

<b>Application No:</b> <b>10/00106/F</b>	<b>Ward:</b> <b>Bicester Town</b>	<b>Date Valid:</b> <b>25/01/2010</b>
<b>Applicant:</b>	Sanctuary Group, Hindle House, Trinity Way, Adderbury, Banbury, Oxfordshire, OX17 3DZ	
<b>Site Address:</b>	Bryan House, Chapel Street, Bicester, Oxfordshire	

**Proposal:** Demolition of existing Bryan House and development of 23 No. units of affordable housing

## 1. Site Description and Proposal

- 1.1 Members will recall that this application was deferred from the last Committee meeting in order to resolve the flood risk and Section 106 matters. These matters are addressed under the relevant headings to this report.
- 1.2 The site is located south west of Bicester Market Square between Chapel Street and Priory Lane within the historic core of the town and partly within the Conservation Area. The site is within walking distance of the Town Centre and is well positioned to benefit from various local amenities including parks, shops, restaurants, and public transport.
- 1.3 Bryan House is owned and managed by Sanctuary Housing Association and occupies a sizeable part of the site. Being vacant since 2006 it was used to provide 20 units of sheltered accommodation but as it now falls short of current standards, it is scheduled for demolition. The remaining areas are predominately used for car parking which is owned and managed by Cherwell District Council. There are patches of soft landscaping within the site including some land laid to grass and a few unremarkable shrubs and trees. Two water courses run north/south through the site; Town Brook is largely canalised whilst Back Brook is culverted.
- 1.4 The redevelopment of the site for housing is one of the demonstration projects put forward within the bid for Eco Town Growth Funding. The aim of the demonstration projects was to take some of the requirements of the supplement to PPS 1 on Eco Towns and show how they can be applied. The redevelopment of Bryan House will result in a development of a central site, within the conservation area, whilst still achieving code for sustainable homes levels 4 and 5 (affordable housing normally reaches code level 3) demonstrating that even on a restricted redevelopment site, with a design appropriate to the conservation area, high code levels can be achieved.
- 1.5 The application site has a net area of approximately 3520m<sup>2</sup> (0.35ha) and is surrounded by residential properties of various types and tenures. Directly to the west on the opposite side of Priory Lane is St Edburges Older Persons Home and to the north is a 3 storey block of retirement flats known as the Willows. To the south are two notable private properties (No 4 Priory Lane and No. 70 Chapel Street). To the west the site straddles a section of private housing which is central in the Chapel Street elevation and sits within the Conservation Area.

- 1.6 The existing built form to the west side of Chapel Street and to the southern elevation of Priory Lane is a traditional vernacular of stone, brick and render encompassing two to three storey cottages and houses with pitched slate or plain tiled roofs. New development on the eastern side of Chapel Street is similar.
- 1.7 Topographically the site is quite flat but in a slightly elevated position compared to Priory Lane and Chapel Street. The water courses present constraints to the site as do the centrally located properties along the eastern side.
- 1.8 The proposed scheme involves the entire demolition of Bryan House and enclosures within the site the latter of which are subject of Conservation Area Consent application (10/00122/CAC). There will be 23 units of social housing in 4 blocks including flats and houses creating a total residential occupancy of approximately 55 persons, associated parking areas, bin and cycle stores, landscaped areas and shared residential amenity area.

- 1.9 The development takes the form of:

**Block 1 Priory Road North**

9 No units made up of:

- 1 No. 3 bed 5 person house (89m<sup>2</sup>)
- 1 No. 4 bed 6 person house (114m<sup>2</sup>)
- 1 No. 4 bed 7 person house (131m<sup>2</sup>)
- 3 No. 2 bed 3 person flats (57m<sup>2</sup>)
- 3 No. 2 bed 3 person flats (75m<sup>2</sup>)

**Block 2 Priory Road South**

8 No. units made up of:

- 2 No. flats (GF & FF): 1 bed 2 person (50m<sup>2</sup>); when converted 2 bed 4 person flat (62m<sup>2</sup>)
- 2. No flats (GF & FF): 1 bed 2 person (45m<sup>2</sup>); when converted as bedsit 1 person (32m<sup>2</sup>)
- 2. No. (GF & FF): 2 bed 4 person flats (73m<sup>2</sup>)
- 1 No. 2 person (SF) flat (45m<sup>2</sup>); when converted 4 person flat (56m<sup>2</sup>)
- 1 No. 2 person (SF) flat (42m<sup>2</sup>); when converted as 1 person bedsit (30m<sup>2</sup>)

**Block 3 Chapel Street North**

2 No. units made up of 1 bed 2 person flats (45m<sup>2</sup> on GF and 47m<sup>2</sup> on FF)

**Block 4 Chapel Street South**

3 No. 2 bed 4 person house (75m<sup>2</sup>) and 1 No. 2 bed 4 person house (70m<sup>2</sup>)

These 23 units (7 houses and 16 flats) are proposed to be in line with the requirements of both Lifetime Homes Standards and Housing Quality Indicators and are on long and short term leases. It is intended that the majority will be socially rented with 6 being used to provide temporary/flexible accommodation and so designed in pairs (back to back) to allow their layout to vary depending on demand and circumstances. Consequently these units can provide either 1 No. 2 bed flat and 1 No. studio flat or 2 No. one bed flats.

- 1.10 The layout also provides 23 parking spaces with vehicular access only from Chapel Street. There is space for bin and cycle stores and shared residents amenity space

within the site in the form of a LAP.

## 2. Application Publicity

- 2.1 The application has been advertised by way of site notice, neighbour letter and press notice. The final date for comment was 5 March 2010.
- 2.2 Four letters have been received objecting on the following grounds:
1. Deep concerns about the future of our current parking space in front of our own privately owned house (4 Priory Terrace). Priory Lane is unadopted and not suitable for any further additional traffic so query if residents will have private unallocated parking. The overspill will be onto Priory Lane. Our parking areas need to be protected.
  2. Nos. 1 to 4 Priory Terrace are unlisted and make a positive contribution to the Conservation Area. This area will lose its character and charm and become an access road to the new development.
  3. Overlooking onto back garden of No. 4 Priory Terrace. There is currently a disused storage building adjacent to our boundary which we are trying to purchase as it would be an obvious encroachment of our privacy. It is not clear from the application what this is being used for.
  4. Disruption during the project works particularly with regard to noise pollution, access and safety. Hours worked should not be unsocial hours. Access to my rented property (42 Chapel St) is limited via a gate which needs to be kept clear. Fear of machinery in proximity to garden wall.
  5. A three storey building will disrupt views of the skyline and overshadow Priory Lane. Current buildings are 2 storey and the development should not exceed this height.
  6. Object to the change of use from retirement properties to affordable ones particularly the number of units proposed. This will increase thoroughfare of pedestrians directly into Priory Lane which is currently very quiet and private. Noise pollution is an issue as our property (Priory Barn) is adjacent to the cycle track. Also litter will be a problem. Can the access from the new development to Priory Lane be removed?
  7. Insufficient parking on site. This will lead to parking on Priory Lane blocking our private access. This is a single track lane which will be impossible to negotiate with any extra traffic. It is not adopted highway so residents are responsible for its upkeep.
  8. Noise pollution and disruption during works – how is this to be minimized?
  9. The development will have an adverse effect on the character and charm of the area and affect the desirability of living here.

## 3. Consultations

- 3.1 Bicester Town Council – **No objection.**  
The application is welcomed. It is requested that the development meets the highest environmental sustainability standards consistent with Bicester's eco-town status.
- 3.2 Oxfordshire County Council (Highways) - **No objection.**  
The Local Highway Authority make the following comments: The site benefits from a highly sustainable location with a wide range of shops, services and public transport

services accessible without car travel. Given the location of the site lower levels of car ownership and usage can be expected.

The level of parking proposed is appropriate and on-street parking controls discourage indiscriminate parking on the local highway network. The layout of the parking and manoeuvring areas are appropriate except for the 2 spaces fronting Chapel St at the South of the site, where on street parking bays (opposite) obstruct access. The off-street spaces or on-street bays will require relocation. I recommend a condition for amended plan of parking to be submitted prior to development.

Car trips to and from the site may increase; however, the increase would be small and not significant to the local highway network. The vehicular access points must provide appropriate visibility; whilst the plan demonstrates appropriate visibility of the carriageway boundary treatments may obstruct pedestrian visibility splays. A condition requiring 2m x2m pedestrian visibility splays at all vehicular access points to Chapel St is recommended.

Any works in or immediately adjacent to the highway must be carried out in accordance with the Local Highway Authority specifications.

Given the previous use of the site and associated trip generation the LHA does not consider it expedient to request a financial contribution towards transport infrastructure or services; however, this does not prejudice any requests associated to future applications at this site.

- 3.3 Oxfordshire County Council (Developer Funding Team) – **No objection.**  
The County hold the view that their requirements all fall within the definition of infrastructure as defined in the South East Plan. The primary, secondary and SEN requirements all fall within the Education category. The library and strategic waste management fall within the public services category and the museum resource centre is within the social infrastructure. Transport falls within its own specific category of the definition within the SEP.

The County Council wish to secure a legal agreement for appropriate financial contributions to mitigate the impact of this development if implemented, before any planning permission is granted. This will aim to overcome what would otherwise be a potential reason to refuse this application.

With regard to education (including SEN) this forms the bulk of the requests being made by the County who state that the concerns raised by the applicants about the costs arose initially because of advice given at the pre-application stage. The figures now being sought are more precise and have been fully justified. Similarly the remaining requirements have been submitted with a more detailed justification and with policy support.

The comments go on to set out expected sums for financial contributions and since further recent discussions with the County the proposed figure being sought is now £100,231 broken up and summarised as follows:

£ 46,545	Education – Primary School
£ 45,611	Education – Secondary school
£ 2,017	Education – SEN

£ 2,564	Library
£ 1,823	Strategic Waste Management
£ 171	Museum Resource Centre
£ 1,500	Monitoring/admin
£100,231	

- 3.4 Oxfordshire County Council (Planning Archaeologist) – **No objection.**  
This is subject to condition. The site is located within the core of the medieval settlement of Bicester. It lies close to St Egburg's Church which dates to the early medieval period. The site is also within the eastern side of the site of the Austinian priory that was founded between 1182 and 1185. Previous scheduled archaeological investigations have uncovered a large medieval wall and it is very likely that other aspects of the Priory and its immediate environs, the presence of medieval and earlier burials, Roman pottery will be encountered in the proposed building works.
- 3.5 Oxfordshire County Council (Drainage Engineer) – **No objection.**  
Comments that no drainage layout has been provided for the properties and the car park, and looking at the soakage test results they consider that soakaways may not be the most appropriate solution and they suggest porous paving with overflow to the adjacent stream. This will need to be covered by a condition requiring the submission and approval of a drainage scheme.
- 3.6 Environment Agency – **Object**  
This is due to the absence of an acceptable Flood Risk Assessment. The flood risk modeling and flood zones information used is outdated, but if after applying the last updated modeling to clarify the position then the submitted sequential test may be sufficient. The submitted sequential test needs to show more information about the alternative sites. The FRA should demonstrate safe pedestrian access, requirements for floor levels, that there will be no loss of flood water storage or impedance of flood flows, the deculverting of the Back Brook will not increase flood risk (though this aspect of the proposal is generally welcomed) and that flood resilience has been considered.
- 3.7 Thames Valley Police (Crime Prevention Design Advisor) – **No objection**  
Amendments should be considered to reflect the requirement to ensure parked cars are overlooked and as close to the owners homes as possible. Notwithstanding the need for natural surveillance, a single gated narrow entrance will make car crime more difficult as advised by Secured By Design – New Homes. It is recommended that simple amendments are made i.e. insert ground floor gable windows into the south and north elevations of block 4 and in the north elevation on block 3.
- 3.8 Thames Water – Waste Comments: **No objection** with regards to sewerage infrastructure provided certain conditions are met. There are public sewers crossing the site and in order to protect these and to ensure that Thames Water can gain access for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension or underpinning work would be over the line of, or within 3 metres of, a public sewer. The applicant is advised to contact Thames Water to discuss the options available. Further, it is the developer's responsibility to make proper provision for drainage to ground, water courses or a suitable sewer.  
Water Comments: **No objection** and recommend an informative regarding water

pressure.

- 3.9 Head of Planning and Affordable Housing Policy (Urban Designer) – **No objection.**  
There has been extensive pre-application discussion on this proposal, as the Design and Access Statement records, and the design of the scheme has improved very markedly from the first submissions. It now accords with the Informal Development Principles in terms of layout, following that in the Guidance almost exactly; scale and massing; materials; in aiming to knit back together the Chapel Street frontage; providing environmental betterment through opening up the culverted water courses and softening their banks.  
I am particularly pleased to see how the energy saving attributes have been integrated into the proposals.  
There are a number of matters of detail, which require further consideration, and include the design and location of cycle sheds; the design and location of the bin stores; the number and location of the rooflights; details of the wall to Priory Lane; clarity of separation of the public car park to the north from the residents' car parking to the south.
- 3.10 Head of Building Control and Engineering Services – **No objection.**  
Rebuttal comment is made to the objection received by the Environment Agency. The River Bure and Back Brook were modelled using data derived from first principles. Both watercourses had previously been modelled as far downstream as Chapel Street to inform the Flood Risk Assessment and channel designs associated with the diversion of the River Bure along Manorsfield Road. The outputs from this modelling were used as the inputs for the modelling of the watercourses through the Bryan House site and down to their confluence.  
The model and its findings were accepted by the EA on 18/08/08 as fit for purpose. Within the tolerances of the model the worst case scenario is that the River Bure is indeed out of bank during the 1 in 100 year event but the Back Brook is not. Therefore, a high level overflow between the River Bure and the Back Brook is proposed which will equalise levels and ensure that both watercourses remain in bank. Dry access/egress is therefore also assured by this means.  
Finally, this redevelopment proposal does not entail a change of use on the site or a transfer from one category of development to a more vulnerable category (in flood risk terms). The solution identified above represents a betterment to the site in this regard and a reduction in flood risk.
- 3.11 Landscape Services Manager: **No objection.**  
This is subject to details and conditions. The extent of tree and shrub removal is acceptable. The hedge proposed to the edge of the car park will impede access to cars so a more formal arrangement is required to ensure that clearance is maintained. Some plant types suggested may not suit the paving proposed due to potential route damage. The LAP will require 2 entrances and planting shall be non-toxic. A tree for shading could be considered. The existing Willow and Horse chestnut trees are just outside the application site boundary but will require protection during works. The financial contribution to the LAP is £22,128 plus £2,212 revenue maintenance.
- 3.12 Head of Recreation and Health: **No objection.**  
Contributions are required as part of a Section 106 as follows:  
Offsite outdoor sports facility of £18,619.88  
Offsite indoor sports facility of £12,202.85

- 3.13 Environmental Protection Officer: **No objection**  
This is subject to condition. This is a sensitive site but matters can be satisfactorily dealt with by condition.
- 3.14 Natural England – **No objection.**  
This application falls under the legal standing advice. It is noted that the extended phase 1 survey recommends that bat surveys should be undertaken.

## 4. Relevant Planning Policies

- 4.1 Central Government Guidance in the form of:  
PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPS5: Planning for the Historic Environment  
PPS9: Planning and Biodiversity  
PPG13: Transport  
PPS25: Development and Flood Risk
- 4.2 South East Plan Policies: SP3, CC1, CC2, CC4, CC6, CC7, CC9, H1, H2, H3, H4, H5, H6, T4, T5, W8, BE1, BE3, BE6, NRM4, NRM5, S1, CO2 and CO3
- 4.3 Adopted Cherwell Local Plan 1996 Saved Policies: TR1, R12, C2, C28, C30 C32 and ENV1.
- 4.4 Non-Statutory Cherwell Local Plan 2011 Policies: H1b, H3, H4, H11, TR1, TR4, TR5, TR11, R9, R10a, EN14, EN23, EN39, EN40, EN44, EN47, D1, D2, D3, D5, D6 and D9.
- 4.5 Draft Core Strategy – February 2010. Whilst at this time little weight can be given to this document, in terms of it being a material consideration, it should be noted that part of the Council's broad strategy is to focus growth in and around Bicester
- 4.6 Redevelopment of Bryan House, Chapel Street, Bicester – Informal Development Principles December 2008. This document was prepared by CDC as informal guidance and has been subject of public consultation so carries some weight as a material consideration in the determination of any planning application on this site.
- 4.7 Planning Obligations – Interim Planning Guidance Approved April 2007
- 4.8 Supplementary Planning Guidance Recreation and Amenity Open Space Provision sets out the Council's requirements for the provision of children's play space, outdoor sports and amenity areas.

## 5. Appraisal

- 5.1 The main issues for consideration include:- principle of the development; flood risk; effect on the character and appearance of the Conservation Area; design including layout, scale, materials; parking provision and highway safety; effect on the setting of the listed building(s) in proximity; impact on amenities of neighbouring properties and sustainability.

5.2 Principle of the development

This development has been the subject of extensive pre-application negotiations and was based on the formulation of CDC's Informal Development Principles document December 2008. The scheme involves funding from Sanctuary Housing and Cherwell District Council (which is a significant contributor to the delivery of the proposed scheme with the relocation and distribution of the public car parking areas). The reconfiguration of the car parking arrangements has resulted in the loss of one public parking space to the whole development site.

5.3 Outline planning permission was granted for the demolition of existing buildings (including Bryan House) and construction of 27 No. flats in June 2006. Back then it was concluded that Bryan House is in need of substantial internal and external refurbishment as the units do not meet current mobility or health and safety standards. Demolition and replacement to higher modern standards is therefore considered to be the best option. Further, the proposal is now part of Cherwell District Council's wider housing strategy and promotes the Code for Sustainable Homes, seeking level 4\* for blocks 1 and 2 and level 5 for blocks 3 and 4 and is a demonstration project identified in the Eco Town Growth Fund Bid. There is demand for affordable housing near to the town centre of Bicester

5.4 The application site "is previously" developed land in PPS3 terms as defined in Annexe B. Paragraph 40 of PPS3 states "a key objective is that Local Planning Authorities should continue to make efficient use of land by re-using land that has been previously developed". The site is in a sustainable location, that has potential for redevelopment and the proposal submitted seeks to make use of this land more efficiently.

5.5 With respects to general housing policy, policy H11 in the Non Statutory Cherwell Local Plan 2011 (NSCLP) supports residential development within the built up limits of Bicester provided they make efficient use of land and there are no adverse impact on the existing character, residential amenity and highway safety.

5.6 The proposal seeks to provide a significant number of affordable and socially rented housing units which include a mix of type and tenure with 4 no. flexible/temporary accommodation units which have been specifically designed in pairs, back to back, to allow their layout and accommodation to vary dependant on demand. Consequently these units can provide either 1 no. 2 bed flat and 1 no. studio flat, or 2 no. 1 bed flats. The proposal is positive in policy terms as there is a considerable lack of affordable housing in the district and this will help meet the need and therefore complies with policy H3 of the South East Plan 2009.

5.7 The HDC&MD considers that the density of development is appropriate for the site, makes more efficient use of previously developed land, provides for a significant increase in affordable and social housing stock and will enhance the area within this part of Bicester and consequently acceptable in principle and policy terms.

5.8 Flood risk

Addressing the issue of the flood risk is an essential element of any development at this site. In noting the comments by the Head of Building Control and Engineering Services, the view is taken that the future properties will not be at an increased risk of flooding and safe access would be maintained. The concerns raised by the



Environment Agency are currently being pursued further and it is anticipated that they will be withdrawn. If possible, an update will be given at the meeting.

- 5.9 By way of background to this issue, being within a flood risk zone 3 (a high probability of flooding), it is a requirement of PPS25 to undertake a sequential test to show that there are no other less 'risky' sites which could be pursued for this type of proposal. The aim of this is to steer new development to areas at the lowest probability of flooding. This presents a dilemma in terms of this being a redundant brown field site which, in PPS1 terms, is sequentially the best being so close to the town centre but which is potentially in conflict with PPS25 requirements for a site which has less of a flood risk. Nevertheless, the sequential test has been undertaken and although it has been met with some criticism from the Environment Agency it is considered that this cannot be the determining factor in this case if adequate mitigation and other aspects of the site can be adequately addressed to an acceptable flood risk.
- 5.10 The view is taken that this redevelopment proposal does not entail a change in the nature of the use on the site or a transfer from one category of development to a more vulnerable category (in flood risk terms). The technical solution being proposed represents a betterment to the site in this regard and a reduction in flood risk, as explained in the advice received by the Head of Building Control and Engineering Services. To this end, it is considered that the development of this site is acceptable in principle having adequately addressed the issue of flood risk.
- 5.11 Effect on the Character and Appearance of the Conservation Area  
The Conservation Area boundary excludes the existing Bryan House building(s) to the Priory Lane side of the site but includes the car parks, entrance and Town Brook (and properties 34-42 Chapel Street) which front onto Chapel Street. It has already been stated that the existing buildings which make up Bryan House fall short of current standards for accommodation. They are of little architectural merit and do not make a positive contribution to the Conservation Area so the loss of these buildings would not have a harmful impact.
- 5.12 The demolition of the lesser structures (walls and enclosures) falling within the Conservation Area require consent for their demolition and are considered under 10/00122/CAC and the recommendation for their approval for demolition is noted. The Conservation Officer as part of the consultation to that application notes that the redevelopment of this site will result in overall enhancement of the Conservation Area and to this end the view is taken that the proposal is acceptable in PPS5 terms as it ensures that the character or appearance of the Conservation Area is preserved or enhanced.
- 5.13 Design, scale and layout  
Given the relationship of this site to the Conservation Area this has had a strong influence on informing the design, scale and layout to the site in accordance with PPS5. Further guidance is given in PPS1, Delivering Sustainable Development which states that "Planning Authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not

be accepted”.

- 5.14 PPS3, Housing states that “good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities” (paragraph 12). The guidance goes on to advise that “Local Planning Authorities should promote designs and layouts which make efficient and effective use of land, including encouraging innovative approaches to help deliver high quality outcomes”.
- 5.15 Policies C28 and C30 of the adopted Cherwell Local Plan and Policy D3 of the Non-Statutory Cherwell Local Plan 2011 echo the advice contained in government guidance and seek to ensure that design and layout of housing is informed by the wider context and that development should reflect the local distinctiveness of its setting and that standards of amenity are provided that are acceptable to the Local planning authority.
- 5.16 Scaling and design have been planned to respond to the requirements of Cherwell District Council’s Informal Development Principles and to provide a development and landscape fit for both use and location. The proposed buildings are laid out in 4 blocks and for convenience they are referred to as follows: Block 1 is north on Priory Lane, Block 2 is south on Priory Lane, Block 3 is north on Chapel Street and Block 4 is south on Chapel Street (see site plan drawing number 2007/1016/PO3).
- 5.17 Having worked closely with the developers during the pre-application stage, the approach taken to the concept of the design is generally welcomed as it is one of both traditional vernacular (the smaller scale dwellings) and a simplified contemporary form (the flats and town houses). Similarly the materials proposed reflect the local palette with a mix of traditional and modern across both styles. Many of the materials have been requested as part of the application due to the sensitive nature of this site within the Conservation Area and in proximity to listed buildings along Chapel Street. Provision is made for a Local Area of Play (LAP) alongside which a pedestrian link across the site from Priory Lane to Chapel Street linking to the market square. The car parking is proposed in a central location which allows for the street scene to be developed which will in turn screen the car park.
- 5.18 Blocks 1 and 2 follow the line of Priory Lane and are dual aspect. The blocks are accessed internally from within the site across the Back Brook through covered bridge structures. They are at a raised level (some 700mm above the existing Priory Lane level) to accommodate flood protection. Block 1, adjacent to the existing 3 storey block of ‘The Willows’ starts at 2 storeys and then rises to 2½ storeys and ends in a single unit of 3 storeys with a ridge line similar to that of ‘The Willows’. There is a break where the pedestrian access is located and then Block 2 is designed at 2½ storeys falling to 2 storeys next to the neighbouring property at No. 4 Priory Terrace. The mix of materials proposed will create a visual interest and breaks in the building line.
- 5.19 Similarly Blocks 3 and 4 establish a continuous street scene to Chapel Street. Pedestrian access is maintained to Monks Retreat. Again the levels are raised by some 550mm above the existing Chapel Street to accommodate the requirements of flood protection. Both blocks are at 2 storey in keeping with the existing street frontage. Block 4, being the larger, is broken by its appearance and form to provide a visual interest to the street scene. The ridge heights are varied but designed to

be comparable to the existing buildings bearing in mind the allowance for the required raised levels for the flood protection.

- 5.20 The site will be fully landscaped with hard and soft surface treatments. The principle landscaping focus is to the centre of the development along Back Brook. The scheme is supported in principle and it is considered that the finer detail can be adequately addressed by condition as recommended.
- 5.21 To conclude this section, the HDC&MD considers that the proposed contemporary design, scale and layout of the scheme is appropriate for its context and regenerates the site, making more efficient use of previously developed land and consequently accords with the provisions of national and local policy.
- 5.22 Materials and appearance of the development  
As previously mentioned, the principal materials proposed for use in the buildings are intended to reflect the local vernacular using the traditional and the more simplified contemporary. Grey limestone, pale renders, brick with slate and plain tiles roofs all feature. Windows are proposed to be timber casement and the submitted details show a variation of traditional eaves, verge and window including stone lintels and cills.
- 5.23 Parking provision and highway safety  
Vehicular access to the site is provided off Chapel Street. The existing access leads to the internally positioned car parking for Bryan House residents. The repositioned public car park is accessible from the existing northern access on Chapel Street. Although the parking areas are positioned together there is no vehicular link and they are separated by raised landscaping and pathways with embedded low level timber bollards.
- 5.24 The Bryan House private parking is mostly to the south/central part of the site and accessed only from Chapel Street, not Priory Lane. To create a more private feel, the entrance is narrower and an identifiable pedestrian route provided to allow free flow between Priory Lane and Chapel Street.
- 5.25 The County Council, as Highway Authority, have stated that the parking provision within the site is acceptable. The existing arrangement was 43 for public and 19 for Bryan House (including 9 Vale Housing Association Spaces). The proposal is for 51 public spaces (including 9 covenanted to VHA) and 23 for Bryan House which is a ratio of one space per unit. Clearly being a town centre location this makes the site convenient for pedestrian access for future occupants.
- 5.26 The HDC&MD considers that the proposal provides sufficient parking provision for the development and is acceptable on highway safety grounds and complies with guidance contained in PPG13, NSCLP policies TR1, TR4, TR5 and TR11 and policy T4 of the South East Plan 2009.
- 5.27 Effect on the setting of the listed buildings  
The listed buildings in proximity are on Chapel Street, namely Trinity and No. 1 on the opposite side of the street to that of the development. The Conservation Officer raises no concerns or objections in this regard particularly given the quality of the materials being proposed through this application. The proximity of the listed buildings has been influential in this regard. It is concluded that the proposal will

not, therefore, harm the settings of these grade II listed buildings in compliance with PPS5.

5.28 Impact on amenities of neighbouring properties

On the Priory Lane side, Block 1 is proposed to be sited 2.4m from the nearest neighbour (The Willows) and whilst this is closer to the building than the existing situation the gap is considered acceptable particularly given the proposed height at 2 storey, that the gable will now be blank so there will be no overlooking opportunities facing onto the flats and its continued use as residential. The nearest neighbour to Block 2 is No. 4 Priory Terrace and the comments from this neighbour are noted. With the closest structure being a single storey garage, together with a proposed 1m gap (the same as existing), this will give sufficient relief from the proposed flats which, in any event are again at 2 storey at this section. A bin store is proposed to the rear of the garden to this property which is to be sited further away than an existing outbuilding. It should be noted also that there is to be no highway access from Priory Road, though to improve accessibility to the town centre there will be pedestrian routes.

5.29 From the Chapel Street side, Block 3 is isolated from neighbours to the north so this has made the proposed amendment (suggested by Thames Valley Police) to insert a window in the north gable elevation at ground floor acceptable in neighbour impact terms. To the south, gable measurements are comparable with the existing properties at 38-42 Chapel Street. The south elevation is blank so there would be no overlooking. Block 4 has again been amended to introduce gable windows at ground floor to assist in the surveillance of the parking areas proposed either side of the block. The gaps between the properties either side are considered sufficient to prevent any unacceptable harm to the neighbours.

5.30 Sustainability

The scheme has been designed in accordance with the Code for Sustainable Homes designed to meet a minimum of level 4 and where possible achieving level 5. The code for sustainable homes covers the following areas Energy and CO<sub>2</sub>, Water, Materials, Surface Water Run off, Waste, Pollution, Health & Well Being, Management, Ecology. The code requires that schemes are assessed under each element and scores combined to provide a code level. In this case Blocks 1 & 2 can achieve level 4 whilst blocks 3 & 4 can achieve level 5 as it is possible to achieve 100% CO<sub>2</sub> reduction through the inclusion of solar panels. Windows will be triple glazed casement of a very low U-value (a better insulator). Maximization of solar gain benefits and sustainable materials are design features within the buildings.

5.31 S106 Agreement

The applicant has submitted a report examining aspects of the Section 106 and has raised concerns about the justification for some elements and the viability of the project given possible exceptional expenditures in light of seeking to achieve high Code levels as an exemplar for the Eco-town. This report has now been considered and a meeting held together with the County to address these concerns and the HDC&MD is now confident that the application and the Section 106 agreement are reasonable and sound.

5.32 The principles against which planning obligations should be assessed are set out in Circular 05/2005. Annex B explains that any obligations sought should be relevant to planning, necessary to make the proposed development acceptable in planning

terms, directly related to the development, fair and reasonably related in scale and kind to the proposed development and reasonable in all other respects. Within this context the development plan assists in directing the scope of these obligations and in this case we look to Policy CC7 of the South East Plan which seeks to ensure that development creating a need for additional infrastructure is not delivered without that infrastructure and this can be through necessary contributions from the developer. That policy also seeks further clarity by the preparation of clear guidance in local development documents. The Council's draft Core Strategy is currently out for consultation and identifies infrastructure requirements. In the mean time the Council's Interim Planning Guidance on Planning obligations sets out the requirements and reasoned justification for contributions to infrastructure.

5.33 In this case, requests for contributions are to be secured by way of a S106 Agreement and include provision for off site indoor and outdoor sports, schools (primary, senior and special needs), library and stock, museum resources, public art (£150 per unit) and waste and recycling contributions, LAP maintenance and monitoring fees. The HDC&MD considers that on this basis the policy requirements are complied with the developer has agreed in principle to the total sum contribution requested (currently standing at £160,902) and has committed to setting the level of HCA grant in line with this figure, though negotiations are ongoing.

5.34 Conclusion

Based on the assessments made above it is considered that this application is acceptable, makes more efficient use of previously developed land, provides a substantial increase to the affordable/social housing stock and regenerates an area with a form of development that will cause no serious harm to the amenities of any neighbouring properties, will preserve or enhance the character or appearance of the Conservation Area, will not harm the setting of the listed buildings or highway safety and will financially contribute through a S106 the delivery of additional infrastructure. The proposal therefore accords with the Council's informal design principles document and the relevant development plan policies and national policy guidance.

## 6. Recommendation

**Approval subject to:**

- a) **A resolution to the flooding issue and withdrawal of the Environmental Agency objection;**
- b) **The completion of a S106 agreement covering the following heads of terms;**
  - **OCC Infrastructure contributions including primary, secondary and special needs schools, library and stock, waste management and recycling centre, museum resource centre and monitoring.**
  - **CDC Offsite outdoor and indoor sport, public art, waste bins and monitoring.**
  - **CDC LAP maintenance and management**
- c) **The following conditions:**

**1. S.C1.4A (RC2) – [Time: 3 years]**

- 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with drawing nos. 2007/1016/SLP01, P01, P03, P04, P05, P06(A), P07, P08, P09, P10, P11, P12, P13 and the design and access statement submitted with the application.**

**Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.**

- 3. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.**

**Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.**

- 4. If a potential risk from contamination is identified as a result of the work carried out under condition 3, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.**

**Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.**

- 5. If contamination is found by undertaking the work carried out under condition 4, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA**

and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

6. If remedial works have been identified in condition 5, the remedial works shall be carried out in accordance with the scheme approved under condition 5. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

7. That prior to the first occupation of the development both the existing means of access onto Chapel Street shall be improved, laid out and formed with a 2m x 2m pedestrian visibility splay to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)
8. Notwithstanding the parking and manoeuvring areas shown on plan no. 2007/1016/P03 a revised layout plan showing these areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. (RC13BB)
9. Before the development is first occupied the parking and manoeuvring areas shall be provided in accordance with the approved plan submitted under condition 8 and shall be constructed, laid out, surfaced, drained (SUDS) and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained unobstructed except for the parking and manoeuvring of vehicles at all times. (RC15AA)
10. That samples of the surface finishes for the areas of hard standing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC4A)

11. 5.5AA Replace first part with 'That full design details (including sections) of the eaves, dormers, fenestration and doors .... (RC4A)
12. 5.5AA ....boundary walls ... (RC4A)
13. 2.3DD - natural stone (RC5B)  
.....buildings which face onto Chapel Street....
14. 2.2AA ....bricks....buildings.....(RC4A)
15. 2.2BB.....tiles.....roofs of the buildings....(RC4A)
16. 2.8A Replace first part with 'That the colour, texture and finish of the external walls shall be in accordance with a scheme to be submitted.....' (RC4A)
17. That details of the public art scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC4A)
18. 2.13AA Demolition of buildings (RC8A)
19. 6.7AA No radio, TV aerials, satellite dishes (RC4A)
20. 3.0A Submit landscaping scheme (RC10A)
21. 3.1A Carry out landscaping (RC10A)
22. No development shall commence within the application area until the applicant, or their agents or successors in title, has secured the implementation of a staged programme of archaeological investigation and mitigation in accordance with a written scheme of investigation that shall first be submitted to and approved in writing by the Local Planning Authority. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication. The work shall be carried out by a professional archaeological organization acceptable to the Local Planning Authority.  
Reason: To ensure the appropriate measures are taken to detect and preserve archaeological remains either in situ or by record in accordance with PPS5: Planning for the Historic Environment and Policy BE6 of the South East Plan 2009.
23. 9.4A Ecological report (RC85A)  
.....Extended Phase 1 Habitat Survey by Middlemarch Environmental Ltd dated December 2009.....
24. 9.11A Provision of a LAP (RC92A)
25. 5.19A Conservation rooflights (RC4A)
26. 5.5AA Replace first part with 'That details, including the locations, of the gas and electricity meter cupboards .....(RC4A)



27. Notwithstanding the cycle and bin store details submitted in drawing 2007/1016/P10 and their proposed locations shown on drawing 2007/1016/P03, new design details and their locations shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details. (RC4A)
28. That none of the development shall be occupied until a surface water drainage scheme to serve it has been submitted to and approved in writing by the Local Planning Authority. (RC13CC)

#### **Planning Notes**

1. Q1 – legal agreement
2. A separate permission will be required from the Local Highway Authority to carry out any access works on the public highway; contact tel for Northern Area Depot is 0845 310 1111).
3. There are public sewers crossing the site and approval from Thames Water is required for the erection of a building within 3 meters. The developer is advised to contact Thames Water Developer Services on Telephone No: 0845 850 2777 for further information. Further, the developer is advised that Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
4. U1 – construction sites

#### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of the site and surrounding area and has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. Further, the Council has paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the setting of the listed buildings. As such the proposal is in accordance with Policies SP3, CC1, CC2, CC4, CC6, CC7, CC9, H1, H2, H3, H4, H5, H6, T4, T5, W8, BE1, BE3, NRM4, NRM5, CO2 and CO3 of the South East Plan 2009 and Policies TR1, R12, C2, C28, C30, C32 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained in PPS1, PPS3, PPS5, PPS9, PPS25, PPG13 and PPG16. For the reasons given above and having proper regard to all other matters raised the Council considered that the

**application should be approved and planning permission granted subject to appropriate conditions as set out above.**

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