

Co-op, 26 High St, Kidlington

15/01872/F

Ward: Kidlington East

District Councillor: Cllrs Billington, Griffiths and Prestidge

Case Officer: Bob Duxbury

Recommendation: Refusal

Applicant: Midcounties Cooperative Society and Cantay Estates Ltd

Application Description: Erection of new buildings off Sterling Road Approach to contain 44 x 2 bedroom flats, conversion of offices above existing retail store to form 8 x 2 bedroom flats, and alterations to existing retail store. Construction of new accesses, car parking, service and turning areas and landscaping

Committee Referral: Major

Committee Date: 16 February 2017

1. Current position/Site Description and Proposed Development

- 1.1 At the meeting held on 4 August 2016 this Committee resolved to grant planning permission subject to the applicants entering into a legal agreement to secure off-site infrastructure set out at para. 5.28 of the report to that Committee and to secure affordable housing and nomination rights. Subsequently the Council received a formal letter from lawyers acting on behalf of Kidlington Parish Council in accordance with the prescribed judicial review pre-action protocol criticising the officers report and the consequent decision reached.
- 1.2 Having sought Counsel's opinion the application is returned to Committee to enable further consideration of the application taking into account further retail planning and other advice and to consider the implication of the enhanced status of the Kidlington masterplan
- 1.3 The application site consists of the site of the existing Co-operative store facing onto High Street and the car park to the rear that has a long frontage to Sterling Road Approach to its east and south. The site is bounded by 3 and 4 storey housing to the east (Hampden building) the PO sorting office (single storey) and OCC Fire Service HQ (3 storey) along the eastern side of Sterling Rd Approach. A residential sits to the south (32 Sterling Road), whilst to the west are located 2 and 3 storey buildings containing a public house shops with flats over, library with offices over, a house and dentists practise. The site amounts to 1.34 acres (0.54 hectares).
- 1.4 The existing car park is privately owned and controlled and is used by customers and tenants. It is accessed at its southern end and egress is adjacent to the store. This access point also accesses a large service yard

1.5 The proposals are to

- Retain a convenience store, post office and travel shop in reduced floorspace (493 sq.metres);
- Convert space above the store to create 8 flats with own stair access, bin store and cycle store
- New service and customer access off Sterling Road to 21 customer car parking spaces and service yard
- New block containing 44 2- bedroom apartments with private balconies and roof level terrace for communal use
- Reconfigured southern access to dedicated car parking area for residents and visitors

1.6 The retained part of the Cooperative building will be remodelled to update the structure and improve its appearance from High Street and from the side. It will be less dominant in Sterling Road Approach as it will be shorter in length

1.7 The main building will be designed as four linked blocks. The buildings will be predominately 4 storeys in height but with the southern-most block reducing to three storeys to reduce the impact upon the Sterling Road house and the adjacent bungalow fronting onto Oxford Road. The building has been redesigned during the life of the application to reduce the impact upon the street scene in Sterling Road Approach, by setting the buildings back from the road edge, introducing more variation in the building line and setting back top floor flats to result in an apparent variation in building height when viewed from street level. The buildings will be constructed in brick with render and cladding panels to have a strong contemporary appearance.

2. Application Publicity

2.1 The application has been advertised by way of neighbour letters, site notices and press notice. The final date for comment was 16 May 2016.

48 letters have been received from residents of Kidlington

Material planning comments

- Four storey development out of keeping with the character of the area, will dwarf adjoining development and whole area will feel squeezed in by high buildings
- Area should be used to expand the shopping floorspace of the centre and not used for residential development
- Loss of car parking would be harmful to shops in the High St and market
- Car parking for new reduced Coop would be inadequate and cause parking congestion in other car parks and on-street
- To offset loss of parking contributions should be sought towards bus service improvements
- Loss of through route for pedestrians to Oxford Rd. Opportunity should be taken to insist upon this
- Social housing lacking in proposal

- Additional housing will place too much load on existing infrastructure-traffic, schools, and parking
- Flats should have more than 1 space each
- Too dense and overdevelopment
- Imposing design- obtrusive and incongruous contrary to Policy ESD 16
- Site better suited for older persons accommodation
- Will further diminish the vibrancy of Kidlington centre
- Reduction in retail floorspace puts in question the viability of the centre and the local village plan. Contrary to Policy Kidlington 2. No market appraisal of demand for retail floorspace
- Can the waste facilities be served adequately?
- Suggested repositioning of the bus stop from Tesco to this road frontage. Also suggested improved cycle routes
- Dangerous/awkward position for access/egress
- Concern about possible loss of PO
- Criticism of access and parking arrangements
- An enclosed space created when an opportunity for an attractive open public area could have been formed in conjunction with affordable housing
- Kidlington masterplan needed to provide context for considering applications of this nature
- Seeking mellower materials
- Lack of green space and play space should be addressed through contributions

Non material comments:

- Difficulty of accessing information and making comment
- Poor on site notification

2.2 A petition signed by 26 persons objects to the scheme for being of unreasonable height; inappropriately positioned; traffic problems and dangerous access; lack of affordable housing; parking problems and loss of parking; loss of shopping choice ; subdivision of the shopping by lack of through route

2.3 In re-consultation following the receipt of amended plans 42 further letters were received maintaining objections on many of the above grounds

Two further letters have been received recently emphasising the changed/enhanced status of the Kidlington Masterplan. Attention is also drawn to the low occupancy rate of retail premises in the High Street and opining that this demonstrates a need for additional retail space. The writers also comment on the impact of the loss of car parking, and remind us that with the proposals to meet Oxford's housing needs this should point to a strengthening of the centre at Kidlington

2.4 A letter from Cllr Griffiths is attached as appendix 1. It will be seen that she raises concerns about loss of retail floorspace, the apparent lack of affordable housing, overdevelopment and height, connectivity, and access concerns In

addition Cllr Griffiths seeks developer contributions towards outdoor play, re-routing a cycle route and on-going controls on sale/letting boards and restrictions on the use of balconies. A letter raising similar objections has also been received from Cllrs Billington and Prestidge.

With respect to the amended plans Cllr Griffiths has written to emphasise that her objections remain and that she is disappointed that there have been minimal changes despite the opposition raised. Cllr Griffiths says that the site is an important one which presents the best opportunity for some time to improve the centre of Kidlington. She considers that it is essential that any scheme is the best possible in terms of the mix of uses, its contribution to the economic viability, usability and attractiveness of the centre, and its promotion of a sense of place, as well as its physical appearance.

- 2.5 A letter has also been received from the Woodstock Action Group, who says their members use Kidlington for shopping. They object to the proposal as being contrary to underlying plans to enhance Kidlington centre and would be contrary to Policy KID2 as there is a loss of town centre uses. They also consider that the proposal is contrary to Policy ESD15 due to its design and lack of connectivity. They consider the proposal is premature to Part Two of the Local Plan and the Kidlington Masterplan. They are also concerned that no affordable housing is planned. The full text of this letter from Mr. McGurrin (dated 10/12/15) is available on the web-site. A follow-up letter from WAG dated 12.1.17 is also on the web-site drawing attention to paragraph 23 of the NPPF re ensuring the vitality of town centres and that in their opinion the proposal is contrary to those requirements.

3. Consultations

3.1 Kidlington Parish Council:

Whilst supporting the principal of appropriate mixed use residential and retail development on this site, which it sees as a sustainable location, they object to the proposal on the grounds of

- Loss of retail space
- Connectivity
- Lack of affordable housing
- Overdevelopment and height
- Insufficient shopper car parking
- Service/access arrangements
- Seeking contributions for offsite play equipment for children and adults
- Amendments to cycle routes
- Restrictive on-going controls on sales/letting boards
- Raising issues about cycle parking and outside drying areas
- Seeking a revised bus stop location
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The wording adopted is similar to that in Cllr Griffiths letter at Appendix 1

- 3.2 In respect of the re-consultation on the amended plans the Parish Council comment that their original objection remains in place and they additionally comment that their previous comments with regards to cycle and bus issues

have not been addressed. They consider that the reduction in height of Block A is mere tokenism. They point out that there is no precedent for 4 storey development away from the High St. Finally they comment that the materials should be consistent with the development on the former market site.

In addition Kidlington PC have sent two further letters (both dated 29 December 2016) which are attached as Appendix 2

- 3.3 The letter before action from Burges Salmon, on behalf of Kidlington Parish Council, is attached as Appendix 3. Appropriate responses to the criticisms contained therein will be found in the relevant sections of the Section 5 of the report.
- 3.4 Gosford and Water Eaton PC object to the proposal on the grounds that
- It does not accord with the Cherwell Local Plan by reducing the Coop store in size when it is advocated to promote rather than being detrimental to maintaining a thriving shopping centre
 - Too tall and out of keeping with the street scene and the character of the area
 - The car park has been used as a sustainable amenity for over 30 years and it should be retained as a precedence against creating parking problems which would otherwise be caused from this development
 - Concerned about foul and surface water systems becoming overloaded

Cherwell District Council Consultees

3.5 Planning Policy Comments

Revised Comments since adoption of Kidlington Masterplan

- Policy Kidlington 2 states that shopping, leisure and other 'main town centres uses' (which includes retail and office uses) will be supported within the boundary of Kidlington Village Centre. It also states that residential development will be supported in appropriate locations in the village centre except where it will lead to a loss of retail or other main town centre uses.
- the policy states that the change of use of sites used for main town centre uses in the village centre for residential development will normally be permitted if proposals contribute significantly to the regeneration of the village centre. Mixed use schemes will be encouraged.
- Paragraph C.232 of the Local Plan explains that it is important that Kidlington Centre is supported and strengthened to help meet the aspirations of Kidlington and to ensure that the everyday shopping needs of residents are met, avoiding the need for unnecessary journeys to Oxford, Bicester and other destinations.
- Subject to any detailed changes to the application, the proposed

development would result in the loss of retail (180 square metres) and office (523 square metres) space within the village centre contrary to policy Kidlington 2. The loss of retail space would equate approximately to that of a small convenience store.

- The key policy test is whether there would be 'significant regeneration'. A material benefit would arise from mixed use development.
- Redevelopment of the retail and office space could bring about regeneration benefits should it result in a significant improvement to the appearance of the built environment. The NPPF recognises that residential development can play an important role in ensuring the vitality of centres. The comments of the Design and Conservation Team should be considered in examining the extent to which there would be improvements to the built environment. The proposed development would not produce additional mixed use development.
- The extent to which the built environment would be improved should be considered alongside the proposed loss of retail and office space. It is noted that the proposed development would retain some retail use on the ground floor (including retention of a post office and travel agent), helping to maintain a continuous shopping frontage.
- Policy Villages 2 of the adopted Cherwell Local Plan Part 1 states that a total of 750 homes will be delivered at the Category A villages (sites of 10 or more dwellings) in addition to the rural allowances for small site 'windfalls' and planning permissions as at 31 March 2014. The 2015 AMR (January 2016) shows that there are 280 dwellings, out of the 750, remaining to be identified.
- There would be benefits from the provision of new housing. Affordable housing would need to be provided to meet the requirements of Policy BSC3 (35% provision on site).
- The District has a five year land supply as shown in the Council's latest Annual Monitoring Report (2015) An appeal decision relating to an application at Kirtlington (appeal reference: APP/C3105/W/15/3134944) confirmed that the District has a five year housing land supply (subject too detailed comments on the Council's specific position).The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context. There is not a current pressing need for additional land to be provided for housing.
- There would be a loss of car parking as a result of the proposal. The views of the County Council as Highway Authority should be taken into account in considering any potential impact on the effective operation and vitality of the village centre resulting from the loss of parking.
- The proposed development would use previously developed land in a sustainable location and is consistent with policy BSC2.

- A high quality, appropriate design, with consideration of sustainable construction, should be sought in line with the requirements of policy ESD15 and the NPPF.
- The Kidlington Framework Masterplan was adopted by the Council as a Supplementary Planning Document on 19 December 2016. Section 5 provides general design guidance. Section 6 provides guidance on how Kidlington Village Centre might be strengthened further to Local Plan policies.
- The SPD (6.1) includes the following relevant issues:

“The Village Centre operates as a local service centre and has a regular market. Co-op and Tesco are anchor stores and there is a high number of A2 uses (services, banks etc.) but limited comparison retail. There are a low number of vacant units and a low number of national multiples.”

“The centre is well located geographically at the centre of the village and is well served by car parking. However, for village of its size, the Village Centre is underperforming and the evening economy is weak. A lack of high quality frontage onto Oxford Road, poorly located bus stops, a lack of pedestrian crossings and limited vehicle access points limit footfall from passing trade.”

“There is a mishmash of architectural styles on the High Street and architectural and public realm design quality varies considerably.

“Surface car parking occupies large areas of land to the rear of the High Street. There is concern that long stay car parks are used as an informal ‘park and ride’ by bus users rather than by shoppers and as a result occupancy levels do not reflect the car parking need generated by Village Centre uses.”

- The SPD (6.2) seeks to “To strengthen the Village Centre, increasing its mix of uses and vitality and its attractiveness to local residents, employees and visitors as a place to shop, work and spend leisure time during the day and evening.”
- The SPD identifies village centre design principles (6.3.2) which it states (6.3.1), “...should be tested and developed in a comprehensive Village Centre masterplan”. The design principles include:

“...New development on the High Street should aim to bring coherence to the street scene, responding to the height and setbacks of adjacent buildings and creating a continuous frontage to the street...

...A hierarchy of streets should be established with High Street and Oxford Road reading as the principal streets and development on

Sterling Road Approach subservient to this in scale and massing...

...Key Village Centre streets and pedestrian routes (identified on Figure 6.5) should be the focus for high quality public realm Treatments...

...The potential for an improved network of secondary pedestrian routes is identified to increase connectivity between east and west, and provide opportunities for additional development frontage. This includes a new walking route between the Co-op and Red Lion car parks to enhance access to the shops on Oxford Road.

...Indicative locations for small scale single deck (2 level) car parks (including to the east of Sterling Road Approach) are suggested to decrease the surface area occupied by car parking and release sites for residential and retail development.

...In considering any proposals for redevelopment, retail service areas should be reviewed to limit conflict between pedestrians / cyclists and motor vehicles.

...New development should create active ground floor frontages to the primary and secondary pedestrian routes and streets, with particular emphasis on High Street and Oxford Road...

...The following uses would be particularly conducive in strengthening the retail offer and encouraging use of the Village Centre in the evening: retail and services, food & drink, leisure and cultural uses (e.g. gym, cinema, local museum), offices, residential, community facilities (e.g. library, healthcare, children's centre), public open space...

The frontage to High Street and the central section of Oxford Road is the focus for primary retail/ food & drink or community uses on ground floor, but could have a broader mix of uses including residential and offices above. Opportunities to increase the range of retail premises available should be supported including identifying opportunities for larger floorplate units and premises for small businesses.

...In line with Local Plan Policy Kidlington 2, there is potential for residential development in appropriate locations within the Village Centre. Sites could include land released through the reconfiguration of the northern car parks, Co-op car park and small scale development at Exeter Close subject to the satisfactory reconfiguration of existing uses. This will help to increase spending power and vibrancy within the Village Centre and will support the growth of retail, services and the evening economy..."

- Figure 6.5 of the SPD is an indicative plan to illustrate potential extent of development (subject to options testing).

- Section 6.3.4 of the SPD provides guidance on how the Village Centre might be expanded through new mixed use development including:

“...B. Co-op car park (0.3ha). The site presents an opportunity for residential, small scale retail or office above and around a car park. A new pedestrian link from the rear Co-op entrance through to the Red Lion pub could be created, strengthening the retail ‘loop’ between the High Street and Oxford Road. A deck above the car park could provide residential amenity space or additional parking...”

- The SPD states that a total of between 200 and 300 new residential dwellings could be provided in the Village Centre, accommodating a mix of tenures but assuming a high proportion of apartments. It also estimates that across the Village Centre and potential extension area, an additional 10,000 sq. m of retail space and 1,800 sq. m of office space could be provided (subject to evidence for the Local Plan Part 2 process).

- Section 5.4.5 of the SPD provides guidance on how improved design can be achieved at Kidlington having regard to the characteristics of the village. This includes:

“- Raising the standard of urban design and architecture across the village, with a particular requirement for exemplary design standards within the Village Centre, at the gateways to the village and adjacent to Conservation Areas and landscape assets.

- The provision of a connected street network, avoiding the creation of further dead-ends.

– Arranging buildings to provide an appropriate sense of enclosure to the public realm (particularly on the frontage to Oxford Road) and a clear definition of public / private boundaries.

– Ensuring set-backs, boundary treatments, building arrangements, typologies, heights and rooflines are in keeping with adjacent buildings (unless these fail to provide a positive precedent). The aim is to create a simple and coherent street scene which is of an appropriate character for the location of the site within the settlement.

– The need to avoid the loss of trees, front gardens and historic boundary treatments to the street, and the importance of introducing new elements of soft landscape to soften the street scene.

– The importance of designing appropriate car parking for the location and type of property be that on-street parking, on plot parking or small communal parking courts.

– The use of traditional building materials including limestone, brick and slate and clay tiles and high quality detailing in keeping with the character of the District in both traditional and contemporary architectural forms.”

- The SPD’s guidance should be considered in determining whether the proposed development would achieve ‘significant regeneration’ having regard to the benefits of mixed use development, provision of retail floorspace in the village centre and the quality of design.
- The SPD’s guidance on the hierarchy of streets, connectivity and improvements to the public realm is particularly relevant to what is a major scheme for Kidlington Centre and one which will be very significant in the implementation of Local Plan policy and SPD guidance for the village.
- It is understood that there remain concerns from the Council’s Design and Conservation Team about the scale and massing of buildings fronting onto Sterling Road Approach and the hierarchy of streets. In addition to considering these points, opportunities for improving public connections across the site to other parts of the village centre (particularly Oxford Road) should also be explored as envisaged by the Kidlington Framework Masterplan. The proposed development should demonstrably lead to both significant regeneration and the strengthening of the village centre.

The Policy Officer concludes that

The proposed development needs to contribute significantly to the regeneration of the village centre to comply with policy Kidlington 2. To help determine whether this would be achieved, the advice of the Design and Conservation Team should be considered in addition to the guidance contained within the adopted Kidlington Framework Masterplan. The advice of the County Council as Highway Authority should also be taken. High quality design that significantly improves the quality of the built environment and which assists the vitality of the town centre needs should be delivered from a policy perspective. Without a significant contribution to regeneration of the village centre, the proposal would be contrary to policy Kidlington 2.

3.6 **Design and Conservation Officer:**

Comments with respect to the originally submitted proposals

The development proposals are formed on a key corner of Kidlington’s Centre, on the junction of the High Street and Forward Sterling Road. The site is currently composed of retail units, office accommodation and a car-park associated with the retail area.

The High Street has a varied character, made up of 20th century buildings of a range of forms. It is predominantly low rise at two storeys, through steps up

to three and four storeys in places. The area around Sterling Road Approach is highly varied in character. This area interfaces with the residential development on Sterling Road, the mix of one and two storey residential / commercial on Oxford Road. Immediately opposite the site is the single storey Royal Mail distribution centre, the fire station and Oxfordshire County Council offices which are three storeys. While this area is very varied in its character, it clearly has a 'backland' relationship to the Village Centre and it is important that the hierarchy between these areas is maintained as part of the development process.

The applicants have pursued pre application advice for this site, where the principle of development in this area was accepted. Questions about the amount and scale of development were however raised and it is my view that these issues require further refinement to develop an acceptable scheme.

As a critique of the original submission the following comments were made:-

Remodelling of the existing Cooperative Building

The redevelopment of the Cooperative building offers the opportunity to improve the quality of the High Street. This is an important junction in the Village Centre and it is important that development takes the opportunity to improve the character of this area.

- The building is proposed to undergo significant remodelling, reducing its ground floor length by half and reconfiguring the massing of the upper floors to provide apartment accommodation.
- The proposals show three storeys of development and significant remodelling of the building. The building is set back from High Street which helps break down the scale. We would recommend that a similar approach is taken to the upper storeys of development along Sterling Road Approach as well.
- The Council is looking for active frontages along the High Street and Sterling Road Approach and we are currently uncomfortable about how this is coordinated. I would recommend that there is a reconsideration of the ground floor uses. The location of the supermarket on the corner could be swapped with the travel agent. This would provide a more inviting, lighter space for the travel agent and help mitigate the issue of providing active frontage with a food store.
- The layout of apartments could be improved to give better light, aspect and amenity space.
- The rear of this building is currently poorly resolved and has a low quality design. The stair in particular is a clumsy addition. It is important that there is an attractive entrance to the building which is light and enticing. The cycle storage should be separated from this area, and greater thought given to how the stair well could become a feature that is well integrated with the public realm.

New Apartment Buildings

The new apartment block could bring new uses to and extend the Town Centre. While we accept the principle of development of this area, it is important that development enhances the character and fits well with adjacent

areas. It is recommended that substantial changes are made to the design for this to be achieved.

- The scale and length of the apartment block is just short of 80m and runs the majority of the length of Sterling Road Approach. The length and scale of this building are monumental and it risks overwhelming the character of the route.

- We would recommend that the building is broken down into two parts to help break down the form of the building. This should be combined with a reconsideration of the height of development.

- The development proposals are for a four storey building. This feels completely out of context with the surrounding area, which includes single storey buildings, and should be reconsidered.

- It is important that the scale of development in this area is less than the majority of development found on the High Street. This is important in order to retain the hierarchy between the spaces and the legibility of the village centre.

- I would recommend that the height is reduced to three storeys and the third storey is set back from the principal building line to reduce the impact.

- The layout of this building appears to reflect the geometry of the rear boundary and have little interaction with the geometry / character of Sterling Road Approach. While this approach allows car-parking and the public realm to the rear of the building to be lined up, it leads to an odd geometry along Sterling Road Approach, combined with a series of triangular spaces which provides the interface between the building and the street.

Parking and Public Realm

It is expected that a development of this scale in the Village Centre would contribute to positive uplift of the public realm, alongside appropriate open amenity spaces for residents. The intensity of development on this site has led to a site configuration where there is little opportunity for positive landscape and public realm.

- The majority of the space left over from the building has been given over to car parking. This leaves little space for residents amenity space and parking is tight on the building. A reduction in the scale of the building and reduction in the number of units would help ease this issue.

- The space between the two buildings should be designed as an attractive area of public realm. This area is poorly organised, with access, parking, bin storage and service access, which combined with the massing and design issues associated with the rear of the Cooperative building further undermines the quality of development.

Architectural Design

There are some fundamental issues which need to be addressed in this scheme, before an acceptable approach can be delivered. My comments have therefore not focused on the architectural detail of this scheme. The architectural design takes a polite modern approach which I feel is appropriate, given the range of styles found in the adjacent area and the development brief.

Conclusions

It is my view that the proposed development is too dense for the site. This has led to significant concerns around the scale and massing of development alongside public realm issues. The scale of development along Sterling Road Approach will confuse the relationship between this area and the High Street.

While the Council is comfortable with the principle of residential apartment development in this area, a substantial reduction in the number of units is required alongside significant changes to the design and massing of the building for the proposals to be acceptable.

Comments with respect to the revised proposals

Further to my comments in January 2016 and following consultation on the development between the case officer and developer a number of changes have been made to the proposals. These include:

- Improvement to the elevation of the Coop Building on Sterling Road Approach. The proposals now indicate windows in this area which will help this building actively address the corner of this important junction
- An increased setback of the building line onto Sterling Road Approach by approximately 2m
- The reduction in scale in the southern elevation as Sterling Road Approach turns the corner to Oxford Road
- There has been a slight reduction of units and development density. 52 units are now proposed.

These are welcome changes; however, there are a number of concerns set out in my original comments of 21st January 2016 which have not been addressed. These include:

Rear Addition to Coop Building

- There have been some small changes to the materials and details in this area with an additional window into the stairwell. However I believe that an improved design solution could be found in this area which would provide a more positive entrance to the apartments.

Hierarchy in relation to Village Centre (to be informed by Kidlington MP)

- The High Street has a varied character, made up of 20th century buildings of a range of forms. It is predominantly low rise at two storey, through steps up to three and four storeys in places. The development area is part of the village centre 'backland' and it is important that the hierarchy between these areas is maintained.

Scale of Block A, B, C and D

- I believe that the scale and massing of the buildings fronting onto Sterling Road Approach could be improved. Reducing the scale and breaking up the massing of the development in this area would help this proposal fit more comfortably with its context.

Residential Amenity Space

- The view from many of the apartments will be parking dominated
- There has been a small reduction in the car-parking, resulting from the increased set back to Sterling Road Approach, however the limited amenity space is sandwiched tight between the buildings and car-park.

Conclusions

There have been a number of changes to the proposals for this site. The development proposals will bring additional people and vibrancy to the village centre and flatted development is considered appropriate in this area. The opportunities that this scheme brings needs to be balanced against the form and scale of the proposals which are high given the site context and the case officer will need to weigh up whether the changes are outweighed by the benefits this development will bring to the area. While I still have a number of concerns about the design, some improvements have been made. Consideration should be given as to how this development fits within the strategic vision for the Village Centre set out within the Kidlington Masterplan Document.

3.7 **Landscape Officer:** Comments as follows:

Provided all green features and arboricultural assets are retained and adequately protected during the build I have no objections providing a full tree survey that details tree protection is received and approved prior to consent

3.8 **Waste and Recycling Officer** Has confirmed that the applicant's intentions are acceptable

3.9 **Recreation, Health and Communities**

The following comments have been received

1. There will be a requirement for public art which can be required by condition
2. Seeking a contribution per dwelling to enhance existing community facilities to accommodate increased usage (equates to £7.7k)
3. Seeking a contribution of £22.988 towards community events and projects such as information events, newsletters and welcome packs to support new residents to integrate into the community
4. Draws attention to an identified need for improvements to play/recreation/open space in Exeter Close which has been the subject of a study and report approved by Kidlington PC members. Under normal circumstances it is pointed out that a 50 dwelling development would be expected to contribute to off site play, off site sports and off site open space and this would total approx. £286k. The identified scheme for an outdoor gym facility at Exeter Close would be £69k installation and £107K maintenance.

3.10 **Housing Investment and Growth Officer**

Initial comments received in Dec 2015

Because there has been very little, if any, development on a scale to necessitate affordable housing in this parish, with nothing in the current pipeline, the Council require the Midcounties Cooperative Society to provide on-site affordable housing as part of its development.

The affordable housing policy position in Kidlington is that any development over 10 units provides 35% of its units as affordable housing. A development of 54 units therefore has a requirement to provide 19 units of affordable housing.

The Council is mindful of the fact that, due to those being nominated to social housing being generally on lower than average incomes, it is unlikely that they would be able to afford the level of service charges likely to be levied at this development if the affordable units were to be pepper potted around. There would also be management issues to consider.

For these reasons, the Council suggests that Block B be brought forward as affordable housing, providing 15 units of a total requirement of 19. This would leave the equivalent of four units to be provided as a commuted sum

Following the completion of viability negotiations these comments have been received

After careful consideration and reviewing the information provided to, and considered by, our externally appointed consultant, with regards to the financial viability of the scheme, and discussing this with yourself, I can only reluctantly come to one conclusion.

It appears the applicant cannot provide the policy compliant affordable housing provision for this application, which should be 35% of 52 units equalling 18 flats.

The applicant has provided evidence and given a 'without prejudice' offer to provide 8 discounted private rented flats at 75% market rental value, while providing the opportunity for the Council to make nominations to these properties from the Housing Register. I would class this tenure as 'Intermediate' under the NPPF definition and therefore I find the principle acceptable within policy terms.

This will provide only 15% affordable housing on this site. Despite this, if Committee is minded to approve this application then I would support the tenure proposed given the viability situation of the proposed scheme. One note I would make, in terms of this tenure is that we must ensure that the 75% open market rent for these units should not breach the Local Housing Allowance rate for the area to ensure that whom ever we nominate to these properties (should it be awarded permission) will be affordable to them. I would also suggest that we could prioritise those applicants on the housing register who have a local connection to Kidlington.

Given the evidence provided it would seem that this is best position we can hope for in terms of securing any affordable housing on this development.

3.11 **Environmental Protection Officer**

- Recommends full land contamination conditions

- Seeks an air quality assessment

3.12 **Advice from the Council's retail planning consultant**

The officers have sought specialist advice from DPDS Consulting on the retail impact of the proposed development upon Kidlington village centre. Their full 14 page report is available on the Council's website, and we reproduce below their conclusions in full

District centres, such as Kidlington, are generally not performing well. The village centre is well kept, with little vacancy and without obvious signs of dilapidation. However, there are limitations. Competing centres in Summertown, Woodstock and to some extent, Headington, restrict the catchment area and the population is quite small to support a district centre. Furthermore it, has limited potential for growth given its green belt restrictions. The commercial indicators suggest that commercial development would now be difficult. Rental levels would not support the development costs and the lack of long term rental growth is a significant disincentive. We also conclude that the centre is not highly dependent on convenience turnover to anchor the centre. Rather than attracting large numbers of people to the centre, the stores appear to be trading on the visitors drawn to the centre for other reasons and who do not deem it worthwhile to make the trip to Sainsbury.

With regard to retail impact, we conclude that it is feasible that the reduction in retail floorspace would not lead to a reduction in turnover of the Co-op, but even if there were some loss of trade a substantial part of this would transfer elsewhere in the town centre. The increased spending by the residents of the new apartments would probably more or less offset any loss trade and the retail impact of the development is likely to neutral. Although there is inevitably considerable uncertainty when small amounts of turnover are under consideration, the risk of a significant adverse impact is low.

The retention of the retail floorspace through subdivision or replacement is unlikely to be practical or desirable in this particular case. The existing floorspace does not lend itself to subdivision and the creation of unit shops in a secondary location is unlikely to be fundable or to trade successfully and it is unlikely to be in the interest of the village centre.

With regard to office floorspace, its loss is unlikely to have a significant adverse impact. It has not been used since 2014 and currently makes no contribution to the centres vitality and viability. Although it can be argued that it offers future potential, it appears unlikely that this potential would be realised. Given the rental level in the town centre and the likelihood of long void periods, the refurbishment of the offices is unlikely to be undertaken and even if it were and the space let, this would be at the expense of office floorspace currently vacant. The Co-op has a realistic fall

back position through the permitted development right to convert to a residential use and this has to be taken into account.

We therefore conclude that the impact on the centre's vitality and viability is likely to be neutral and very unlikely to be significantly adverse and that reasons for refusal based on these possible objections would be unsustainable at appeal. It follows that the weight to be accorded to the loss of retail and office floorspace in assessing this against the regeneration benefits of the scheme, in accordance with policy Kidlington 2, should be limited

3.13 Oxfordshire County Council Consultees

Transport

No objection subject to conditions

Key issues:

- Low level of residential and visitor parking is of concern
- Loss of publicly available parking is of concern
- Parking layout and cycle parking is of concern but detail can be conditioned

Legal agreement required to secure:

- Contribution towards improving bus service to Langford Lane employment area (amount to be agreed)
- Access junctions via S278 agreement, to include pedestrian improvements at the accesses

Detailed comments:

A Transport Statement is provided, which shows that there would be reduction in two way peak time trips associated with the development. The proposed development is in a sustainable location, and is well connected to Oxford by frequent bus services and cycle routes. However, links to the key employment area at Langford Lane could be improved.

This is a very traffic sensitive area as it is close to a major traffic signalised junction where traffic queues past the site entrance, and opposite a main fire station. It is also on a strategic bus route with 4 buses per hour in each direction. Sterling Approach is used by frequent buses on Premium Route bus service 2/2A (four per hour in each direction). There are also other local bus services using this road (local Kidlington services K1, K2, local Woodstock via

Shipton service W10 and a route to Bicester, service 25. Any blockage to Sterling Road approach through displaced parking or inappropriate loading would impact on all of these bus routes, causing delays and making these services unreliable. There are 'no waiting' restrictions on Sterling Approach but no restrictions on loading.

Provision should be made for all deliveries – to residential and retail, including vans - within the site rather than from Sterling Road Approach. The proposals include bollards between the retail and residential car parking, and states that the bollards would be lowered to allow refuse vehicles to the through route, and large lorries to use part of the residential car park for manoeuvring. There is no indication of how deliveries to individual flats would be managed – it is unlikely (and probably undesirable) that drivers or residents will be able to lower the bollards to allow delivery lorries to use the through route. Tracking is not provided to show that delivery vans can definitely enter and leave the residential car park without needing to use the through route. However, the detailed design of the car park layout can be conditioned.

There is also a risk of overspill parking obstructing bus services onto nearby residential streets, although due to parking restrictions in the immediate vicinity this is considered to be more of a risk to residential amenity and not a highway safety matter. Parking provision is considerably lower than standards for Cherwell urban areas, although it is recognised that one allocated parking space per 2-bedroom flat is appropriate for such a sustainable location. I am, though, concerned about the low level of visitor parking – only five visitor spaces for the residential element. There are council car parks nearby, but limited availability of long-stay weekday parking. However, on balance I do not consider this sufficient reason to sustain an objection to the development on highways grounds.

Additionally there is no disabled parking provided for the residential element, and the spaces meet minimum standards, with no additional space around them where they are adjacent to a wall.

Vehicle access to the site

The residential (southern) access to the site can be provided with visibility splays that meet Manual for Streets guidance based on 85th percentile wet weather speeds. Speed survey data has been supplied to demonstrate these. There is no significant accident history at the site. It will be necessary to ensure that the existing wall on the site boundary is demolished and the new wall set back behind the visibility splay, and that the land in the visibility splay is dedicated as highway. In principle, subject to technical approval, I am satisfied with the general arrangement shown in drawing 1337/029 as shown in the Transport Statement.

Visibility splays are not shown for the northern access, although the Transport Statement states that the access meets Manual for Streets guidance, and having visited the site I am satisfied that suitable visibility can be achieved.

Raised crossings across both vehicle accesses are indicated, and this is welcomed as an improvement to pedestrian routes. Features like this have been implemented successfully in many locations in Oxford and elsewhere.

Public transport provision

The residents of the new dwellings will benefit from the high frequency bus service into Oxford. However, bus links are poor with the Airport and Langford Lane employment area, which is a considerable walking distance away. The service operates only occasionally between peak hours, and not at all in the

evenings. A contribution would be required from this development towards procuring an additional bus-vehicle to add to the commercial bus network, on a pump-priming basis over 5 years, to improve the frequency and hours of operation to bus services towards Langford Lane.

Cycle parking

It is difficult to see how the cycle parking shown provides one space per bedroom. Further details are required, but can be conditioned. Cycle parking must be easy to use and if necessary further stands across the site will be required.

Public parking loss

The loss of existing car parking available to shoppers and users of facilities in Kidlington is of concern, but as the car park is private, this is not considered grounds for a highways objection

Other infrastructure

From an education point of view off-site contributions are sought for primary education - £106,323

For secondary education it is explained that existing capacity is sufficient

Library book stock contributions of £2,000 are sought

Other requirements amounting to £25,199 are not requested as they cannot meet the requirements of REG 123 of the CIL Regs

Other Consultees

3.14 Thames Water:

Waste Comments

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied –

“Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed”. Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

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.. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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.

Supplementary Comments

Insufficient documentation containing confirmed details of the proposed drainage plan could be located on the local authority website. In order for Thames Water to determine whether the existing sewer network has sufficient spare capacity to receive the flows from the proposed development, a drainage strategy must be submitted detailing both the foul and surface water strategies. Details of any proposed connection points or alterations to the public system, including; calculated peak foul and surface water discharge rates for both the pre and post development site, details of any pumped discharges (maximum pump rates), attenuation details with accompanying capacity requirement calculations and details of incorporated SuDS must be included in the drainage strategy. If initial investigations conclude that the existing sewer network is unlikely to be able to support the demand anticipated from this development, it will be necessary for the developer to fund an Impact Study. To ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing waste foul and surface water infrastructure, and, if required, recommend network upgrades. In accordance with part H of the Building Regulations Act 2002. Positive connection to a public surface water (or combined) sewer will only be consented when it can be demonstrated that the hierarchy of disposal methods have been examined and proven to be impracticable. The disposal hierarchy being :- 1st Soakaways; 2nd Watercourses; 3rd Sewer. Thames Water's preferred option would be for all surface water to be disposed of on-site using SUDs .

3.15 **Environment Agency:** No comments received

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 2011 -2031

The Submission Cherwell Local Plan (February 2015) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The examination was suspended by the Inspector, shortly after commencing in June 2014 to allow further work to be undertaken by the Council.

Modifications were required to meet the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA). The proposed modifications were subject to public consultation, from 22nd August to 3rd October 2014. The examination reconvened in December 2014 and the Inspector's report was published in June 2015, and was formally adopted by the Council on 22nd July 2015. Relevant policies are

- Policy BSC1 District wide Housing distribution
- Policy BSC 2 The effective and efficient use of land
- Policy BSC3 Affordable Housing
- Policy BSC4 Housing mix Policy
- Policy SLE 2: Securing Dynamic town centres
- Policy SLE 4: Improved Transport and Connections
- Policy ESD 1: Mitigating and Adapting to Climate Change
- Policy ESD 2: Energy Hierarchy and Allowable Solutions
- Policy ESD 3: Sustainable Construction
- Policy ESD 6: Sustainable Flood Risk Management
- Policy ESD 7: Sustainable Drainage Systems (SuDs)
- Policy ESD 15: The Character of the Built and Historic Environment
- Policy Kidlington 2: Strengthening Kidlington Village Centre
- Policy Villages 1: Village Categorisation
- Policy Villages 2: Distributing Growth across the Rural Areas

Adopted Cherwell Local Plan (Saved Policies)

C28: Layout, design and external appearance of new development

C30: Design of new residential development

ENV12: Contaminated land

Kidlington Framework Masterplan SPD

This document was considered by the Council's Executive on 5th December and by full Council on 19th December 2016. It is adopted as supplementary planning guidance. Clearly the whole document has relevance to the consideration of this application, but particular attention is drawn to Section 6 entitled "Strengthening Kidlington Village Centre" which is reproduced in these papers as Appendix 4.

4.2 Other Material Policy and Guidance

National Planning Policy Framework – particular attention is drawn to the core planning principles contained in paragraph 17 (including the plan-led approach) and paragraph 23 which deals with ensuring the vitality of town centres and says that

23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of

centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

Planning Practise Guidance

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning History
- The Principle of development including loss of retail floorspace and compliance with the Kidlington Framework Masterplan
- Scale and Design
- Neighbour Impact
- Highway Safety and Loss of Parking
- Affordable housing and Planning Obligations

Planning History

- 5.2 In 2007 outline planning permission was granted for 20 residential units over the car park with a new site access. That scheme did not affect the existing Cooperative building and was for a three storey building with the ground floor retained as private and public car parking and two floors of flats above. A legal agreement provided four shared ownership flats. No reserved matters application was ever made and therefore that permission lapsed in October 2010.

Principle of Development and Loss of retail floorspace

- 5.3 The NPPF contains a section (paras 23-27) entitled ensuring the vitality of town centres which is quoted in part at paragraph 4.2 above and is highly relevant to the determination of this application
- 5.4 The application site lies in central Kidlington within the area covered by Policy Kidlington 2 which states that

Shopping, leisure and other 'Main Town Centre Uses' will be supported within the boundary of Kidlington Village Centre. Residential development will be supported in appropriate locations in the village centre except where it will lead to a loss of retail or other main town centre uses.

The change of use of sites used for main town centre uses in the Village centre for residential development will normally be permitted if proposals contribute significantly to the regeneration of the Village centre. Mixed use schemes will be encouraged.

Proposals should be considered against Policies SLE 2, ESD 10 and ESD 15.

And has the following supporting paragraphs explaining the policy

C.232 It is important that Kidlington centre is supported and strengthened to help meet the aspirations of Kidlington and to ensure that the everyday shopping needs of residents are met, avoiding the need for unnecessary journeys to Oxford, Bicester and other destinations

C.233 Kidlington Village Centre performs a particular function in the hierarchy and network of town centres in the District. Smaller than Banbury and Bicester centres, Kidlington is however larger, in terms of the number and range of retail units than the local centres present in the larger villages in the District.

C.234 Many improvements to the village centre have been implemented in recent years in a partnership between the District Council, Kidlington Parish Council and the Kidlington Village Centre Management Board, including most recently the pedestrianisation of the core retail area throughout the day.

C.235 The 2012 Retail Study showed that significant new development should not be directed to Kidlington but that the centre needed some further environmental improvements and the evening economy should be encouraged. It is proposed to expand the geographical area defined as Kidlington Village Centre to include land on the western side of the Oxford Road and other small areas of commercial uses. The exact boundary will be determined in Part 2 of the Local Plan. The aim of the extension s to:

- Support the viability and vitality of the existing village centre
- Encourage economic activity
- Assist with the connectivity between the existing village centre and the civic, community and green open space at the Exeter Hall area
- Contribute to and maximise the benefits and improvements to the character and appearance of the village centre and the public realm

- 5.5 It will be noted that the policy states that residential development will be supported in appropriate locations except where it will lead to a loss of retail and other main town centre uses. This proposal is predominantly located on a car park, the loss of which is commented upon below. The proposal does of course impact upon the existing Co-op building which has retail use at ground floor and office use above. The proposal reduces the size of the building resulting in a reduction in retail floorspace from 1,106 sq. metres to 463 sq. metres (a reduction of 643 sq.metres) and all the office use (523 sq. metres) will be lost to the creation of 8 flats. The Co-op and its travel agent would continue to operate from the retained ground floor albeit in the reduced floorspace.
- 5.6 In a letter supporting the application The Midlands Co-operative Ltd. indicate that they need to respond to the dynamically changing retail food market and are seeking to re-size their Kidlington operation. They explicitly say they are committed to remaining in Kidlington High St and to the provision of both the travel centre and the Post Office. Therefore whilst a reduced quantum of retail floorspace is proposed to be removed the operational entities will remain. In such circumstances your officers believe that it would be difficult to resist this development on the grounds of loss of retail and other town centre uses.
- 5.7 To better inform the decision the specialist retail planning advice of DPDS has been sought (see paragraph 3.12 above for their conclusions). In their report they analyse the context, role, and health of the existing centre. This includes looking at retailer representation, current rents and yields and known retailer requirements. They identify that there is quite good national representation albeit that a couple of retailers that you might expect to see are missing. They consider that the existence of Iceland, Tesco and Coop is a good representation given the nearby location of Sainsburys.
- 5.8 The consultant's report then considers the size, layout and performance of the existing Coop store, noting its deficiencies and unattractiveness to customers. The report then adopts a conventional methodology to assess the likely impact of the partial loss of the retail floorspace. They confirm the applicant's view that the floorspace could be used much more efficiently and that much of the turnover could be retained in a smaller store. They believe that if there was any loss of turnover this would merely be diverted to other centre stores or made up by the new spending from the residents of the development.

- 5.9 The report then proceeds to address the potential for sub-dividing the existing retail unit, and concludes that this is unlikely to be attractive to potential occupiers. It also considers the re-provision of the same amount of retailing in a new build development with new flats above. This is considered to be unlikely to be viable and would be a high risk investment given the doubts that retailers would emerge at reasonable terms.
- 5.10 Of course it is also necessary to consider the loss of the potential for the redevelopment of the site more comprehensively for other retail or other town centre uses. The now adopted Kidlington Framework Masterplan in its Section 6 (Strengthening Kidlington village centre) seeks to identify opportunities to expand the village centre and suggests the development of a village centre masterplan. The Co-op car park is identified as one of the sites that could be assessed and commented upon as follows

Co-op car park (0.3ha). The site presents an opportunity for residential, small scale retail or office above and around a car park. A new pedestrian link from the rear Co-op entrance through to the Red Lion pub could be created, strengthening the retail 'loop' between the High Street and Oxford Road. A deck above the car park could provide residential amenity space or additional parking.

Plans in the Masterplan show the site as adding to the retail offer of the centre and having community uses, secondary retail and residential development, and that it also has a potential longer term opportunity for a pedestrian connection between Sterling Road Approach and Oxford Road through this site and the Red Lion PH car park.

- 5.11 When this application was considered in August 2016 only limited weight could be attached to the aspirations outlined in the then draft masterplan. The Framework Masterplan now of course carries the full weight of a SPD and must be given due weight as a material consideration. It is clear that the submitted scheme does not match the aspirations of the Framework Masterplan in that it does not include further retail development, any decked car parking, or any public realm improvements that could assist in the creation of a connection through to Oxford Road as a new secondary street/pedestrian route. This basic conflict with the aspirations of the Masterplan can be seen graphically by comparing the submitted scheme to the indicative plans in Figures 6.5 and 6.6 of the Masterplan.. The Framework Masterplan establishes design principles for the Village Centre and identifies potential development sites (including the application site). The Framework Masterplan suggests that these principles should be tested and developed through the production of a comprehensive Village Centre Masterplan which would establish detailed design guidance on the appropriate layout, scale, quality and character that is expected of future development. That document would require further studies of land ownership, site availability and the development of a car parking strategy to ensure that the proposals would be deliverable
- 5.12 The applicant has recently given us some comments on the Masterplan and on its basis as a reason for refusal. These are set out below

We would make the following comments on the adopted Masterplan, particularly in relation to this site. These comments are made on an objective interpretation of the adopted document as set out diagrammatically and within the text.

- The site is proposed for a mixed use dominated by retail uses on the ground floor. Your consultant confirmed that there is no evidence of demand for such retail floorspace and it is therefore unlikely to assist in the regeneration of the site, which is supported in the Council's Local Plan and Masterplan. The retail uses proposed in the Masterplan comprise both primary and secondary retail uses for this site although it is difficult to envisage the presence of any 'Primary' retail as it is proposed in a very much secondary location. It further contemplates the erection of a central multi storey car park to provide necessary parking as may be required by both the retail and residential components and therefore assumes that residential uses will be single aspect and likely to share parking facilities with Retail Uses. No provision is made for servicing, which would make it less likely that the site would be attractive to retailers, for which there is also no evidence of retail demand.*
- It presumes the creation of an additional boulevard to provide connectivity to Oxford Road and envisages the creation of a retail avenue comprising Primary retail on each side of this route. It also presumes that the 'Primary' retail element in a secondary location will be sited adjacent to and overlooking an existing and retained service yard to High Street Retail units. To effect the creation of a boulevard and through route it presumes that developments will be carried out simultaneously in order to avoid the prospect of a 'dead end'.*
- It further assumes the creation of additional secondary retail along the Sterling Approach Road frontage with presumably residential above together with the creation of community spaces. It also assumes that Secondary Retail as may be located on Sterling Approach Road will in some way be capable of securing rear access in order to prevent unauthorised stopping and servicing on Sterling Approach Road. Presumably the conflicts between access/car parking/safe pedestrian routes/deliveries/servicing/refuse/disabled provision/access control/secured by design etc have been properly considered in the Masterplan.*

We conclude that this site cannot accommodate the aspirations of the Masterplan on purely economic and practical grounds. It would appear that the Masterplan takes no account of market demand for retail, the lack of which is well proven by our consultants and endorsed by the Council's. It makes no allowance for the fact that the site and adjacent land has ongoing access and servicing requirements in order to maintain existing and ongoing operations. It has no regard for the prospect that the site currently has an intrinsic value and until such time that such is either equated or exceeded redevelopment will not take place. There is little incentive for a landowner to

promote development where the outcome is likely to be significant financial loss.

For any masterplan to be relevant and applicable to any extent, it needs to have regard for existing uses and present an incentive to promote regeneration in the form of new development. In this case the suggestion that a development underpinned by a use (retail) for which there is no immediate or likely future demand in a predominantly Secondary retail location renders this Framework purely speculative and would act against the achievement of regeneration. The Masterplan also disregards existing use limitations such as servicing and access and is not supported by evidence of any kind which supports the proposed uses.

In this case therefore the Council will be basing its reasons for refusal on a document which does not take into account economic and practical reality, could not withstand even a modest level of objective scrutiny, and would act against the interests of securing the regeneration of the site and the provision of housing. There is therefore no possibility of our promoting a development of the nature shown in the Masterplan: it is aspirational and should not be taken as a document which allocates the site for particular purposes and which would override the provisions of the Council's Local Plan policies. It provides only a broad framework which needs to be considered against other planning objectives and policies: it is not definitive and should not be regarded as prescriptive.

Given that the Council's own consultant has agreed that there is no retail demand, has supported the case which we have put forward and agrees that the Coop's downsizing would not harm the village centre, we would not be able to reconsider our proposed development in line with the retail objectives of the Masterplan. The development would nonetheless include residential development which would regenerate the site, would add to the vitality and activity of the village centre, and would provide benefits to existing businesses through the additional population and local customer base. These are aspects of the Masterplan which would be able to be delivered and in a relatively short timescale.

We note the objectives of connectivity. As you know, our initial observation is that such measures will potentially offer a pedestrian 'bypass' to the High Street, which we could not see would be in the interests of the High Street retailers which form the major retail (and primary shopping) area in the village centre. It clearly has the potential to reduce footfall on an already underused thoroughfare. Nevertheless, there is the potential in our proposed development to offer a pedestrian route to connect to third party land on the western boundary of the site if the Council so desires. We would be prepared to enter a legal agreement to make such a route available in the event that future connections can be made to the Oxford Road frontage through future development on third party land. Clearly, any undertaking we offer would be

limited to land within our ownership and control. Please consider this as a formal offer in relation to the current application.

Lastly, we discussed the without prejudice offer to provide discount to market housing on the site as a consequence of the viability appraisal which was undertaken and agreed by your consultant. It think it only fair to make clear that should planning permission be refused and an appeal be lodged, we would need to revisit the viability appraisal and reserve the right to reconsider the offer at that time.

We would be grateful if you could take the current application to the next available planning committee for determination.

- 5.13 In response to these practical and economic criticisms it is noted in paragraph 5.11 above that the authors of the adopted Masterplan acknowledge (at paragraph 6.3.1 of it) that further assessment work would be necessary as part of a Village Centre masterplan to establish detailed guidance for the prospective development sites. This would deal with the issues identified such as the servicing arrangements necessary for existing and future retailers etc. and enable a fuller assessment of the feasibility of the proposals contained therein. This would involve a careful analysis of such matters as the creation of walking loops for shoppers by fostering greater connectivity and whether the proposed retail opportunities that could be created would be attractive to retailers. The Framework Masterplan envisages the creation of further primary shopping frontage by encouraging this greater connectivity and ability to link shopping areas together in a better way than currently possible. In your officers opinion approval of this application at this time would therefore be premature to the opportunity to carry this out further work and would be contrary to the aspirations of the adopted Framework Masterplan.
- 5.14 The connectivity aspired to in the Framework Masterplan is undoubtedly a worthwhile goal but is not in the gift of this applicant as it would need to involve third parties who may not be willing to allow their land to be used to facilitate an improved connection between Oxford Road and Sterling Road Approach. However as note in the applicant's statement above they are willing to allow for this to be dealt with on land in their control.
- 5.15 The development has to be assessed against adopted Policy Kidlington 2. The policy says that the change of use of town centre sites for residential re-development will normally be permitted if the proposals contribute significantly to the regeneration of the town centre. The townscape of Sterling Road Approach is currently poor and detracts from the character of the village centre. Its redevelopment in the manner proposed will fundamentally change and improve this area. The question remains however, as to whether the proposed layout and land uses contribute significantly to the regeneration of the village centre.
- 5.16 It is acknowledged that the reduction in the operational floorspace of Co-op will enable them to continue to trade successfully in the High Street and would in all probability retain this retail facility and the Post Office which is currently co-

located in the premises. Our retail consultants believe that the proposal to reduce retail floorspace will not in itself have a detrimental impact upon the vitality and viability of the existing village centre. It will be noted that our retail planning consultants had based part of their assessment on the restricted and overlapping catchment areas of Kidlington, Woodstock and Summertown and their belief that there was little opportunity for the catchment size to grow. Given the published consultation on the Local Plan Part One review it is now possible to envisage scenarios where that is not correct, and that Kidlington village centre may have a greater potential catchment size to cater for. It is possible therefore that the size of the centre will need to grow. This site represents one of the prime locations in the centre where such enlargement and strengthening of the centre can take place.

5.17 In housing policy terms the Council has a five year land supply as shown in the most recently published AMR, and therefore it may be said that there is no pressing need for additional land to be released for housing. However it is known that our land supply situation may be fragile in the future and opportunities for sustainable development that causes no or limited harm should be carefully considered.

5.18 The enhanced status of the guidance contained in the Framework Masterplan, which seeks to expand upon the Local Plan policies, provides further weight to the assessment that the proposal is contrary to Policy Kidlington 2.. A key test for the overall assessment of this proposal is whether this proposal provides significant regeneration of the area and whether therefore there is a material benefit from the proposal. At paragraph 3.4 above the Planning Policy officers conclusions were

The proposed development needs to contribute significantly to the regeneration of the village centre to comply with policy Kidlington 2. To help determine whether this would be achieved, the advice of the Design and Conservation Team should be considered in addition to the guidance contained within the adopted Kidlington Framework Masterplan. The advice of the County Council as Highway Authority should also be taken. High quality design that significantly improves the quality of the built environment and which assists the vitality of the town centre needs should be delivered from a policy perspective. Without a significant contribution to regeneration of the village centre, the proposal would be contrary to policy Kidlington 2

Therefore before concluding on policy matters it is necessary to review the acceptability of the scheme in design and highway terms.

Scale and Design

5.19 High standards of design are expected in development across the District. This approach is set out in Local and National Policy Guidance. The Cherwell Local Plan, Saved Policies, National Planning Policy Framework and Planning Practice Guidance emphasise the importance of good design and provide detailed guidance as to how good design should be assessed.

Good design is a key principle of the NPPF. Chapter 7 of the NPPF provides specific guidance on design and places great importance on the design of the built environment. This has been supplemented by the recently published

Planning Practice Guidance (2014) and best practice guidance such as By Design: Urban Design in the Planning System (2000) and Better Places to Live by Design (2001). These documents provide guidance on the central urban design principles that underpin good design; including layout, form, materials and detailing.

5.20 The policy requirements set out ESD 16 of the Local Plan, provides clear guidance on the importance of high quality design which responds to the character of a place *“New development will be expected to complement and enhance the character of its setting through sensitive siting, layout and high quality design”*. *“New development proposals should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly designed active public frontages*

5.21 The remodelling of the Co-op building offers the opportunity to improve the quality of the High St and of Sterling Road Approach, in particular by addressing the unfortunate effect of the predominantly blank long flank wall to the latter street. The building is proposed to undergo significant remodelling reducing its length by half and reconfiguring the upper floors. The scheme has been amended during the life of the application. Whilst the suggestion of swapping the position of the ground floor uses, placing the travel centre on the corner, thereby allowing flank wall display windows, has not been taken up, other revisions, particularly to the rear of the building, are significant improvements and is now considered satisfactory

5.22 As noted in the Design and Conservation Officers comments at 3.6 above the scale and length of the apartment building when originally submitted was considered to risk overwhelming the character of the street. The amended proposals have been altered to increase the set back from the road, introduce considerable articulation of the building line relative to the road, and change the effective roofline when viewed from road level.

5.23 It will be noted in the more recent comments from the Design and Conservation Officer she concludes

The development proposals will bring additional people and vibrancy to the village centre and flatted development is considered appropriate in this area. The opportunities that this scheme brings needs to be balanced against the form and scale of the proposals which are high given the site context and the case officer will need to weigh up whether the changes are outweighed by the benefits this development will bring to the area. While I still have a number of concerns about the design, some improvements have been made. Consideration should be given as to how this development fits within the strategic vision for the Village Centre set out within the Kidlington Masterplan Document.

5.24 As submitted the four-storey building had a consistent roof line. The changes have the effect of re-enforcing the apparent nature of the building to look like

linked blocks rather than one large monumental block. Around the centre of the block roof gardens result in the setting back of flats from the Sterling road frontage giving the appearance that this central portion of the building is three storey when viewed from ground level, although there are flats at a fourth storey that are set well back from this elevation and therefore difficult if not impossible to see. The southern end of the block is now 3 storeys with a set-back roof garden replacing two flats. The proposed use of brick and render will also break up the bulk of the building with the fourth floor level being finished in a light coloured material to further assist in reducing the apparent scale of the building.

- 5.25 Some objectors have expressed concern at the principle of introducing four storey development onto this site. It should be pointed out that there are other four storey buildings in High St and therefore this is not a new feature. It is of course necessary to assess the impact of such a tall building however. Sterling Road Approach has a somewhat strange and weak character with a mix of structures on its eastern side including the single-storey PO sorting office and the three-storey Fire Service HQ., both being set back from the road frontage. In this context it is considered that the large building proposed will not over-dominate the street to an unreasonable amount, and indeed will establish a new and fundamentally different character, but one that is not considered to be objectionable
- 5.26 In conclusion on design matters, obviously this is a subjective assessment. Your officers are now content that with the revisions negotiated the building would be an improvement over the existing streetscene and would not cause harm to the character or appearance of the village centre. It would offer a new and distinctive built form. However, it can be seen that our urban designer continues to have reservations about the design, and notes that consideration of its acceptability is a balanced judgement, taking into account the benefits of regeneration. She also says that consideration should be given as to how this development fits within the strategic vision for the Village Centre set out within the Kidlington Masterplan Document. These latter points are the fundamental issues that need to be concluded upon. Whilst the scheme proposed is an improvement on the current situation it does not meet the aspirations of the Masterplan and indeed would frustrate them. Therefore your officers conclude that the proposal would be contrary to Policy Kidlington 2 of the adopted Cherwell Local Plan .

Neighbour impact

- 5.27 Attention must be paid to the residential amenity of surrounding properties. The properties most likely to have been affected by the submitted scheme were those to the south of the building, namely 32 Sterling Road and 37a Oxford Road. The proposals have now been altered to reduce the height of this end of the block proposed from 4 storeys to 3 storeys. This will significantly reduce the prospect of overlooking and loss of privacy that may otherwise have been an issue. Whilst the flats on the top floor at this end of the block have been replaced by a roof garden, this garden itself has been set back from the line of the building so that overlooking is restricted from the garden. These

arrangements are now considered satisfactory. The case officer is also content that these properties will not be over-dominated by the proposed scheme.

- 5.28 There are flats above many of the buildings along the section of Oxford Road that backs onto the existing car park. These are considered to be set sufficiently far from the proposed building to not have issues of overlooking. Loss of privacy or over-domination
- 5.29 The remodelling and reducing in size of the existing co-op building should be an improvement to the amenity of those flats in the Hampden Building (on the corner of High St. and Sterling Road Approach)

Highway Safety and Loss of Parking

- 5.30 The scheme proposes two points of access to Sterling Road approach, one being at the southern end of the site, close to the existing ingress to the existing car park, and the other opposite the Sorting office in Sterling Road Approach, about 15 metres north of the current egress from the car park and ingress/egress to the existing service yard.
- 5.31 It is proposed that the southern access will serve 44 allocated spaces for the new apartment block, and 8 allocated spaces for the flats above the Co-op store together with 5 visitor spaces. This will also allow access to the waste facilities for the blocks. The northern access will serve 21 car parking spaces meeting the needs of the shop – both staff and customer parking. It has also been designed to provide access to the service yard arrangements for the shop. The County Council has confirmed that both accesses are acceptable.
- 5.32 With regards to servicing provision this should be made for all deliveries – to residential and retail, including vans - within the site rather than from Sterling Road Approach. The proposals include bollards between the retail and residential car parking, and state that the bollards would be lowered to allow refuse vehicles to navigate the through route, and large lorries to use part of the residential car park for manoeuvring. There is no indication of how deliveries to individual flats would be managed – it is unlikely (and probably undesirable) that drivers or residents will be able to lower the bollards to allow delivery Lorries to use the through route. Tracking is not provided to show that delivery vans can definitely enter and leave the residential car park without needing to use the through route. However, the detailed design of the car park layout can be conditioned.
- 5.33 The loss of the existing car park, which is currently effectively available to shoppers not only using Co-op but other shops and services in the village centre, is significant. However the car park is privately owned and its use by others, or indeed its use at all, could be withdrawn unilaterally. Adequate parking to serve the needs of the development, both for the flats and the retained shopping floorspace is proposed. The highway authority accepts this position; refusal of planning permission for loss of car parking could not be sustained on appeal in your officers opinion.

Affordable housing and Planning Contributions

- 5.34 Section 3.10 above sets out the initial and final advice from the Strategic Housing Officer on the position with regards to affordable housing. From a point early in the assessment of the application it became obvious that the applicant was claiming that the development would not be viable if asked to provide 35% affordable housing as required by Policy BSC3 of the adopted Local Plan. As noted in Policy BSC3 in such circumstances an open book financial assessment of the proposal is required that the Council can then interrogate. The Council employed an outside independent expert (Bruton Knowles) to critique the applicants' submission and assist in subsequent negotiations.
- 5.35 The outcome of this assessment was that Bruton Knowles advised that the development was indeed unable to fund the normal requirement for affordable housing. Negotiations between the applicants and your planning and housing officers have concluded with an offer of 8 discount rented units – those over the retained shop. These are offered at 75% of market rent with full nomination rights to the Council. This arrangement would endure for 25 years. They will be offered for lease to the Council, or to a registered provider, or could be retained by the developer and managed by them but with the Council nominating tenants. In the circumstances of this case this is considered acceptable, and furthermore is the best arrangement that can be reached. In these circumstances the proposal is considered to be in compliance with Policy BSC3 of the Local Plan. This position and offer was accepted by the Committee when they considered the application in August 2016. Members will note that at the end of the applicant's correspondence reported at paragraph 5.12 it is noted that if the application was refused and an appeal lodged that they may have to reconsider the viability appraisal and may reconsider the above offer at that time. As the Section 106 matters, including affordable housing provisions are not secured at this time, should the recommendation of refusal be accepted there would need to be a second reason relating to these matters.
- 5.36 The above arrangement for affordable housing, which was seen by officers as the highest priority in seeking a Section 106 agreement, was predicated on the basis that a maximum of £200k could also be provided for all other off-site contributions. Other requests for contributions set out elsewhere in the report can be summarised as

From OCC	
- Primary school contribution of	£106,323
- Bus subsidy aimed at improving the service to Langford Lane	£52,000
- Library stock	£2,000
From CDC	
- Outdoor gym facility	£69,371
- Maintenance for above(commuted sum)	£106,776
- Community development	£22,988
- Community facility improvement	£7,700
- Public Art	can be sought by condition

- 5.37 Clearly this comes in excess of the £200k on offer. Again your officers are content, with Bruton Knowles concurrence, to advise that this overall figure is the maximum that the viability of the scheme allows and can only be improved upon at the cost of reducing the affordable housing offer. The applicant does not seek to influence how that £200k is allocated.
- 5.38 In July 2011 the Council produced a draft supplementary document (SPD) on Planning Obligations, which is still in use (pending the outcome of consultation upon the recently published new document) for the starting point for negotiations by your officers. That document has the following advice for matters of this type

As a result of viability issues the LPA may, in some cases, need to prioritise obligations so as to manage the most significant impacts of development.

3.17 The relative priority to be given to competing requirements will be always be specifically assessed with regard to the Development Plan policies, the needs of the locality and the particular characteristics of the site and its setting. The order of priority may change depending upon local identified needs in relation to the development of a particular site.

3.18 However, the LPA's general approach to priorities is set out in Table 2 'Planning Requirement Priorities' below. In the first instance, the LPA expects to address and secure requirements with a high priority. These are generally the items relating to the provision of facilities on the development site. They will be needed as a direct result of the impact which a development scheme places on its site and surroundings.

3.19 The medium priority items are generally those required to deal with the wider transport, accessibility, social, and recreation impacts arising from development within the area.

3.20 The low priority items are those where the development will place new demands on general public services and capital projects. In these instances the providing bodies may, as a result of development viability issues, need to consider securing funding from sources other than developer contributions.

And a table of priorities was attached

Table 2 Planning Requirement Priorities

High Priority

Affordable Housing
Local Open Space, Play Space and
Landscaping
Sustainable Urban Drainage
Systems
Sustainable Transport and Travel
Plans, Footpath/Cycleway Provision
and Access Improvements

Medium Priority

Transport and Accessibility
Education – Nursery, Primary and Secondary
Strategic Open Space/ Sport and Recreation

Strategic and Local Community Facilities
Strategic Flood Defence
Nature Conservation and
Biodiversity

Low Priority

Health
Police
Public art
Community development funding
Libraries
Children's Centres and Nursery
Provision

- 5.39 Using this prioritisation the Head of Development Services considers that the primary school contribution and the outdoor gym provision should be fully funded as requested, and that the remaining £24,300 should be offered to Kidlington PC for the future maintenance of the facility. This allocation of the restricted available funds was accepted by Planning Committee at their meeting in August. The Parish Council's view on this less than full commuted payment contribution was sought after the August Committee and they have indicated that they were dissatisfied with this. This may mean that we have to give further consideration at a later time about apportionment of any sum that is offered in the future. Clearly if the above apportionment had been accepted then no money would have been forthcoming for the bus subsidy, library stock, community development or improved community facilities. Members may decide that the available money should be re-allocated in some other way. However if the recommendation is accepted then the issue of Section 106 contributions will be the subject of a second reason for refusal as the heads of terms will have not been agreed or a mechanism for their payment will not have been secured.

Consultation with applicant

- 6.1 Good communications had been maintained with the agent to ensure that the issues that arose during the application process were successfully dealt with and legal agreement discussions had progressed satisfactorily. Discussions have been held with the applicants since the adoption of the Masterplan and their comments quoted at paragraph 5.12 above are their response to the comment that we were likely to be recommending refusal.

Conclusion

- 7.1 At the conclusion of the section on Planning Policy (paragraph 5.18) it was noted that the final conclusion on the compliance of the proposal with policy Kidlington 2 had to be holistic once the scale and design and highway issues had also been taken into account. It was noted in paragraph 5.26 that design is a subjective matter but that your officers are now content that with the revisions negotiated the building will be an improvement over the existing streetscene and would not cause harm to the character or appearance of the village centre. However it should also be noted that your officers concluded in that section of

the report that the proposal would be contrary to Policy Kidlington 2 of the adopted Cherwell Local Plan insofar as the aspirations of the Framework Masterplan is concerned.

The local highway authority have confirmed that they are content with the loss of the car parking, which in any event could be withdrawn from public use at any time and therefore this does not represent a defensible reason for refusal

- 7.2 The adoption of the Kidlington Framework Masterplan in December 2016 has added weight to that document and the aspirations within it. The Masterplan shows this area of the centre as being suitable for development that would strengthen the centre and aid connectivity in and around the village centre. It is intended that there would be further development of proposals for this, and other village centre sites, as part of further another masterplan exercise. Approval of this proposal at this time would be premature to that further work and would potentially frustrate the aspirations of the Framework Masterplan. Consequently, and in line with the Planning policy Officer's comments, it is concluded that this scheme, whilst demonstrating an improvement over the current form and character of the locality, it does not address appropriately the layout and land use aspirations of the Kidlington Framework Masterplan and does not provide a significant contribution to the regeneration of the village centre and hence is contrary to Policy Kidlington 2

8. Recommendation

Refusal on the grounds that

1. The proposed development is contrary to Policy Kidlington 2 of the adopted Cherwell Local Plan 2011-2031 and the aspirations of the recently adopted Kidlington Framework Masterplan supplementary planning document in that it does not allow for the meeting of the objectives and aspirations of the latter document for the strengthening of the village centre through use of mixed use redevelopment opportunities and through improving connectivity between areas of the village centre, and consequently does not contribute significantly to the regeneration of the village centre as required by Policy Kidlington 2
2. In the absence of the completion of a satisfactory Planning Obligation the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off the site, including the provision of appropriate affordable housing, will be provided. Therefore the proposal would be contrary to Policies INF1, BSC3, BSC10 and BSC11 of the adopted Cherwell Local Plan 2011-2031 and the advice contained in the National Planning Policy Framework

Appendices

1. Cllr Carmen Griffiths email
2. Kidlington Parish Council letter
3. Burges Salmon Letter
4. Theme 3: Strengthening Kidlington Village Centre