

Case Officer: Wayne Campbell

Applicant: Shakib and Co

Proposal: Single storey extension to create radiology areas, upper floors to provide Staff Room and new Boardroom and additional car parking

Ward: Banbury Grimsbury and Hightown

Councillors: Cllr Beere, Cllr Hussain, and Cllr Moon

Reason for Referral: Called in by Councillor Clarke for the following reasons:

The proposal will have a visual impact on residents at the northern end of Foscote Rise. The application has generated a number of objections from local residents.

Expiry Date: 10 February 2022

Committee Date: 10 March 2022

Note: This application is subject to a Committee Site Visit

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION, SUBJECT TO: RESOLUTION OF LEAD LOCAL FLOOD AUTHORITY OBJECTION; CONDITIONS; AND SECTION 106 LEGAL AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located within the built-up area of Banbury. The Foscote Clinic is a private hospital situated on the north west corner of Foscote Rise, with its northern boundary adjacent to Hightown Road. Hightown Road leads to the Oxford Road travelling west.
- 1.2. The clinic is located in the southern part of the plot. The curtilage of the clinic also includes landscaping along all boundaries and parking located in the north and east part of the site. There is a noticeable slope down across the site from Hightown Road. The area of Foscote Rise is primarily a residential setting with dwellings to the south and east of the site.
- 1.3. The southern boundary to the site is marked by a high conifer hedgerow which runs along almost the entire length of the southern boundary. This southern boundary is also shared by the existing residential properties in Foscote Rise which are set down below the level of the hospital site by approximately 4 – 5 metres.

2. CONSTRAINTS

- 2.1. The application site is within a built-up limit of Banbury Town. The site occupies a higher position than the residential properties to the south.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks planning permission for a series of extensions on this private hospital building. The extensions are a mix of single storey and two storey, to be located on the rear / southern elevation of the building with a further separate second floor extension located on the western elevation of the building. Overall, the proposal would result in an increase in floor area equal to 600 sq m. Permission is also sought for alterations to the existing surface car park located to the north and east of the main hospital building.
- 3.2. The single storey rear extension would provide accommodation for an X-ray room, CT Scan room, MRI / CT control room and an MRI room along with associated accommodation and corridors, waiting rooms and administration room / reception area. The two-storey element also located to the rear elevation would provide a staff kitchen, admin store and kitchen store on the ground floor and a staff rest room on the first floor. The second-floor extension to the west of the hospital building would provide a new board room for hospital use. In terms of parking the application seeks permission for an additional 21 parking spaces to the front of the hospital building which raises the total number of spaces on the site to 56.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
- 21/02311/F - Extensions to accommodate additional staff changing and support facilities - Permitted
- 20/03543/F - Installation of prefabricated wooden clad staff room cabin – Permitted
- 20/02784/TPO_5 - T1 (mature Common Beech) - fell (dead) tree – Permitted
- 19/01150/F - Addition of a new upper floor area to the existing administration office; introduction of new fire exit on the ground floor – Permitted:
- 14/01879/ADV - Relocation of 2 No non-illuminated signboards – Permitted
- 13/01611/TPO – TPO 12/2002- Application not required: 25/10/2013. 12/01122/F - Construction of hard standing area for use by mobile scanner – Permitted
- 12/00429/F – Single Storey Extension at Rear – Permitted
- 09/00470/F - Resubmission of 08/02126/F - New vehicular access from Foscoote Rise to additional car park spaces and refuse collection vehicle manoeuvring area; 4 no. additional parking spaces; drop-off space between existing access drive and front of hospital; footpath link between parking areas. – Permitted
- 08/02126/F - New vehicular access from Foscoote Rise to additional car park spaces and refuse collection vehicle manoeuvring area; 4 no. additional parking spaces; drop-off space between existing access drive and front of hospital; footpath link between parking areas – Withdrawn
- 05/01084/F - Two storey extension and 7 No. car parking spaces – Permitted
- 04/00451/TPO - Lift crown, thin crown by 10% and clear deadwood of 1 No. Beech and 1 No. Cedar subject to TPO 12/2002. – Permitted
- 02/01234/F - Single storey extensions, two storey extensions and additional car parking (as amended by plans received 09.07.02 and 15.07.02) – Refused
- 98/00703/F - Demolish existing facade over two storeys. Extend to form a three bedroom and endoscopy theatre. – Permitted

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. A pre-application enquiry was submitted under reference 19/02627/PREAPP, which sought advice for the hospital to integrate the normal diagnostic scanning facilities such as MRI, CT-Scan and X-ray rooms in a new extension at the rear of the existing building with new administrative offices, consulting rooms, kitchen and staff canteen.
- 5.3. The response to this pre-application enquiry was that the officer was unable to offer a view (that could later be relied upon) as to whether the proposal can be supported, or not as insufficient/deficient information has been provided. However, the following limited comments on the proposal were provided:
 - The proposed development would be very close to the site boundary and therefore the development could result in a serious loss of residential amenity for neighbours and appear overbearing and over-dominating
 - It is therefore very unlikely a planning application for the current proposals would be considered favourably, and the scale of the extension in this location would need to be reduced
 - A Transport Statement and car parking survey would be required to ascertain the required level of parking
 - A Tree Survey and Arboricultural Method Statement would be required to demonstrate that the development would not cause harm to any trees or hedges on the site.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, statutory consultees, 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 **29 March 2021**. There were 16 objections, no submissions of support and 5 comments received.
- 6.2. The comments raised by third parties are summarised as follows:
 - Last few years seen a dramatic increase in clients and with the restriction that staff do not use the car park has resulted in additional parking on the surrounding roads to detriment of the area
 - Concern over the impact on the condition of the footpaths in the area due to increased amount of delivery and construction vehicles in the area
 - New car park reduces the green space and changes the amenity of the area
 - Application states no increase in staff so why increase the car park
 - Tree report does not accurately reflect the impact of the removal of the green area on the site
 - No ecology assessment of the site has been carried out
 - Extension reduces the natural green buffer between neighbouring properties
 - Noise of the MRI room will impact on neighbouring properties

- The MRI scanner and X ray facilities very close to residential properties is unacceptable due to possible radiation effect on residents.
- Overdevelopment of site and create further parking problems and loss of space and light detrimental to the environment and would destroy the visual aspect of the whole site
- Nos 4 to 14 run parallel with the rear of the building and are situated some 15 feet or so below the ground level of the hospital. Large controversial conifer hedge that runs the length of the rear of the hospital ending midway across the garden width of no 12. Plans show that the new construction will sit very close to the rear on No 12 and will be clearly visible to the occupants of Nos 12 and 14.
- A somewhat bland exterior with no features will be visible resulting in a somewhat alien in the context of the existing building and neighbouring / nearby residential properties
- Development will impact on the value of my apartment, impact on quality of my life with obstructions to the views, increase noise levels from car parking and deliveries, loss of privacy, overlooking issues and overshadowing
- Proposal will result in an overbearing development that will result in significant detrimental impact upon residential amenity and the character of the surrounding area

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

7. RESPONSE TO CONSULTATION

7.1. 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.

7.2. BANBURY TOWN COUNCIL: **Objects** - the Town Council notes the number of objections received from local residents and shares the concerns that some of them express about the scale and siting of the extensions and their impact upon the residential amenities of nos. 4-16 Foscoote Rise and the flats known as Fircroft.

7.3. OCC HIGHWAYS: **No objections** - the combined mitigation of additional on-site parking, a Travel Plan and targeted on street restrictions would be sufficient to mitigate the impact of the proposed extension

7.4. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions

7.5. OCC DRAINAGE: **Objection**. All full and outline planning applications for Major Development must be submitted with a Surface Water Management Strategy. A site-specific Flood Risk Assessment (FRA) is also required for developments of 1 hectare or greater in Flood Zone 1; all developments in Flood Zones 2 and 3 or in an area within Flood Zone 1 notified as having critical drainage problems; and where development or a change of use to a more vulnerable class may be subject to other sources of flooding.

7.6. CDC LAND DRAINAGE: **No objections**

7.7. THAMES WATER: **No objections** subject to conditions

7.8. OCC Archaeology: **No objections**

7.9. CDC ARBORICULTURAL OFFICER: **No objections** subject to conditions

7.10. CDC BUILDING CONTROL: **No objections**

7.11. CDC ECOLOGY: No comments received.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council in 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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 2015)

- PSD1 – Presumption in favour of Sustainable Development
- BSC8 – Securing Health and Wellbeing
- ESD10 – Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- ENV1 – Development likely to cause detrimental levels of pollution
- TR7 - Development attracting traffic on minor roads

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway Safety
- Trees and Ecology
- Drainage

Principle of Development

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

- 9.3 Policy BSC8 of the Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) seeks to support the provision of health facilities in sustainable locations which contribute towards health and wellbeing.
- 9.4 Also, of a material consideration is the guidance provided in the recently revised National Planning Policy Framework (NPPF) which sets out the Government's planning policies for England and how these should be applied. The NPPF also explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.5 Paragraph 10 states that, *at the heart of the Framework is a **presumption in favour of sustainable development***. Paragraph 11 defines the presumption in favour of sustainable development as *approving development proposals that accord with up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*.
- 9.6 Paragraph 12 also advises, amongst other things that the *presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted*. The NPPF also states that *a Local Planning Authority may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed*.
- 9.7 Section 8 of the NPPF highlights the importance of promoting healthy and safe communities. Under this section paragraph 93 highlights amongst other things to *provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community*; Furthermore paragraph 96 highlights that *to ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted*.
- 9.8 This application relates to the existing Foscoote Clinic, which is an independent hospital (use class E(e)) providing healthcare services across the district and beyond and has a long history of providing medical service. The applicant has advised that the area of diagnostic imaging is currently undergoing great change, with hospitals becoming more and more reliant on the use of digital imaging techniques. As such the applicant states there is a requirement to create adaptable facilities, to meet the pace of clinical and technological development, not only in patient diagnosis and treatment, but also in many other aspects of care and organisation. For this reason, and to keep abreast of these changes in healthcare demand, the hospital now seeks to provide an upgrade in the radiology department to include MRI, CT Scanning and updated X Ray.
- 9.9 Although the site is an independent hospital the applicant has confirmed that they also offer services to the local Trust, allowing 33% of their operating theatre time to be

used by Oxford University Hospitals Transplantation services, theatre capacity which is used to complete vascular access surgery for patients entering into dialysis. This capacity is on top of the 15% utilised for General Surgery, and Orthopaedic Surgery through the NHS Electronic Referral System (Choose and Book), giving the local community patient choice as to where they receive their treatment. The hospital has recently invested £1.6m on a state of the art Siemens Magnetom Aera 1.5T MRI scanner, due to the significant waiting lists in the local trust the applicant is able to provide 83% of the scanning capacity for NHS patients. In addition to the above, the hospital welcomes the NHS to run outpatient clinics from their consulting rooms, most recently the applicant has hosted Diabetic Eye Screening, Aortic Aneurysm Screening and Nephrology clinics.

- 9.10 Notwithstanding the above, the purpose of the planning system is not to consider whether the hospital site should provide such facilities but whether in doing so the changes result in any material adverse impact on the area and / or neighbouring properties. It is, however, clear that the hospital does provide an important service to the community.
- 9.11 In considering the principle of the development, the current use of the site is for medical services. There is a need to ensure that the facilities on the site are modern and provide the most up to date facilities. As the application seeks permission for alterations to enhance the medical facilities on the site it is considered that the principle of the development is acceptable and complies with both National and Local Plan Policies.

Design, and impact on the character of the area

- 9.12 Government guidance contained within the NPPF requiring good design states 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. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.*
- 9.13 Saved Policy C28 of the CLP 1996 states amongst other things that *control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development.*
- 9.14 Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and ensuring a high-quality design.
- 9.15 The applicant has opted for a modern / contemporary approach to the design and external appearance of the extensions. The applicant states that the proposal incorporates varying roof heights dependent upon the particular requirements of the functions the extension would house. The thoroughfare and administration spaces would have a flat roof, while the radiology rooms require higher ceilings and therefore the roof would be lifted over these spaces. In order to reduce the bulk of the extensions where the roof space is greater, the proposal incorporates a mono-pitched roof design. Externally the extensions would be covered in a raised seam coated steel sheet finish to give the contemporary appearance of the extensions.
- 9.16 The vast majority of the existing hospital buildings on the site are constructed from a red brick with a slate tile roof and as such the introduction of the metal sheeting with a mono-pitch roof would appear different. As outlined in paragraph above Policy C28

of the CLP 1996 Policy ESD15 of the CLP 2015 these policies require on new development that materials used are sympathetic to the character of the area and the host building. It could be argued that the use of the metal sheeting would appear out of place and hence contrary to these Policies. However, in this instance it is considered that the location of the extensions, being mainly to the rear of the hospital building, would give the impression that the extensions are part of the service area of the hospital and as such the design would not be inappropriate in this location. For these reasons it is considered that the design of the extensions is not a reason to warrant a refusal in this instance.

Residential amenity

- 9.17 Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015, which states that, *new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.*
- 9.18 The application site shares a common boundary on two sides with existing residential properties and the impact of the development on these neighbouring properties is a key issue in the consideration of this application. Members will see from the comments section of the report that the impact of the development on neighbours' amenity has been raised as a reason to object to the scheme. In considering these objections it is accepted that the single storey extension to the south of the hospital has been positioned close to the boundary with the residential properties in Foscoote Rise while the second floor extension is located close to the boundary with the residential apartments to the west known as Fircroft.
- 9.19 The proposed single storey extensions to the rear of the hospital would back onto the shared boundary with the existing properties in Foscoote Rise. These residential properties are located at a significantly lower level than the application site. The difference between the site and these adjoining neighbouring properties is approx. 4 – 5m and as such any development on the application site will start at a height of 4 - 5m above the ground level of the adjoining residential properties. As a result of this levels difference any development on the application site positioned close to the shared boundary has the potential to appear as an over-dominant feature resulting in a loss of outlook and light to the detriment of the neighbouring properties. However, in this instance the boundary with the application site and the neighbouring properties is marked by a significant row of ever green conifer trees which have been maintained at a height of around 4m. The design of the extension to the rear of the hospital incorporating a mono-pitched roof would ensure that the roof slopes away from the shared boundary with the lowest point closest to the neighbours' boundary. The dense conifer row would ensure that the view of the extension from the neighbours' gardens is screened to a point that the impact of the extension is not to the detriment of the neighbours' amenities.
- 9.20 Notwithstanding the points raised above it is also noted that there is a section of the rear extension which is maintained at two storey level. This section is located at the eastern end of the rear part of the site and would allow for a higher section to provide a staff rest room at first floor. This part would be higher than that of the rear of the rear extension; however, the design of this section again incorporating a mono-pitch roof would position the glazed section to look along the rear of the hospital building and due to the dense conifer hedge, and although looking out onto the flat roof section of the rear extension there is no access to the roof section from this staff facility. Due to the design, it is considered that the extension would not result in any significant impact on the neighbours' amenities.

- 9.21 Turning to the impact on the private residential apartments at Fircroft, the main impact of this shared neighbour would arise from the proposed second floor extension to form a new boardroom on the western side of the hospital building and the two-storey side extension to provide a new cannulation facility. With regards to the cannulation accommodation this windowless two storey extension would maintain a mono-pitch roof design to be clad in the same metal sheeting as the other extensions on the building. Due to the position and design of this element it is considered that there would be no adverse impact on the neighbours' amenities nor any significant impact on the character of the area. The proposed board room element would be located over an existing ground floor building on the site. The design of this element incorporates the same metal sheeting as used on the other extensions across the site. This would tie the boardroom element with the other extensions on the site and it is not considered that the materials would appear out of place.
- 9.22 Concerns have been expressed over the potential impact the boardroom would have on the amenities of residents at Fircroft and it is accepted that the side elevation of the boardroom would include a number of windows which, due to the position of the extension, would be located close to the shared boundary with Fircroft. The boardroom element would be visible from the garden area of Fircroft, and the windows in this element would allow a view into the shared site. However, due to the lack of any windows in the side elevations of the apartment block on this section of Fircroft there would be no loss of privacy to the residential accommodation of this shared residential use. The side windows of the board room would have a view into the garden area of the Fircroft site. However, it should be noted that this design to the boardroom with side windows has already been considered and approved under a previous application reference 19/01150/F which although not implemented is still a valid permission. The difference between this previous approval and the current proposal is that the current proposal is to widen the width of the boardroom towards the main hospital building and hence would be of a different size. For these reasons it is not considered that the design of the boardroom is a reason to warrant a refusal in this instance.

Highway Safety

- 9.23 Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) *safe and suitable access to the site can be achieved for all users; and*
 - c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 9.24 In addition, paragraph 111 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.* In terms of parking provision paragraph 108 highlights that *maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.* The paragraph continues by stating that *in town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.*

- 9.25 Policy ESD 15 of the CLP 2015 highlights, amongst other things that in terms of design new development should demonstrate *a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed.*
- 9.26 With this application the proposal is to create an area of additional parking on the site in the form of a further 21 spaces as an extension to the existing car park to the front of the hospital site. Notwithstanding this it is clear from the objections raised by local residents that parking on and around the site is an issue of concern.
- 9.27 To address this issue following the lifting of Covid-19 restrictions the applicant commissioned a parking survey of the streets in the local area, and at the time there was a lower level of bus use and the hospital was providing support services to the NHS. As such it could be considered that this would represent a time when the level of parking demand was likely to be high. The applicant's survey showed that the on-site car parks were well used during the day with some level of capacity available at most times albeit only small for a large proportion of the day. The survey of the surrounding streets also showed that a significant proportion of the available on street parking was utilised from approximately 8 am until the early afternoon where it steadily reduces to less than half in the early evening. From this information it is clear that there is a high demand for parking both within and around the site. The proposed extension of the hospital building may require more staff and has the potential to increase patients which will likely increase the number of cars visiting the site and the surrounding area.
- 9.28 In order to address this increase demand in parking the local highway authority (LHA) advises that a Travel Plan is required that will encourage staff to travel by sustainable modes and decrease the level of parking demand from staff at the hospital. This will complement the proposed staff changing and support facilities that are under a separate planning application (21/02311/F). Notwithstanding the above survey and as demonstrated by the objection comments there is some level of inappropriate parking at junctions and where parking restrictions exist. This is likely to be exacerbated by the development in close proximity to the site. For this reason, additional parking restrictions will be required to be implemented in order to ensure the safe and effective operation of the network is maintained typically around junctions and narrow sections of carriageway which would be covered as part of a S106 contribution from the applicant as part of any permission granted. Civil parking enforcement is starting in Cherwell which should significantly impact on the level of inappropriate parking.
- 9.29 The LHA advises that the combined mitigation of additional on-street parking, a Travel Plan and targeted on street restrictions would be sufficient to mitigate the impact of the proposed extension. As such it is considered that the mitigation measures ensure that the proposed extensions would not result any highway objections to warrant a refusal in this instance.

Trees and Landscaping

- 9.30 The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.31 These aims are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that, *new development proposals should respect the traditional pattern of routes,*

spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly designed active public frontages.

- 9.32 Saved Policy C28 of the CLP 1996 states that *control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development.*
- 9.33 Policy ESD13 of the CLP 2015 states that *development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.*
- 9.34 Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, that *successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design.* The Policy continues by stating that new development proposals should, amongst other things, *contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.* Development should also *respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.*
- 9.35 A key section of landscaping on the site is that of the dense conifer hedgerow located along the southern boundary to the site which ensures that the view, and hence impact of the rear extension, is screened to a point that would reduce the harm on the neighbours' amenities. The tree report submitted with the application has been considered by the Council's tree officer and, subject to conditions, no objections to the proposal are raised.
- 9.36 In terms of the remainder of the site the provision of the additional parking spaces on the site would result in the loss of an area of landscaping to the front of the site. Notwithstanding, the additional parking would allow for more on-site parking provision which, together with the other mitigating measures, would assist in easing the issue of on-street parking on the area to the benefit of the local residents. Furthermore, as the site is not located within a Conservation Area and none of the trees on the site to be removed are covered by any Tree Preservation Orders there is no control over the loss / removal of any landscaping by the applicant. Notwithstanding this, the application is supported by a detailed landscaping scheme around the area of the new car park which would ensure the provision of new trees around the site along with other landscaping to help soften and enhance this part of the site with the new car park. As such it is not considered that the loss of the landscaping from the site is a reason to warrant a refusal in this instance.

Drainage

- 9.37 Section 14 of the NNPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 163 of which states that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a*

site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

9.38 Paragraph 165 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.*

9.39 Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

9.40 Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

9.41 The application site is located in Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding. Notwithstanding this point it is noted that the OCC Drainage Officer has requested further information to support the drainage strategy of the site and to assess the impact the proposed extensions would have on the drainage.

9.42 To address this concern the applicant has provided a detailed drainage report for the site which incorporates the extensions on the site. This drainage strategy shows that the area of the new car park will incorporate permeable paving to allow surface water to drainage through the car park rather than running off the surface into the highway. This area of permeable paving will also incorporate an element of storage to manage surface water and gradually discharge into existing underground surface water network. In addition to this drainage of the areas of extension would be channelled through to the existing surface water drainage system via an attenuation tank located on an area to the east part of the site. This storage tank located below ground would ensure that surface water drainage would be discharged at a controlled rate into the existing drainage system to ensure the system can cope with any additional flow.

9.43 In considering this approach members will see that there are no objections raised by Thames Water nor by the Council's Land Drainage Officer, subject to conditions. The LLFA has been re-consulted on the drainage strategy but at the time of drafting this report no further comments had been received. As such providing that the LLFA confirms that the information submitted demonstrate that the development would provide adequate drainage upon the site to ensure that the development does not

lead to problems of surface water flooding both on the site and to adjoining sites there is no objections to the scheme on the issue of drainage.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. 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. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.
- 10.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.3. With this proposal it is clear that the levels across the site vary and that the adjoining residential properties to the south of the site are at a significantly lower level than that of the site. The rear extension although only single storey has the potential to result in a significant impact on the neighbouring properties in terms of appearing over dominant and resulting in a loss of light and outlook. However, the presence of the dense row of conifer trees along the southern boundary would effectively screen views of the extension to a point that the extensions would not result in any significant impact on the neighbours' amenity. This would not have been the case if the conifers had not been in place and it is only due to the conifers that this approach is considered appropriate in this instance.
- 10.4. The design of the extensions is considered modern and contemporary in style and appearance with the use of mon-pitch roofs and metal sheeting on the exterior. This design on the rear of the building is considered appropriate giving the impression of service buildings to the rear.
- 10.5. In terms of parking, it is clear from the objections received on this application along with the applicants parking survey that there is a high demand on site as well as around the site for parking. The LHA has considered the proposal along with the parking survey and advises that, with the mitigation measures in place which include a contribution towards traffic regulation orders, the proposal is considered acceptable from a highway safety point of view.
- 10.6. Associated with the additional parking provision on the site is the impact the proposal would have on the landscaping features on the site. The proposal is to retain the dense row of conifer trees on the southern boundary to the site which is essential to protect the amenities of the adjoining neighbouring properties. The new parking area would result in the loss of some existing landscaping but the site is not allocated within a Conservation Area and there are no trees covered by any tree preservation order to be removed as part of the new car park.
- 10.7. Overall, therefore, it is considered that the proposed extensions and alterations on this site are acceptable and therefore the recommendation is that planning permission be granted subject to conditions and the signing of a S106 agreement to cover the costs of the traffic regulations and travel plan monitoring.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:

- i. **RESOLUTION OF LEAD LOCAL FLOOD AUTHORITY OBJECTION;**
- ii. **THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- ii. **THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING HEADS OF TERMS (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

S106 HEAD OF TERMS

- a) Payment of £3,190 for the cost of Traffic Regulation Order towards the administration costs of the County Council processing the legal order required (lining and signing costs are to be met by applicant)

- b) Payment of £2,379 for the cost of Travel Plan Monitoring towards the cost incurred by the County Council in monitoring the required Travel Plan.

IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate traffic mitigation required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy ESD 15 of the CLP 2015, as well as paragraphs 108, 110 and 111 of the NPPF.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development shall not be carried out otherwise than in complete accordance with the approved plans 001, 202, 203, 204, 205, 206, 207, received 18/02/2021 and additional plans reference 228 Rev A received 14/10/2021, and 209, L001 received 11/11/2021 and FAH-ZZ-DR-D-0001 Rev P2 received 19/11/2021 and Transport Report by EAS Transport Planning Ltd reference 3085/2020 dated 22/12/2020, received 18/02/2021, Parking Survey by EAS Transport Planning Ltd reference 20210621-TN-Revision A dated 22/06/2021, received 22/06/2021, Arboricultural Method Statement by Wharton reference 210422 1173 AMS V1b dated 14 October

2021 received 11/11/2021, revised Outline Drainage Strategy by Fairhurst reference 146431-FAH-ZZ-RP-C-0001 dated 10/11/2021 received 19/11/2021 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason: To clarify the permission and for the avoidance of doubt.

3. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with advice within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

4. No retained trees shown on the approved plans and particulars shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works. If any retained tree is cut down, uprooted, destroyed or dies, within a period of 5 years from the date of this permission another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

5. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Method Statement and the Tree Protection Plan prepared by Wharton Natural Infrastructure Consultants on 14th October 2020.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat

in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

7. The existing conifer hedge along the southern boundary of the site shall be retained and enhanced where gaps exist to a minimum height of not less than four metres and any trees or plants which die, are removed or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide an effective and attractive screen for the development in the interests of visual amenity and to protect the amenities of nearby properties in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

8. A schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. All plant, machinery and equipment to be used by reason of the granting of this permission shall be so installed, maintained and operated so as to ensure that the rating noise level from the equipment does not exceed the background noise level at the boundary of the premises. Measurement and rating of noise for the purposes of this condition shall be in accordance with BS4142 (2014) 'Method for rating industrial and commercial sound'. The measurement location shall be 1 metre from the facade of the nearest noise sensitive receptor.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996

10. Prior to the completion of the extensions, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first use of the facilities in the extensions by patients and retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

11. Prior to the facilities within the extensions being brought in to use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In order to ensure that the opportunities for sustainable travel have been taken up

12. A Construction Traffic Management Plan (CTMP) will need to incorporate the following in detail:

- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards / requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- How construction related vehicle parking will be managed
- Layout plan of the site that shows structures, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0345 310 1111. Final correspondence is required to be submitted.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

13. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996

14. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

INFORMATIVES

1. 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.
2. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
3. With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.