

**DETAILED PLANNING APPLICATION
KINGSMERE LOCAL CENTRE
BICESTER**

PLANNING STATEMENT

ON BEHALF OF LSP DEVELOPMENTS

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Pegasus Group

Unit 4 | The Courtyard | Hall Farm | Church Street | Lockington | Derbyshire | DE74 2SL

T 01509 670806 | F 01509 672247 | [W www.pegasuspg.co.uk](http://www.pegasuspg.co.uk)

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | London | Manchester
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1. INTRODUCTION

- 1.1 This Planning Statement has been prepared on behalf of LSP Developments in support of a full planning application at Kingsmere local centre related to the South West Bicester Sustainable Urban Extension.
 - 1.2 The application seeks full planning permission for nine residential dwellings in place of approved office space above the Kingsmere Local Centre, Bicester.
 - 1.3 The aim of this Planning Statement is to demonstrate that the proposals are acceptable in planning terms. It will consider relevant planning policy and provide an assessment of the development, setting out the planning reasons why planning permission should be granted.
 - 1.4 The application is supported by detailed drawings (L241 Sk05 Rev B, L241 P04 Rev A and L241 P02) which provide guidance on the detailed internal layout and elevational treatment of the first floor of the local centre building.
 - 1.5 The application is supported by a Design and Access statement which demonstrates how the proposals align with the outline planning permission and subsequent approved design code for Kingsmere, while also documenting how the principles were informed by pre-application discussions with Council officers.
 - 1.6 The Planning Statement is structured as follows:
 - Section 2 – describes the site and surrounding area
 - Section 3 - describes the proposed development
 - Section 4 – sets out the planning policy context
 - Section 5 - provides an assessment of the proposals
 - Section 6 - provides a summary and conclusions
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2. SITE AND SURROUNDING AREA

2.1 The application site comprises a total area of 0.85 hectares within the wider 116 hectare Kingsmere Urban Extension. This site (site location plan ref P17-0635_001) is identified as the Local Centre within the approved Masterplan and Design Code. The site is currently undeveloped land but has been laid out as part of the wider urban extension.

2.2 The Kingsmere urban extension once fully built will provide more than 1,700 dwellings with community, commercial, social and educational facilities. As outlined above the site is well connected to the main urban area of Bicester and forms a logical addition to the town. The town centre of Bicester provides a wide range of services and facilities as well as a good supply of office space.

2.3 The basis for this application is the Reserved Matters application 15/02103/REM for the Local Centre:

Provision of Local Centre to include Community Centre (Class D1), Youth Centre (Class D1), Nursery (Class D1), Convenience Store (Class A1), 4 x retail units (Class A1/A2/A3/A4 and/or A5), employment units at first floor (B1a) and associated development including public square, landscaping, car parking, recycling point and ancillary servicing yard off Whitelands Way, at the Kingsmere development, South West Bicester.

2.4 The details were approved on 20 June 2016 and the application details access into the local centre via the new internal circulation roads, which have been constructed as part of the Kingsmere development. The main street (Primary Street) through Kingsmere passes to the south of the Application Site and will provide the primary vehicular passes to the south of the application site and will provide the primary vehicular access.

Site History

2.5 In 2004 following promotion by owners Countryside, the Kingsmere site was included within the Cherwell District Council Non-Statutory Cherwell Local Plan (NSCLP) as a strategic development for up to 1,585 dwellings on land to the south of Bicester. The proposals map included within the NSCLP provided clarity on the layout of the site and locations of different aspects of the development.

2.6 In 2008 planning permission was granted for:

Up to 1585 no. dwellings; health village to include health and employment uses and elderly persons nursing home; B1 and B2 employment uses; local centre comprising of shops, a pub/restaurant, children's day nursery, offices and a community centre; 2 no. primary schools and 1 no. secondary school; a hotel; a sports pavilion; formal and informal open space; a link road between A41 and Middleton Stoney Road/Howes Lane junction; associated new roads, junctions, parking, infrastructure, earthworks and new accesses to agricultural land.

2.7 Since gaining planning permission in 2008, there have been a number of planning applications submitted to discharge conditions to allow the owner, Countryside, to begin implementing the proposals. In doing so, a Design Code for the site has been adopted by the Council and serves as a basis for the determination of all further reserved matter applications and works to do with Kingsmere. The adoption of this Design Code has allowed for the implementation of much of the infrastructure on site and a proportion of the housing to be built.

2.8 The design code provides some clear guidance on what the Local Centre is to fulfil:

- Local Centre is contained within the Urban Village character area and will form a social hub for Kingsmere. Building densities surround this hub will reflect its 'Urban Village' with buildings typically clustering to a density of 40-45 dwellings per hectare (DPH);
 - The Local centre will form a safe and attractive public sphere which is principally a space for pedestrians and cyclists;
 - Covered cycle shelter for 16 bicycles;
 - Two bus stops adjacent to the site;
 - Identifies a suitable material palette of red or brown buff brick and painted render with a minimum coverage of 75% render to be used within the local centre.
 - It is important to note that the design code does not preclude the provision of residential development on the first floor of the Local Centre in lieu of employment, as such these proposals are in accordance with the design code.
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- 2.9 The plan below shows the illustrative masterplan of the Kingsmere Local Centre highlighting the various segments of the site and the local centre at the heart of the development.
- 2.10 Furthermore, in addition to the 1,585 dwellings consented as part of the outline application 06/00967/OUT, a further 100 dwellings were consented in 2016 (application reference 13/00433/OUT). This outline application sought permission for 100 addition dwellings to those previously approved as part of the 2006 outline application. Furthermore, in 2014 a further application was submitted (14/01207/OUT) seeking outline planning permission for an additional 46 dwellings taking the total up to 1,731 dwellings. It is therefore considered that this planning application for an additional 9 dwellings should also be considered in the same way, which would see the total number of dwellings rise to 1,740.
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3. THE PROPOSALS

- 3.1 The application seeks minor amendments to the details approved through Reserved Matters application (15/02103/REM), in a revision to the first-floor internal layout and external elevations for the creation of nine residential units above the local centre. These dwellings will replace the existing outline permission for (B1) office space above the local centre.
- 3.2 The application is accompanied by a series of detailed drawings which demonstrate how the site has been designed comprehensively to create a sustainable mixed use development.
- 3.3 The design of the building has been developed in consultation with officers at Cherwell District council and has evolved as a result of the pre-application advice provided to ensure that the building complies with the adopted design code and also respects future phases of residential development in the immediate area. This has been achieved through the careful placement of windows to the rear elevation which both improve the aesthetics of the building while also avoiding any overlooking of future phases of development. The accompanying Design and Access Statement further explains this design process.
- 3.4 The addition of housing within the local centre will form a more appropriate use of the space which in turn will increase the vibrancy of the local centre making it a more active and social space. It is noted that there is a local surplus of office spaces within the area and so the provision of further office space above the local centre would be likely to remain empty or only partly used.
- 3.5 Countryside have previously sent letters to the Council in pre-application correspondence leading up to the submission of Reserved Matters Application (15/02103/REM). These letters were appended to the planning statement submitted as part of that application and noted that there is little or no demand for offices above shops in this location - with much better employment sites available within Bicester to accommodate such uses.
- 3.6 The provision of residential properties above the local centre is therefore, a suitable use of the space within the Local Centre, delivering housing in a appropriate location increasing the choice of housing in the area. These new residential dwellings will provide new housing within easy walking distance of town centre facilities to enable new residents to easily access public transport,
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shops, banks & post offices, cafes, community facilities, doctor, dentist etc. without reliance on a private car.

- 3.7 The proposals will allocate 18 of the 39 parking spaces to the rear of the Local Centre for residents as shown on plan (AGA010 Rev O), there will be no change in the numbers of parking spaces outside of the Red Line boundary for this full planning application. The provision of 18 car parking spaces to the rear of the Local Centre is in accordance with, and surpasses the standards set out in the both adopted Kingsmere Design Code and the Councils Parking Standards.

4. PLANNING POLICY AND GUIDANCE

- 4.1 This section sets out the key national and local planning policy which is material to the determination of the application. Key evidence base documents are also referred to as well as the emerging local plan.
- 4.2 The NPPF was published on the 27th March 2012 and replaces previous national planning guidance set out in Planning Policy Guidance and Planning Policy Statements. The overarching policy objective of the NPPF is the presumption in favour of sustainable development. Its policies are a material consideration in the determination of planning applications.
- 4.3 There are three dimensions to sustainable development: economic, social and environmental. The presumption in favour of sustainable development is the 'golden thread' that should run through both plan-making and decision-taking. Paragraph 14 states that, for decision-taking, this means approving development proposals that accord with the development plan without delay. Where the development plan is absent or silent or where policies are out-of-date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.
- 4.4 The NPPF sets out twelve core planning principles including:
- Meeting the housing, business and other development needs of the area and responding positively to wider opportunities for growth;
 - Seeking to secure high quality design and a good standard of amenity for all existing and future residents;
 - Supporting the transition to a low carbon future;
 - Allocations of land for development should prefer land of lesser environmental value;
 - Making the fullest possible use of public transport, walking and cycling, focusing significant development in locations that are or can be made sustainable;
 - Improving health, social and cultural wellbeing.
- 4.5 Section 4 of the NPPF focuses upon the promotion of sustainable transport. It makes clear at paragraph 32 that plans and decisions should take account of whether:
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- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.6 Section 6 of the NPPF deals with housing issues and sets out the key objective for local planning authorities to boost significantly the supply of housing. Local planning authorities are required to meet the full, objectively assessed needs for market and affordable housing in the relevant housing market area. Paragraph 47 requires authorities to identify a supply of specific deliverable sites to provide five years' worth of housing, with an additional buffer of 5% to ensure choice and competition in the market for land. This buffer increases to 20% where there has been a record of persistent under delivery of housing.

4.7 Paragraph 49 confirms that housing applications should be considered in the context of the presumption in favour of sustainable development and that where a local planning authority cannot demonstrate a five-year supply, relevant policies for the supply of housing should not be considered up-to-date. In these circumstances paragraph 14 of the NPPF requires applications to be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted.

4.8 The requirement to ensure good design in new development is set out in section 7 of the NPPF. Planning decisions should aim to ensure that developments;

- Function well and add to the overall character of the area;
 - Establish a strong sense of place;
 - Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks;
 - Respond to local character and history and reflect the identity of local surroundings and materials;
 - Create safe and accessible environments;
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- Are visually attractive as a result of good architecture and appropriate landscaping.
- 4.9 Paragraph 61 advises that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 4.10 The NPPF promotes healthy communities (section 8), advising that planning decisions should aim to achieve places which promote:
- Opportunities for meetings between members of the community through mixed-use developments, strong neighbourhood centres and active street frontages;
 - Safe and accessible environments with clear and legible pedestrian routes and high quality public spaces.
- 4.11 To support the move to a low carbon future, new development should comply with adopted local plan policies on the requirements for decentralised energy supply and seek to minimise energy consumption (para 96).
- 4.12 Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development (para 123), and decisions should ensure that any new development in AQMAs is consistent with the local air quality action plan.

Planning Policy Guidance (PPG)

- 4.13 On 6 March 2014, the former Planning Minister Nick Boles announced the launch of the new National Planning Practice Guidance (NPPG) which reinforces and provides additional guidance on the policy requirements of the NPPF. The PPG is a web based resource that is continuously updated.
- 4.14 The PPG also provides extensive guidance on the matter of design, including listing the planning objectives that be achieved via good design. These include considering local character, landscape setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.
- 4.15 The role of health and wellbeing in planning is a consideration in the NPPG: active healthy lifestyles should be encouraged, that are made easy through the pattern of development, good urban design, good access to local services and facilities;
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green open space and safe places for active play and food growing, and are accessible by walking and cycling and public transport. This encouragement of healthy lifestyles echoes that which Cherwell is aiming to achieve through all new development.

The Development Plan

- 4.16 The development plan for the site consists of the Cherwell District Local Plan which was adopted in 2011. Paragraph 215 of the NPPF makes clear that due weight should be given to relevant policies of the Local Plan, according to the degree of consistency with policies in the NPPF. This means that the closer the policies in the plan are to the policies in the Framework, the greater the weight they may be given in decision taking.

Cherwell District Local Plan (1996)

- 4.17 The Cherwell Local Plan was adopted in 1996 and an end date of 2001. The base date for the plan was 1986. It remains part of the statutory Development Plan for the area but ran to only 2011. Some policies are 'saved' although the Council's adopted Cherwell Local Plan (part 1, 2011) replaces the majority of these policies.
- 4.18 The Secretary of State's saving of policies beyond 2011 was explicitly related to the requirement to ensure a continual supply of land for housing land and only insofar as those saved policies remain consistent with national guidance (such as the NPPF) which the Secretary of State indicated should carry considerable weight.
- 4.19 The saved policies which have some limited relevance to the determination of this application are:
- 4.20 Policy C28: Layout, design and external appearance of new development, seeks sympathetic layout, design and external appearance of new development and use of traditional building materials;
- 4.21 Policy C30: Design control of new residential development, seeks that new housing is compatible with appearance, character, scale of existing dwellings in the vicinity and ensures acceptable standards of amenity and privacy;
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Non-Statutory Local Plan (NSLP) 2011 (2004)

- 4.22 The Non-Statutory Cherwell Local Plan (NSLP) 2011 (2004) was originally prepared as a replacement to the Cherwell District Local Plan. However, due to changes to the planning system introduced in the Planning and Compulsory Purchase Act 2004, the decision was made to stop work on the preparation of the plan. However, it was subsequently approved by the council as interim policy for development control purposes. While it does not form part of the development plan, it is a material consideration in the determination of this application.
- 4.23 The application site lies within a large mixed-use urban extension site to the south west of Bicester under policy H13.
- 4.24 Policy H13 guides that the overall development should be no more than 1,585 residential units. It should be noted however, that since this policy was made two further outline planning applications (13/00433/OUT and 14/01207/OUT) have been permitted for an additional 100 dwelling and 46 dwellings respectfully. Both permitted applications were considered in addition to those permitted under 06/00967/OUT thus taking the total number of dwellings up to 1,731.

Adopted Cherwell local Plan 2011-2031

- 4.25 The Cherwell Local Plan 2011 – 2031 was formerly adopted by Cherwell District Council in July 2015 providing a strategic policy framework to govern the District until 2031. The Local Plan Part 1 replaces a number of ‘saved’ policies of the adopted Cherwell Local Plan 1996.
- 4.26 **Policy SLE4, Improved Transport and Connections:** seeks to support the implementation of policies and strategies contained within the Local Transport Plan to deliver key connections, supporting a modal shift towards more sustainable locations for housing and employment growth.
- 4.27 **Policy BSC3 Affordable housing:** Guides that in Banbury and Bicester all proposed developments which include 11 or more dwellings will be expected to provide 30% of new housing as affordable homes on site. In the wider District developments of 11 dwellings or more are expected to deliver 35% affordable housing.
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- 4.28 **Policy BSC4 Housing mix:** New residential developments are expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities. The mix of housing developments will be negotiated with the Council to have regard to the most up to date evidence on housing need and market conditions.
- 4.29 **Policy BSC11 Outdoor recreation provision:** Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount and type of open space will be determined having regard to the nature and size of the development.
- 4.30 **Policy BSC12 Indoor sport and community facilities:** Cherwell District Council will encourage the provision of community facilities to enhance the sustainability of communities, and encourage partnership working to ensure that built sports provision is maintained in accordance with local standards.
- 4.31 **Policy ESD3 Sustainable construction:** Expects that all new residential development to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in Government policy. The Council will also seek a higher level of water efficiency than required and all non-residential development will be expected to meet at least BREEAM 'Very Good' standard.
- 4.32 The importance of this policy has been recognised in the approval of the granting of 100 additional dwellings (application ref 13/00433/OUT) in which Condition 8 specifically requires the approved dwellings to be constructed to be 19% more efficient than required by building regulations (2013 Par L). Furthermore, the approved reserved matters application for the Local Centre (15/02103/REM) provided a Sustainability Strategy to which Condition 13 requires all development within the Local Centre must comply with.
- 4.33 **Policy ESD7 Sustainable drainage:** All new development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.
- 4.34 **Policy ESD10 Protection and enhancement of biodiversity:** Seeks to protect and enhance the biodiversity and the natural environment.
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- 4.35 **Policy ESD15 Character of the historic and built environment:** New developments will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.

Cherwell Local Plan 2011 – 2031 (Part 2)

- 4.36 The Cherwell Local Plan Part 2 has undergone a series of consultation with the most recent being the Issues and Options Consultation in January 2016. This plan will build upon the general development strategy outlines in the Cherwell Local Plan Part 1 and contain detailed planning policies to assist in the implementation of strategic policies and development management processes.

Bicester Masterplan

- 4.37 Cherwell District Council are preparing The Bicester Masterplan Supplementary Planning Document (SPD) which will provide a vision for the future development of Bicester and guide on what new development will be expected to achieve. The SPD has been subject to public consultation alongside the new Local Plan in 2012 but no further consultations have taken place.
- 4.38 The SPD details the development of Kingsmere identifying it as one of the strategic sites for the delivery of housing. Beyond the perimeter road, the masterplan seeks to maintain a landscape buffer to nearby Chesterton.
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5. ASSESSMENT OF THE DEVELOPMENT PROPOSALS

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise.
- 5.2 Whilst the NPPF does not change the statutory status of the development plan as the starting point in decision making, the NPPF constitutes an important material consideration in determining applications. The NPPF constitutes the Government's view of what sustainable development means in practice for the planning system.
- 5.3 The Government's objective in publishing the Framework is to secure a significant culture change in the way planning applications are determined, with a clear presumption in favour of sustainable development, with local planning authorities proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units and infrastructure the country needs. A key message in the NPPF is the need for positive planning to boost significantly the supply of housing to meet the full objectively assessed housing needs for an area.
- 5.4 For decision taking, the NPPF requires local planning authorities to approve development proposals that accord with the development plan without delay and, where the plan is absent, silent or policies are out of date, approving planning permission unless the adverse impacts would **significantly and demonstrably** outweigh the benefits, or specific NPPF policies indicate that development should be restricted.

The Planning Issues

- 5.5 The key planning issues that have been identified in respect of the proposed development are as follows.
- The Principle of Development in this Location
 - Design
 - Access and Transport
 - Office to Residential
 - Affordable Housing Exception
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The Principle of Development in this Location

- 5.6 Policy ESD15 seeks to complement and enhance the built environment through sensitive siting, layout and high quality design with all new development being required to meet high design standards and to ensure that the development creates a high quality, safe, attractive, durable and healthy place to live/work. It is considered that the provision of residential development above the local centre will satisfy policy ESD15, as it is a more logical addition to the surrounding retail and commercial offerings of the Local Centre, and improves the attractiveness and safety of the development through increased activity and natural surveillance.

The NPPF and Sustainable Development

- 5.7 The NPPF defines sustainable development as having three dimensions, which are addressed in turn below:
- Economic – contributing to building a strong response and competitive economy
 - Social – supporting strong, vibrant and health communities; and
 - Environmental – contributing to protecting and enhancing our natural built and historic environment

Economic

- 5.8 The proposals will deliver economic benefits by through the support of the services and facilities within the local centre through increased patronage of these. Furthermore, the proposed development will provide an additional nine dwellings which will support the council's five-year supply of deliverable housing sites.

Social

- 5.9 The provision of residential units within the local centre at Kingsmere will enhance the social cohesion of the Local Centre through the promotion of opportunities for increased social interaction. The provision of residential properties within the local centre will also provide natural surveillance of the social space.
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Environmental

- 5.10 The site is located in a highly sustainable location directly served by services and facilities contained within the local centre. The application site is also served by two bus stops along its perimeter and has covered storage for 16 bicycles. It is thus considered that there will be ample opportunities for new residents to travel to destinations by sustainable means and encourage a truly walkable neighbourhood.
- 5.11 In summary, as discussed further in this report, and presented in the application as submitted, the development is considered sustainable development in accordance with the requirements and definitions of the NPPF.

Design

- 5.12 The changes required to the approved Local Centre scheme are minimal. The substitution of residential flats in place of the office space at first floor level above the local centre has led to revised floor plan and window layout which is better suited to residential development. The proposals also detail the inclusion of flue extracts to A5 Retail units 2 and 3 of the ground floor. The exhaust from these extracts will be expelled at roof level hidden by the roof parapet.
- 5.13 The Design and Access Statement which accompanies this planning application outlines the approach that has been taken to developing the proposals for the site. The proposals have been led by the need to create a high-quality scheme that contributes positively to the surroundings by respecting the adjoining housing development and creating an attractive environment. The design evolution is discussed further in the Design and Access Statement.
- 5.14 Local Plan Policy ESD15 promotes high quality design to complement and enhance the character of its context and seeks to encourage healthy lifestyles. Both aspects are achieved through the proposals.
- 5.15 Careful consideration has been given to the layout of the residential dwellings to maximise the space within each apartment while maintaining a suitable density. Further consideration has been given to the external appearance of the building to ensure the development is locally distinctive yet respects the local character and appearance of its setting and is in accordance with the site wide Design Code allowing it to fit in with built development in the wider Kingsmere development.
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- 5.16 Through pre-application discussions with the council, the design of the site has been adjusted to ensure that it is in keeping with the local building form and style while also improving the aesthetics of the building updating and enhancing its appearance, making it a locally distinctive and an attractive place to live.
- 5.17 The scheme will provide a high-quality design. In social terms, the addition of residential dwellings within the local centre where they are close to existing community facilities and with easy access to public transport will enhance the local centre making it a more social and vibrant space. In environmental terms, the development would retain the natural features on-site and respond well to the local distinctiveness of the area, maintaining the local architectural features and materials to ensure the building complements the surrounding built form.
- 5.18 It has been demonstrated that the proposal will deliver an attractive, high quality development and that accords with Policy ESD3 of the Local Plan and the SPG's on Layout and Better Design. While also being in accordance with Chapter 7 of the NPPF.

Access and Transport

- 5.19 The site is centrally located within the Kingsmere urban extension (within the local centre) and so is within walking distance of services, facilities and shops located within the Local Centre as well as being within walkable distance to Bicester Town Centre.
- 5.20 Policy SLE4 together with the NPPF require new developments to be served by suitable and safe means of access for all road users. Policy SLE4 and Bicester 13 also require development proposals to maximise opportunities for sustainable modes of travel and provide a walkable neighbourhood with integration and connectivity to surrounding development as well as the wider country side.
- 5.21 The residential dwellings which are the subject of the planning application will be inherently sustainable due to their location above the Local Centre. Being located here will enable future residents to be able to visit the services and facilities provided within the local centre to meet their day to day needs. Residents will also be within a short walk of bus stops which are positioned within the local centre allowing them to access sustainable transport modes and encourage a modal shift away from the private car.
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- 5.22 There is a total of 39 car parking spaces to the rear of the Local Centre and this application seeks to allocate 18 of these spaces to the residential dwellings (2 spaces per flat) which exceeds the Council's parking standards. It is considered that using the first-floor space for residential instead of office space will see a reduction in the volumes of cars wanting to park here and so the development would be likely to result in an overall reduction in the number of vehicle trips as compared with the office space which it replaces. It is therefore considered, that there will be no adverse impact upon the local highway network.
- 5.23 The site is, therefore, in a highly sustainable and accessible location with excellent public transport links and within easy walking and cycling distance of a wide range of services and facilities.

Office to Residential

- 5.24 This application seeks to replace the office space above the Local Centre to create nine new residential properties.
- 5.25 Condition 38 of the Outline Consent (06/00967/OUT), along with conditions 32 and 33 of the additional 100 dwellings (13/00433/OUT) and the subsequent Design Code seek to provide office space within the Local Centre. In the formulation of plans for the Local Centre, Countryside the strategic developer of Kingsmere spoke with a number of local agents to find out the local need for small scale office spaces. It was noted from these discussions that occupiers would prefer larger units which were located within established office parks and town centres such as those already provided within Bicester. This highlights that a scheme which seeks to develop office space above the local centre would not be a viable proposition nor would it comply with Local Plan Policy ESD15 as the Local Centre would have office space left unused, detracting from its social offer.
- 5.26 Under Schedule 2, Part 3, Class O.1(c) of the Town and Country Planning (General Permitted Development) (England) order 2015, guides that the conversion of office developments (B1) to residential dwellings (C3) is permitted development provided that it meets the criteria set out in Section 0.1 and 0.2 of Class O. These criteria are explored below:
- 5.27 *Highway safety:* As stated above the use of the first floor as residential space rather than office will actually lead to a reduction in the number of vehicles compared with that which would have been generated by the office development.
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- 5.28 *Contamination Risks:* The site is located within the local centre of Kingsmere Local Centre which already has planning permission for the ground floor. As such there are no risks of contamination associated with this application.
- 5.29 *Flooding Risks:* The site is not located within Flood Zones 2 or 3 and no changes are proposed which would involve alterations to existing surface water drainage arrangements. The proposal is therefore to be considered low risk and does not require prior approval with regards to flooding risks.
- 5.30 *Noise:* The site is located within a mixed-use local centre which includes a range of residential and commercial uses, with residential development surrounding the local centre. It is therefore considered that the residential dwellings will not be affected by any noise generated by the Local Centre.
- 5.31 Further to this, the 2008 Section 106 Planning Obligation agreement for the wider development had a detailed section which referred to the "Local Centre", specifically stating *"To set aside the Local Centre for use for retail, community uses, children's nursery, public house restaurant, offices (Class B1) **and residential at first floor or above until first occupation of 1,500 Dwellings**"* (my emphasis added) (Clause 33.2).
- 5.32 It is therefore considered that the use of the first floor for residential use in place of the office space is acceptable and will increase the vibrancy of the local centre.

Affordable Housing Exemption

- 5.33 The application seeks to provide 9 new dwellings in addition to the 1,731 dwellings previously permitted. Therefore, this standalone application for 9 dwellings does not seek to provide any Affordable Housing which is in accordance with the Cherwell District Council Planning Obligation SPD (2011). This SPD specifically states that contributions will be sought for major development only. Major Development is defined as residential development of 10 or more units and for non-residential development where the total proposed floor space is 1000 m² or more. These proposals therefore are not classed as major development.
- 5.34 Accordingly, this development proposed does not trigger any additional Section 106 obligations.
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6. SUMMARY AND CONCLUSIONS

- 6.1 The proposed development is considered to be acceptable in planning terms as it accords with the policies in the development plan and is consistent with the adopted Kingsmere Design Code.
-