

**Case Officer:** Shona King **Ward(s):** Bicester South and Ambrosden

**Applicant:** Cherwell District Council

**Ward Member(s):** Cllr David Anderson, Cllr Nick Cotter and Cllr Dan Sames

**Proposal:** 11 self-contained flats for adults with physical disabilities, learning disabilities and autistic spectrum condition. Units single storey with shared landscaped gardens and associated parking areas. Staff accommodation and communal areas to be included

**Committee Date:** 09.06.2016 **Recommendation:** Approve

**Reason for Referral:** Major Development, and Cherwell District Council is the applicant

## 1. Application Site and Locality

- 1.1 The application sites are located immediately to the south of Bicester town centre. They comprise two sites to the west (Site A) and east (Site B) of the library, and following demolition of the buildings that were previously on the sites, are currently vacant. Site A is an open site and previously contained a single storey office building. There are dwellings to the south, west and south east of the site; the library and an area of open space lie to the east. Site B is accessed from a parking court and is bounded on three sides by dwellings and on the fourth side (east) by the single track Priory Lane. There is currently a gated access into Site B from Priory Lane but it is intended to close this as part of the proposed redevelopment of the site.
- 1.2 Immediately adjacent to the westernmost site (Site A) is a Grade II listed dovecote; the dovecote is not proposed to be altered as part of the application. The sites are also within the setting of the Grade 1 listed St Edberg's Church and the Grade II\* listed building known as The Old Priory. The boundary wall to the east of the site, forming part of the boundary with Priory Lane, is listed. The sites lie outside but adjacent to the Bicester Conservation Area. The site lies within an area of significant archaeological interest and this is discussed in more detail below.
- 1.3 There is a public right of way running north/south along the eastern boundary of Site A.

## 2. Description of Proposed Development

- 2.1 Consent is sought for the erection of 11 self-contained single storey units for adults with physical disabilities, learning disabilities and autistic spectrum conditions. It is proposed to construct 5 units on Site A and 6 units on Site B. Site A is to have a communal garden whilst the units within Site B would have individual gardens as well as a communal garden. Both sites are to have car parking allocated to the units and Site B is to have a gated entrance to the units from the car park area.

- 2.2 The units are to be constructed from brick with plain clay tiles and timber windows. Amended plans have been accepted during the course of the application and these show minor revisions to the design of the building proposed on Site A, the walls to be faced in a traditional English Garden brick bond, and architectural detailing to the window cills, eaves and verges. The amended plans also position the dovecote outside the communal garden area serving the 5 units on Site A, and clarify that the railings proposed to enclose the communal garden would not be attached to the dovecote.
- 2.3 A Design and Access Statement, Flood Risk Assessment, Tree Survey Report and Arboricultural Method Statement, Ecological Appraisal, and Archaeological Written Scheme of Investigation have been submitted in support of the application. In addition a desk-based assessment has been submitted and archaeological investigations have been carried out on site during the course of the application, and an evaluation report of the findings of the on-site investigations has also been submitted.
- 2.4 As a consequence of discussions between the applicant, Historic England and the County Archaeologist regarding the findings of the archaeological investigations, a revised siting of the buildings on Site B is now proposed to reduce the impacts to a minimum, and amended plans have been submitted to show this along with details of the foundation design and amendments to the construction of the buildings; a lightweight structure is proposed with render on the inward facing elevations of the buildings. At the time of writing this Committee report, these elements are the subject of further consultation and publicity and Members will be updated on the outcome of this at the Committee Meeting.

### 3. Relevant Planning History

Prior approval was granted for the demolition of the buildings on the sites under application 13/01148/DEM4 in September 2013. The works have taken place and the sites are vacant.

### 4. Response to Publicity

- 4.1 The application has been advertised by way of site notice, press notice and neighbour letters. The final date for comment was the 4 May 2016. 20 representations (19 objecting and 1 in support) have been received in respect of the application and all representations can be viewed in full on the Council's website. In summary the following issues have been raised:
- Impact on:
    - Archaeological importance of the site and remains
    - Conservation Area
    - Listed buildings and their settings
    - Open/public space
    - Trees
  - Design
  - Accuracy of the planning statement accompanying the application
  - Flooding/flood risk
  - Parking
  - Re-use of dovecote
  - Good location for dwellings

### 5. Response to Consultation

- 5.1 **Bicester Town Council:** *Bicester Town Council welcomes this application. However care must be taken to ensure that the rich heritage and ecology of Old Place Yard is recognised, registered and as far as possible, retained for the benefit of this and future generations, even*

*if this means remodelling of the application. Such retentions if sensitively incorporated would further enhance the quality of life of those living in the area.*

*Old Place Yard is of significant local and regional and could be of national and international importance. It is essential that this heritage is fully investigated and recorded and where possible integrated into the application so it is not lost to Bicester. This is especially important as Bicester continues to expand rapidly so that historical continuity is embedded and becomes a cornerstone supporting the growing town. Bicester Town Council supports Bicester Local History Society's letter dated 13 February 2016 and requests that a full archaeological survey is carried out before any work takes place.*

## **5.2 Cherwell District Council:**

### **5.2.1 Planning Policy:** *The Planning Policy Team's main observations are:*

- *The adopted Local Plan 2011-2031 suggests that the need for housing for those with care needs is significant. 'Extra care' housing comprises self-contained accommodation for older and disabled people which enables independent living by providing a range of support facilities on the premises and 24-hour care services. The proposal would contribute in achieving more social cohesion by providing an opportunity for community living and a better mix of housing within residential areas.*
- *Policy BSC 4 of the Local Plan 2011-2031 encourages extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs to be accommodated in suitable locations close to services and facilities.*
- *This application proposes residential development on brownfield land which is supported by Policy BSC 2 which encourages the re-use of previously development land in sustainable locations. The site is within the built-up area of Bicester, which is one of the two most sustainable settlements in the district with good accessibility to services and facilities, and employment opportunities.*
- *Bryan House/St.Edburg's building which was previously a care home that provided residential dwellings has been demolished, as well as the former Council offices (application ref.13/01148/DEM4).*
  - *The site is identified for 15 affordable dwellings in the Non-Statutory Cherwell Local Plan 2011.*
- *The site is adjacent to the Bicester Conservation Area. Policy ESD 15 expects new development to complement and enhance the character of its context through sensitive siting, layout and high quality design. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.*
- *Informal development principles were approved for the site in 2007, which demonstrated that, although constrained, the site is suitable for residential development.*
- *The Informal development principles highlighted that the setting of the Conservation Area and all listed buildings in the proximity, in particular the dovecot, should be protected. Key views to the church and dovecote should be preserved.*
- *Careful consideration is needed for the grade II listed dovecote which lies adjacent to Site A.*
  - *The eastern part of the site where 'Site B' is proposed is within Flood Zones 2 and 3 therefore consultation with the Environment Agency would be required.*
- *The district has a 5.6 year housing land supply for the five year period (2016-2021) commenced on 1 April 2016.*
- *The site is included in the SHLAA Update 2014 (ref. BI063). The SHLAA concluded that "The site is considered initially deliverable in part for about 11 dwellings. Due to its*

*location and characteristics, the whole site would be suitable for about 25 dwellings. Any proposal would need to protect the historic and archaeology value of the area.”*

### **Policy Recommendation**

*From the observations above, there is no Planning Policy objection in principle subject to detailed consideration of the impact on the historic environment and consultation with the Environment Agency on the eastern part of the site.*

5.2.2 Conservation Officer (comments on original plans and submission) objects, expressing significant concerns regarding the design quality of the scheme and its impact on the Conservation Area and the setting of the Grade II listed Dovecote. The Conservation Officer states: *There are three aspects to this application that require consideration:*

1. *The archaeology of the site*
2. *The impact on the listed building*
3. *The design of the proposed buildings and their integration into the existing built environment.*

*The priory site is of particular archaeological sensitivity. The archaeological importance of the site is not addressed in this application. A full archaeological assessment of the site should be undertaken prior to the commencement of construction work.*

*The setting of the listed dovecote is not handled sympathetically as it appears the proposal is to incorporate three walls of the Dovecote into the boundary of the garden of one of the proposed developments. Any application must allow for a constructive reuse of the dovecote, this proposal would limit many potential uses.*

*The significant stone wall onto Priory Lane is to be retained.*

*This is an excellent opportunity to develop a centre town location in an interesting and vibrant ways. The proposed scheme is not that exciting opportunity it is a proposal that is pedestrian in the extreme. I therefore recommend that it is either withdrawn or refused in order that a more coherent proposal which integrates better with the historic context of the town can be put together.*

*Recommend refusal*

5.2.3 Conservation Officer (comments on amended plans and submissions received 6 May 2016):

*Further to my comments submitted on 17 February 2016 I am of the view that although changes have been made to the submitted scheme these do not go far enough.*

*The site remains an important one archaeologically and before being developed further should be the subject of an archaeological investigation as detailed by HE and the County Archaeologist.*

*The treatment of the listed dovecote and its setting remains unacceptable; moving the boundary and leaving a small gap between railings and dovecote does not meet a requirement for the dovecote to be able to sustain an independent, significance-sensitive use. On top of this observation the general relationship of proposed buildings to existing neighbouring buildings is poor.*

*The design of the proposed buildings remains pedestrian. This is a site within the historic heart of Bicester and whilst pastiche architecture is not the answer, the authors of the proposal should take something inspiration from the architectural inheritance of the district.*

*What is being built here is sheltered accommodation; in the past these were called 'almshouses'. A trawl throughout the district for almshouses throws up a subset of buildings; all but one set of buildings (Hornton cum Studley) having an upper floor, all are built as or in a row, all can be described using the word 'diminutive' when discussing either the height or massing of the building, all come easily within the historic architectural mainstream of the area. The modern bungalows proposed do not sit within this context.*

*The description states that this is accommodation for 'adults with physical disabilities, learning disabilities and autistic spectrum condition' as well as staff accommodation, also to include communal areas and shared landscaped gardens and parking areas. All of the people for whom this accommodation is being constructed will have family and friends (additional sleeping provision maybe needed), few will be unable to use a stair and if this is a case then a stairlift can be installed. Landscaping is uninspiring.*

*My view is that the proposed accommodation should be one and a half storeys to better fall within the architectural style of the area.*

*Recommend refusal. Policy reasons for refusal remain as previously specified.*

#### 5.2.4 Landscape Services: No comment to date

#### 5.2.5 Arboriculturalist: *Concerned about the removal of trees T1 (Cat A (1)), T9 (Cat B (1)). It should be possible to retain the viable T1 tree with an amended car park/access layout with an arboricultural method statement to support the continued existence of this tree. It is important to retain screen trees on the southern boundary to mitigate views of the development from local residencies.*

*Detailed landscape proposals, along with retained trees with protection areas indicated, are essential to ensure these constraints are addressed properly within the architectural and landscape layouts. Small garden trees are required on the southern boundary for both screening and amenity.*

*A landscape maintenance specification is necessary to ensure the successful establishment of the landscaping.*

*Tree pit details and supporting specification for the successful establishment of proposed trees is essential.*

#### 5.2.6 Waste Resource Manager: *the developer will have to satisfy the local authority that they have adequate provision for waste and recycling storage, before the application is agreed. For this type of development an area of 1.4 sqm needs to be provided for the Waste and Recycling provision. There will also need to be easy access to the bin store area for collection days and this needs to be no further than 25m from the vehicle access.*

*A Section 106 contribution of £106.00 per property will also be required.*

#### 5.2.7 Strategic Housing Facilitator: *The Investment and Growth Team supports this application as Cherwell District Council are working closely with the County Council as well as specialist design consultants in order to deliver a supported housing scheme which will see the provision of two facilities which will provide specialist accommodation for those with Learning Difficulties and mobility issues.*

*The Council have secured grant funding from the Homes and Communities Agency in order to aid the delivery of this accommodation for the client group.*

### **5.3 Oxfordshire County Council:**

#### **5.3.1 Transport: No objection subject to conditions**

##### **Key issues**

- *The development is unlikely to have an adverse impact on the highway network.*
- *Proposed parking provision at the development is adequate.*
- *A resident's controlled parking zone could be introduced following a consultation exercise.*
- *Turning for service vehicles will need to be demonstrated.*
- *A stopping up order will be required.*
- *Cycle parking will need to be provided.*
- *Inadequate drainage information has been supplied*

##### **Conditions**

- 1. Parking and Manoeuvring Areas Retained*
- 2. Details of Turning for Service Vehicles*
- 3. Cycle Parking Provision*
- 4. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:*
  - *Discharge Rates*
  - *Discharge Volumes*
  - *Soakage tests*
  - *Maintenance and management of SUDS features*
  - *Sizing of features – attenuation volume*
  - *Infiltration in accordance with BRE365*
  - *Detailed drainage layout*
  - *SUDS*
  - *Network drainage calculations*

##### **Detailed comments**

*The development is in a sustainable location with a short level distance to Bicester town centre shops, bus stops, and other facilities.*

*The nature and scale of the development is such that it is unlikely to generate a significant amount of vehicle traffic, and therefore unlikely to have an adverse impact on the capacity of the highway network.*

*Parking provision for both developments is adequate but not excessive. The staff parking to the north of Building B would need to be allocated as such.*

*There is a high and constant demand for on-street parking on Old Place Yard associated with town centre uses. This generates a significant amount of vehicle circulation whilst car drivers search for a space. The proposed parking to the south of Building A would result in the loss of some on-street spaces.*

OCC has already commented on the parking issues in the area and these comments, which are included in Section 9 of the Design and Access Statement, are still valid. In particular, the resident's controlled parking zone on Church Lane could be extended into Old Place Yard, but would require a consultation exercise to be undertaken.

The turning area annotated to the north west of Building B appears adequate. However, this will need to be demonstrated by swept path analysis.

There is a well-used north-south pedestrian route passing through the centre of the site and this will need to be preserved. The adoption plan for the area shows that a western branch of this route passes to the west of the Dovecote and joins the western branch of Old Place Yard. Site A occupies the space used by this route, and a stopping up order will be required.

A modest amount of covered cycle parking should be provided for the benefit of able bodied residents, staff, other carers and visitors.

#### Drainage

The Flood Risk Document is incomplete. The last few pages are blank. In particular OCC would like to see the soakage tests and unfortunately that is one of the blank pages.

#### 5.3.2 Archaeology (comments on original submission received 18 February 2016): Objection

Key issues: The proposed development is located in an area of considerable archaeological interest within the site of the medieval Bicester Priory. Historic England have identified that the site has the potential to contain nationally important archaeological deposits. An archaeological desk based assessment will need to be submitted with this application assessing the potential impacts of this proposal on any such deposits as set out in the NPPF paragraph 128.

The submitted written scheme of investigation is wholly inadequate to deal with the potential complexities of the archaeological deposits and should be withdrawn from the application.

The recommended DBA should provide the appropriate level of information to identify a suitable and appropriate mitigation methodology.

#### Detailed Comments:

The proposed development is located in an area of considerable archaeological interest within the site of the medieval Bicester Priory. Any development on this site has the potential to disturb archaeological remains related to this significant archaeological site.

The site was considered for scheduling by Historic England who concluded that they were not able to recommend the site for scheduling at that time as they were unable to confirm the extent to which the remains survive. They did however highlight that:

*'were survival to be of good quality so that most of the plan of the church and cloister could be interpreted from foundation trenches and wall footings, that would be enough to say that there was substantial survival and the potential for a greater understanding of Bicester Priory. In that case the Priory would undoubtedly be of national importance for its survival, potential, period and group value.'*

We have previously provided advice for this site as part of the County Council response to a pre application consultation (15/00182/PREAPP) where we recommended that an archaeological assessment (desk based assessment) would need to be submitted along with any planning application for the site in line with paragraph 128 of the NPPF. The requirement

was also reiterated to Cherwell District Council in an email to Peter Meadow, Construction Team Leader, on the 10th December 2015.

The NPPF states that:

*'Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment' (NPPF para 128).*

A heritage statement has been submitted with this application. This however only considers the setting of the listed building on the site and does not assess the impacts on any below ground archaeological deposits. The heritage statement omits any reference to Historic Environment Record data also required by paragraph 128 of the NPPF.

A written scheme of investigation (WSI) has also been submitted by the applicant along with the planning application which sets out the applicant's proposed archaeological mitigation. At no time have we been consulted about the appropriate level of mitigation that the importance of the site justifies. The written scheme only considers the most recent archaeological reports relating to the site and there is no attempt to produce a full assessment of the archaeological interest or potential of the Priory Site. Only the plan of the Priory Church is included and the other important aspects of the Priory complex such as the cloisters, chapter house and kitchens are omitted. As a result there has been no consideration of the impact of this proposed development upon these features.

The submitted WSI highlights that the aim of the archaeological investigation is the preservation in situ of significant archaeological deposits. The WSI proposes a watching brief as the best way to achieve this but this approach would be wholly insufficient to achieve this. The WSI proposes that the significance of any archaeological deposits encountered would only be assessed after the watching brief is fully completed (5.11). If this approach were to be adopted then any consideration of the extent of the survival of the remains and their significance would not be possible until after the impact of the development had occurred. This is not an acceptable approach that is in line with the NPPF and the statement from Historic England.

The WSI states that previous investigations show that the archaeological deposits have been truncated but this is not the case over the whole site and seems to be based only on the watching brief within the footprint of the previous building. The two oven bases found within Trench 6 of the 2013 evaluation clearly show that relatively well preserved archaeological deposits do survive on the site. The WSI highlights that the proposed foundation design has not yet been determined for a number of areas and therefore the potential impacts on surviving archaeological deposits cannot be understood at this stage.

English Heritage states in the designation report that:

*'Further excavation in an open area context would resolve the problem of its survival, and any such excavation would need to be conducted in such manner as to assume that the 2013 evaluation was correct and that the site was of national importance until proved otherwise.'*

The proposed mitigation set out in the WSI is therefore not an acceptable scheme and would not provide any opportunity for deposits of national importance to be identified and protected. The WSI should therefore be withdrawn from this application.

We would recommend therefore that an archaeological desk based assessment drawing together the results of **all** previous archaeological investigations on the site and providing a full assessment of the archaeological significance and interest will need to be submitted with any planning application for this site before the application is determined in line with our previous



*advice and paragraph 128 and 139 of the NPPF. This assessment should also set out a positive approach for the identification and preservation of important archaeological features.*

*Once this desk based assessment has been submitted we will be able to provide more detailed advice on this application.*

### **5.3.3 Archaeology (comments on additional information received 06 May 2016): Objection**

*Key issues: The proposed development is located on the remains of Bicester Priory. This site is considered to be of National Importance. The level of proposed impact and the suggested archaeological mitigation would not be acceptable for a site of this significance and we would recommend that planning permission should not be granted at this stage.*

#### *Detailed comments:*

*The applicant has now submitted a desk based assessment for the site. This document does provide a fuller account of the archaeological background of the site than that contained within the written scheme of investigation. The assessment of the significance of the heritage assets however is based on the assumption the site is only of local or regional importance. The assessment highlights paragraph 135 of the NPPF which deals with non-designated assets but makes no reference to paragraph 139.*

*'Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.'*

*A further phase of archaeological evaluation has now been undertaken although the report for this has yet to be submitted. The evaluation work at the site has shown that the remains of the Priory do survive to such an extent that a clear understanding of the layout of the*

*Priory can be gained. English Heritage's scheduling report highlights that in such a case the site would be considered to be of national importance.*

*The application will therefore need to be determined in line with the policies within the NPPF for designated sites as set out in paragraph 139. There is the potential for development on the site but it will need to be carefully designed to minimise the impact on the significant archaeological deposits.*

*The current proposals for mitigation would not be acceptable. The archaeological method statement submitted with the application sets out a reactive approach to preservation with a watching brief undertaken during the development and suggests that 17.5% of the Priory would be impacted. This would not be an appropriate level of impact to preserve the site in situ and the watching brief is unlikely to be able to record the affected archaeological deposits in a manner proportionate to their significance as set out in the NPPF, paragraph 141.*

*A new foundation design is being considered following the recent evaluation with the aim of reducing the impacts considerably but we will not be able to assess this until details of the design and the evaluation report have been received.*

*The western side of the site does contain archaeological deposits related to the Priory site but these are not considered to be of national importance. They are however still significant deposits and the watching brief proposed in the method statement will not be a suitable method of preserving these deposits by record as required by paragraph 141 of the NPPF.*

*We would therefore not recommend that planning permission is granted at this stage.*

#### 5.3.4 Archaeology (comments on additional information received 23 May 2016):

*The submitted amendments do not alter our original comments as they only affect the standing buildings on the site. The advice of the Conservation Officer at the District Council should however be taken.*

#### 5.3.5 Archaeology (comments on additional information received 24 May 2016):

*The evaluation work at the site has shown that the remains of the medieval Priory survive to an extent that a clear understanding of the layout of the Priory can be gained. English Heritage's scheduling report highlights that in such a case the site would be considered to be of national importance (paragraph 139, NPPF 2012).*

*The application will therefore need to be determined in line with the policies within the NPPF for designated sites as set out in paragraph 139. There is the potential for development on the site but it will need to be carefully designed to minimise the impact upon the significant archaeological deposits.*

*A redesigned foundation plan has been submitted to us (H489-MO-Z2-FN-DR-S-21022-P1\_B) which sets out a piled design which reduces the impact of the proposed development considerably. Whilst the Priory remains are very significant the impact of this redesigned foundation plan is likely to be less than substantial. This scheme can form the basis of an agreed mitigation.*

*There will however still be a significant impact upon the archaeological remains and a programme of archaeological investigation would be required in line with paragraph 141 of the NPPF. This can be secured through appropriately worded conditions as set out below providing the finally agreed scheme is acceptable to Historic England and ourselves.*

- 1. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area and including details of the foundation design, which shall be submitted to and approved in writing by the Local Planning Authority.*

*Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012).*

- 2. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.*

*Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).*

5.3.6 Education: No comment. The proposed mix of housing for this development generates no additional early years, primary, secondary or SEN pupils. Therefore we have no comment to make. Should the mix subsequently change, our response to the development may also change and we reserve the right to request contributions at a future date.

5.3.7 Property: The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure

OCC is not seeking property contributions to mitigate the impact of this development on infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended).

If a S106 agreement is required to secure either transport or education contributions then the County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured. An administrative payment would also be required for the purposes of administration and monitoring of the proposed S106 agreement.

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

Informative: the Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems

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

#### **5.4 Other External Consultees:**

5.4.1 Historic England (original comments received on 29 March 2016): It is the view of Historic England that the opportunity should be taken to improve the design of the proposed development, and in particular the choice of material for the roofs, in order to avoid harming the significance of the designated heritage assets within the vicinity, particularly the grade I listed Church of St Edburg and the grade II\* Old Priory buildings.

Significant archaeological remains are known to survive on this site. These remains are not scheduled but could be considered to be of national importance. A detailed desk-based archaeological assessment should be submitted in order for the impact of the proposals to be properly understood. Once we have received a detailed assessment, we would be happy to advise further on appropriate mitigation.

#### Significance

The proposed development area is located on the site of Bicester Priory, a medieval religious house belonging to the order of St Augustine. Such sites are illustrative of a time when monasteries were centres of worship, learning and charity and they usually included a church, cloister and inner courtyard with guest accommodation, kitchens and other functional buildings. Very little of the monastery survives above ground at Bicester but some of the surrounding buildings do contain medieval fabric. The Old Priory and attached garden walls to the south-east of the development site are listed grade II\* and may represent the former hospice of Bicester Priory. Old Place Yard House to the north is listed grade II, dates from the sixteenth century and was probably part of a gatehouse to Bicester Priory. The Church of St

*Edburg, to the north-east of the site, is listed grade I and is the oldest building in the vicinity, with historic fabric dating back to the 11<sup>th</sup>-12<sup>th</sup> centuries. The Church provides an important link back to the origins of the monastic site. Bicester Priory was dissolved in 1536 and its own church was demolished at this time. The other Priory buildings were adapted for private use before eventually being demolished in the later seventeenth century.*

*Several archaeological investigations have taken place on or close to the proposed development area. An archaeological excavation in 2011 (JMHS) uncovered the east end of the church to the east of Priory Lane and a number of burials. A burial has been recorded in the vicinity of the existing library, where the lay cemetery is believed to have been located. A trial trench evaluation of the proposed development area in 2013 revealed surviving wall foundations, floor bedding surfaces, ovens and stone robbing trenches surviving beneath the ground.*

*The site clearly has evidential value. It is known that significant buried archaeological remains do survive on this site but how they relate to each other is not properly understood. The site has historical value in its link to the Augustinian Order and the dissolution of the monasteries. Communal value is demonstrated by the fact that a community still lives within and around the Priory site, which has a certain aesthetic value provided by its open green spaces. These values combine to give the heritage asset its significance.*

*Part of Bicester Priory at Old Place Yard was considered for scheduling by English Heritage (as was) in 2015. The decision was taken not to schedule the site because of uncertainty over the extent and quality of a surviving coherent plan of the medieval Priory. In their advice report English Heritage (25/03/2015) recommended that "Further excavation in an open area context would resolve the problem of its survival, and any such excavation would need to be conducted in such a manner as to assume that the 2013 evaluation was correct and that the site was of national importance until proved otherwise. Therefore at present we feel that the site is best managed through the planning process but if during this process substantial survival is demonstrated, we would consider the site to be of national importance".*

### Impact

*The proposed development would be located in two areas. Site A would be located to the west, on the site of the former Council offices. Area B would be located to the east, on the site of a former care home. The proposals are for eleven self-contained flats for people with physical disabilities, learning disabilities and Autistic Spectrum Condition. Both buildings would be single storey with photo-voltaic panels on the roofs. Fencing and hedge planting is proposed around the perimeter of the site.*

*With regard to the listed buildings, there would be no meaningful intervisibility between nearby designated heritage assets and site B. The roofs of site A would be visible from within the churchyard, particularly in winter, when the trees on the edge of the churchyard shed their leaves. The setting of the church is defined by the small scale vernacular buildings that surround it. These make an important contribution to its significance: historically they are a reminder that the church was at the centre of medieval Bicester. The appreciation of the architectural qualities of this grade I listed building is greatly enhanced by the surrounding vernacular buildings. Development on site A which was unsympathetic, either due to being out of scale or of an unsympathetic design has the potential to harm the significance of the church as the sense that it is at the centre of a historic settlement would be eroded.*

*The design proposed is disappointing architecturally but, as it is relatively low and features traditional roofs it need not have an adverse impact on the setting of the church providing a high quality material, such as natural slate or tile, is used. The concrete tile currently proposed would not fit well with the surrounding buildings and would not create an attractive foil for the church. We therefore conclude that there would be an element of harm to the*

*significance of this grade I listed building.*

*There may also be an impact on the setting of the grade II listed 17<sup>th</sup> century Dovecote, which is located directly adjacent to Site A. The District Conservation Officer should be consulted on this matter.*

*With regard to the buried archaeological remains, we support the advice already provided by the Planning Archaeologist at Oxfordshire County Council. A thorough desk-based assessment of the proposed development area would be worthwhile to draw together the results of all the previous investigations and to enable a more detailed understanding of the buried archaeology. The Heritage Statement provided by EDP does not adequately cover the archaeological impacts and we do not consider an archaeological watching brief to be an appropriate form of mitigation for this site. We would be happy to advise further once such an assessment has been submitted.*

#### *Policy considerations*

*Paragraph 132 of the NPPF advises that substantial harm to a designated heritage asset harm is necessary to achieve substantial public benefits that outweigh that harm. Paragraph 134 advises that where a development proposal will lead to less than substantial harm this needs to be weighed against the public benefits of the proposal.*

*As the harm to the church could be avoided by using a better quality roofing material we do not consider the harm entailed by this application justified. Public benefits could include better interpretation of the Priory site, perhaps using the listed Dovecote as an interpretation centre.*

#### *Conclusion*

*In conclusion, it is the view of Historic England that the opportunity should be taken to improve the design of the proposed development, and in particular the choice of material for the roofs, in order to avoid harming the significance of the designated heritage assets within the vicinity, particularly the grade I listed Church of St Edburg and the grade II\* Old Priory buildings.*

*Significant archaeological remains are known to survive on this site. These remains are not scheduled but could be considered to be of national importance. A detailed desk-based archaeological assessment should be submitted in order for the impact of the proposals to be properly understood. Once we have received a detailed assessment, we would be happy to advise further on appropriate mitigation.*

#### *Recommendation*

*We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.*

#### **5.4.2 Historic England (additional comments received 9 May 2016):**

*We have received amended proposals for the above scheme. This amended advice is based on a site visit made on 26th April 2016 and subsequent discussions with the agent.*

#### *Summary*

*A detailed desk-based archaeological assessment has been submitted and further evaluation trenching has been undertaken since we last commented on this scheme on 28th March 2016. Significant archaeological remains are proven to survive on this site, including well-preserved remains of Bicester Priory church foundations, cloister walls and the possible chapter house in the eastern half of the site. These remains are not scheduled but appear to be of national importance and therefore should be considered of equivalent importance to scheduled monuments. The proposed scheme, as submitted, would be harmful to the*

significance of the heritage asset through its impact on the buried archaeological remains. A design solution could be found to preserve the remains in situ beneath the proposed buildings but further details would be required to ensure this would work, including revised design drawings and the results of the archaeological evaluation (report forthcoming). However, as submitted, the scheme is considered to be too harmful and we therefore recommend that consent should be refused. We would be pleased to advise on an alternative scheme for the eastern half of the site.

#### Historic England Advice

Our previous advice outlined the significance of the site in detail. This has also been further addressed through the submission of an archaeological desk-based assessment and a trial trench evaluation carried out by Headland Archaeology. We are awaiting the report detailing the results of the evaluation.

As you are aware, part of Bicester Priory at Old Place Yard was considered for scheduling by English Heritage (as was) in 2015. The decision was taken not to schedule the site because of uncertainty over the extent and quality of a surviving coherent plan of the medieval Priory. In their advice report English Heritage (25/03/2015) recommended that "Further excavation in an open area context would resolve the problem of its survival, and any such excavation would need to be conducted in such a manner as to assume that the 2013 evaluation was correct and that the site was of national importance until proved otherwise. Therefore at present we feel that the site is best managed through the planning process but if during this process substantial survival is demonstrated, we would consider the site to be of national importance".

Following the most recent evaluation, it appears that substantial survival has been demonstrated in the eastern part of the development area. These remains should be preserved in situ.

#### Impact

The proposed development would be located in two areas. Site A, located to the west, on the site of the former Council offices, contains archaeological remains considered to be of regional/local importance. The impact of the development on this part of the site could be mitigated through an appropriate programme of archaeological work. The County Planning Archaeologist is best placed to advise on this. Area B, located to the east, on the site of a former care home, is where the most significant archaeological remains have been found to survive. The proposals are for eleven self-contained flats for people with physical disabilities, learning disabilities and Autistic Spectrum Condition. The foundation design, as submitted, is considered likely to cause substantial harm to the archaeological remains in the eastern part of the site. We have received some alternative design proposals from the applicant which would go some way to ensuring preservation in situ of the significant archaeological remains. However, without details relating to the depths of the buried remains and proposed depths of foundations we do not have enough information to advise whether this design solution would work.

#### Policy considerations

Paragraph 139 of the NPPF states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets. Paragraph 132 of the NPPF advises that substantial harm to a designated heritage asset should be wholly exceptional and paragraph 133 advises that consent should be refused unless the harm is necessary to achieve substantial public benefits that outweigh that harm. Paragraph 134 advises that where a development proposal will lead to less than substantial harm this needs to be weighed against the public benefits of the proposal.

### Recommendation

Significant archaeological remains are proven to survive on this site, including well-preserved remains of Bicester Priory church foundations, cloister walls and the possible chapter house in the eastern half of the site. These remains are not scheduled but appear to be of national importance and therefore should be considered of equivalent importance to scheduled monuments. The proposed scheme, as submitted, would be harmful to the significance of the heritage asset through its impact on the buried archaeological remains. A design solution could be found to preserve the remains in situ beneath the proposed buildings but further details would be required to ensure this would work, including revised design drawings and the results of the archaeological evaluation (report forthcoming). However, as submitted, the scheme is considered to be too harmful and we therefore recommend that consent should be refused. We would be pleased to advise on an alternative scheme for the eastern half of the site.

- 5.4.3 Historic England (additional comments received 24 May 2016): We have received amended proposals for the above scheme. This amended advice is based on the additional information recently received by Historic England

### Summary

Significant archaeological remains are proven to survive on this site, including well-preserved remains of Bicester Priory church foundations, cloister walls and the possible chapter house in the eastern half of the site. These remains are not scheduled but appear to be of national importance and therefore should be considered of equivalent importance to scheduled monuments. The revised scheme, as detailed in the drawings submitted to Historic England, would cause significant harm to the significance of the heritage asset through its impact on the buried archaeological remains. However, the proposed design solution shows that the developer has made efforts to reduce the level of harm and to preserve the remains in situ beneath the proposed buildings. The local planning authority will need to weigh the public benefits of the proposals against the harm likely to be caused.

### Historic England Advice

We previously commented on the proposed scheme on 28th March 2016 and 9th May 2016. Since we last commented on this scheme we have received revised foundation and drainage drawings and the archaeological evaluation report (Headland Archaeology 2016). Our previous advice letters outlined the significance of the site in detail. This has also been further addressed through the submission of an archaeological desk-based assessment and a trial trench evaluation carried out by Headland Archaeology.

As you are aware, part of Bicester Priory at Old Place Yard was considered for scheduling by English Heritage (as was) in 2015. The decision was taken not to schedule the site because of uncertainty over the extent and quality of a surviving coherent plan of the medieval Priory. In their advice report English Heritage (25/03/2015) recommended that "Further excavation in an open area context would resolve the problem of its survival, and any such excavation would need to be conducted in such a manner as to assume that the 2013 evaluation was correct and that the site was of national importance until proved otherwise. Therefore at present we feel that the site is best managed through the planning process but if during this process substantial survival is demonstrated, we would consider the site to be of national importance".

Following the most recent evaluation, it appears that substantial survival has been demonstrated in the eastern part of the development area. We advised that these remains should be preserved in situ and the developer has redesigned the foundations to reduce their impact.

### Impact

The proposed development would be located in two areas. Site A, located to the west, on the site of the former Council offices, contains archaeological remains considered to be of regional/local importance. The impact of the development on this part of the site could be mitigated through an appropriate programme of archaeological work. The County Planning Archaeologist is best placed to advise on this.

Area B, located to the east, on the site of a former care home, is where the most significant archaeological remains have been found to survive. The proposals are for eleven self-contained flats for people with physical disabilities, learning disabilities and Autistic Spectrum Condition. The revised foundation design, as detailed in MONSON drawings H489-MO-Z2-FN-DR-S-21022; H489-MO-Z2-FN-DR-S-21023; H489-MO-Z2-XX-DR-C-31103; H489-MO-Z2-XX-DR-C-31104, is considered likely to cause significant harm to the archaeological remains in the eastern part of the site. It will thus impact upon the significance of the site through the impact upon its archaeological interest. However, the use of piles and shallow foundations and the routing of drainage through previously disturbed areas should ensure preservation in situ of most of the significant archaeological remains.

More extensive area evaluation in advance of the design of the final pile layout would ensure avoiding major obstacles and significant buried remains. The guidelines and best practice on Piling and Archaeology provided by Historic England (revised 2015) should be followed in this case.

### Roof design

We had previously advised that the use of concrete roofing tiles was not appropriate for the proposed buildings. We understand that clay plain tiles are now proposed, which would be in keeping with the adjacent, listed dovecote. Historic England approves of this amendment.

### Policy considerations

Paragraph 139 of the NPPF states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets. Paragraph 134 advises that where a development proposal will lead to less than substantial harm this needs to be weighed against the public benefits of the proposal.

While the harm that would be caused by the impact upon the archaeological interest by this development would not be substantial, it is nevertheless significant, and the provisions of paragraph 134 need to be met.

### Recommendation

It is the view of Historic England that the proposed development will cause significant harm to the significance of this nationally important site. The local planning authority will need to weigh very carefully the public benefits of the scheme and satisfy itself that they outweigh that harm. If the local planning authority is minded to grant consent for the revised scheme we would recommend the following conditions:

1. No development shall commence until the applicant or their agents or their successors in title has submitted a method statement detailing the piling methodology and foundation design which has been submitted by the applicant and approved in writing by the local planning authority, advised by Historic England.
2. No development shall commence until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological evaluation work in



order to inform the pile location plan in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority, advised by Historic England.

*It is not necessary to consult us again on this application. Please send us a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.*

5.4.4 Bicester Local History Society: Bicester Local History Society are designated consultees for this application as it will affect the setting of nearby listed buildings including the Dovecote and is in the Area of Archaeological Interest (Bicester Conservation Area Appraisal 2011).

- The Society objects to the proposals for Site A which reduce the open and unencumbered setting of the listed Dovecote by the incorporation of three of its external walls into a private garden. The building should be accessible to the public from all sides. The other external boundaries of the garden encroach on existing public open space and this detracts from the setting of the listed building.
- **The Society objects to the application being approved, until further archaeological work has been conducted and the results assessed.** The rationale for this is as follows:

*The important document to consider is the English Heritage report that was prepared in 2014/15 following a proposal to have the whole area scheduled as an Ancient Monument. In relation to buried archaeology, English Heritage have advised:*

*“were survival to be of good quality so that most of the plan of the church and cloister could be interpreted from foundation trenches and wall footings, that would be enough to say that there was substantial survival and the potential for a greater understanding of Bicester Priory. **In that case the Priory would undoubtedly be of national importance for its survival, potential, period and group value**” ‘However, because we are unable, as yet, to .....confirm this survival, we feel that we are unable to recommend the site for scheduling at this time. However the evidence of substantial survival of fabric from the 2013 archaeological evaluation must be taken into account. **Further excavation in an open area context would resolve the problem of its survival, and any such excavation would need to be conducted in such a manner as to assume that the 2013 evaluation was correct and that the site was of national importance until proved otherwise.**’*

*The written scheme of investigation for archaeological mitigation prepared by EDP ignores the English Heritage advice that **‘the site was of national importance until proved otherwise’**, and proceeds on the basis that the development would go ahead anyway. This was the approach taken on the adjoining Bryan House site where an almost complete plan of the Priory chancel, choir and chapels and part of the north transept were discovered. Finds included a reliquary and burials with traces of wooden coffins, charnel pits and a stone-lined cist. All of this was destroyed because planning permission had already been given. We urge the Council not to take this damaging approach on this larger site which includes the body of the priory church and cloister.*

*The mitigation scheme acknowledges that there will be ‘impacts’(destruction) of archaeology from excavation for foundations, service runs and an underground storage tank. The report only allows that these will be mitigated ‘where possible’. **This is not an approach that the Society can support.***

*The mitigation proposals submitted in support of this application do include a ‘Set- piece Excavation’ (paras 6.18-6.22) but only after development had been approved and begun. This*

arrangement is inconsistent with the English Heritage advice and would inevitably compromise survival of the archaeology. **The Society believes that a stand-alone 'set-piece excavation' should take place to confirm if the 2013 evaluation was correct and if the site is of national importance.**

*In these circumstances we formally object to the development proposals and urge the applicants to withdraw the application. Failing that, the Planning Committee should defer its consideration until after a 'Set- piece excavation' has been carried out so as to inform a balanced decision.*

*The historic town of Bicester has played and continues to play, a very substantial part in absorbing development pressures within the district. More development has taken place within the last 30 years than the previous 1000, but there is a serious danger that history and heritage of this ancient place will become unrecognisable. Historic assets are a finite and increasingly endangered resource. It is vital that these sites are properly protected and that new development is sensitively designed to complement them.*

*The Society fully understands that the Council has to strike a balance between the need for development and Local Plan Policy ESD 15 which seeks to ensure that the character of the built and historic environment is respected. If the area is properly investigated and found to be of significant importance, consider the economic benefits of developing the area as a historic site and thus attract visitors to the town. What an incredible asset for the town!*

*We hope that the weight of considerations on each side will be fairly balanced before a decision is made.*

#### 5.4.5 Environment Agency:

*Flood Risk Sequential Test - The site of the proposed development is located within flood zones 1 and 3. Building A of the proposed development is located within flood zone 1 defined by the National Planning Policy Framework (NPPF) and the associated National Planning Policy Guidance (NPPG) as having a 'low probability' of flooding from rivers. However, our detailed flood modelling indicates that Building B of the proposed development is located within the 1% annual exceedence probability (AEP) flood extent. This is classified by the NPPF and associated NPPG as flood zone 3a and as having a 'high probability' of flooding from rivers.*

*The NPPF and associated NPPG classify development types according to their vulnerability to flood risk and give guidance on which developments are appropriate in each flood zone. The development type in the proposed development is classified as 'more vulnerable' development.*

*Therefore, in accordance with paragraphs 101 to 102 of the NPPF the proposed residential development must successfully pass the flood risk sequential test. It is for the applicant to clearly demonstrate and for you (Cherwell District Council) to assess and determine if the sequential test has been passed and there are no other reasonably available sites at lower risk of flooding suitable for this development. Failure of the sequential test is in itself a reason for refusing planning permission.*

#### Environment Agency Position

*The Flood Risk Assessment (FRA) carried out by Moson Engineering and the submitted drawings demonstrate that the proposed Building B represents a reduction in built footprint and therefore it will provide an improvement in the current flood plain storage within the 1% AEP plus 20% allowance for climate change flood extent.*

We consider that planning permission could be granted to the proposed development if the following **PLANNING CONDITIONS** are included as set out below. Without these conditions the proposed development poses an unacceptable risk to people and the environment and we would object to the application.

1. The development permitted by this planning permission shall only be carried out in accordance with the approved FRA by Moson Engineering and the following mitigation measures detailed within the FRA:
  - Finished floor levels of Building B will be set no lower than 69.05m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: This is sought in accordance with paragraph 103 of the NPPF to reduce the risk of flooding to the proposed development and future occupants.

2. There shall be no land raising on site unless otherwise agreed in writing with the local planning authority.

Reason: This is sought in accordance with paragraph 103 of the NPPF to ensure that the risk of flooding on-site and elsewhere is not increased.

The following issues are important to consider for managing flood risk for the proposed development. We recommend that due consideration by you (Cherwell District Council) is given to the issue below.

#### *Flood Risk – Safe Access and Egress*

In accordance with paragraphs 101 to 104 of the NPPF, you must ensure that the 'development is appropriately flood resilient and resistant, including safe access and escape routes where required...' (NPPF) paragraph 103. This is on the understanding that you have concluded that the proposed development has passed the Sequential Test.

Within the application documents the applicant should clearly demonstrate to you that a satisfactory safe access and egress is achievable. If it is for you to assess and determine if this is acceptable.

- 5.4.6 Thames Water: 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. They can be contacted on 0800 009 3921. 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. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.*

*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.*

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

5.4.7 Thames Valley Police Design Advisor: No comment to date

## **6. Relevant National and Local Planning Policy and Guidance**

### **6.1 Development Plan Policies:**

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

#### Cherwell Local Plan 2011 - 2031 Part 1

PSD 1: Presumption in Favour of Sustainable Development  
BSC 1: District Wide Housing Distribution  
BSC 2: The Effective and Efficient Use of Land – Brownfield land and Housing Density  
BSC 3: Affordable Housing  
BSC 4: Housing Mix  
ESD 1: Mitigating and Adapting to Climate Change  
ESD 2: Energy Hierarchy and Allowable Solutions  
ESD 3: Sustainable Construction  
ESD 7: Sustainable Drainage Systems (SuDS)  
ESD 15: The Character of the Built and Historic Environment  
Bicester 5: Strengthening Bicester Town Centre

#### Cherwell Local Plan 1996 (Saved Policies)

C23: Retention of features contributing to character or appearance of a conservation area  
C28: Layout, design and external appearance of new development  
C30: Design control  
C31: Compatibility of proposals in residential areas  
C32: Provision of facilities for disabled people

#### Non-Statutory Cherwell Local Plan 2011

Policy H1b: Proposed housing sites. (The site was identified for 15 dwellings.)

## 6.2 Other Material Planning Considerations:

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

Bicester Masterplan Draft SPD – This will establish the long term vision for the town and integrate committed and planned schemes with new proposals to contribute to the creation of a sustainable town. This is draft guidance only to which only limited weight can be attached.

## 7. Appraisal

7.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle of the development
- Archaeology
- Impact on the setting of listed buildings and the Conservation Area
- Visual amenity
- Design
- Residential amenity
- Highway safety
- Flood risk
- Protected species

### **Principle of the development**

- 7.2 The application sites are located within the built-up area of Bicester which has good accessibility to services and facilities and employment opportunities. The sites were previously occupied by an office building and a care home and the redevelopment of the sites for residential purposes is considered to comply with Policy BSC2 of the Cherwell Local Plan 2011 - 2031 Part 1 which encourages the re-use of previously developed land in sustainable locations. This policy is supported by the NPPF.
- 7.3 The adopted Local Plan 2011-2031 suggests that the need for housing for those with care needs is significant. 'Extra care' housing comprises self-contained accommodation for older and disabled people which enables independent living by providing a range of support facilities on the premises and 24-hour care services. The proposal would contribute in achieving more social cohesion by providing an opportunity for community living and a better mix of housing within existing residential areas.
- 7.4 Policy BSC 4 of the Local Plan 2011-2031 encourages extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs to be accommodated in suitable locations close to services and facilities.
- 7.5 The sites are included in the SHLAA Update 2014 (ref. BI063). The SHLAA concluded that "The site is considered initially deliverable in part for about 11 dwellings. Due to its location and characteristics, the whole site would be suitable for about 25 dwellings. Any proposal would need to protect the historic and archaeology value of the area."

- 7.6 The sites are adjacent to the Bicester Conservation Area, within the setting of listed buildings and are of high archaeological interest. Policy ESD 15 expects new development to complement and enhance the character of its context through sensitive siting, layout and high quality design. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential. The Policy also requires that new development proposals conserve, sustain and enhance heritage assets and their settings.
- 7.7 Therefore, whilst the broad principle of developing these sites for extra care housing is supported, the acceptability of any proposal will be dependent on other material considerations, not least whether the historic significance and archaeological value of the site and surrounding area can be adequately protected.

### **Archaeology**

- 7.8 The NPPF (paragraph 128) states that in determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected. It continues that where an application site includes or has the potential to include heritage assets with archaeological interest local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation. The applicant originally submitted a written scheme of investigation with the application that proposes a watching brief as the method for recording and preserving archaeological remains, with the general strategy being to preserve, as far as possible, surviving remains in situ. However, on the advice of the County Archaeologist and Historic England, it was considered that this is insufficient to assess the importance of the archaeological remains on the site.
- 7.9 The application sites are located on the site of Bicester Priory, a medieval religious house belonging to the order of St. Augustine. In 2015 English Heritage (now Historic England) decided not to schedule the site because of uncertainty over the extent and quality of the surviving features and plan of the Priory. However, English Heritage recommended that any future excavation of the site should: *be conducted in such a manner as to assume...the site was of national importance until proved otherwise.*
- 7.10 Further work has now taken place during the course of the application including a desk-based assessment and a field evaluation.
- 7.11 Historic England and the County Archaeologist have advised that the additional work has identified that the remains of the Priory do survive to such an extent that a clear understanding of the layout of the Priory can be gained. Part of the site, Site B, is to be considered to be of national importance (and so of equivalence to a scheduled monument) and paragraph 139 of the NPPF states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets (paragraphs 132, 133 and 134 of the NPPF refer). Site A does contain archaeological deposits related to the Priory site but these are not considered to be of national importance. They are however still significant deposits and the County Archaeologist advises that the watching brief proposed in the method statement will not be a suitable method of preserving these deposits by record as required by paragraph 141 of the NPPF. A strip map and sample excavation on the western side of site A will be required along with a written scheme of investigation.
- 7.12 With regard to Site B, following the most recent evaluation it appears that substantial survival has been demonstrated in the eastern part of the development area. Historic England has advised that the remains should be preserved in situ and the County Archaeologist has

advised that whilst there is the potential for development on the site it will need to be designed very carefully to minimise the impact upon the nationally important archaeological remains.

- 7.13 Following the most recent evaluation and in response to the advice of Historic England and the County Archaeologist, a redesigned foundation plan has been submitted which sets out a piled design which reduces the impact of the proposed development considerably. The County Archaeologist has advised that whilst the Priory remains are very significant the impact of the redesigned foundation plan is likely to be less than substantial. Likewise Historic England states that while the harm that would be caused by the impact upon the archaeological interest of the site by this development would not be substantial, it is nevertheless significant and the provisions of paragraph 134 of the NPPF apply.
- 7.14 Paragraph 134 states that where development would lead to less than substantial harm, “this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.
- 7.15 The provision of much needed specialised housing in the District, in a sustainable town centre location, and on a site that was previously occupied by a residential care home, is considered to be of significant public benefit. Conversely whilst the proposed scheme would clearly cause harm to the important archaeological remains that appear to survive on the site, the amended foundation design along with securing a programme of archaeological investigation as required by Historic England and the County Archaeologist is considered to minimise the impact to the minimum possible for this scheme. Therefore on balance, and subject to the re-consultation on the additional information and amended plans raising no additional issues or concerns, it is considered that the harm caused to the heritage assets is outweighed by the public benefits of the development in this case.

#### **Impact on the setting of listed buildings and the Conservation Area**

- 7.16 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*.
- 7.17 The application sites are located outside but adjacent to the Bicester Conservation Area. The scheme has been amended during the course of the application, including amendments to the design of the buildings which show the use of traditional details and materials such as tile cills, timber windows and doors, an English Garden Wall brick bond to the external walls, and a simple low-key single storey plan form. Whilst the reservations of the Council's Conservation Officer are noted, having regard to the unsympathetic modern development that existed on the site until very recently, the proposed redevelopment of the sites (as amended) will in your planning officers' opinion at least preserve, if not enhance, the character and appearance of the adjacent Conservation Area.
- 7.18 With regard to the impact on listed buildings, St Edberg's Church is sited to the north west of the site and is separated from the proposed development sites. It is Grade I listed and Historic England has commented that the proposed development of Site A will affect its setting. They have stated that whilst they consider that the design proposed is disappointing architecturally, as it is relatively low and features traditional roofs it need not have an adverse impact on the

setting of the church providing a high quality material, such as natural slate or tile, is used. It is considered that the use of a clay tile as proposed in the amended drawings will overcome the potential harm to the setting of the Church.

- 7.19 The Grade II listed Dovecote is immediately adjacent the proposed development of Site A, and its setting will be effected. The Council's Conservation Officer has raised concerns about this impact. However the proposed building would create open space around the Dovecote so that it is read in a more open setting than previously existed, and this is considered to be sympathetic to how the building would originally have been experienced. The amendments to the layout of the communal garden and the simplified design of the railings enclosing the garden will also ensure that, in your planning officers' opinion, there is no undue harm to the setting or significance of this listed building. The development of Site B is considered to preserve the setting of nearby listed buildings.

### **Visual amenity and Design**

- 7.20 Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 states new development will be expected to complement and enhance the character of its context through sensitive siting and layout and states all development will be required to meet high design standards. It goes on to state development should respect the traditional pattern of plots and also respect the form, scale and massing of buildings. Development should be designed to integrate with existing streets and buildings clearly configured to create defined active public frontages. Saved Policy C28 and C30 of the 1996 Local Plan also seek to ensure high quality development, consistent with Paragraphs 58 and 60 of the NPPF which state that development proposals should respond to the local character and surroundings and reinforce local distinctiveness. Paragraph 64 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 7.21 The proposed buildings are designed specifically for occupancy by adults with physical disabilities, learning disabilities and autistic spectrum conditions. They are therefore required to meet certain design standards, such as accessibility, means of escape and window cill heights. The proposed units are very simple in terms of the appearance and reflect in general scale and form the existing buildings between the two sites.
- 7.22 The application drawings have been amended to continue the pitched roof along the southern part of the building on Site A, to introduce architectural interest into the elevations of all of the buildings whilst retaining their simplicity, and to improve the quality of the materials. It is now proposed that the roofs are covered with plain tiles and the bricks for the external walls will be laid using a more decorative and traditional 'English Garden Wall' bond. Timber windows are also proposed. Historic England objected to the roofing materials as originally submitted but has raised no objections to the use of plain tiles.
- 7.23 The open character between the two sites is to be retained with the provision of low planting around Site A with railings and planting adjacent to the public footpath and dovecote giving security and some privacy to the shared garden and occupiers of that site. The car parking to the south of Site A will be prominent but it will be seen in the context of similar existing parking areas in Old Place Yard.
- 7.24 The buildings to be provided on Site B will not be as prominent in public views as the Site A building due to the location and enclosure provided by the boundary walls. The use of render is not considered to be ideal in terms of creating a simple, traditional appearance to the buildings. However the use of render is necessary to reduce the archaeological impacts to the minimum possible, and as the site is the less prominent of the two and the render is to be used on the inward facing elevations of the buildings only, it is considered that this element is acceptable. Therefore the buildings at Site B are considered to be acceptable in design terms.



- 7.25 It is considered that with the submission of the amended plans the development will not detract from the visual amenities of the area and is an acceptable form of development in design terms, in compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

### **Residential amenity**

- 7.26 Both the NPPF and Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.

#### **Site A**

- 7.27 It is considered that the development will not adversely affect the living amenities of the neighbouring dwellings by reason of overlooking or loss of light due to the relationship between the proposed development and the surrounding dwellings/flats. It is considered that the size and form of the units along with the amenity space to be provided will result in adequate levels of amenity for the proposed occupiers.

#### **Site B**

- 7.28 The units are single storey and as such will not result in detriment to the living amenities of neighbouring properties due to overlooking or loss of light.
- 7.29 It is considered that the size and form of the units along with the amenity space to be provided will result in adequate levels of amenity for the proposed occupiers. However, there are habitable room windows in the side elevation of No.28 Old Place Yard that could potentially overlook the garden and habitable room windows of the first unit in Block B1. The windows in the western elevation of this unit serve a communal kitchen and a staff garden area and the difference in land levels between the proposed and existing buildings are such that it is unlikely that the overlooking will be of such a level as to provide unacceptable living amenities for the staff using the unit/ garden. There is also the potential for the overlooking of the private rear gardens of the units backing onto Priory Lane (Block B2) from the flats and dwellings in Priory Lane. However the boundary wall is low enough for views to be gained over the wall by pedestrians walking along Priory Lane. Therefore the overlooking from the dwellings/flats to the east is not considered to be significant. Planting is proposed adjacent to the eastern boundary which could in time reduce any impact from overlooking still further.

### **Highway safety**

- 7.30 The Highway Authority has advised that the development is unlikely to have an adverse impact on the highway network and that the proposed parking provision at the development is adequate. Whilst it will result in the loss of on-street parking to the south of Site A this on-street parking is not allocated and cannot be relied upon by residents of the houses in Old Place Yard. Off-street parking is provided for these dwellings elsewhere. Comments have been raised in the representations that parking for Site A could be provided to the north of the site rather than to the south. This would have a far greater impact on the appearance of the scheme and upon the character and appearance of the Conservation Area and setting of the Grade I listed church with vehicles dominating the street scene due to the location of existing parking areas in this location.
- 7.31 The Highway Authority has suggested that a resident's parking scheme is introduced in the area but this is not a matter that can be considered as part of this application.

## **Flood risk**

- 7.32 The sites are located within Flood Zones 1 and 3. Site A is located within Flood Zone 1 which is defined as having a 'low probability' of flooding from rivers. Site B however is located within Flood Zone 3a and is defined as having a 'high probability' of flooding from rivers.
- 7.33 The NPPF and NPPG classify development types according to their vulnerability to flood risk and give guidance on which developments are appropriate in each flood zone. The development type in the proposed development is classified as 'more vulnerable' development. Because of this the proposed development must pass the flood risk sequential test in accordance with paragraphs 101 to 102 of the NPPF.
- 7.34 A flood risk assessment (FRA) has been submitted with the application and this states that whilst the proposed development has a 'more vulnerable' classification this is the same as the former and current uses on the site.
- 7.35 The NPPF Technical Guidance states that in Flood Zones 1 and 2 'more vulnerable' uses are appropriate if supported by an acceptable site-specific FRA. The Environment Agency has not raised any objections to the redevelopment of Site A.
- 7.36 With regards to Site B which is in Flood Zone 3 the proposal needs to pass a sequential test. The FRA considers that the sequential test has been satisfied for the following reasons:
- The site is specifically allocated for future development in the Non-Statutory Local Plan (NSLP), Strategic Flood Risk Assessment (SFRA) and Strategic Housing Land Availability Assessment (SHLAA) documents.
  - Section 3.76 of the NSLP refers specifically to the site and its preferred development for residential purposes. The site is indicated for development on the accompanying Proposals Plan.
  - Section 805 of the draft Bicester Masterplan refers to the proposed relocation of the existing library, social services offices and old persons' home buildings from the site.
  - The SHLAA contains a resumé of the development potential of the site in Appendix C. It concludes that the site is 'developable and deliverable' and that 30 residential units could be accommodated. As previously stated, however, it does not include flood risk in the 'physical constraints' to development listed.
- 7.37 The NPPG advises that "When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken". It goes on to state that "it is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case... Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere".
- 7.38 The Environment Agency has not raised any objections to the redevelopment of Site A and has advised that the redevelopment of Site B represents a reduction in built footprint to the previous building on the site and therefore it will provide an improvement in the current flood plain storage. They have recommended conditions relating to implementation of the development in accordance with the submitted flood risk assessment and that land levels on the sites should not be raised without prior agreement.
- 7.39 Having regard to the previous uses on the site, the Environment Agency's advice, and the guidance contained in the NPPG, the Council's Planning Officers are satisfied that the

sequential test has been passed in this case. With regard to the exception test, The NPPG at Table 3 of the Flood Zones and Flood Risk Tables states that 'more vulnerable' development is acceptable provided the Exception Test is satisfied. Section 102 of the NPPF refers to the requirements to pass the exception test, these are:

- a) that wider sustainability benefits result which outweigh potential flood risk issues;
- b) a site-specific FRA demonstrates that the proposal will not lead to flood risk to the site or surroundings and that overall flood risk will be lessened if possible.

7.40 Officers consider that the requirements of the Exception Test have been met. The development is considered to result in wider sustainability benefits and this is informed by the SFRA which indicated that the site was appropriate for future development. Furthermore, the Environment Agency has advised that the proposals will lead to an improvement in the current flood plain storage. Therefore the proposals are considered acceptable in flood risk terms.

### **Protected species**

7.41 Paragraph 109 of the 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”.

7.42 Paragraphs 192 and 193 further add that “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”. One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

7.43 Paragraph 18 states that “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”

7.44 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that:

- every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity; and;
- Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have

regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

- 7.45 The Ecological Appraisal submitted with the application concluded that the *“habitats within the two areas of the site are of very low importance and are not significant”*. This is due to the location and nature of the sites and because of this there is limited potential for protected species. The survey covered plants, invertebrates, amphibians, reptiles, birds, bats, badgers and other mammals. The Appraisal also concluded that *“there is some minor bird nesting value in the shrubs and ivy scrub along the wall, but no other important or protected species will be implicated in the redevelopment of the site.”*
- 7.46 Mitigation measures for the loss of any bird nesting and invertebrate habitat are proposed by way of introducing bird nesting boxes and insect boxes within the sites. Therefore officers are satisfied that the proposal is acceptable in ecological terms.

### **Other matters**

#### **Trees**

- 7.47 The tree adjacent to the proposed vehicular access into Site A is considered to make an important contribution to the street scene. Whilst it may be desirable for this tree to be retained, given the location of the parking for the units this is not possible. Altering the layout of the parking to enable the tree to be retained may result in the parking being displaced to a more sensitive part of the site, with resulting harm to the character and appearance of the Conservation Area. Therefore it is considered that the benefits of development outweigh any harm to visual amenities of area due to loss of the tree.
- 7.48 A number of trees will be lost from within Site B, and whilst the site is not within the Conservation Area it is adjacent to it and the loss of the trees is regrettable in terms of the impact on the setting of the Conservation Area. However the trees are not protected and it is considered that the benefits of the development, providing much needed specialised accommodation in a sustainable location and on a previously developed site, outweigh any harm to the visual amenities of area as a result of the loss of these trees.

#### **Footpath diversion**

- 7.49 There is a public right of way running north/south to the east of the dovecote. The Highway Authority has highlighted that the adoption plan for the area also shows that a western branch of this route passes to the west of the Dovecote and joins the western branch of Old Place Yard. Site A occupies the space used by this route, and the Highway Authority has advised that a stopping up order will be required in order to construct the development on Site A. However the Highway Authority do not object to the stopping up of this route, and as the principal north-south route between the sites will remain open, the stopping up of this branch route is considered acceptable in planning terms and is necessary to enable the development to take place. The stopping up of the branch route will have to be applied for following any planning permission being granted, and this can be drawn to the applicant's attention by way of a Planning Note, should permission be granted.

#### **Fire hydrants**

- 7.50 The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There is a requirement to affix fire hydrants within the development site and this can be dealt with by a Planning Note on any consent.

## **Planning Obligations**

- 7.51 Significant new development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for or contribute towards the cost of all or part of the additional infrastructure/services necessary to make the development acceptable. Obligations are the mechanism to secure these measures.
- 7.52 In respect of planning obligations the NPPF advises at paragraph 204 that these should be sought where they meet all the following tests:
- Necessary to make development acceptable in planning terms
  - Directly related to the development, and
  - Fairly and reasonably related in kind and scale to the development.
- 7.53 In respect of this development the only contribution that could be sought is a financial contribution towards off site sports and recreation provision in the locality along with a payment of the Council's monitoring costs. However these have not been requested by the relevant consultees, and in any case given the specialist nature of the accommodation being provided, it is considered unreasonable to seek such contributions. The provision of refuse/recycling bins is more properly dealt with by condition.

## **Planning Balance**

- 7.54 The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below. These dimensions should not be considered in isolation, but should be considered jointly and simultaneously, taking local circumstances into account. In practice this means that a planning balance exercise should be undertaken to determine if, taken as a whole, the adverse impacts of the proposal identified above are outweighed by the benefits such that it could still be considered sustainable development.
- 7.55 Economic role – The NPPF states that the planning system should do everything it can to support sustainable economic growth. It is considered by officers that the benefits to the local economy will not be significant due to the relatively small scale of the development.
- 7.56 Social role – The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. The proposed development will give rise to significant social benefits as the development of the site will provide 11 additional dwellings for adults with physical and learning disabilities and autistic spectrum conditions helping to ease a shortfall in current provision within the District.
- 7.57 Environmental role – for development to be acceptable it must contribute to the protection and enhancement of the natural and built and historic environment. These issues have been covered in the sections above. It has now been demonstrated with the submission of an evaluation report and foundation design details that the development will result in significant, albeit it less than substantial, harm to or loss of the significance of heritage assets, namely the archaeological remains of Bicester Priory which are considered to be of national importance and so equivalent in significance to a scheduled monument. There would also be some limited harm to the amenity and setting of the Conservation Area as a result of the loss of trees.
- 7.58 When considering the economic, social and environmental impacts of the development as a whole, officers are of the opinion that the significant social benefits of the amended proposal

in terms of providing much needed specialised accommodation in a sustainable, previously developed town centre location, outweigh the harm that would be caused, in particular the harm that would result to the significance of the nationally important archaeological remains found at the site. Therefore, and applying the presumption in favour of sustainable development contained in the NPPF, your officers have concluded that permission should be granted subject to the conditions set out at section 10 below.

## 8. Engagement

- 8.1 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the Local Planning Authority have sought to work with the applicant to resolve the issues in respect of archaeology prior to the determination of the application. It is considered that the duty to be positive and proactive has been discharged by the Council providing the opportunity for pre-application discussions to take place prior to the application being submitted, and advising the applicant of the Council's concerns with the development prior to determination.

## 9. Conclusion

- 9.1 The proposal is considered to be acceptable in housing location terms, and compatible with the appearance character, layout, scale and density of existing dwellings in the vicinity. It is considered that the proposal will not cause harm to the amenity of existing and proposed residents nor result in significant detriment to highway safety. Whilst harm will be caused to the significance of heritage assets, namely the nationally important archaeological remains of Bicester Priory, this harm is considered to be less than substantial and the public benefits of providing much needed specialised housing outweighs the adverse impacts in this case. The proposal is considered acceptable in other respects (e.g. flood risk, visual amenity, ecology), and therefore the proposal complies with the Policies listed at Section 6 of this report and planning permission should be granted.

## 10. Recommendation

**APPROVE** subject to the re-consultation on the amended plans and additional documents raising no new material planning issues, and subject to the following conditions:

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

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, Tree Survey Report, Flood Risk Assessment, Ecological Appraisal and drawings numbered: Proposed site plan S2-P15, Building A Site Plan S2-P14, Building A Ground Floor Plan S2-P15, Building A Elevations (1 of 2) S2-P13, Building A Elevations (2 of 2) S2-P04, Building A Roof Plan S2-P06, Building A Site Section S2-P02, Existing Site Plan Building B S2-P01, Site Plan Building B S2-P13, Building B Ground Floor Plan S2-P11, Building B Elevations (1 of 2) S2-P11, Building B Elevations (2 of 2) S2-P11, Roof Plan Building B S2-P08, Site Sections Building B S2-P03, Building B proposed alternative Foundation Layout, Building B proposed alternative Foundation Sections, Proposed Alternative Building B Foul Water Drainage Layout, and Proposed Alternative Building B Surface Water Drainage Layout.

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. The development permitted by this planning permission shall only be carried out in accordance with the approved FRA by Moson Engineering and the following mitigation measures detailed within the FRA:

- Finished floor levels of Building B will be set no lower than 69.05m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: This is sought in accordance with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and paragraph 103 of the NPPF to reduce the risk of flooding to the proposed development and future occupants.

SITE A ONLY (as shown on Drawing No: Site Plan Building A S2-P14)

4. Prior to any demolition and the commencement of the development on Site A, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

5. Following the approval of the Written Scheme of Investigation referred to in condition 4, and prior to any demolition on the site and the commencement of the development on Site A (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

SITE B ONLY (as shown on Drawing No: Site Plan Building B S2-P13)

6. Prior to any demolition and the commencement of the development on Site B, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area and including details of the piling methodology and foundation design, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

7. No development shall commence on Site B until the applicant or their agents or their

successors in title have secured the implementation of a programme of archaeological evaluation work in order to inform the Pile Location Plan in accordance with the Written Scheme of Investigation approved under condition 6.

Reason - To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

8. Following the approval of the Written Scheme of Investigation referred to in condition 6, and prior to any demolition on the site and the commencement of the development on Site B (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

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

SITES A AND B (as shown on Drawing No: Proposed site plan S2-P15)

10. Prior to the construction of the development above slab level, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that surface water resulting from the development will be managed effectively, to reduce the risk of flooding, in accordance with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the construction of the development above slab level, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m<sup>2</sup> 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 ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and saved Policy C28 of the Cherwell Local



Plan and Government guidance contained within the National Planning Policy Framework.

12. Prior to the construction of the development above slab level, samples of the tile to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure 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 ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and saved Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. Prior to the construction of the development above slab level, a render sample panel, to demonstrate the colour and texture, (minimum 1m<sup>2</sup> in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the parts of the external walls of the development to be rendered (as shown on the approved plans) shall be rendered in strict accordance with the approved render 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 ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and saved Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. Prior to the construction of the development above slab level, full details of the doors and windows and their surrounds 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 and their surrounds shall be installed within the building in accordance with the approved details.

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 ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and saved Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. Prior to the construction of the development above slab level, full design details (at a scale of 1:20) of the railings hereby approved along the eastern boundary of Site A, to include their height, colour/finish, and the junction with the Dovecote, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the railings shall be installed in accordance with the approved details.

Reason – To ensure the satisfactory appearance of the development and to protect the setting and significance of the Grade II listed Dovecote, and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and saved Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. Prior to the construction of the development above slab level, 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, and the locations, specifications and construction methods for all tree pits, together with grass seeded/turfed areas,
- (b) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps,

(c) details of all boundary treatments and means of enclosure.

Thereafter the development shall be carried out in accordance with the approved landscaping scheme.

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 ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

17. 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 ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

18. Prior to the construction of the development above slab level, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the external lighting shall be installed in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

19. Prior to the construction of the development above slab level, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

20. Prior to the construction of the development above slab level, and notwithstanding the application details, full details of refuse, fire tender and pantechnicon turning within the site 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 - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

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

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

22. Prior to the occupation of any of the buildings hereby approved the bird and invertebrate boxes shall be installed on the site in accordance with the details contained within the Ecological Appraisal submitted with the application and prepared by ELMAW Consulting dated August 2015.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

23. Prior to the first occupation of the development hereby approved, a scheme for the provision of refuse and recycling bins, including their number, size, type and arrangements for their storage and collection (including the location and compound enclosure details), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any dwelling, refuse and recycling bins shall be provided in accordance with the approved scheme.

Reason - To ensure the satisfactory appearance and operation of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

## **PLANNING NOTES**

1. In respect of Condition 4 above the Written Scheme of Investigation covering Site A there is a requirement for a strip map and sample of the footprint of the main building and the area to the south.
2. You are advised that 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. They can be contacted on 0800 009 3921.
3. 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. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
4. 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.

5. With regard to condition 8, the surface water drainage scheme should include:

- Discharge Rates
- Discharge Volumes
- Soakage tests
- Maintenance and management of SUDS features
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout
- SUDS
- Network drainage calculations

6. In accordance with current Building Regulations, fire hydrants will need to be provided or enhanced on the site. For further advice please contact Cherwell Council Building Control on 0300 003 0200.

7. There is an existing public right of way crossing Site A, which will need to be stopped up as a result of the development. You can apply to Cherwell District Council to stop up the footpath prior to development commencing, under s257 of The Town and Country Planning Act 1990 (as amended). Alternatively, you may apply to the Oxfordshire County Council under the Highways Act 1980 (as amended). For further information and guidance please contact Amy Jones, Legal Assistant, on 01295 221987.

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