to

show the allocations. Gates need to be shown onto the yard to the rear of the nursery and this parking area should be protected to ensure it is protected from use for the nursery drop off given this would be suitable within a service yard. Access arrangements for the nursery are needed.

This development should have secure cycle parking for residents and staff. Bin Storage needs to be indicated.

The same travel plan comments are made as to the original response and it is further advised that the framework travel plan must set out a servicing and delivery plan which individual occupiers will need to adhere to and reflect in their travel plans. This must set out the maximum sizes of vehicles that can be used, acceptable times for delivery (so as not to interfere with peak times for other uses) and routes to be taken through the development.

- 3.11 **Councillor Mark Cherry:** Is there going to be adequate parking provided for this area? Furthermore, will there be a viable or subsidised bus service in place to get elderly people to the doctors surgery who do not drive. Will a legal agreement be needed?

Other Consultees

- 3.12 **Thames Water:** No objection with regard to sewerage or water infrastructure capacity. Planning note recommended in relation to water pressure. Second response provided the same advice
- 3.13 **Environment Agency:** The proposal has been assessed as having a low environmental risk and so no objections are raised.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan 2011-2031

SLE2: Securing Dynamic Town Centres
ESD15: The Character of the Built and Historic Environment
Banbury 4: Bankside Phase 2

Adopted Cherwell Local Plan 1996 (Saved Policies)

C28: Layout, design and external appearance of new development
C30: Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Non Statutory Cherwell Local Plan:
Policy H10: Banbury Urban Extension: Land off Bankside

5. Appraisal

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

- Relevant Planning History and principle of the development
- Compliance with the Design Code
- Design and Visual impact
- Neighbour impact
- Highway safety
- Ecology

Relevant planning history and principle of the development

- 5.2 The application site forms part of the wider mixed use development at Bankside, Bodicote/ Banbury (now known as Longford Park). Outline planning permission was granted, subject to conditions and a Section 106 Agreement for up to 1070 dwellings with associated facilities including primary school, playing fields, local shops and community facilities. 2200sq.m of employment provision in September 2009 (05/01337/OUT refers). The local centre is considered to be a supporting use that meets the increased needs of the new residents.
- 5.3 The site was allocated for development by Policy H10 of the Non Statutory Cherwell Local Plan, which stated that development in this location would be acceptable providing a number of criteria were met including the need for the development (vii) to 'provide the opportunity for an appropriate range of local shopping facilities...'. The accompanying text advises that 'a fine grained mixed use centre will include small scale (i.e. no single employment unit being larger than 500 square metres) employment generating development and a mix of land uses, including local retail and primary health care facilities, adjacent to the public transport route on Oxford Road. Retail development of a scale greater than that to serve the day to day needs of the neighbourhood will not be acceptable'. It has always been anticipated therefore that a local centre would be provided on this land.
- 5.4 The newly adopted Cherwell Local Plan 2011-2031, includes Policy SLE2, which seeks to secure dynamic town centres by focussing retail and other main town centre uses towards the town centres of Banbury and Bicester, however it allows for the provision of new local centres containing a small number of shops of a limited size within the housing allocations on strategic sites within the Plan. Whilst the permitted Longford Park site is not allocated in the plan (an extension to it is – Banbury 4 – Bankside Phase 2, which is identified as benefitting from the provision of new services and facilities within Phase 1), the principle of local centres on strategic sites is supported by current adopted local policy.
- 5.5 The NPPF includes the presumption in favour of sustainable development and explains the three dimensions to sustainable development being, it's economic, social and environmental roles. It encourages sustainable economic development to deliver the homes, business and thriving local places that the Country needs and it seeks to promote healthy communities by ensuring that planning decisions 'plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments'. It is considered therefore that national policy is supportive of local service provision and that this has a role in making new developments and communities sustainable places.
- 5.6 The outline planning permission included a condition to restrict the A1 retail units to one unit of a suitable size to accommodate a convenience store of between 200m² and 400m² and two other units of no more than 150m². It allowed for a maximum of 4 other A1 retail units to be provided of no more than 150m². It stated that they must not be amalgamated or mezzanines inserted. There was also a planning condition on the outline permission to allow for residential development within the mixed use area (no more than 75% of the proposed floor space and no less than 50% of the overall

floor area). The S106 for the site requires the local shopping area to be marketed from the date of the first occupation any dwelling within Area B (the Plateau as a whole) until the date of first occupation of 1000 dwellings. It also requires the construction of the units to be within a reasonable timescale agreed with the District Council with the prospective purchaser/ tenant identified by the marketing.

- 5.7 As explained, the proposal varies from the outline permission in terms of the compliance with the planning condition (in terms of floor space). One unit is provided to be of a size suitable for a convenience store (381m²) with three other retail stores (each of 95m²). These units all comply with the outline permission condition. A nursery unit is also proposed (of 322m²) and a surgery (of 186m²) – these uses are also required to be marketed. It is considered that the uses proposed and the floor space for each are reasonable, represent a small scale local provision that will support the future residents on this site and which will support the sustainable nature of this site. The proposal has considered other aspects of the outline permission (for example in terms of the height restriction – no building is more than 12m in height) and the Design Code.
- 5.8 It is therefore considered that the general principle of this proposal in terms of providing the local provision of a small number of shops and other facilities is acceptable in principle.
- 5.9 The application as currently submitted proposes ‘retail’ units and the plans are marked as such. A retail use falls within Class A1 of the Use Classes Order and this use is acceptable within a mixed use area due to it commonly being low impact in terms of impact upon nearby residential properties. There are a number of uses that fall within A1 including shops, hairdressers, sandwich shops etc. therefore it is possible for a successful local centre to result. However it is common for local centres to include other uses such as restaurants/ hot food takeaways. In this case, no information has been provided in relation to how any of these type of A3/ A5 uses would be accommodated (in terms of ventilation for example and the small retail units are very small in size). Therefore, it is considered appropriate to impose a condition to restrict the use of the units to A1, which would also mean that permitted development rights could not be used to change the use of the building without permission. Should there be interest in using a unit in the future for a different use, then planning permission would be required and an assessment of that use could be made at that point. A condition is recommended to stop the small units being amalgamated or mezzanine floors inserted to ensure that the number of retail units remains as proposed and to keep them to a scale that is reasonable in terms of serving the local community. It is also considered appropriate to restrict the use of the nursery and surgery units to a D1 use for the same reasons.
- 5.10 The Environmental Statement assessed development across the site as a whole including the implications of local retail provision on this site and it did not identify any significant social and economic issues with this. The information contained within the Environmental Statement is considered to be up to date for the purposes of considering this application and the ecological assessment submitted will be considered later in this assessment.

Compliance with the Design Code

- 5.11 Whilst the application has been made for full planning permission, the site is an integral part of the wider site granted outline planning permission and so the Design Code has been the starting point for the consideration of this application. The site sits within an area of the site known as the ‘Plateau’ according to the Design Code. The Code indicates a local centre and village square that is one of the most important spaces at Longford Park with greater building heights to create a sense of enclosure to the civic space. It advises that the distribution of uses requires consideration as this will influence movement patterns and the block structure of the whole area. In

respect to the non-residential building within the village centre, the Code advises that the aim is for the buildings to create a civic frontage to the square, with at least part of the building frontage to sit on the back of the pavement line. Pedestrian desire lines should be prioritised rather than rear parking courts and active frontage with windows that overlook the square are encouraged.

- 5.12 The applicant has looked at the village centre as a whole and the uses therein however has submitted a number of separate applications rather than one cohesive proposal for the whole area. This has caused challenges in terms of assessing all proposals in terms of meeting the Design Code requirements as a whole, however Officers are satisfied that on balance and following the submission of a landscaping scheme for the area as a whole for this current application, it is possible to consider this application (for the local centre buildings) as a separate proposal. Whilst there are outstanding matters to be resolved in relation to this proposal and the rest of the local centre area, it is considered that amendments can resolve the outstanding concerns and that overall the local centre will be a successful place with parking, landscaping and a civic space provided that will comply with the Code overall.
- 5.13 The proposal has also made changes to the layout of uses within the area as a whole compared to the distribution of uses indicated within the Design Code. This has involved relocating the community centre, the retail provision and the ecumenical land (but remaining within and related to the village centre as a whole) and the principle of this amendment in the distribution of uses is considered to be acceptable.

Design and Visual impact

- 5.14 Not only is there a Design Code that the proposal must be assessed against, there is also the need for Local and National Planning Policy to be considered. The NPPF makes it clear that good design is a key aspect of sustainable development. It states that Local Planning Authorities must aim to ensure that developments establish a strong sense of place, to function well and add to the overall quality of the area and to respond to local character and history. At the local level, saved policy C28 of the Adopted Cherwell Local Plan 1996 states that 'control will be exercised over all new development, including conversions and extensions to ensure that the standards of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of that development'. Policy ESD15 of the Adopted Cherwell Local Plan 2011-2031 advises that design standards for new development whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of built development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits.
- 5.15 As described the buildings have been designed with regard to the Design Code and what this seeks to achieve in relation to the village centre as a whole. The design of the buildings has been amended through the processing of this application in order to achieve a suitable proposal for this site in the view of Officers. The scale and height of the buildings has been increased over the original scheme, which allows for the sense of enclosure sought by the Code to be achieved. Both of the proposed buildings have a relatively formal arrangement and appearance (taking into account the parapets that are proposed as well as the balanced fenestration and the entrance features and store frontages that are proposed), but one which it is considered will be an acceptable form of development in the village centre and which is designed to be suitable for the mixed use that it will accommodate (both retail and residential). Both buildings will have their principle accesses to all units from the village square and active frontage is provided with windows overlooking the square. The positioning of the buildings is considered to be acceptable with the western building being close to the back edge of the footway and the eastern building being set slightly back to allow for some landscaping, which it is considered will be beneficial to the area as a whole. The outside space to the rear of the buildings is tight, however will provide some

servicing, parking (for staff and residents of the apartments only) and some limited outside space for the nursery building. Landscaping within the wider village centre area is to be considered under the separate application for the village square (14/01835/REM). As explained, it would have been more desirable for the village centre as a whole to be considered as one application, however the applicant has chosen to submit the applications separately and the proposal must be determined on its merits. Officers are satisfied that as all applications are being considered at the same time and so are being assessed as a whole area, the overall visual impact including landscaping can be appreciated and understood.

- 5.16 The building proposed to the east of the village centre (proposed to contain the nursery) has a wide span to its northern elevation (at around 16m) and this is proposed to be broken up by a projecting side gable feature. In principle the addition of this to break up the wide span is considered appropriate, however its current arrangement with the projection being a minimal distance has resulted in a rather contrived roof form when viewed from the front and amendments have been sought and are awaited to address this. Otherwise, the building design is considered acceptable for the function that it will be used for – commercial at ground floor and residential predominantly at first floor (other than the nursery element at first floor). The rear elevation and servicing yard of the building can be largely screened from view by way of boundary enclosures and the first floor rear elevation is considered to be acceptable visually where views are gained above the boundary enclosures.
- 5.17 The building proposed to the west of the village centre (to contain the convenience store and surgery provision) also has a rather wide span to both side elevations. However in respect to the side elevation fronting the spine road junction, this is broken up by the store frontage for the convenience store and which then wraps around to the front elevation to give a glazed corner to the building. The other side elevation forming the side of the surgery is less well resolved being largely blank with two obscure windows, however the site to the west of this has permission for residential development through the outline permission (but which is outside the ownership of the Consortium) and so it is reasonable to be mindful of what could be built in this area of the site including that this could ultimately obscure some of the side elevation of this building. The front elevation of the building is generally considered to be acceptable and again the rear elevation and rear servicing can be largely screened from view by way of a boundary enclosure with the first floor of this building being considered acceptable (albeit this elevation will be prominent, despite its slightly angled position to users approaching the Village Centre from the Oxford Road entrance to the site).
- 5.18 As explained, it is considered that the design of the proposed buildings for the local centre area are generally acceptable in their amended form (subject to the receipt of amended plans) and that the proposal complies with the Design Code in order to contribute to the village centre being the most important area at Longford Park that will function as a successful core for the community. Officers consider that the proposal complies with policy C28 of the Adopted Cherwell Local Plan 1996 and Policy ESD15 of the Adopted Cherwell Local Plan 2011-2031.

Neighbour Impact

- 5.19 Saved Policy C30 of the adopted Cherwell Local Plan requires design control to be exercised to ensure that proposals provide standards of amenity and privacy acceptable to the Local Planning Authority. This is consistent with the NPPF, which expects as one of its core planning principles that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy ESD15 of the recently adopted Cherwell Local Plan also advises that consideration must be given to the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

- 5.20 As this is a development site and the Design Code identifies the Village Centre for mixed uses within this area, Officers have been mindful of this when considering the layout and design of the residential development that sits within proximity to the local centre buildings. In respect to the proposed western building, the building itself is no less than 24m from the rear elevation of the properties in Robins Way and so it is not considered that there would be any serious impact by way of loss of light, loss of privacy or over dominance. Within this 24m area is the servicing yard and a small number of parking spaces (that it is understood will be secured) for staff and visitors and this has some potential to cause concerns by way of noise and disturbance both to residents in Robins Way and the flats themselves. As this building contains one convenience store of 381m² it is considered unlikely that there would be a significant number of large vehicles servicing this unit and a service bay has been accommodated to the site frontage off the spine road to serve the largest vehicles. The number of parking spaces to the rear of the building is relatively small in number and as this area should be secure and for use by residents and staff, this is likely to cause less potential for disturbance than a general car parking area. Whilst this building is repositioned from where the Design Code anticipated and so the impact on the properties within Robins Way is different, as the assessment has shown, the impact is considered to be acceptable. In any event, this impact would have needed to have been assessed upon the neighbours that would have sat alongside the Design Code position for one of the buildings for local centre uses and it is unlikely there would have been any significant difference in impact. There are 4 apartments proposed within this building. There should be no impact caused between or to the amenity of the residents in Robins Way from the proposed flats because of the distances involved and there should not be amenity issues between the flats themselves.
- 5.21 In respect to the proposed eastern building, the building is situated to the west of residential units within Parcel C and at its closest point will be around 8m to the side of the nearest dwelling (8 Songthrus Road) which will include windows to its side elevation and with the nursery garden in between. This relationship is close and there may be some impact to this neighbour by way of loss of some evening sunlight and over dominance taking into account the buildings ridge height of 11.2m at this point, however, Officers have concluded that this relationship is acceptable. The relationship with occupiers of both flat blocks in Parcel C will be acceptable as the distance between the proposed building and those flat blocks is greater (at least 14m) and the buildings do not sit directly adjacent to each other (other than in one location at the side of the nursery to the flats, however the relationship is considered to be acceptable). The servicing and parking arrangements for this building is provided to the rear and the impacts by way of noise and disturbance for both surrounding housing and the flats themselves within the building is considered to be no different than that assessed for the other local centre building (particularly as this building can only be served by large vans due to the constraints within this area). The position of the flats within the building should not cause impact to surrounding residential properties and it is unlikely there will be impact caused between the flats themselves.
- 5.22 As explained above, the use is proposed to be restricted to A1 and D1 uses, which are generally uses that are suitable within a residential area due to their low potential for noise and disturbance. It is considered overall taking into account the use of the retail units as well as the buildings themselves that are proposed that the proposal will provide an acceptable standard of amenity for all future occupiers and users of this site, both within the proposed buildings and occupiers of the new dwellings on Longford Park. It is therefore considered that the proposal complies with Policy C30 of the adopted Cherwell Local Plan and the NPPF in this regard.

Highway Safety

- 5.23 There are a number of outstanding highway safety issues as set out within the

County Council's response as Highway Authority. These matters have been raised with the applicant and amendments are expected in order that these can be resolved and the objection removed. Members will be updated on this matter at committee. Essentially there is a need for the drawings for this area of the site to align with those approved for the spine road (which includes a service bay within the village square for large delivery vehicles), the need for deliveries that may be received at the front of the site to be moved to the rear of the building safely (which is also a design point), the need for parking to be allocated and secured and the need for cycle parking to be provided for staff and residents within the red line site area for each application. It is expected that these issues can be resolved through the submission of amended plans. The Highway Authority require the provision of travel plans and these are requested prior to the occupation of any unit within this building and require a travel plan monitoring fee to sit alongside this. This is recommended as a planning condition. The village square area has 44 shared parking spaces which are to serve all of the uses within this area of the site and there have been concerns raised in relation to whether this is sufficient. This area is controlled through the design code in terms of the space that is available and where it is stated that no less than 35 parking spaces should be provided, therefore the parking area provides over that expected but it is anticipated that at certain peak times of the day this area will be busy. The use of travel plans in relation to the commercial activities within the local shopping area is therefore considered to be important and a planning note is proposed to sit alongside the condition to provide additional information in relation to what is expected.

Ecology

- 5.24 NPPF – Conserving and enhancing the natural environment requires that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (para 109)
- 5.25 The application is accompanied by an ecological assessment which was completed for the spine road application but which covers this site. The report identifies that there is some potential for adverse impacts on nesting birds, roosting bats, reptiles and badgers. A number of mitigation measures have been put forward to reduce the likelihood of harm or ensure it is carried out in a legal manner. A condition is therefore recommended to secure these mitigation measures. The comments from the Council’s Ecologist in relation to mitigation measures are noted and a planning condition is recommended to seek a scheme of ecological enhancements. There is an opportunity for some ecological enhancement on the site itself.
- 5.26 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with the National Planning Policy Framework -Conserving and enhancing the natural environment and Policy C2 of the adopted Cherwell Local Plan.

Other matters

- 5.27 The site sits close to a hedgerow to the west of the site between the site and land that is outside of the ownership of the Consortium. The protection of this hedgerow has been queried with the applicant due to the proximity of the building and it has been advised that a 1m ransom strip is to be provided between the land to be conveyed and the existing hedgerow on the boundary with the Church Land. Foundations would have to be designed accordingly and the hedge protected during construction. A condition can be used to control this point. Otherwise there are no other trees that are likely to be affected. In terms of proposed landscaping, the village centre as a whole

is being reviewed and comments have been sent and amendments are awaited. It is considered that should this not be finally resolved by the time a decision can be issued then a planning condition could be used to require a landscaping scheme, however it is anticipated that this matter will be resolved in the near future.

5.28 The comments from the Council's Affordable Housing Team were based on the original submission for five flats rather than the amended scheme for eight. The general principle of the comments made in relation to the fact that affordable housing is being delivered across the site as well as there being the likelihood that Registered Providers would find this type of accommodation problematic to manage, means that it is considered reasonable that this particular scheme does not provide any of the proposed units as affordable.

5.29 In respect to drainage, this is a matter that is being dealt with across the wider site both in terms of surface water and foul. This site would be connected into that wider scheme, however it is unclear though this application how this would happen as per the Oxfordshire County Council Drainage advice (as Lead Local Flood Authority). This matter can be dealt with by planning condition in the view of Officers.

5.30 All planning applications must be subject to a time limit condition within which the development must begin. As this is a full application it needs to be subject to a time limit. The S106 for the site requires the local shopping area to be marketed from the date of the first occupation of the development until the date of first occupation of 1000 dwellings as explained above. Given this is a full application it has been identified that the applicant must link the current application to the outline and the accompanying S106 so that they continue to be bound by the clauses therein. As such, the applicant will continue to be bound to the need for the local shopping area to be marketed (the Consortium of house builders are the current applicant and they will not ultimately develop the local shopping area). It is considered therefore that the timescale for the commencement of the development must be mindful of the marketing that needs to be undertaken which is based upon numbers of occupations. It is therefore considered that it is reasonable to allow a five year time period for the commencement of the development in this particular case. As mentioned, the application must be linked to the outline S106 and this linking agreement is progressing through the legal process. The County Councils requested travel plan monitoring fee can be secured through this process.

5.31 As has been mentioned through this report, there are a number of amendments that have been requested, most notably in relation to design amendments, highway matters and landscaping. It is hoped that amendments will have been received before committee and that comments from consultees will be obtained in order that a full update can be provided. Should this not be possible, it is recommended that Members delegate the final decision of this application to the Head of Development Management in consultation with the Chairman of the Planning Committee on the basis that the amendments are made to his satisfaction, with the relevant objections withdrawn. This may involve the need to add/ amend conditions to control elements of the scheme as necessary when the final response from consultees such as the Highway Authority has been received.

Engagement

5.32 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged as Officers have worked with the applicant to negotiate an appropriate and acceptable scheme for this site and have allowed time for this work to be undertaken.

Conclusion

5.33 As has been discussed, the proposal is considered to be acceptable in principle in

relation to the position of the buildings on the site, the changes that have been made in terms of what the Design Code seeks to achieve and the overall design and impact upon the amenity of the surrounding area and nearby neighbours. The proposal is considered to be acceptable in all other respects as discussed and is recommended for approval as set out.

6. Recommendation

Approval, subject to:

- a) The applicants entering into a linking agreement to link this application proposal to the legal agreement pursuant to 05/01337/OUT to ensure the proposal remains bound by the clauses of the outline S106 and;
- b) The receipt of amended plans to the satisfaction of the Head of Development Management in consultation with the Chairman of the Planning Committee and the removal of objections and;
- c) the following conditions (including the addition/ amendment of conditions to suit any accepted amended plans):

1. The development to which this permission relates shall be begun not later than the expiration of five 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 development shall be carried out strictly in accordance with the following plans and documents:

To be added following receipt of satisfactory amended plans.

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 construction of the foundations of the buildings hereby approved, and notwithstanding the submitted details, a revised schedule of the materials and finishes for the external walls and roof(s) 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 approved materials.

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 construction of the foundations of the buildings hereby approved, samples of all roofing materials 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 that the development is constructed and finished in materials which are in harmony with the building materials used in the locality 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 construction of the foundations of the buildings hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality 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 construction of the foundations of the buildings hereby approved, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality 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, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

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

8. Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed local centre buildings 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 finished

floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Before any of the units in the Longford Park 'Local Centre' are first occupied the whole of the estate roads and footpaths of that phase, shall be laid out, constructed, lit and drained and if required temporary or permanent traffic calming to the Oxfordshire County Council's Specifications.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the proposed vehicular accesses, driveways, turning areas, 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.

12. Prior to the commencement of the development hereby approved, full details of the access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of Longford Park 'Local Centres' the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.

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

13. No development shall commence on site for the development until a Construction Traffic Management Plan providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction and a route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason - In the interests of highway safety and to safeguard the amenities of the occupants of the adjacent dwellings during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. Prior to the first occupation of any unit 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 for that particular unit. 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.

15. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development (which shall demonstrate how this scheme relates to the wider site drainage) 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.

16. The development hereby approved shall be carried out strictly in accordance with the mitigation measures set out in section 6 of the May 2014 ecological assessment report by Aspect Ecology.

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

17. Prior to the construction of the foundations of the dwellings, garages and carports hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on this Parcel 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.

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.

18. Prior to the construction of the foundations of the buildings 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,

(d) details of the location and type of root barriers to be installed

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.

19. 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.

20. 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. The AMS shall identify all tree protection measures required and any special treatment required for foundations within proximity of any retained tree. 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.

21. 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 this

consent.

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.

22. The units marked as 'Retail units 1-3 and unit A' on drawing numbers 1419 300 K and 1419 400 G shall be used only for purposes falling within Class A1 specified in the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) 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.

23. The A1 retail units hereby approved shall not be amalgamated or mezzanines inserted.

Reason – In order to ensure that the retail units are of a suitable size and type to meet the day to day needs of the residents of the proposed development and to comply with Government guidance contained within the National Planning Policy Framework.

24. The units marked as 'Nursery and Surgery' on drawing numbers 1419 300 K and 1419 400 G shall be used only for purposes falling within Class D1 specified in the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) 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. Pursuant to condition 14 and the requirement for Travel Plans, the applicant is advised that the travel plan must include a servicing and delivery plan which individual occupiers will need to adhere to and reflect in their travel plans. This must set out the maximum sizes of vehicles that can be used, acceptable times for delivery so as not to interfere with peak times for other users or cause disturbance and routes to be taken through the development.
2. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
3. The applicant shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during development. In the event of contamination to land, water or environment being encountered, no development shall continue until a programme for investigation and/or remedial work, to be performed by a competent person, has been submitted in writing and approved by the Local Planning Authority. No part of the development shall be occupied until remedial, monitoring and certification of works have been undertaken and a remediation and validation reports submitted to and approved by the Local Planning Authority. For further

information please contact the Council's Environmental Protection Officer.

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 Officers have worked with the applicant to negotiate an appropriate and acceptable scheme for this site and have allowed time for this work to be undertaken.