

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

**17/01578/OUT**

**Applicant:** U And I Group PLC

**Proposal:** 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:** 24 October 2017      **Committee Date:** 28 September 2017

**Recommendation:** Refuse

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## **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 whole 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, the application site, extends to 0.33ha and comprises the former school playing fields. The eastern part of the whole site is within the Bicester Conservation Area whilst the western part comprising the playing fields lies just outside the Conservation Area. Whilst the St Edburg's School building is in the ownership of the applicant, it has been excluded from the application.
- 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 application 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 trees and hedgerows make a positive contribution to the character and appearance of the conservation area, and represent a change in character from the late 19<sup>th</sup> Century terraces along Church Street to the north of the site.
- 1.4. There are residential properties along Cemetery Road to the north comprising of 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 St Edburg's Church graveyard. Bicester cemetery lies just to the east of the site.

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks outline consent for the erection of 10 residential dwellings, associated access, car parking and landscaping on the western part of the St Edburg's School site, the school playing field. Appearance, landscaping, layout and scale are all matters reserved for future consideration but approval for the access is being sought as part of this application.
- 2.2. The submitted planning statement states that the dwellings will comprise a terrace of 2 and 3 bedroom properties with access from Cemetery Road and Piggy Lane. An internal road within the site will provide access to the front of the properties. 10 car parking spaces and 5 visitor parking spaces are indicated as part of the scheme. The St Edburg's school building and playground are excluded from the application.

## 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
17/00696/OUT	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.	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.	EIA not Required

## 4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this particular proposal, although pre-application advice has been given previously in respect of the whole site.

<u>Application Ref.</u>	<u>Proposal</u>
15/00201/PREAPP	Change of use from school to residential, part demolition and erection of new dwellings and conversion of existing Victorian school building to 6no. dwellings. Total development 27 units.
15/00202/PREAPP	Change of use and part demolition of existing buildings conversion of existing Victorian school building to 6no. dwellings plus 4no new dwellings and 60 to 70 bed

residential/nursing care home.

- 4.2. The advice given in respect of the above proposals was that they would result in the loss of an existing playing field, access and visibility at the junction of Cemetery Road and Church Street and increased use of Cemetery Road leading to fundamental problems over access for emergency vehicles and users of the public footpath.

## 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 31.08.2017, 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

- Cemetery Road is single carriageway and not suitable for heavy machinery
- 10 houses would generate 20 additional vehicles using Cemetery Road, posing danger to existing residents, a significant increase over the 8 properties existing. Insufficient parking will result in parking elsewhere
- Previously the school did not use Cemetery Road, gaining access from BSA
- Dangerous access from Cemetery Road onto Church Street with restricted visibility and often blocked with parked cars
- Narrow pavement only along one side of Cemetery Road
- Piecemeal
- The playing field is listed by Cherwell as an 'outdoor sports facility' and should not be lost to the town
- Impact on Conservation Area, Grade 1 listed St Edburg's Church and town cemetery as well as the ancient right of way along Piggy Lane
- CDC has a 5 year housing land supply, these houses are unnecessary infilling
- St Edburg's Walk by same developers will result in severe cumulative effect of loss of the green space of both the school playing field and Oxford Road Sports ground owned by BSA which are needed to provide a green lung for the town, contrary to concept of 'Garden Town'
- Detract from setting of Piggy Lane which is an ancient way with stone walls and green verges which led from the old Bicester Priory to land owned in Kings End
- The Planning inspector for Cherwell's Local Plan 1 said the debate about the extension of Bicester's town centre boundary should be discussed as part of Local Plan Part 2. There should be no plans passed to develop either the old school or the sports field until this boundary is decided by local plan part 2.

- The traffic survey submitted is not fit for purpose and by their own estimates traffic will increase by 84 movements per day, a significant increase on existing levels
  - Community consultation documentation do not apply to the current proposal and contains errors
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.
- 5.4. A letter of objection has been received from Bicester Traffic Action Group and is summarised as follows
- Cemetery Road is narrow varying in width from just under 3 metres to around 4 metres; there is minimal street lighting and no formal turning area. The junction with Church street is substandard in terms of visibility
  - Although increase in traffic may be relatively small the road is too narrow and may result in cars mounting the pavement to pass. Medium size commercial vehicles will have difficulty accessing the site
  - Proposed parking provision is inadequate
  - Transport Statement is flawed as it does not appear to reflect the peculiarities of the site. The dimensions of the carriageway are incorrect
  - Accept that the site has use, a development of this nature is not the best way forward and urge that the application be refused and a comprehensive planning brief prepared for the redevelopment of the whole site

## **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 objects and is summarised as follows
- Cause severe traffic problems as Cemetery Road is narrow with blind junction onto Kings End/Church street. Noise and disturbance from construction traffic
  - Traffic survey based on a 'typical' primary school is misleading and does not take into account the peculiarities of this site
  - Proposal only shows 10 car parking and 5 visitor parking spaces resulting in parking elsewhere adding to already chronic parking situation in this area
  - Detract from setting of Piggy Lane, an ancient way with stone walls and green verges. It is a public footpath and unsuitable to make into an access road due to proximity to doctors and hospital
  - School playing field along with BSA sports ground and Pingle field are all needed to provide a green lung and buffer to the conservation area

- Housing unnecessary when CDC has a 5 year housing land supply
- Planning Inspector for Local Plan Part 1 said the debate about the extension of Bicester's town centre boundary should be discussed at local plan part 2. There should be no plans passed to develop either the old school or the sports field until this boundary is decided
- Goes against the Bicester Masterplan which stated that this area was looked at as a green linear park 'village green'.
- Piecemeal development of the site in conflict with the Design Brief for the site developed following the school closure

### STATUTORY CONSULTEES

6.3. Thames Water – No objections

### NON-STATUTORY CONSULTEES

6.4. Arboricultural Officer – a tree survey, AMS and AIA are required to support the scheme as trees on the site are within influencing distance

6.5. Waste and Recycling Officer – developer will need to satisfy the local authority that they have adequate provision for waste and recycling storage

6.6. Ecology Officer – no objection subject to conditions

6.7. Planning Policy – objection due to 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.

- Principle of residential development within the built up limits of Bicester is supported by local plan policies, however this will 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 of importance 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 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 the wider St Edburgs school site. It recommended that the original school and master's house should be converted to residential use. This document also acknowledges that there may be some scope for new residential development on the site. However, it goes on to state that given the existing shortfalls in sports 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 are 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 5.6 year housing land supply for the period 2017-2022 (commencing 1 April 2017). The St Edburges school site is included within the Housing Delivery Monitor as being deliverable for 14 dwellings
- The site together with the adjacent school building, were assessed in the 2014 SHLAA (Site reference B1216). It stated that there is some limited scope for new development within the grounds, predominantly to the north-west and south east. Care should be taken to not adversely affect the views towards the Church from the south west or to impinge upon the integrity of the retained school building.....at least part of the playground should be retained as open grounds, garden and parking to retain the visual integrity of the building. There should be no development to the east of the school building and the view down Cemetery Road to the school should not be interrupted. The playing field needs to be retained to help meet the town's needs. 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
- From Table 15 of the AMR it can be determined that were this site not to be deliverable for 14 homes as indicated; the Council would still have a five year supply
- Other issues to consider include, inter alia, the impact on the Bicester Conservation Area and the locally listed school building and highway safety

6.8 OCC – Transport – No objection subject to conditions

6.9 OCC – Drainage – No objection subject to conditions

6.10 OCC – Archaeology – No objection subject to conditions

## **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
- BSC1 – District wide housing distribution
- 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
- ESD3 – Sustainable construction
- ESD7 – Sustainable drainage systems
- EDS10 – 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

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – design control
- C23 – retention of features contributing to the character or appearance of a conservation area
- TR1 – Transportation funding
- TR7- development attracting traffic on minor roads

#### NON-STATUTORY Cherwell Local Plan

- 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 R4: Protection and enhancement of 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 Edburghs 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
- Open space and sports provision
- Design, and impact on the character of the area
- Heritage assets
- 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 the 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 application and any other material consideration.

- 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 part of a greenfield 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 principles for the site state that the original school building and out-building should be retained and the later post war additions demolished. The former school building and playground are excluded from this application although they are in the ownership of the applicant. The SHLAA 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 and the school playing field 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'*. The area of the site envisaged for new residential development is not the application site.
- 8.7. The application proposal pays no regard to the remainder of the St Edburg's School site which is excluded from the application although it is in the same ownership as the applicant, and its future use. In respect of the previously withdrawn application , the intention was to convert this school building to a restaurant use, but this application was withdrawn following a recommendation of refusal on a number of grounds including access and highways, relationship with the adjacent graveyard and cemetery, conservation area and relationship between the proposed residential and restaurant use as shown. The resubmission has not addressed these concerns if the restaurant use is to be proposed subsequently. It is considered therefore that the piecemeal redevelopment of the site as proposed is unfortunate and will result in a poor standard of development across the whole site and living environment for the proposed residential properties and impact on the Bicester Conservation Area.
- 8.8. Five Year Housing Land Supply
- 8.9. The 2016 AMR (March 2017) demonstrates that the District presently has a 5.6 year housing land 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.
- 8.10. 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 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.

#### 8.11. Access and Parking

8.12. 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.

8.13. The application is accompanied by a Transport Statement produced by WYG. The site is located at the southern end of Cemetery Road and adjacent to Piggy Lane, an ancient right of way. 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. The existing access into the site is at the northern end close to Cemetery Road. There are a number of existing public rights of way/cycle paths within the vicinity of the site. Cemetery Road has a narrow footway on the eastern side of the carriageway. The closest bus stops to the site are located in Kings End. 10 car parking spaces are proposed for the 10 residential units with 5 additional visitor parking spaces.

8.14. The Transport Assessment has been assessed by OCC as highway authority who comment that they agree with the conclusion that the number of vehicle movements generated by the new dwellings will have no more impact on the local highway network than the existing primary school use. OCC however, advises that the use of TRICS does not appear to have been a robust way of reaching that conclusion given the school's unique location along a narrow dead end road with limited opportunities for vehicles to wait/drop off/pick up and turn around. Whilst this may be correct, it should be noted that this application proposal excludes the school buildings which therefore could still be re-opened as a school or any other D1 use without the need for any further planning consent.

8.15. In terms of the site access, there are no detailed access proposals submitted with this application, albeit that means of access is for consideration as part of this outline application. Whilst it is accepted that it is more than likely that a safe and convenient access can be provided into the northern boundary of the site from Cemetery Road, it cannot be accepted as part of this application without the submission of details. The existing stone wall to the north-eastern boundary of the school is considered to be an important feature of the conservation area and it is not clear from the submission whether its retention would be prejudiced by the visibility requirements of the development. The highway authority further advise that consideration will need to be given to the design of the access given that Piggy Lane is a public right of way for pedestrians. The applicant's agent has been advised of the above, a response is awaited.

8.16. The application has been submitted with drawings showing the tracking of a 10.5m long refuse wagon. For new developments, the county council's Road Agreements Team now ordinarily requires tracking for an 11.6m long refuse wagon (including lifting gear). Drawings for an 11.4m wagon were submitted for the previous application on this site (which included a restaurant). These showed that an 11.4m wagon could enter and leave the residential part of the site itself in a forward gear

but that the turn at the Cemetery Road/Church Street is very tight. The tightest manoeuvre is the left turn into Cemetery Road which is unlikely to need to happen because Causeway is one way. As such and because OCC are not aware that there are significant issues with residential properties along Cemetery Road having their refuse collected at the moment, they do not consider that these tracking issues are of any major concern, although the plans will need to be updated to accord with this requirement.

- 8.17. In terms of parking provision OCC consider that given the town centre location, the provision of 1 car parking space per dwelling plus 0.5 spaces per dwelling for visitors is acceptable. The requirement for covered cycle parking and visitor cycle stands can be conditioned.
- 8.18. The site is well located to encourage cycling and walking. Connections to the west to King's End/Oxford Road exist which not only give opportunities for people visiting the site to walk and from other residential areas to the south/west but also to/from the bus stops with high frequency bus services. There are also a series of footpaths into the town to the north and east through the graveyard and cemetery and along Cemetery Road. The public footpath 129/11 crosses the entrance to the site along the route of Piggy lane, OCC have advised that they would expect the applicant to demonstrate how the safety and convenience of users of this footpath will be maintained if planning permission is granted, given that how vehicles enter and leave the site would change. Improvements would be delivered by means of a S278 agreement.
- 8.19. Having regard to the above, it is considered that in terms of traffic generation the proposed residential use is acceptable and will not cause a detriment to highway safety despite the narrow Cemetery Road and poor visibility at its junction with Church Street, but as submitted the access details cannot be approved as part of this submission because of insufficient detail and information.

#### 8.20. Open Space and Sports Provision

- 8.21. The proposal seeks to develop the former school playing field which 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. The District's PPG17 Open Space sport and Recreational facilities Needs Assessment, Audit and Strategy 2006 and the subsequent Green Spaces and Playing Pitch strategies 2008 highlight the need to protect all sites identified in the audit to ensure an adequate supply of open space provision. St Edburgs School is identified in this report and in the Cherwell Local Plan 2011-2031 as existing open space. The Local Plan goes on to advise that *'development proposals that would result in the loss of sites will be assessed in accordance with guidance within the NPPF and NPPG, and will not be permitted unless the proposal would not result in the loss of an open space of importance 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 site of at least equivalent community benefit in terms of quantity and quality is to be provided within an agreed timescale'*.
- 8.22. Policy BSC10 of the adopted Cherwell Local Plan 2011-2031 also seeks to protect existing provision. The applicant argues that the existing playing field has been replaced by the new provision at S W Bicester, but in the absence of a more detailed assessment, the proposal is considered to be contrary to Policy BSC10 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the NPPF in this respect and is therefore unacceptable.

### 8.23. Design and Impact on the Character of the Area

- 8.24. The application proposes the erection of 10 residential dwellings on St Edburges school playing field. The school building as previously advised, whilst in the same ownership is excluded from the application. A previous application relating to the erection of 10 dwellings as proposed and the conversion of the school to A3 was withdrawn prior to determination (17/00696/OUT refers). The submitted planning statement does not refer to the school building in terms of its use and relationship with the residential proposal. It is therefore not clear from the submission what the intention is for the future of the school building. The planning statement submitted 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. These parameters remain unchanged from the withdrawn application.
- 8.25. 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’.
- 8.26. The NPPF also advises that developments should seek to achieve a strong sense of place, and whilst particular tastes and 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.
- 8.27. Policy ESD15 of the adopted Cherwell Local Plan 2100-2031 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 C28 states that ‘control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of the development’. Policy C30 requires new housing development to be compatible with the appearance, character, layout, scale and density of existing dwellings in the locality and to ensure appropriate standards of amenity. Policy ESD15 advises that the design of all new development 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.
- 8.28. Traditional local vernacular tends to have narrow gable spans and relatively steep pitched roofs. The planning statement states the parameters for the residential units to have a maximum gable span of 10m, this is considered to be excessively wide within this historic core adjacent to the Bicester Conservation Area. Furthermore the maximum length of the building at 50m as shown will also result in the building being considerably closer to the existing trees and hedgerows both within and along 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 vicinity of the site which is essentially only two storey.

- 8.29. The appearance of new development and its relationship with its surroundings and the 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 quantum of 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.
- 8.30. It is considered that the building materials and colour palette of the new dwellings should strongly reflect the existing school building and those dwellings within the immediate vicinity, using natural limestone for the walls of the dwellings and proposed boundary enclosures and 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 has been undertaken, it is not clear how this has informed the layout or house types which appear to have been based on the new development on the site of the former Bicester Hospital rather than those immediately adjacent to the site. 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.
- 8.31. The proposed residential terrace is shown at the western end of the site on the existing school playing field with an access road to their frontage culminating in a turning head. There is little attempt to show how this development will relate/interact with the existing St Edburgs School building and what sort of place will be created. The harm caused by a particular development can stem from the overall design concept which has failed to respond positively to the site and its locality. In respect of this proposal, the design and layout of the scheme has failed to provide any sense of place and public realm and therefore provide an appropriate living environment for its future occupants. The proposed dwellings do not have any positive relationship with the adjacent public rights of way which are shown within the site and are wholly inward looking.
- 8.32. Having regard to the above, the proposed residential development is considered to be contrary to good design principles and will result in a piecemeal development to the detriment of the visual amenities of the locality and the Bicester Conservation Area, and, the living environment of the occupiers thereof. The development proposed is therefore unacceptable and contrary to Government guidance within the NPPF and PPG and Development Plan policies as specified above.
- 8.33. Heritage Assets
- 8.34. The application is accompanied by a Heritage Statement and Impact Assessment produced by Asset Heritage Consulting Ltd. The application site falls partly within the boundaries of the Bicester Conservation Area. St Edburgs School is a locally listed building and St Edburgs Church is Grade 1 Listed. St Edburgs 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. In 1902 it became classified as a Church school. The school was vacated in 2016 when the school moved to the new development at South West Bicester.

- 8.35. Section 12 of the NPPF sets out the 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. Paragraphs 132 and 135 advise further in respect of designated and non-designated heritage assets.
- 8.36. 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 230 metres to the east of the site of the Priory (PRN 1593) but it is possible that archaeological deposits relating to the priory could survive below ground around the current school building. The school is also located near to a Roman settlement site 400m to the west (PRN 16541) 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 a watching brief (PRN 16701). 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 west could encounter archaeological deposits related to the medieval development of the town or the adjacent Roman settlement.
- 8.37. The Grade 1 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. A mature tree to the south west corner of the site obscures views of the church from the immediate vicinity of the site during the summer months.
- 8.38. As previously stated, the application site lies partially within the Bicester Conservation Area, within an area described within the Conservation area appraisal as 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 Edburgs School within this area, '*the Gothic revival St Edburgs 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 Edburgs which lies to the north east*'.
- 8.39. 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.
- 8.40. The area of the application site which lies outside the conservation area, the school playing field, 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. 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 into detail. The land however clearly formed an important part of the setting and use of the school building and is now a tranquil green space lined by mature trees and hedges at the edge of the town centre.

- 8.41. The setting of a listed building, locally listed building or conservation area can often form an essential part of its character and regard must be had to the desirability of preserving the setting of such buildings and areas. The Planning (Listed Buildings and Conservation Areas) Act 1990 also requires that special regard must be had to preserving the setting of a listed building and preserving and enhancing the character and appearance of a conservation area.
- 8.42. The informal development principles produced by CDC (2008) advises in respect of new development that care should be taken not to adversely affect the views towards the church from the south west, or to impinge upon 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 submitted planning statement states that the dwellings could be up to 3 storey in height. It further advises that permeability through the site from the south towards the town centre should be increased with a more active façade along Piggy Lane to enhance the area.
- 8.43. The submitted application does not accord with the above guidance. The Design and Access Statement does not include sufficient details in respect of the proposed design of the dwellings or the proposed materials of construction. The development is inward facing and fails to positively address the adjacent footpath network and existing development within the locality, including the locally listed school building and Grade 1 Listed Church of St Edburg.
- 8.44. It is considered that having regard to the above, a terrace of 3 storey dwellings as indicated would be out of keeping with the existing development within the vicinity of the site and would be detrimental to the character and appearance of the Bicester Conservation Area and the detrimental to the setting and views of St Edburg's Church, a Grade 1 listed building and the locally listed school building, contrary to Policy ESD15 of the adopted Cherwell Local Plan part 1 2011-2031 and the NPPF.
- 8.45. Residential Amenity
- 8.46. In terms of neighbour impact, a number of objections have been received from 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. 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 3 storey dwellings as indicated, in such close proximity are likely to impact on their privacy and rear garden areas as a consequence of overlooking, particularly if the existing vegetation along this boundary is lost as appears to be indicated.
- 8.47. 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 contrary to these policies.
- 8.48. Ecology
- 8.49. 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'.

- 8.50. In respect of this application, a Preliminary Ecological Appraisal has been undertaken in line with the standard methodology which has been assessed by the council's ecologist. The application site is largely currently of low ecological value, comprising mainly of amenity grassland. A hedge comprising hawthorn and elder and mature and semi-mature trees are present along the western boundary and there is native and non-native planting within the site, which provide value for local wildlife such as nesting and foraging birds and invertebrates. Records of protected and notable species within the local area include bat, swift and hedgehog, and RSB Red-listed species house sparrow was recorded during the survey.
- 8.51. The trees were assessed as having no potential for roosting bats, however, the site offers suitable foraging and commuting habitat for bats, in particular along the western boundary vegetation. As a result the council's ecologist recommends that all trees are retained and protected where possible within the plans, but if it is necessary to remove the trees as part of the development, replacement native species tree planting should be undertaken in accordance with the recommendations of the report. As discussed above, the parameter plans and quantum of development proposed and as indicated on the submitted layout plan would be likely to result in the loss of a number of trees/hedgerows within the development site and along the site boundaries, and as shown there is little space for any additional/replacement planting as recommended.
- 8.52. There are good opportunities for biodiversity gain within the proposed development as outlined in the ecological appraisal, including native landscaping. These should include a scheme for bat boxes/tubes and bird boxes to be built into the proposed dwellings. It is also considered that swift boxes should be incorporated into the buildings due to the high number of swift nest sites in the local area and to increase opportunities for swifts which are Amber-listed species of conservation concern which should be installed in the gable ends of the development. Low level lighting will also be required, particularly around any bat roosting features. At the detailed design stage, access for hedgehogs must also be incorporated.
- 8.53. Having regard to the above, it is considered that provided adequate measures are put in place to ensure that the existing vegetation is properly protected and retained, the necessary surveys and biodiversity enhancements are carried out in conjunction with the development and as recommended by the submitted appraisal, that the welfare of any protected species on the site will continue and will continue to be safeguarded notwithstanding the proposed development and the proposal could therefore be in accordance with Policy ESD10 of the adopted Cherwell Local Plan and the NPPF in this respect.
- 8.54. Trees, Landscaping and Open Space
- 8.55. 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 19<sup>th</sup> century terraces along Church Street to the north of the site.
- 8.56. The application submission is not accompanied by an arboricultural survey identifying the existing tree/hedgerow planting and root protection areas and future canopy growth and height although these have been requested. Neither is the existing vegetation addressed in the submission documentation, including the Design and Access Statement and 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 root protection zones are indicated. It

is considered that any existing trees/hedgerow in fair and above condition should be retained unless their removal is fully justified and suitable replacements can be made elsewhere, and therefore development should be kept clear of those trees and hedgerows. Furthermore, the quantum of development proposed and as indicated by the parameters set out in the planning statement, it would appear that the proposal would impact on their future retention/growth. This is not considered acceptable as submitted as it is considered that their loss, having regard to the development proposed would have a detrimental impact upon the visual amenities of the locality and the rural and quiet ambiance of this part of the town.

8.57. Policies BSC10 and BSC11 of the adopted Cherwell Local Plan 2011-2031 require the provision of public open space and children's play space within new developments. A development of 10 dwellings generates the need for the provision of a LAP on site. The layout proposed does not provide sufficient space to accommodate this within it and is therefore contrary to the development plan in this respect.

#### 8.58. Planning Obligation

8.59. 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 this respect 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.

8.60. 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.

8.61. 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.

8.62. In respect of this application proposal, the following contributions have been requested:

- Outdoor sports facilities off site within Bicester - £11,394.33
- Indoor sports facilities off-site within Bicester - £7,683.61
- Community halls, £154.69 per 2 bed property and £240.80 per 3 bed
- Public art within the fabric of the development
- Equipped LAP on site and £27,501.52 maintenance
- Mature tree maintenance - £334.82 per tree
- Landscape areas maintenance - £9.32/m2

## **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 proposal will result in the loss of existing playing field, will create a poor living environment for the occupiers of the dwellings proposed and would be detrimental to the character and appearance of the Bicester Conservation Area and views of St Edburghs Church. 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 planning permission should be refused if it is contrary to the development plan. The adopted Cherwell Local Plan Part1 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 specified below.

## **10. RECOMMENDATION**

That permission is refused, for the following reasons:

1. 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.
2. The development proposed, by reason of its scale, form and layout, taking into account Cherwell's ability to demonstrate an up to date five year housing land supply is considered to result in unacceptable piecemeal development which would be detrimental to the visual amenities of the locality and create a poor living environment for the occupiers thereof contrary to saved Policies C28 and C30 of the adopted Cherwell Local Plan 1996, Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.
3. The development proposed by reason of its scale form and layout fails to positively address the adjacent public rights of way and the surrounding development and therefore fails to preserve and enhance the character and appearance of the adjacent conservation area, or pay proper regard to the existing school building and nearby listed buildings contrary to Policy ESD15 of the adopted Cherwell Local Plan and Government guidance within the NPPF.
4. The development proposed does not provide sufficient detailed information in respect of the proposed access and therefore cannot be considered as part of this outline submission.
5. In the absence of a satisfactory 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 INF1 of the adopted Cherwell Local Plan Part 1 2011-2031 and Government guidance within the National Planning Policy Framework.

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