

Oxford and Cherwell College, Broughton Road , Banbury

15/01024/F

Ward: Banbury Easington
and Morris

District Councillor: Cllrs Blackwell, Mallon

Case Officer: Bob Duxbury

Recommendation: Approval

Applicant: Bromford Homes Ownership Ltd. And Activate Learning

Application Description: Demolition of existing buildings and change of use from D1 non-residential to C3 dwelling houses comprising 78 1-bedroom and 2-bedroom extra care residential apartments with associated ancillary accommodation and 39 car parking spaces

Committee Referral: Major

Committee Date: 3rd September 2015

1. Site Description and Proposed Development

- 1.1 The application relates to the OCVC site between Bath Road and Broughton Road. The proposal is to demolish college buildings on the Bath Road side of the site. These buildings are single and two storey commercial style buildings that have formerly housed departments that have now transferred elsewhere and the buildings are now empty and unused.
- 1.2 The proposal is to build linked blocks of 2 , 3 and 4 storey buildings to form a an extra care residential development consisting of 30 1-bed apartments and 48 2-bed apartments some of which would be rented, some for shared ownership and some for outright sale. The buildings have been configured to ensure the retention of important trees, whilst providing private garden spaces for residents and new parking whilst maintaining appropriate separation distances from neighbouring properties. The development contains a central community facility to include meeting space, lounge , dining and activity areas
- 1.3 The storey heights of the buildings attempt to respond to the slope of the site and the surrounding ground levels and seek to maintain 2 storeys where only 21 metres separation distance can be achieved and higher storey heights when the separation distances are greater. A limited area of 4 storeys has been restricted to the central portion of the site.
- 1.4 The design of the building is modern and contemporary but uses a pallet of traditional materials to respect the context within which it is sited
- 1.5 The sited is bounded to the north-west by nos. 1-21 Bath Road (semi-detached two-storey houses), who's back gardens adjoin the site .To the north the site has a short boundary with People's Park, whilst to the east and south-east lie the 2-storey flats in Westbeech Court. The site would have a boundary to the south west with the retained part of the OCVC site.

- 1.6 The site is excluded from the Banbury Conservation Area but has common boundaries with it to the rear gardens of Bath Road properties and to People's Park.
- 1.7 The application is accompanied by a Design and Access statement; a heritage statement; a transport statement; an ecological report and an arboricultural report.
- 1.8 The trees to the rear of Bath Road properties and Westbeech Court are covered by a Tree Preservation Order
- 1.9 This application was deferred at the last meeting to allow a formal site visit to be held. I attach as appendix one a letter from the applicants agent responding to the criticisms raised by the local residents at the last meeting.

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 23 July 2015.

10 letters have been received from residents of Bath Road (4 from same property). The following issues were raised

Material planning comments

- Too high and modern looking concern about size, depth, width and massing;
- overshadowing; visually overbearing
- Overlooking and loss of privacy
- Security risk from gate to People's Park being left unlocked
- Insufficient parking
- Design out of keeping with surrounding area and impact upon Conservation Area
- Inappropriate and unsympathetic to appearance and character of the Cons Area
- Concern about bat habitat
- Concern about effectiveness of proposed fencing along rear boundaries of Bath Road properties and consequent impact upon privacy and security
- Increased traffic
- Concern about overlooking from balconies
- Comments re service vehicle access to college
- Bin storage?

Non material comments:

- Lack of publicity
- Construction traffic and disturbance

- 2.2 A petition has been received (via Cllr Mallon) signed by 21 residents of Bath Road who object to the proposal on grounds that
- Building is too large. The modern design is not in keeping with the area and will destroy the view of all nearby residents
 - Overlooking of rear gardens due to height and proximity to rear boundaries will result in loss of privacy
 - Height and location of west wing will result in little or no sunlight reaching adjoining gardens in winter
 - Only access is from Bath Road and traffic volume already a constant issue especially at peak times
 - Parking is a major issue in Bath Road and this development will worsen the problem as it does not have sufficient parking
 - No clarity of use of access adjacent to west wing. If used by delivery and service vehicles it would have a significant effect upon the use of adjacent gardens
 - No details of service vehicle access and refuse bins. Current refuse vehicles serving collage cause significant nuisance to adjoining residents
 - Inadequate consultation by applicants

3. Consultations

3.1 Banbury Town Council:

OBJECT - The development by virtue of its size and siting will result in overdevelopment of the site and will have an over dominant impact on the neighbouring properties. The development, due to its height, will negatively affect the setting of Peoples Park and Bath Road and will not be in keeping with the street scene, contrary to policies C28 & C30.:

Cherwell District Council Consultees

3.2 Planning Policy Comments

The application proposal would involve development within the built-up limits of Banbury and in principle would be in accordance with the new Local Plan policy for meeting housing requirements (Policy BSC1) and encouraging the re-use of previously developed land in sustainable locations (Policy BSC2). However, the proposed development would have to preserve and enhance the character of the Conservation Area.

It is noted that the level of affordable housing proposed accords with Policy BSC 3 of the adopted Local Plan 2011-2031 Part 1 and the needs for affordable housing is of course high as evidenced by the SHMA. The proposed development would also help meet the significant need identified for housing for those with care needs

Detailed design would need to be compatible with the surroundings in terms of scale, height and external appearance so that it would not have an adverse impact on the privacy and amenities of neighbouring properties.

Consideration should be given to Policy ESD 15: The Character of the Built and Historic Environment, which emphasises the importance of good design when protecting Conservation Areas and ensuring high design standards are met in the town centres where Conservation Areas exist, in particular where development abuts or takes places within designated Conservation Areas.

The site is in a sustainable location within walking distance to town centre services and facilities. There are bus stops nearby with frequent services to the town centre. Banbury bus and railway stations are also situated within walking distance therefore making the site easily accessible without having to use a car.

The application details suggest that the site is now surplus to requirements and is no longer needed for education purposes. This could possibly be a consequence of the recent expansion and redevelopment of the southern campus on the opposite side of Broughton Road. Consideration should be given on the need for education facilities in the area.

The redevelopment of site can be considered sustainable in term of it being close to town centre services, facilities and public transport and would contribute towards an identified need. However, consideration should also be given to the potential impact on the character and appearance of the Conservation Area and community facilities

From the conclusions above, there is no Planning Policy objection in principle subject to further detailed assessment of heritage and community facilities impacts.

3.2 Design and Conservation Officer: No comments received yet

3.3 Landscape Officer: Comments as follows:

The development will be visually prominent from the upper windows of dwellings 13, 15, 17 Bath Road. The Site Plan, no 1413-P-03, does not show any intervening trees between these dwellings and the northeast elevation. Spaces between the parking bays should be extended to allow for amenity trees with structured cell tree pits. Partial screening is appropriate as dense over shading to gardens could become an issue for these residents. Dappled shade trees should be considered.

Also visually prominent from upper floor windows of dwellings 5 -12 West Beech Court the development should be mitigated with trees within the hedge adjacent to the proposed amenity lawn. Three trees with foliage casting only dappled shade should be considered.

There are numerous worthy trees on the site boundary and within the site that require consideration is respect of hard surfaces conflicting with root systems. Please consult either our tree officers for the north on this matter.

There are no developer planning obligations for on or offsite play and POS for residential care, as indicated in the current SPD.

Planning Conditions required:

- Standard hard and soft landscape condition
- Tree pit details in hard areas condition

- Tree pit detail in soft areas condition
- Arboricultural method statement condition

I look forward to detailed landscape proposals. I recommend that non-toxic trees, shrubs and herbaceous plants are used for the safety of residents.

3.4 Ecology Officer: Ecology Officer

I have now received the bat emergence survey report for the above and it confirms there is a roost of pipistrelles in building E (all other buildings are free from bat constraints). It also outlines the type of activities which would constitute an offence which would of course include demolition.

Unfortunately there is no mitigation plan outlined at all and therefore we do not know how they plan to deal with the bat issue. In order to carry out our duty to assess whether they are likely to obtain a licence from NE (and consider the three tests) to demolish the building we need to know what they intend to do in terms of mitigation. Without this information I cannot assess the appropriateness of the mitigation and whether a licence is probable. Their ecologist should have advised them on this point and suggested (as a minimum) timings of work, supervision, any working methodology for demolition or pre-demolition checks, location of mitigatory roosts both temporary and long term opportunity replacement etc..

Whilst this is not a roost of high conservation significance we still need this information so if they already have this can they send it on? Otherwise their ecologist will need to put something together.

This matter has now been resolved to our satisfaction

3.5 Waste and Recycling Officer Has confirmed that the applicants intentions are acceptable

3.6 Recreation , Health and Communities Seeks an obligation to secure a public art scheme that provides an art work on site that relates the development to the existing streetscape in Bath Road and provides residents and visitors to the site with a focal point that enhances the sense of place

3.7 Housing Investment and Growth Officer confirms that they are satisfied that the affordable housing element offered – 16 rented and 7 shared ownership units are adequate. They will be spread throughout he block rather than clustered. These units and nomination rights will need to be secured by legal agreement

3.9 Oxfordshire County Council Consultees

Transport Key issues:

- The access proposed to be retained to the college through the site must be for no more than the 8 car parking spaces set out in the application documentation.
- Improvements needed for vehicle manoeuvring and pedestrian movement in the proposed car park.

- Details of the pedestrian access to People's Park need to be clarified
- More and better located cycle parking needed

Legal agreement required to secure:

Section 106 Town & Country Planning Act – Developer Contributions

A £5k contribution is required to cover the cost of promoting and delivering TROs to better manage on street car parking in the vicinity of the development if, following occupation of the development it is the view of the county council that this is needed.

Conditions are proposed relating to

1. Parking and manoeuvring areas
2. Retained access to parking on adjoining site –restricted
3. Pedestrian access to People's Park
4. Cycle parking provision
5. Surface water drainage
6. Travel plan
7. Travel information packs
8. Construction traffic management plan

Detailed comments:

Sustainable location

This brownfield site is well located in terms of sustainability being within walking distance of many services and shops in Banbury town centre. It is also very close to bus stops for the frequent B5 service and Banbury bus and rail stations are within a short walking distance. The site is therefore very well located for prospective residents who are more likely than usual not to have access to a car. Because it is so close to bus stops, and bus and rail stations, a very large number of potential employees and visitors could sensibly get to the site without having to use a car.

Impact on transport network

The Transport Assessment (TA) clearly demonstrates that the impact of the development in terms of additional vehicle trips will be minimal – even at peak times the number of new trips on the network will be barely noticeable.

Only 39 car parking spaces are provided (including for disabled people) which is certainly not excessive. This will help ensure that the vehicle trip generation for the site is kept to the level that is predicted in the TA. There is limited available on street car parking in the vicinity of the site mainly as a result of high demand from local residents and the fact that there are double yellow lines on the whole length of the southern side of Bath Road and also around the corners of most nearby junctions.

The TA reports a junction assessment of the Bath Road with Warwick Road and the results show a minimal impact as a result of the development. Given the advice received at the pre-application stage and the otherwise very thorough nature of the TA, it is surprising that an assessment was not also carried out for the junction of Bath Road and Broughton Road. However, given the very low levels of traffic generated by the site, this omission is not significant as it is highly likely that the impact on that junction will be similarly small.

The bus services on a Sunday are less good, but the pressure on the transport network is obviously less on that day so if the site attracts some more car travel

and parking then, it will be less significant than if that were the case on a weekday.

It is also worth noting that the TA does not take into account the fact that the current site, whilst vacant, could generate a certain level of traffic if it were in use. If the TA compared the new transport impact to what impact the current site could have if it were occupied, the additional impact would be even less.

Because of the sustainable location and the limited amount of car parking, a higher than normal amount of travel to and from the site will be by non-car modes. However, improvements will still be needed to the car park layout to ensure that walking and cycling are as attractive modes of travel for residents, staff and visitors as possible. Please see below.

Pedestrian provision

The introduction of a footway on the east side of the site access road is welcomed. However, at the end of the road, pedestrians appear to be expected to walk across the car park without any assistance – there don't even appear to be any dropped kerbs or tactile paving to help people with visual or mobility issues. It is recommended that some kind of raised and/or different coloured crossing from the end of the footway to the footway leading directly to the main entrance is provided. Even zebra crossing markings would be an improvement.

The shrubs that are proposed alongside the new footway on the site access road will need to be well maintained to prevent encroachment and a reduction in the width of the footway.

The provision of a gated access directly into People's Park is welcomed to help keep the walking distance to Banbury Town Centre to a minimum. It will also add significant amenity value for the residents. Details of how this gate will work and an assurance that it will always be available for residents to use are needed. The route from this gate to the front door of the development on the site plan is shown to be through the car park. This route really should return on a tarmac path to the main entrance along the front of the building so that pedestrians do not need to mix with cars.

Cycle provision

The local roads in the vicinity of the development have traffic calming and a speed survey carried out by the applicant suggests that traffic is generally travelling slowly near the entrance. The facilities for cyclists on the site itself appear very poor – there are only 4 cycle parking spaces shown and these are located away from the main entrance to the building. Whilst it is accepted that only a few of the residents will cycle, staff and visitors should be encouraged to use this mode of travel to get to the site. Space much closer to the entrance (an area of green opposite the end of the access road could work) for parking a minimum of 10 bicycles should be provided for staff and visitors. 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 spaced 1000mm apart and covered (please see here for design and location advice: pdf

Site Access

The junction of the site access with Bath Road is not proposed to be changed. This is acceptable given the modest level of traffic predicted to be generated by the proposals and the fact that more than adequate visibility splays are in place. There appears to be width on the west side of the access road to widen the carriageway further so that vehicles could wait as others pass by on entering the site from Bath Road. Otherwise vehicles on Bath Road may need to wait for others to fully exit which is clearly not ideal.

The TA refers to the need for 8 car parking spaces on the retained adjoining college site to be accessed using the site access off Bath Road. This is acceptable although this number must not be exceeded – a planning condition is recommended to ensure this is adhered to in the future.

Car park layout

It looks like it will be difficult to get out of some of the car parking spaces and leave the site in a forward gear without having to undertake some complicated and protracted manoeuvres. This is especially true for a number of spaces beyond the last marked disabled bay in the north east portion of the car park. The spaces parallel to the northern boundary of the site also look quite tricky to get out of and leave the site in a forward gear. A planning condition is recommended to ensure a satisfactory and safe car park is provided with the development. Tracking drawings will be needed showing how cars can manoeuvre sensibly and leave the site in a forward gear

Travel planning

In order to ensure as sustainable travel as possible associated with the site, a travel plan statement is required which will provide the framework for travel information packs to be provided to all residents and staff on first occupation. The travel plan statement must be put together using the template contained within the OCC travel plan guidance document

Other infrastructure

- The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure.
- The following housing development mix has been used:

30 x One Bed Dwellings

48 x Two Bed Dwellings

0 x Three Bed Dwellings

0 x Four Bed Dwellings

- It is calculated that this development would generate a net increase of:

97.5 additional residents including:

97.5 resident/s aged 65+

97.5 residents aged 20+

0 resident/s ages 13-19

0 resident/s ages 0-4

Legal agreement required to secure:

- Adult Day Care £107,250.00

Total £107,250.00

Admin & Monitoring fee £1,500

The County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured. An administrative payment is also required for the purposes of administration and monitoring of the proposed S106 agreement.

Details of contributions sought

Social & Health Care – Adult Day Care Facilities

This development is served by Oxford Options and this development will place additional pressures on this adult day care facility. To meet the additional

pressures on day care provision the County Council is looking to expand and improve the adult day care facility in Oxford Options

Contributions are based upon a new Day Care centre offering 40 places per day (optimum) and open 5 days per week; leading to an equivalent costing of £11,000 per place at 1st Quarter 2012 price base (this in non-revenue). Based on current and predicted usage figures we estimate that 10% of the over 65 population use day care facilities. Therefore the cost per person aged 65 years or older is £1,100.

• The contribution for the provision of adult day care infrastructure in respect of this application would therefore be based on the following formula:

**£1,100 x 97.5 (the forecast number of new residents aged 65+) =
£107,250.00**

Indexation

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

General

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

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

Contributions required to mitigate the impact of the development on infrastructure but which due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) OCC cannot require a s106 obligation in respect of:

- Library £8,287.50
- Central Library £1,672.13
- Waste Management £6,240.00
- Museum Resource Centre £487.50

Total* £16,687.13

*Price Base 1st Quarter 2012

Oxfordshire County Council is **not** seeking a contribution towards library, central library, waste management, or museum resource centre infrastructure from this application due to the pooling restrictions contained within Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) which took effect from the 6th April 2015. The property response '*No objection subject to conditions*' relies upon funding for infrastructure as critical mitigation being delivered through CIL where there is no opportunity to gain contributions through Section 106 due to current legislation. OCC hold a statutory obligation to deliver services such as education through schools.

Local library

Details of contributions not sought solely due to pooling restrictions

This development is served by Thame Library which is of appropriate space standard and therefore no capital projects are planned.

The development proposal would generate the need to increase the core book stock held by 2 volumes per additional resident. The price per volume is £10.00 at 1st Quarter 2012 price base; this equates to £20 per resident.

• The contribution for the provision of supplementary core book stock in respect of this application would therefore be based on the following formula:

£20 x 97.5 (the forecast number of new residents) = £1,950.00

Central Library

Central Library in Oxford serves the whole county and requires remodelling to support service delivery that includes provision of library resources across the county.

Remodelling of the library at 3rd Quarter 2013 base prices leaves a funding requirement still to be secured is £4,100,000. 60% of this funding is collected from development in the Oxford area. The remainder 40% is spread across the four other Districts. 40% of 4.1M = £1,604,000.

Population across Oxfordshire outside of Oxford City District is forecast to grow by 93,529 to year 2026. £1,604,000 ÷ 93,529 people = £17.15 per person

• The contribution for the provision of central library infrastructure in respect of this application would therefore be based on the following formula:

£17.15 x 97.5 (the forecast number of new residents) = £1,672.13

Strategic Waste Management

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

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

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

• The contribution for the provision of strategic waste management infrastructure in respect of this application would therefore be based on the following formula:

£64 x 97.5 (the forecast number of new residents) = £6,240.00

County Museum Resource Centre

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

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

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

• The contribution for the extension of the Museum Resource Centre in respect of this application would therefore be based on the following formula:

£5 x 97.5 (the forecast number of new residents) = £487.50

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Other Consultees

3.10 Thames Water:

Waste Comments

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

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

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

3.11 Environment Agency: No comments received

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 2011 -2031

The Submission Cherwell Local Plan (February 2015) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The examination was suspended by the Inspector, shortly after commencing in June 2014 to allow further work to be undertaken by the Council. Modifications were required to meet the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA). The proposed modifications were subject to public consultation, from 22nd August to 3rd October 2014. The examination reconvened in December 2014 and the Inspector's report was published in June 2015, and was formally adopted by the Council on 22nd July 2015. Relevant policies are

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

BSC4: Housing Mix

ESD3 Sustainable construction

ESD7 Sustainable drainage systems

ESD16: The Character of the Built and Historic Environment

Adopted Cherwell Local Plan (Saved Policies)

C2: Development affecting protected species

C4: Creation of new habitats

C23 Retention of features contributing to the character or appearance of a Conservation Area

C28: Layout, design and external appearance of new development

C30: Design of new residential development

ENV12: Contaminated land

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

5. Appraisal

5.1 The key issues for consideration in this application are:

- The Principle
- Scale and Design
- Neighbour Impact
- Impact on Conservation Area
- Highway Safety and Parking
- Trees and boundaries
- Planning Obligations

Planning History

The Principle

- 5.2 As Members will be aware OCVV has recently been promoting and undertaking development south of Broughton Road, and it would appear that the area of land to which this application relates is surplus to requirements for educational purposes. The site lies within a broader area of residential development, albeit that it will continue to be bordered by the active college site to the south and public open space to the north.
- 5.3 The principle of residential development on this site is considered acceptable and indeed any other alternative use is likely to have a greater impact upon the surrounding area. Policy BSC2 of the adopted Local Plan states

Housing development in Cherwell will be expected to make effective and efficient use of land. The Council will encourage the re-use of previously developed land in sustainable locations. New housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development.

- 5.4 Notwithstanding this agreement in principle to the use of the land it is clearly necessary however to look at the impact of the proposal upon the adjacent Conservation Area, upon the amenity of adjacent residential properties and the adjacent public open space taking careful account of the scale, siting and design of the proposed building
- 5.5 The site is considered to be sustainable being located well relative to the town centre and all the facilities that are offered there, and would be a good location for elderly persons accommodation.

Scale and Design

- 5.6 As set out in section one above the building is a series of conjoined blocks that are two, three and four stories high in various parts of the site. The site sits within a context of two and three storey brick houses of various ages and styles in Bath Road and Westbeech Court. The architects have attempted to use the land level changes and the distances of surrounding houses from their boundaries and their orientation to inform the position and size of the new building. The design proposals are a modern and contemporary design that uses a pallet of traditional materials –a mixture of local ironstone, brick, stone cills and stringcourses with a central glazed double height space
- 5.7 With regards to properties in Bath Road, there is a three storey block proposed to the rear of nos.13-21 Bath Road. The block is situated 11 metres from the back fence line of those properties and a minimum of 28 metres from the back of those houses. Obviously these residents will experience a considerable change from what is there now (a tall single storey building about 3-4 metres off the boundary) ,with no windows overlooking at all, but it would be unreasonable to not expect any windows in a residential scheme The applicants have been asked to re-consider the format of the balconies that were proposed on some of the flats, but otherwise the degree of overlooking , and the over-domination that objectors referred is at an acceptable degree.

- 5.8 To the rear of nos.7-11 Bath Road the building is further away than described above. The 4-storey section is a minimum of 42 metres from the rear of the houses and some 28 metres from the the rear boundary of the houses which at this point is currently formed by a mixture of fences/concrete walls and substantial protected trees. The applicants intention is to provide a complete new fence line to the rear of all the Bath Road properties with a common boundary. It may be appropriate to consider fencing at greater than 2 metres is certain parts of this boundary to deal with changes in level and still afford a good privacy screen for these houses. Behind 1-5 Bath Road is located a 3-storey building that is angled towards these houses but is between 13-30 metres from the boundary. The former buildings along the rear of 1-11 Bath Road are located only 5 metres from the boundary and are industrial in character and size
- 5.9 Moving to the eastern side of the site there is a substantial change in level between the flats in Westbeech Court and the college site, with the college site being about 2 metres below the ground level of the corner of Westbeech Close by nos 15/16 and 17/18, albeit that the site level will be raised partially in this corner of the site. The 3-stoery block referred to in 5.8 above sits parallel with the Westbeech Court boundary. The block will be within 6-12 metres of this boundary, but 16-28 metres from the nearest flats. Direct intervisibility would also be significantly reduced by the substantial protected trees on this boundary.
- 5.10 The four storey element of the proposed building will be 17-30 metres from the boundary with Westbeech Court and 29 metres from the nearest flat (5/6 Westbeech Court). A three storey wing projects to the south towards $\frac{3}{4}$ Westbeech Court and comes within 7 metres of the boundary and 15 metres of the flats at $\frac{3}{4}$ Westbeech Court , but they are at right angles to one another and therefore overlooking is kept to a minimum. In this general area the existing college buildings are two storey high commercial style buildings situated in part within 1 metre of the boundary.
- 5.11 Overall your officers consider that the applicants have paid careful attention to the scale and siting of the building and believe that they have arrived at a building which will not be out of place with regards to adjacent property. Members attention is drawn to the comments from the applicant In appendix one, Your officers remain convinced that the relationship between the new building and houses in Bath Road is acceptable
- 5.12 The site has a short frontage (25-30 metres) with People's Park , which in this corner of the park has substantial trees. Although glimpses of the proposed building may be gained , especially after the fall of leaves, the relationship is considered acceptable

Neighbour impact

- 5.13 In describing the relationship of the proposed building and the boundaries and houses surrounding the site the applicants have sought to maximise distances and minimise opportunities for overlooking .It is considered that the only relationships that need especial attention relate to those between 1-5 and 11-21 Bath Road, and 15/18 Westbeech Court. In the latter case the change in

levels, new fencing, existing trees orientation and distances are such that the relationship is considered acceptable. On the Bath Road properties named there may be an element of direct overlooking, especially from upper floors of the new block to the base of gardens. New fencing will to some extent assist and it is suggested that additional new planting is needed here also. On balance the relationship is considered tolerable. Elsewhere with regards to Bath Road properties the relationship is considered acceptable

Impact on Conservation Area

- 5.14 The proposed building is large in footprint but is within a site that is itself large and has presently got large commercial/education buildings upon it, and therefore is already somewhat out of character with the surrounding residential areas, hence to some extent why it was excluded from the Conservation Area. The building will be, however, significantly taller and more bulky than the current buildings.
- 5.15 Views of the building from within the Conservation Area will be restricted to (i) the view up the access way from Bath Road,(ii) limited views between the semi-detached house in Bath Road and (iii) and filtered views from within People's Park. Only the view from (i) above will allow a clear view of the building which will be set back a minimum of 50 metres from the viewer, with the 4 storey element a further 20 metres back. Even in this view therefore the building will not be dominant, albeit that the building will be clearly visible from this point. Bath Road is made up of 2 and 3 storey properties and therefore taller buildings are not out of place, albeit that the building will be more of greater than normal domestic scale. From the other viewpoints it will be only possible to get partial glimpses of the building. Whilst larger than the frontage buildings to Bath Road the building will not overdominate those properties or the view from the street. Large trees and under-storey planting will filter the views from People's Park. Overall therefore the proposal will not detrimentally impact upon the character or appearance of the Conservation Area

Highway Safety and Parking

- 5.16 The highway authority are content that the existing access onto Bath Road does not need improving, it being of adequate geometric standards and with acceptable visibility for the level of traffic that this proposed building will generate. They are also content that the local network and junctions can cope with the low level of extra car generation.
- 5.17 The level of car parking (39 spaces) represents 1 space for every 2 units, which may seem low, but reflects the fact that this is extra-care housing and is based upon the applicant's extensive experience of developing similar forms of housing elsewhere. It should also be borne in mind that the site is close to the town centre. It is therefore likely that a higher proportion of movements than normal can be expected to be by non-car modes. OCC accept this justification for the low level of car parking
- 5.18 The County Council also seek a legal agreement aimed at securing £5000 to facilitate the making of a Traffic Regulation Order to better control the on-street

parking in the vicinity. Given the comments about the adequacy of the parking I think this is difficult to justify in CIL Regulation terms.

Trees and boundaries

- 5.19 A Tree Preservation Order exists on the site covering a few individual trees on the college side of the proposed building , the majority of which are due to be retained, and two groups of trees on part of the Bath Road and Westbeech Court boundaries, all of which are to be retained.
- 5.19 As noted above the applicant intends to provide a new unified fence along the Bath Road and Westbeech Court boundaries. Due to level changes on these boundaries the height of fences will need adjusting to maximise their effectiveness as privacy screens for both sides of the boundary. The applicant intends to do this with individual negotiation with neighbours. This is considered acceptable

Planning Contributions

- 5.20 As noted at 3.8 above the applicant has offered 23 units of affordable housing in a mix of rented and shared ownership units. These will need to be secured by a legal agreement.
- 5.21 In section 3.9 above the County Council set out their requests for infrastructure funding, which can be summarised as a contribution of £107,250 for adult day care. They recognise that other potential funding requests for libraries, waste management and museum resource centre would not be compliant with the current CIL Regulations. The request for payments for an adult day care centre have been contested before by other providers of extra care housing, so this element will need further exploration/negotiation.

Consultation with applicant

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

Conclusion

- 7.1 Based on the assessment above and subject a satisfactory S106, this application for extra care housing is recommended for approval

6. Recommendation

Approval subject to

- (i) The applicants first entering into a legal agreement to secure off-site infrastructure (if confirmed acceptable) and to secure affordable housing and nomination rights , and
- (ii) The following conditions
 1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
[Reason AR2](#)
 2. Except where otherwise stipulated by condition, the development shall be

carried out strictly in accordance with the following plans and documents: Application forms Design and Access Statement and drawings contained in drawing issue sheet 1413 datedand other documents set out in Walker Troup Architects letter dated 3.6.15

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 BR1
4. 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 BR1
5. Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.
Reason BR1
6. 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 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 BR5
7. Prior to the commencement of the development hereby approved, all of the buildings and structures on the site at the date of this permission shall be demolished and the debris and materials removed from the site
8. 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 any of the units.
Reason BR7
9. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

[Reason CR1](#)

10. 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 CR1](#)

11. 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

12. Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, 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 CR2](#)

13. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and [insert] parking spaces within the curtilage of the site, arranged so that motor 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 DR3](#)

14. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

[Reason ER1](#)

15. 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 JR7](#)

16. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for bats, which shall include timing of works, and the location, design and timing of any alternative roosts to be provided, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

[Reason KR1](#)

17. The Extra Care building hereby approved shall not be occupied until details have been submitted to and agreed in writing for a work of public art to be placed on site. The details shall including the size, design and siting of the work of art and the design process for it. The development shall be undertaken in accordance with the details so approved and provided on site prior to the first occupation of the building.

Reason: To comply with the Council's policy on the provision of public art and to enhance the setting and environment of the Proposed Extra Care Home in accordance with policy C28 of the adopted Cherwell Local Plan.

18. Prior to the first occupation of the flats precise details of the pedestrian gateway to People's Park , including it's locking arrangements shall be submitted to and approved by the Local Planning Authority , and the gateway shall thereafter be operated in the manner agreed.

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

facilities shall be permanently retained and maintained for the parking of cycles in connection with the development

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

[Reason DR4](#)

Planning Notes

Thames Water Note – Surface Water

The applicant is advised that in respect of Surface Water, Thames Water have recommended that it should be ensured that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer services will be required. They can be contacted on 0845 850 2777.

Thames Water Note – Water Pressure

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.

