

**St Edburgs Church Of England Voluntary Aided
School
Cemetery Road
Bicester
OX26 6BB**

17/00696/OUT

Applicant: U And I Group PLC

Proposal: Part demolition of existing structures and change of use of former school building (Use Class D1) to restaurant (Use Class A3) and the erection of 10 residential dwellings (Use Class C3), associated access, car parking and landscaping works.

Ward: Bicester South And Ambrosden

Councillors: Cllr David Anderson
Cllr Nick Cotter
Cllr Dan Sames

Reason for Referral: Major Application

Expiry Date: 3 July 2017 **Committee Date:** 6th July 2017

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1. This application relates to the former St Edburg's school site which is located at the junction of Cemetery Road and Piggy Lane. The site extends to 0.72ha and comprises the former school building located at the eastern part of the site. The school building is locally listed. The western part of the site comprises the former school playing fields. The eastern part of the site is within the Bicester Conservation Area whilst the western part comprising the playing fields lies just outside the Conservation Area.
- 1.2. Vehicular access is from Cemetery Road to the north. Pedestrian access to the site can be gained from the recreation ground to the south, Piggy Lane to the west, Cemetery Road from the north and daytime weekday access from the churchyard to the east into Cemetery Road.
- 1.3. The site has a hedgerow including a number of semi mature trees along the north and west boundaries, the vegetation along Piggy Lane being particularly strong. These hedges make a positive contribution to the character and appearance of the conservation area, and represent the change in character from the late 19th Century terraces along Church Street to the north of the site.
- 1.4. There are residential properties along Cemetery Road to the north comprising a mix of older terraced properties and more modern detached units. The Bicester Community Unit immediately to the west has a number of rear gardens facing towards the site. The BSA sports ground is located immediately to the south and to the west is the St Edburg's Church graveyard. Bicester Cemetery lies just to the south east of the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks outline planning permission for the part demolition of existing structures on site and the change of use of the former school building to a restaurant at ground floor level and the erection of 10 new dwellings. All matters are reserved for future consideration except access which is to be considered at this time.
- 2.2. The proposals include the demolition of the more modern 20th century extensions to the school building and the erection of 10 two and three bedroom residential dwellings in a terrace of up to 3 storeys. Vehicular access will be gained via Cemetery Road and Piggy Lane as existing.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
09/00082/OUT	Demolition of late C20 extension, alterations to original school and construction of new residential units and associated external works.	Application Withdrawn
17/00024/SO	Part demolition of existing structures and change of use of former school building (Use Class D1) to restaurant (Use Class A3) and the construction of 10 residential dwellings (Use Class C3), associated access, car parking and landscaping works.	Pending Consideration

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 04.05.2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. The comments raised by third parties are summarised as follows
 - These buildings have nesting swifts which have been recorded for many years. In 2016 swifts were nesting under the eaves of the building. They should not be disturbed during the nesting season and swift bricks should be incorporated into the new development
 - Cemetery Road is single track, at its narrowest point is only 2.7m wide and incapable of handling residential and restaurant traffic and will cause more traffic, noise and inconvenience to existing residents and disturb a quiet street of only 10 dwellings.

- Access from Cemetery Road onto Church St/Kings End has restricted visibility due to the curve in the road
- Current refuse vehicles used by CDC are 3.0m wide (including wing mirrors). Most restaurant delivery supplies use at least 7.7 ton vehicles. The developer's estimated that a box van is 2.2m wide, this is not true, a standard box van is 2.46m wide
- Transport Statement overestimates the number of vehicle trips when the school was actually open. In the main vehicles arrived in the morning and stayed all day, parents walked with their children or stopped in Church Street and allowed children to walk the rest.
- Transport statement underestimates the residential vehicular traffic proposed and questions the numbers of restauranters arriving other than by car, who will cycle to a fine dining restaurant, the railway stations are 15-20 minute walk, only 2 buses run regularly in the evening and are 30 mins apart, who will use the infrequent bus service to go to a fine dining restaurant. Most people will walk or taxi.
- Data used to estimate traffic generation is out of date. Car parking and traffic along Church St has increased markedly in the last 6 years
- Transport statement does not take into account that the school only operated for 200 or so days a year making this an unbalanced like-for-like comparison, school drop off times are restricted to limited times of the day, importantly not evening or early morning, schools do not operate at weekends
- Transport statement assumes some clients will be able to park in Church Street
- Maybe developers should be advised to develop Piggy Lane from Coker Place so that current and future even larger sized vehicles could enter the site comfortably. Has the Rugby Club access road been considered as an alternative access
- At the absolute minimum, the requirement for even small vehicles to enter/exit would be a set of traffic lights
- Even at 108 extra trips a day, Cemetery Road is too small for 2-way traffic and will cause congestion in Church Street when diners don't find parking in the restaurant and will park where they can. If two cars meet, one will need to reverse and there is only a narrow pavement for pedestrians on one side, near misses have been witnessed and cars often mount this narrow pavement to try to pass another car
- People/children often walk, cycle and scooter up the access to the sports club, Pingle field, Bicester Village and the cemetery
- Cemetery Road is not suitable for construction traffic
- Bicester is short of cemetery space and as the 'Garden Town' expands, demands on burial plots will increase. I am baffled that this land has become available next to the cemetery and yet will not be used as such.

- Parking provision for the dwellings and restaurant appears to be inadequate which will cause further parking issues within the vicinity of the site. Not all existing residential properties in Cemetery Road have allocated parking.
- Disturbance to the area of tranquillity around St Edburg's Grade 1 Listed Church and the cemetery
- Loss of Bicester's green infrastructure of the green spec of the school playing field
- The only benefit of the plans is that the historic school building will be kept intact, but to make adequate kitchen space for the restaurant there will have to be major alterations. At the exhibition they talked about putting an extra floor under the vaulted roof to give more dining capacity but this would alter the historic layout of the building
- Not mentioned in this application, but widely reported by the same developers is the proposed 'St Edburg's Walk' development (large shops/multi-storey car park) covering the Oxford Road sports field down to Bicester Village. Thus these St Edburg's school plans are the first 'foot on the ground' stage of the new development. This was not included in Cherwell Local Plan Part 1 and the planning inspector said the future of this area and the consultation of whether the town centre boundary should be extended to Pingle drive should be dealt with as part of Local Plan Part 2. Therefore these plans do not comply with Local Plan Part 1.
- The proposed development has been shoe-horned into an area where it does not fit and there is clearly insufficient access. Insufficient detail is provided.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. Bicester Town Council strongly objects

- Development of the old school into a high end restaurant and 10 houses is extremely ambitious given the access constraints
- The proposed 17 parking spaces for the restaurant, 7 of which will be reserved for staff, and 1.5 spaces per residential property is unlikely to be sufficient with no allowance for visitor parking or indeed the average of 2 cars per dwelling which is the norm for Bicester. Furthermore, if as planned it is a 'high end' establishment, the customers are likely to be drawn from the wider area thus increasing the demand for car parking. The surrounding roads are narrow and cannot accommodate further cars. A recent application for a take away establishment was rejected on appeal because of lack of car parking.

- It is interesting that the plans suggest 180 vehicles per day for the restaurant and a further 60 per day for the houses. This is reduced to 100 trips by deducting usage when the school was open. This figure is disputed as only teacher's vehicles were allowed near the school with parents wishing to drive using the BSA car park. The revised figure should be 200 per day. The school was only open approximately 260 days per year and it is not hard to imagine the impact of additional traffic to the residents.
- Currently the only access is from Church Street/King's End junction into Cemetery Lane which is at best a single track road. The junction mentioned is blind and one exiting cannot see the traffic coming from Kings end until half across the junction
- The application is premature and should be refused on grounds of access, parking and impact on neighbouring properties. An alternative access is imperative before the application is re-submitted.

STATUTORY CONSULTEES

- 6.3. Thames Water: with regard to sewerage infrastructure capacity no objection. Recommend the installation of a properly maintained fat trap on all catering establishments and further recommend in line with best practice for the disposal of fats, oils and grease, the collection of waste oil a contractor, particularly to recycle for the production of bio diesel. In respect of water infrastructure capacity there is no objection.
- 6.4. Sport England: The proposed development does not fall within their statutory or non-statutory remit and therefore has not provided a detailed response, but gives advice on where to find guidance to aid the assessment of the application on the Sport England website, NPPF and PPG.

NON-STATUTORY CONSULTEES

- 6.5. Planning Policy: There are two main elements to this application

Firstly, the conversion of the former school building to a restaurant with ancillary car parking and outdoor space. As defined by the NPPF and Policy SLE2 such a use is considered to be a 'Main Town Centre Use'. The application site is outside Bicester town centre as defined by the adopted Local Plan although it is within the Town Centre Extension (Area of Search) as described in Policy Bicester 5. This policy states that prior to the review of the town centre boundary through Local Plan Part 2.....other main town centre uses will only be supported if they form part of new schemes which help deliver the aims for central Bicester set out in the Plan. It is the view of the Planning Policy Team that this is an isolated scheme which does not contribute to the aims of this policy.

The site is considered to be in an 'edge of centre' location. The application must therefore be subject to a sequential test which demonstrates why the restaurant use cannot be accommodated within the town centre. The application submitted does not include a sequential test.

The second element of the application is a proposal to construct 10 new dwellings on the former school playing fields. The principal of residential development within the built up limits of Bicester is supported by Local Plan policies. However, the development, as proposed, would result in the loss of existing open space and sports fields. In accordance with the NPPF and Policy BSC10 development proposals that will result in the loss of outdoor sport and recreation provision will not

be permitted unless the proposal will not result in the loss of an open space important to the character or amenity of the surrounding area, an assessment has been undertaken which demonstrates that the site is surplus to requirements including consideration of all functions that open space can perform, or the Council is satisfied that a suitable alternative of at least equivalent community benefit in terms of quantity and quality is to be provided within an agreed time period.

The adopted Local Plan identifies a number of existing deficiencies and future shortfalls of open space, sport and recreation provision in Bicester.

In 2008 the Council published Informal Development Principles for the redevelopment of this site. It was recommended that the original school and master's house should be converted to residential use. It was stated that the conversion to commercial leisure use would be likely to cause traffic, parking and noise disturbance to this difficult to access and quiet neighbourhood and will not be encouraged. This document also acknowledged that there may be some scope for new residential development in the site. However, it went on to state that given the existing shortfalls in sports pitch provision in Bicester the existing grass pitch will need to be retained and offered for adoption to Bicester Town Council.

The issue of the loss of outdoor recreation and sports pitches as required by Policy BSC10 and the NPPF has not been addressed by the application.

The 2016 AMR (March 2017) demonstrates that the District presently has a 5.4 year housing land supply for the period 2016-2021 and a 5.6 year housing supply for the period 2017-2022 (commencing 1 April 2017).

The five year housing land supply also includes an allowance for previously developed windfall sites based on the Council's update 2014 SHLAA. This site, including the school buildings, was assessed in the 2014 SHLAA (site ref: BI216). It concluded that *'the site is developable for about 14 residential properties. Any proposals should take in to account the approved development principles relating to retaining the historic character and the building and the surrounding area'*.

Table 15 of the AMR demonstrates that were this site not to be deliverable for 14 homes as indicated, the Council would still have a 5.6 year supply.

Other issues to consider include, inter alia, the impact on the Bicester Conservation Area and the locally listed school building, the impact of the proposed restaurant and parking on the residential amenity of existing and future residents, and highway safety.

Policy Recommendation: Objection due to

1. The absence of a sequential test that demonstrates why the proposed restaurant use cannot be accommodated within Bicester Town Centre
 2. The loss of open space and sports pitches in Bicester, where the adopted Local Plan identifies current and future deficiencies in provision, without the provision of suitable alternative of at least equivalent community benefit in terms of quantity and quality.
- 6.6. Arboricultural Officer: As there are several high profile trees on the site, the applicant will need to provide a BS 5837 survey pre-determination. The survey will need to provide an Arboricultural mitigation strategy and an Arboricultural method statement as well as the initial survey document.

6.7. Business Support Unit: No comments received

6.8. Conservation Officer: The proposed development site lies partially within the Bicester Conservation Area and the school building is a non-designated heritage asset (identified as a locally listed building). The area not included within the Conservation Area originally lay outside the built up area of the town, but was later incorporated into the school grounds. A number of structures are shown on late 20th century OS maps and it is anticipated that these must have been portacabin accommodation associated with the school building.

The site is located to the south west of the grade 1 listed church of St Edburgs and in close proximity to its surrounding cemetery. The site also lies in close proximity to the cemetery chapel, which is also a locally listed building/non-designated heritage asset.

A Development Brief entitled '*Redevelopment of St Edburg's School, Bicester. Informal Development Principles October 2008*'. This outlined that the school and master's house should be converted to residential use (on the basis that commercial leisure would generate too much traffic). It also stated that there was limited scope for new development within the grounds, but should be no more than two storey.

The Heritage Statement provides a robust understanding of the historic development of the site. There is also an analysis of views of the site from the surrounding locality and the contribution the current site makes to the setting of the conservation area.

The proposal to use the former historic school building as a restaurant is considered to be a positive use for the site from a heritage perspective as it will allow the historic significance of the building to be retained. The proposal to retain both the historic school building and associated lavatory block is welcome as the latter contributes to the setting and significance of the school building. The proposal to demolish the 20th century school extension is welcomed as this will be considered to enhance or 'better reveal' the setting of the building and the character and appearance of the conservation area.

It is proposed to locate 12 parking spaces to the south of the building in close proximity to the stone wall surrounding the cemetery. There are issues here relating to the setting of the cemetery with emphasis on noise, pollution levels and potentially visual impact (depending on the ground levels and whether the cars would be screened by the boundary wall). The restaurant terrace to the south east of the site has the potential to have a detrimental impact on the setting of the cemetery in relation to noise levels, tranquillity, privacy as well as potential visual impacts from covered seating areas, canopies etc. There are particular sensitivities as this area of the cemetery has recent burials and therefore relatives visiting the graves.

Issues for consideration at reserve matters stage will be

- Signage
- Treatment of access to the site
- Location and treatment of any external extraction equipment (in relation to visual impact, noise and smells)
- Hard and soft landscaping treatment

- Details of structural elements relating to outdoor seating area for restaurant (including canopies, table, chairs, planters etc)
- The treatment of the boundary between the restaurant use and the residential use.

These issues will all need to consider the setting of the non-designated heritage asset of the school building as well as the cemetery and stone boundary wall.

The general principle of residential development on the site was agreed in '*Redevelopment of St Edburg's School, Bicester. Informal Development Principles October 2008*'.

- There is a substantial area of land associated with the school building, but it is appreciated that there are difficulties with providing a suitable form of development in this area. The land has historically been on the edge of the town centre and has not been built upon in recent times (no development shown on historic OS maps dating back to 1875). The land was originally open with footpaths crossing through it and then latterly formed playing fields and playground associated with the school building
- The key issue is where the housing is placed on the plot, how it interacts with the proposed restaurant use on the plot and its relationship with the surrounding townscape. The current proposal isolates the development from the surrounding townscape, but has less impact on the setting of the conservation area along Piggy Lane with its distinctive characteristic stone boundary walls
- The benefit of using the existing access for both restaurant and residential use is that the continuous frontage along Piggy Lane (albeit currently as a close boarded fence) is maintained
- The proposed access road with large turning head and parking to the eastern frontage of the properties is considered to have a detrimental impact on the setting of the non-designated heritage asset of the former school building – both urbanising and domesticating the area. It would be preferable for the road and parking to be at the rear of the properties which would have less impact on the setting of the building and create a better environment for the restaurant use.
- The proposed development of 10 units does not seem unreasonable in terms of number
- Terraced development is considered to be suitable rather than suburban cul-de-sac arrangement as this is in keeping with housing development in the wider surrounding area
- Three storey development is not considered acceptable (as identified by the 2008 development brief) as this would have a greater impact on views across the site and dominate the school building
- Development in this specific location would block views of the roofscape of Kings End House, but this is considered to be a relatively minor issue

The proposed pedestrian access across the playground is considered positive.

More detailed comments can be found on the application file on the council's website and are included in the commentary under heritage assets below.

6.9. Ecology Officer: The preliminary ecological appraisal has been undertaken in line with standard methodology and I can have confidence in the conclusions drawn. At the time of the survey, an initial bat survey was undertaken of the existing buildings which contains multiple roof voids, some of which were inaccessible to survey. It is not clear from the proposed plans for the restaurant building if the existing roof voids are proposed to be retained or if any works to the roof are proposed, that is, through conversion or re-roofing. Should conversion of the roof voids be proposed, it will be important that activity surveys are undertaken prior to determination of the application to determine the potential impact on bats. However, should the roof voids be retained within the design of the scheme, then there appears to be sufficient scope to mitigate for the potential impact on void-dwelling bats within the voids and the proposed new dwellings. Conditions requiring further survey work and detailed mitigation plan are recommended.

6.10. Economic Development: No comments received

6.11. Bicester Local History Society: No comments received

6.12. Landscape Officer: comments as follows

- Further to consideration of the site I propose that a locally contextually sensitive hard landscape scheme is implemented (reflecting the setting and existing stone walls)
- The landscape area of the restaurant garden, the LAP and old playground are to provide amenity and function for the development
- I question whether it is appropriate to retain the large playground when it will obviously be used as a large car park (is that the intention) A substantial proportion of the playground should be removed and compacted subsoil ameliorated, drained and good quality top soil added at depths, 450mm for shrubs, 150mm for grass and 1000mm for trees.
- Landscape proposals should be in accordance with established specifications

6.13. Environmental Protection; comments as follows

- **Noise:** having visited the site the background noise is very low. Therefore we would require a noise survey carried out to BS4142:2014 on any plant such as extraction equipment or air conditioning units that may be installed to ensure that noise levels for existing and proposed residential properties in the area are acceptable. In addition a CEMP for both the construction and demolition phases will need to be supplied that considers the potential risk of noise and dust nuisance and mitigation for both and approved before work starts on the site.
- **Contaminated land:** due to the sensitive nature of the site contaminated land conditions are recommended
- **Air quality:** no comments

- **Odour:** full details of the proposed extraction equipment to the restaurant will be required to ensure that odour does not cause an issue to existing and proposed residents
- **Light:** no comments

6.14. Waste and Recycling: the developer has not given enough information of the size of properties to be built and will need to satisfy the local planning authority that they have adequate provision for waste and recycling storage

6.15. Thames Valley Police design Adviser: No comments received

6.16. OCC Transport: Objection as follows

- The work undertaken by the applicant to predict the existing and future traffic generation of the site is not sufficiently robust to allow a confident conclusion to be made about whether the proposed development will be acceptable in transport terms
- No consideration has been given to the safe operation of the junction of Cemetery Road and Church Street which is a concern bearing in mind that the overall number of vehicle movements is likely to be more than when the primary school was open. A plan needs to be provided showing visibility splays (based on Manual for Streets standards) calculated using a recent speed survey. Without that, the applicant has not demonstrated safe and suitable access for all in line with the NPPF
- The tracking of large vehicles serving the site (including the Cemetery Road/Church Street junction) is not satisfactory and as such the applicant has not demonstrated safe and suitable access for all in line with the NPPF
- Whilst I accept that the exact size of the restaurant's public area is not known at this stage, no attempt has been made to estimate how much car parking a restaurant of the size proposed would normally be expected to provide. Despite the sustainable location of the restaurant, 12 spaces seems low. More work is needed on this. Nevertheless, a financial contribution would allow additional parking restrictions on Church Street and Kings End to prevent overspill parking there in the evenings – extent of the protection to be determined depending on the final amount of on-site restaurant parking provided

If Cherwell is minded to approve the application, a number of conditions are recommended.

6.17. OCC Archaeology: the site is located in an area of archaeological potential and a programme of archaeological investigation will be required ahead of any development of the site. This can be secured through an appropriately worded condition.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy

framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD15 - The Character of the Built and Historic Environment
- PSD1 – Presumption in favour of sustainable development
- SLE2 – Securing dynamic town centres
- SLE4 – Improved transport and connections
- BSC1 – District wide housing distribution
- BSC2 – Effective and efficient use of land, brownfield land and housing density
- BSC4 – Housing mix
- BSC10 – Open space, outdoor sport and recreation provision
- BSC11- Local standards of provision – outdoor recreation
- BSC12 – Indoor sport, recreation and community facilities
- ESD1 – Mitigating and adapting to climate change
- ESD2 – Energy hierarchy and allowable solutions
- ESD3 – Sustainable construction
- ESD4 – Decentralised energy systems
- ESD5 – Renewable energy
- ESD7 – Sustainable drainage systems
- ESD8 – Water resources
- ESD10 – Protection and enhancement of biodiversity and the natural environment
- ESD17 – Green Infrastructure
- Bicester 5 – Strengthening Bicester town centre
- Bicester 7 – Meeting the need for open space, sport and recreation
- Bicester 9 – Burial site provision in Bicester

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – design of new residential development
- TR1 – Transportation funding
- TR7 – Development attracting traffic on minor roads
- T2 – Restaurants within settlements
- C23 – Retention of features contributing to character or appearance of a conservation area
- C31 – compatibility of proposals in residential areas
- C32 – provision of facilities for disabled people
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

NON-STATUTORY CHERWELL LOCAL PLAN 2011

- Policy H11: Windfall sites within the built up area of Bicester
- Policy TR5: Road safety measures for proposed development
- Policy TR8: Development prejudicing pedestrian and cycle route provision
- Policy TR11: Development and provision of car parking
- Policy TR31: Support for development not affecting pedestrian and cycle routes
- Policy R4: Protection and enhancement of the existing PROW
- Policy PR7A: Development on playing fields

- Policy D5: Design of the public realm

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Redevelopment of St Edburg's School, Informal development Principles

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Five year housing land supply
- Access and Parking
- Heritage Assets
- Design, and impact on the character of the area
- Residential amenity
- Ecology
- Trees and Landscaping
- Planning Obligation

8.2. Principle of Development

8.3. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and adopted Cherwell Local Plan Part 1 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application and any other material considerations.

8.4. Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption in favour of sustainable development should be seen as a golden thread running through decision making.

8.5. There are three dimensions to sustainable development, as defined in the NPPF which are economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

8.6. The application site is a part greenfield and part brownfield site within the built up limits of Bicester. Bicester is one of the two most sustainable settlements within the District with good accessibility to services and facilities and employment opportunities. The site is included within the SHLAA Update 2014 (August 2014) under site reference B1216. The approved development principles for the site state that the original school building and out-building should be retained and the later post war additions demolished. It states that there is some limited scope for new development within the grounds, predominantly to the north-west and south-east but care should be taken not to adversely affect views towards the church from the south west, or to impinge on the integrity of the retained school building. It also advises that to the south east of the site, the lower ground of the cemetery means that new build over two storeys would be unacceptably dominant in views from the south. The playing fields should be retained to help meet the town's needs. The site assessment concluded that *'the site is developable for about 14 residential properties. Any proposals should take into account the approved development principles relating to retaining the historic character and the building and the surrounding historic area.'*

- 8.7. The proposal which seeks to develop the former school playing field is contrary to the Council's approved informal development principles which states that the playing field will need to be retained to help meet the town's needs. Policy BSC10 of the adopted Cherwell Local Plan also seeks to protect existing provision. The applicant argues that the existing playing fields have been replaced by the new school provision at South West Bicester. It is considered however, that in the absence of a more detailed assessment that this is not sufficient justification for their loss and the proposal is therefore contrary to Policy BSC10 in this respect.
- 8.8. The NPPF further advises that a sequential test should be applied to applications for main town centre uses such as A3. Only if suitable sites are not available should out of centre sites be considered and preference should be given to accessible sites that are well connected to the town centre. An Impact assessment is not required in respect of this proposal as the school building is below the threshold.
- 8.9. The Planning Practice Guidance advises on sequential test and impact assessment, but also advises that if required development cannot be accommodated in the town centre, that the local planning authority should plan positively for such needs having regard to the sequential test and impact tests. Policy Bicester 5 of the adopted Cherwell Local Plan 2011-2031 seeks to do this by identifying an 'Area of Search' to ensure that any proposed main town centre uses which are not in the existing town centre are in the best locations to support the vitality and vibrancy of the town centre, and that no likely significant adverse impacts on existing town centres arise as set out in the NPPF.
- 8.10. The adopted Cherwell Local Plan Part 1 2011-2031 is consistent with the NPPF in that it requires a town centre first approach that directs retail and other town centre uses towards town centres and encourages the growth of such centres and aims to support Bicester town centre's viability and vitality.
- 8.11. Policy SLE 2 of the adopted Cherwell Local Plan 2011-2031 'Securing Dynamic Town Centres' seeks to ensure that Bicester's role is strengthened in terms of achieving economic growth as a destination for visitors and serving their rural hinterlands. The policy further advises that proposals for retail and other Main Town Centre Uses not in a town centre should be in 'edge of centre' locations, and only if suitable sites are not available in edge of centre locations, should out of centre sites be considered, and when considering edge of centre or out of centre proposals, preference will be given to sites that are well connected to the town centre.
- 8.12. Policy Bicester 5 'Strengthening Bicester Town Centre' aims to support the viability and vitality of the existing town centre, encourage economic activity, assist with the connectivity between the existing town centre, a new Bicester Railway Station, Bicester Village; adjoining residential areas and improve the character and appearance of the centre of Bicester and the public realm. The application site is not within Bicester Town Centre but is within the 'Area of Search' identified in Policy Bicester 5. This does not however mean that the town centre first approach should not be taken and a sequential test is therefore necessary. No sequential test has been submitted as part of the application and the application is therefore contrary to policies within the adopted Cherwell Local Plan Part 1 2011-2031 and Government advice within the NPPF in this respect.
- 8.13. Five Year Housing land Supply
- 8.14. The 2016 AMR (March 2017) demonstrates that the District presently has a 5.4 year housing land supply for the period 2016-2021 and a 5.6 year housing supply for the period 2017-2022 (commencing 1 April 2017). The five year supply position has been confirmed by the Planning Inspectorate in recent appeal decisions.

8.15. The five year housing land supply also includes an allowance for previously developed windfall sites based on the Council's update 2014 SHLAA. This site, including the school buildings, was assessed in the 2014 SHLAA (Site Reference: B1216). It concluded that the site is developable for about 14 residential properties and that any proposals should take in to account the approved development principles relating to retaining the historic character, the building and the surrounding historic area. Table 15 of the AMR demonstrates that were this site not to be deliverable for 14 homes as indicated, the council would still have a 5.6 year supply.

8.16. Access and Parking

8.17. Strategic Objective 13 of the adopted Cherwell Local Plan 2011-2031 aims to reduce the dependency on the private car as a mode of travel and increase opportunities for travelling by other modes. Policy ESD1 sets out an aim to mitigate the impact of the development on climate change by delivering development that seeks to reduce the need to travel which encourages sustainable travel options including walking, cycling and public transport to reduce the dependence on private cars. Policy SLE4 also has similar objectives. The transport impacts of the development must be considered against these policies and the requirements of Section 4 of the NPPF.

8.18. The application is accompanied by a Transport Statement produced by WYG Environment Planning Transport Ltd. The site is located at the southern end of Cemetery Road and south of Piggy lane. Vehicular access to the site is via Cemetery Road, a narrow single carriageway road which leads from the junction of Church Street and Kings End. Vehicular access into the site is at the northern end close to Cemetery Road. There are a series of Public Rights of Way adjacent and within the vicinity of the site. A new north-south circulatory pedestrian route is proposed to run through the site but it is currently not intended that this would be adopted and the application form indicates that no new public rights of way are to be provided, so it is not clear what function this new link will have. Cemetery Road has a narrow footway on the eastern side of the carriageway. There are a series of cycle paths in proximity to the site. The closest bus stops to the site are located in Kings End. 12 number car parking spaces are proposed for the restaurant and each of the residential units will have one allocated parking space plus five spaces for visitors. In terms of deliveries to the site, the submitted Transport Statement assumes that deliveries to the restaurant will be daily and vehicles will not be larger than 7.5 ton box van and for the residential deliveries would be by small transit van. In terms of refuse collection, the submission assumes that collections from the restaurant will be daily by a private waste collector with a small refuse vehicle and the residential units in a weekly basis, again by a small refuse vehicle of 6.623m long. This vehicle is considerably smaller than those used by Cherwell District Council. The application has since been amended to show an 11.4m refuse wagon.

8.19. The Transport Statement has been assessed by OCC as Highway Authority who considers that the traffic generation work undertaken by the applicant's transport consultant is not sufficiently accurate to allow a robust conclusion to be reached in terms of whether the proposal is acceptable in terms of traffic impact. This is important in this respect due to the narrow width of Cemetery Road and the fact that two vehicles cannot pass one another. Furthermore, the school traffic impact was previously based on TRICS surveys of other primary schools. Due to the constrained nature of Cemetery Road it is unlikely that parents would have driven down it to drop off children and the Transport Statement fails to justify why the primary schools chosen in the TRICS database are similar enough to St Edburgs to be used as a comparison. In terms of traffic generation for the proposed restaurant,

this is only based on two restaurants which are not directly comparable to the proposal.

- 8.20. In the absence of a robust traffic analysis, OCC have to assume until proven otherwise that the turning movements overall at the junction of Cemetery Road and Church Street/Kings End will increase. As such the applicant needs to demonstrate that these movements can be made safely, particularly given that visibility to the west appears constrained. No mention is made of this junction in the Transport Assessment. It is requested that the applicant should therefore carry out a speed survey at the junction and then show the relevant visibility splays on a plan. In the absence of this additional information it cannot be assured that a safe and suitable access in accordance with the NPPF can be achieved. The applicant has been in discussion with OCC in respect of these concerns, however, to date the highway authority remains of the view that in the absence of robust traffic generation data and the poor visibility from Cemetery Road onto the junction with Kings End which is substandard that the development proposed is not acceptable in highway safety terms.
- 8.21. In terms of deliveries and servicing, concern has been expressed by OCC about the size of the vehicles likely to be used to service the site. Tracking of the refuse wagon has also only been shown turning left into Cemetery Road. Right turn in and right and left turn out of Cemetery Road are also needed. The refuse vehicle for the restaurant also needs to be shown leaving the site. Again revised plans have been submitted indicating the larger refuse vehicle with the necessary tracking plans. The large 7.5t box van for deliveries to the restaurant has not been tracked in and out of Cemetery Road from Church Street/Kings End and must be shown.
- 8.22. OCC consider that the parking shown for the residential use is acceptable, but it is difficult to give a definitive comment on the level of car parking that is proposed for the restaurant element because the area of public space is not known. It is accepted that the exact amount of public floor-space is unknown, but an estimate should be made based on experience elsewhere. However, due to its proximity to Bicester town centre, a reduced car parking requirement might be acceptable and the introduction of additional parking restrictions to cover the evenings in the vicinity of the site would address over-spill car parking and the negative impact on highway safety it might have.
- 8.23. In terms of pedestrian and cycle connections OCC consider the site is well located to encourage cycling and walking and the proposed pedestrian link through the site connecting Cemetery Road is welcomed and connections to Kings End/Oxford Road give further opportunity for people to walk from nearby residential areas and access the high frequency bus services. Local residents have raised concerns about the numbers of people who are likely to access the restaurant in the evening by bus and cycle and therefore the high numbers likely to drive. It is considered that during the evening, if this were to be a 'high end' restaurant as the applicant claims, that, it is less likely that customers will cycle or use the local bus service.
- 8.24. The applicant has sought to address the above concerns by the submission of two Technical Notes, dated 16th May and 5th June 2017. The first of the Technical Notes has been assessed by OCC. In terms of servicing and waste collection, revised tracking plans indicate the use of a 10.52m long refuse truck as currently used by CDC for the proposed residential units. As requested by OCC, a speed survey was carried out in the form of an Automatic Traffic Count during the week commencing 15th May 2017 which showed the average speed was 26mph and 23mph in wet weather. Additional plans also showing the vision splays available at the junction of Cemetery Road with Kings End/Oxford Road have been received. These have been assessed by OCC. However, the concerns raised in respect of the junction of

Cemetery Road and Kings End has not been addressed and an objection remains therefore in respect of the proposal on highway safety grounds, contrary to the advice within the NPPF.

Heritage Assets

- 8.25. The application is accompanied by a Heritage Statement and Impact Assessment produced by Asset Heritage Consulting Ltd as required by the NPPF. This should describe the significance of any heritage assets affected, including any contribution made by their setting. This has been assessed by the Conservation Team who considers it provides a robust understanding of the historic development of the site. The application site falls partly within the boundaries of the Bicester Conservation Area. St Edburg's School is a locally listed building and St Edburg's Church adjacent is Grade 1 Listed. St Edburg's school is located within the oldest inhabited area of Bicester, prehistoric, Roman and Medieval activity have all been identified within 400m radius of the school building. It was the oldest surviving school in Bicester, dating from 1858, and originated as a National school for boys and girls financed by a government grant and money raised by Charles Fowler, a tenant farmer, and the vicar Rev J.W Watts. In 1902 it became classified as a Church school. There is also a lavatory block of late Victorian character which is of interest. The school was extended in the late 20th century, but the design of this is of no architectural or historic merit. The school site was vacated in 2016 when the school moved to the new development at South West Bicester.
- 8.26. Section 12 of the NPPF sets out planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance.
- 8.27. Paragraph 132 of the NPPF advises *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'*
- 8.28. In respect of locally listed buildings, the NPPF advises at paragraph 135 that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*
- 8.29. The site is located in an area of archaeological potential on the western edge of the precinct of St Edburg's Priory. The priory buildings themselves are located 230m to the east of the site of the Priory but it is possible that archaeological deposits relating to the priory could survive below ground around the school building. The school is also located near to a Roman settlement site 400m to the west which was excavated in 2002 and recorded cobbled surfaces and a trackway. Further evidence of prehistoric activity in the area has been recorded immediately west of this within the new south west Bicester development. Evidence of the size of the settlement is indicated by the recording of a possible Roman ditch 150m west of the school during the watching brief. The current school buildings would have truncated parts of the site, especially to the south of the original Victorian school but the developments on the western could encounter archaeological deposits related to the medieval development of the town or to the adjacent Roman settlement.

- 8.30. The boundary walls around the school site also make a positive contribution to the character of the area and are constructed of coursed Limestone rubble with semi-circular upright coping stones. The east and south east wall to the cemetery appears significantly higher than that to the north because the school site is slightly raised. The original school building comprised a school master's house at the north and the school to the south with a large central hall. The school has a large modern extension at its southern end but the original Victorian building remains very much intact.
- 8.31. It is an attractive Gothic building constructed of local Limestone rubble with ashlar used in window and door surrounds, quoins, tracery, buttress fronts and for the heavy string course on the hall elevation. The gabled roof is of welsh slate.
- 8.32. The Grade I listed church of St Edburg is located to the north east of the site. There are clear views of the church from within the site, with the school building in the foreground from the western end of the site and with the cemetery chapel and stone boundary wall from the eastern end of the site. There are only glimpsed views of the church from outside the site. A mature tree to the south west corner of the site obscures potential additional views of the church during the summer months. Whilst this is proposed for retention as part of the development proposal, the indicated residential block is in close proximity, which may put pressure on the retention of this tree in the future.
- 8.33. The greatest area of sensitivity is to the south and east of the site where the proposed development lies in close proximity to the cemetery associated with St Edburg's Church and cemetery chapel and will inevitably impact on their setting. Historic England's *'The setting of Heritage Assets: Historic Environment Good Practice Advice in Planning:3'* outlines the issues, in addition to the visual and associative relationships that can be taken into account when assessing the contribution to the setting of heritage assets, there are other issues which are of direct relevance to the use of the cemetery, these being, noise and vibration and other pollutants or nuisances from the restaurant use, the impact on the tranquillity or remoteness of the cemetery, again from the restaurant use and the sense of enclosure, seclusion, intimacy or privacy that could be lost from visiting the cemetery and chapel as a result of the proposed restaurant use.
- 8.34. The proposed development site lies partially within Bicester Conservation Area in the 'Piggy Lane' Character Area. The conservation area appraisal identifies the significance of the area *'The character of Piggy Lane as an ancient route from the west along the rear of the burgage plots to the former Priory is discernible at its eastern end where it is bounded by 3m high limestone walls on the north enclosing the historic properties'*. The school site forms the outer extent of the historic core of the town of Bicester as shown on historic OS maps of the area. The appraisal identifies the importance of the former St Edburg's School within this area *'The gothic Revival St. Edburg's primary school creates a landmark at the south east end of the character area. The truncated spire is balanced by the tower of the church of St Edburg's which lies to the north east'*.
- 8.35. The public rights of way around the site are of fundamental significance to the character of the area. The footpaths tend to be narrow and enclosed and often surrounded by stone walls or other boundary features. Historic OS maps show footpaths crossing the land associated with the school; these have later been re-routed, but still cross and line the former school playground. The stone wall to the east end of the site (which is potentially curtilage listed to the Grade 1 listed building) make a significant contribution to the conservation area.

- 8.36. The western end of the site lies outside of the Conservation Area. The area was historically outside the built up area of the town, but had good pedestrian links across it linking development along the road to the west with the core town centre. Latterly the land had close links with the school building. It is unclear why this area of land was excluded from the conservation area boundary as the 'Boundary Justification' in the appraisal does not go in to detail, but may be due to the late 20th century development to the west of the site. The piece of land not included within the boundary of the conservation area clearly formed an important part of the setting of the school building and is now a tranquil, green space lined by mature trees and hedges at the edge of the town centre. The close boarded fences which line this area of the site do not make a positive contribution to the site, but their impact is mitigated by the presence of tree and hedge cover.
- 8.37. Views from outside the site into the Conservation Area beyond are limited due to mature trees and hedges, but there are some glimpse views of the church and the roofscape of Kings End House along Kings End can be seen across the site, whilst this is not a listed building, it could be described as a non-designated heritage asset which makes a contribution to the conservation area.
- 8.38. The setting of a listed building, locally listed building or conservation area can often form an essential part of its character and regard must therefore be had to the desirability of preserving the setting of such buildings. The Planning (Listed Buildings and Conservation Areas) Act 1990 also requires that special regard should be had to preserving the setting of listed building and preserving and enhancing the character and appearance of a conservation area. As stated above, the setting of the adjacent chapel, graveyard and cemetery is of particular importance in terms of its quiet and peaceful ambiance.
- 8.39. Whilst the site is located within the built up area of Bicester, it is particularly tranquil and quiet and the impact of the A3 use must therefore be given very careful consideration, particularly in respect of the proposed car park and the outdoor seating area, which could generate significant levels of noise during the day when people are seeking the tranquillity of the adjacent cemetery and graveyard. As this is an outline application, little information has been submitted regarding this but an outdoor restaurant terrace is included at the eastern end adjacent to this boundary.
- 8.40. In terms of the scale of the development, the submission indicates that the dwellings will be up to 3 stories in height. It is considered that this would be out of keeping with the existing development within the vicinity of the site and would adversely impact on the setting of the adjacent Conservation Area and locally listed former school building, chapel and cemetery, contrary to the development plan and advice within the NPPF.
- 8.41. Design and Layout
- 8.42. The application proposes the demolition of modern extensions and the conversion of the historic school building to a restaurant use together with the erection of 10 residential dwellings on the school playing field. The Planning Statement submitted with the application states that the parameters for the application for the proposed residential element set a maximum height of 10m, a maximum length of 50m and a maximum depth of 10m.
- 8.43. Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. Paragraph 57 advises 'It is important to plan positively for the achievement of high quality and

inclusive design for all development, including individual buildings, public and private spaces and the wider area development schemes’.

- 8.44. The NPPF also advises that developments should seek to achieve a strong sense of place, and whilst particular tastes or styles should not be discouraged, it is proper to promote or reinforce local distinctiveness. Paragraph 61 states *‘although visual appearance and the architecture of individual buildings are important factors, securing high quality design goes beyond aesthetic considerations, addressing the connections between people and places and the integration of new development into the natural, built and historic environment’*. It is considered that the layout submitted fails to create a strong sense of place, or successfully integrates the new residential development into the existing environment and this is discussed further below.
- 8.45. Policy ESD15 of the adopted Cherwell local Plan 2011-2031 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of built development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits. The adopted Cherwell local Plan 1996 contains saved policies C28 and C30. Policy ESD15 advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement. Traditional local vernacular tends to have narrow gable spans and relatively steeped roof pitches. The planning statement sets the parameters for the residential units to have a maximum gable span of 10 metres, this is considered overly wide within this historic core adjacent to the Bicester Conservation Area. Furthermore a maximum length of 50m for the terrace as shown will result in the building being considerably closer to the existing trees and hedgerows to the boundaries of the site, which are not yet mature, further compromising their future retention and growth. It is also considered that a three storey development in this location would be out of keeping with the existing development within the immediate locality which is essentially two storey.
- 8.46. The appearance of new development and its relationship with its surroundings and built and natural environment is an important factor for consideration. Whilst this is an outline submission, with only access for consideration at this point in time, an indicative layout has been submitted which seeks to demonstrate that the proposed development can be successfully accommodated. The successful integration of new housing within its surrounding context is a key design objective and therefore there is a need to understand the context within which new housing will sit as well as the nature of the site itself and its immediate surroundings.
- 8.47. It is considered that the building materials and colour palette of the new dwellings should strongly reflect the retained buildings, using natural limestone for the walls of the buildings and proposed boundary enclosures, with natural slate for the roofs. The submitted Design and Access Statement does not give any information regarding the types of materials to be used for the proposed development. Whilst a contextual analysis of the locality has been undertaken, it is not clear how these have informed the layout or house types which appear to have been based on the new development on the old hospital site rather than those immediately adjacent to the site.
- 8.48. The indicative layout submitted indicates the retention of the main school building for A3 purposes and a car park and outdoor restaurant area on the site of the demolished more modern extensions. It is not clear from the submission whether the upper floor of the building will be utilised. The residential terraced block is shown at

the western end of the site on the existing school playing field with a central access road between the two uses terminating in a large turning head. A restaurant garden is indicated in the space between the restaurant building and the proposed residential units. It is not clear from the indicated layout how the residential block as shown would interact with the adjacent restaurant use nor the existing residential uses in Cemetery Road and adjacent. As indicated, these dwellings appear very much separated from their neighbours. Furthermore, it is considered that the access road and large turning head as shown create a very poor sense of place and it is likely that there could be some conflict with parking from the restaurant use if there are insufficient spaces within the car park. It is likely that most restaurateurs will drive to the site as the bus services are infrequent during the evenings and the town centre car parks are some distance away. It is also considered that such a layout will have a detrimental impact on the setting of the non-designated heritage asset, the former school building as a consequence of its visual appearance.

8.49. There are a number of public rights within the vicinity of the site, but no thought appears to have been given to their relationship with the proposed development, nor in terms of opening up the site and improving pedestrian access from this area back into Bicester town centre.

8.50. Residential Amenity

8.51. In terms of neighbour impact, a number of objections have been received from adjacent residents within the vicinity of the site who have expressed concerns about the traffic that will be generated along Cemetery Road, a narrow, single carriageway road, and noise, disturbance and inconvenience to existing residents as a consequence of the restaurant use. Consideration of the proposal must also be given to the relationship of the proposed residential properties as indicated with the adjacent community building which has rear gardens towards the site. It is considered that three storey dwellings in such close proximity are likely to impact on the privacy of their rear garden areas as a consequence of potential overlooking.

8.52. Saved Policies C28 and C30 of the adopted Cherwell Local Plan 1996 seek to ensure that developments are compatible with their locality and that residential amenities are protected. It is considered that having regard to the above, the proposal as indicated is likely to have a detrimental impact upon the residential amenities of occupiers of adjacent dwellings as well as those within close proximity of the site.

8.53. Ecology

8.54. The NPPF – Conserving and enhancing the natural environment requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government’s commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.

8.55. In respect of this application, a preliminary ecological appraisal has been undertaken in line with standard methodology which has been assessed by the council’s ecologist. At the time of the survey, an initial bat survey was undertaken of the existing buildings which contain multiple roof voids, some of which were inaccessible to survey. As such there could be roosts present within the roof voids which were not identified as part of the initial survey. A number of suitable features for crevice dwelling bats are also present, including gaps underneath roof tiles, between the bargeboards and the wall on the eastern elevation, gaps into soffits, ventilation gaps between brickwork and underneath boarding. Evidence of bat

roosts in the form of small numbers of droppings, were present in Loft 1, Loft 2 and Loft 4. It is difficult to identify bat species from droppings alone and further activity survey work will therefore be required prior to any works to the building works commencing to determine which species are present, the size and type of roosts. The surveys should be undertaken during May to August in line with the recommendations in the report. This is necessary to inform appropriate mitigation measures to ensure that the roosts are retained or replaced within the design of the development.

8.56. As this application has been submitted in outline only, there are no details provided in respect of the proposed conversion of the school building, therefore it is not clear from the proposed plans for the restaurant building whether the roof voids are proposed to be retained or if any works to the roof are proposed. Should conversion of the roof voids be proposed, the Council's ecologist has advised that it will be important that activity surveys are undertaken prior to the determination of the application to determine the potential impact on bats.

8.57. Having regard to the above, it is considered that provided adequate measures are put in place to ensure that the necessary surveys are carried out prior to any works commencing, and that if it is proposed to utilise the roof space that activity surveys are undertaken, that the welfare of any protected species on the site will continue and will be safeguarded notwithstanding the proposed development. The proposal therefore accords with the NPPF and Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 in this respect.

8.58. Trees and Landscaping

8.59. The site has a hedgerow including a number of semi mature trees along the north and west boundaries, particularly along Piggy Lane. It is considered that these hedgerows make a positive contribution to the character and appearance of the conservation area and represent the change in character from the dense late 19th century terraces along Church Street to the north of the site.

8.60. The application submission is not accompanied by an Arboricultural Survey identifying the existing tree/hedgerow planting. Neither is the existing vegetation addressed in the submission documentation, including the Design and Access Statement and the Planning Statement. It is important that in being able to understand the quantum of development that might be accommodated on the site that the location, canopy spread (including future canopy spread as they mature), height, girth, species, condition and tree root protection zones are indicated. It is considered that existing trees in fair and above condition should be retained and therefore development should be kept clear of these trees and hedgerows. Furthermore, the parameters for the development identified in the submitted Planning Statement would result in the proposed residential impacting upon their future retention by virtue of their close proximity which is not considered acceptable and would have a detrimental impact upon the visual amenities of the locality and the rural ambience of this part of the town.

8.61. Planning Obligation

8.62. Due to the scale and residential nature of the proposed development, it is considered that the proposal is likely to place additional demand on existing facilities and services and local infrastructure, including schools, community halls, public transport, sports provision, play provision and public open space. Requests for contributions in respect of these have been made as part of the consideration of this application and would need to be secured via a section 106 agreement, to mitigate the impacts of the development in this respect.

- 8.63. Policy INF1 of the adopted Cherwell Local Plan 2011-2031 states that: 'development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities. Contributions can be secured via a section 106 Agreement provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010'.
- 8.64. In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet a number of tests, these being; necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in kind and scale to the development.
- 8.65. In respect of this application proposal, the following contributions have been requested:
- 8.66. Outdoor sports - £11,394.33
- 8.67. Indoor sports - £7,683.60
- 8.68. Community Halls based on number of bedrooms
- 8.69. Public art on site, incorporated into the development
- 8.70. Landscape maintenance including existing trees at £334.82 per tree
- 8.71. Equipped LAP on site and £27,501.52 maintenance sum
- 8.72. £5,600 towards parking restrictions on Church street and Kings End and in the vicinity of the junction with Cemetery Road
- 8.73. S278 Agreement with OCC to deliver improvements to the junction of the Cemetery Road/site access/Piggy Lane to protect the safe and convenient use of the public footpath 129/11

9. PLANNING BALANCE AND CONCLUSION

- 9.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. For the reasons already explained above, the proposed development would fail to preserve and enhance the character and appearance of the Bicester Conservation Area, would be detrimental to the residential amenities of adjacent residential properties and users of the cemetery and graveyard and fail to provide an appropriate form of development. Furthermore no sequential test has been submitted and the assessment of the loss of the playing field is inadequate. As submitted therefore, the proposal is considered to be in conflict with the overall development plan and a number of its specific policies. In accordance with relevant legislation, planning permission should therefore be refused unless material considerations indicate otherwise.
- 9.2. As current central Government planning policy, the NPPF is a material planning consideration of significant weight. The NPPF reinforces the plan-led system and reaffirms that the starting point is to refuse planning permission where a proposal is contrary to the development plan. The Cherwell Local Plan Part 1 was produced, examined and adopted post publication of the NPPF and both its strategy and planning policies are therefore up to date.
- 9.3. As specified above therefore, it is considered that the application should be refused for the reasons specifies below.

10. RECOMMENDATION

That permission is refused, for the following reasons

1. In the absence of a sequential test, the proposed A3 use in this out of centre location is contrary to Policies SLE2 and Bicester 5 of the adopted Cherwell Local Plan Part 1 2011-2031 and Government guidance within the National Planning Policy Framework.
2. The loss of the school sports pitch has not been fully justified as part of this submission and the proposal is therefore contrary to Policy BSC10 of the adopted Cherwell Local Plan Part 1 2011-2031 and Government guidance within the National Planning Policy Framework.
3. Due to the narrow nature of Cemetery Road and the substandard visibility at its junction with Church Street/Kings End, the increased traffic generated by the development will be detrimental to highway and pedestrian safety, contrary to Government guidance within the National Planning Policy Framework.
4. The development proposed, by virtue of its layout, form and the positioning of the dwellings and their relationship with the adjacent development and proposed A3 use would be detrimental to the character and appearance of the area, provide a poor living environment for the occupiers of the new dwellings and fail to preserve and enhance the character and appearance of the Bicester Conservation Area contrary to Government advice within the National Planning Policy Framework.
5. The increased traffic generated by the proposed development and the likely noise generated by the proposed A3 use and the outdoor seating area would be detrimental to the residential amenities of adjacent residential properties and the peace and tranquillity of the adjacent graveyard and cemetery, contrary to Policy ESD15 of the adopted Cherwell Local Plan and Policy C31 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
6. In the absence of a satisfactory completed legal agreement, the proposal would not commit to the necessary provision of on-site and off-site infrastructure to mitigate the impact of the development. As a consequence, the proposals will not deliver sustainable residential development to the detriment of the wider public infrastructure. The proposals are therefore contrary to Policy INF1 of the adopted Cherwell Local Plan Part 1 2011-2031 and Government guidance within the National Planning Policy Framework.