

Public Document Pack



Committee: Planning Committee

Date: Thursday 29 October 2015

Time: 4.00 pm

Venue Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Colin Clarke (Chairman)

Councillor Andrew Beere
Councillor Chris Heath
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor Alastair Milne Home
Councillor Nigel Randall
Councillor Barry Richards
Councillor Rose Stratford

Councillor Fred Blackwell (Vice-Chairman)

Councillor Michael Gibbard
Councillor David Hughes
Councillor Matt Johnstone
Councillor James Macnamara
Councillor Richard Mould
Councillor G A Reynolds
Councillor Lawrie Stratford
Councillor Sean Woodcock

Substitutes

Councillor Ken Atack
Councillor Timothy Hallchurch MBE
Councillor James Porter
Councillor Nicholas Turner
Councillor Barry Wood

Councillor Carmen Griffiths
Councillor D M Pickford
Councillor Sandra Rhodes
Councillor Bryn Williams

AGENDA

1. **Apologies for Absence and Notification of Substitute Members**
2. **Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. Requests to Address the Meeting

The Chairman to report on any requests to address the meeting.

4. Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. Minutes (Pages 1 - 21)

To confirm as a correct record the Minutes of the meeting of the Committee held on

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

- 7. Land Adj To Bicester Road And South West Of Avonbury Business Park, Howes Lane, Bicester (Pages 24 - 95) 14/01641/OUT**
- 8. Bicester Golf And Country Club, Akeman Street, Chesterton, Bicester, Oxfordshire, OX26 1TE (Pages 96 - 113) 15/01068/F**
- 9. Land adjacent Hardwick Hill cemetery, Southam Rd.Banbury (Pages 114 - 128) 15/01194/F**
- 10. The Plough Inn, 63 North Street, Bicester, OX26 6NB (Pages 129 - 138) 15/01340/F**
- 11. The Gables, 4 Westbourne Court, Bloxham, OX15 4HD (Pages 139 - 147) 15/01513/F**
- 12. Hill Leys, Banbury Road, Finmere (Pages 148 - 155) 15/01635/F**
- 13. Hill Leys, Banbury Road, Finmere (Pages 156 - 163) 15/01681/F**

Review and Monitoring Reports

14. Decisions Subject to Various Requirements (Pages 164 - 168)

Report of Head of Development Management

Summary

This report aims to keep members informed upon applications which they have authorised decisions upon subject to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

15. Appeals Progress Report (Pages 169 - 173)

Report of Head of Development Management

Summary

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 227956 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Aaron Hetherington, Democratic and Elections
aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

Sue Smith
Chief Executive

Published on Wednesday 21 October 2015

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 1 October 2015 at 2.00 pm

Present: Councillor Colin Clarke (Chairman)
Councillor Fred Blackwell (Vice-Chairman)

Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Matt Johnstone
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Alastair Milne Home
Councillor Richard Mould
Councillor Lynn Pratt
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Barry Richards
Councillor Trevor Stevens
Councillor Lawrie Stratford
Councillor Rose Stratford

Officers: Jon Westerman, Development Services Manager
Bob Duxbury, Development Control Team Leader
Linda Griffiths, Principal Planning Officer
Emily Shaw, Senior Planning Officer
Ross Chambers, Solicitor
Aaron Hetherington, Democratic and Elections Officer

90 Declarations of Interest

9. Land South of and Adjoining Bicester Services, Oxford Road, Bicester.

Councillor Lawrie Stratford, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

Councillor Richard Mould, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

Councillor Rose Stratford, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

11. Hill Farm, Hill Farm Lane, Duns Tew, Bicester.

Councillor Lawrie Stratford, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

Councillor Richard Mould, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

Councillor Rose Stratford, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

12. Oxford and Cherwell College, Broughton Road , Banbury.

Councillor Alastair Milne Home, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

14. Bicester Village Rail Land Car Park, Land South of Station Approach, West of Bicester Village, Pingle Drive, Bicester.

Councillor Lawrie Stratford, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

Councillor Richard Mould, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

Councillor Rose Stratford, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

91 **Requests to Address the Meeting**

The Chairman advised that requests to address the meeting would be dealt with at each item.

92 **Urgent Business**

There were no items of urgent business.

93 **Minutes**

The Minutes of the meeting held on 3 September 2015 were agreed as a correct record and signed by the Chairman.

94 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

95 **Moorlands Farm, Murcott, Kidlington, OX5 2RE**

The Committee considered application 14/01979/F for the change of use of existing agricultural barn to equine and lean-to extension to include 10 stables, store room and tack room and change of use of land to equine at Moorlands Farm, Murcott, Kidlington, OX5 2RE for Mr B Franklin.

In reaching their decision, the Committee considered the officers' report, presentation and written update

Resolved

That application 14/01979/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Report dated November 2014, Flood Risk Assessment and drawings numbered:
 - 200-01 Revision B
 - 200-02
 - 200-03
3. The development hereby approved shall proceed in accordance with the Flood Risk Assessment received on the 26th November 2014 accompanying the application unless otherwise previously approved in writing by the Local Planning Authority.

Before development commences

4. Prior to the commencement of any works on the extension hereby approved, details of the flood resilient construction method/s to be used in the construction of the extension hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

5. Prior to the commencement of any works on the extension hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Before first use of the development

6. Prior to the first use of the development hereby approved, full specification details (including construction, layout, surface finish and drainage) of the turning area which shall be provided within the curtilage of the site so that motor vehicles and horse boxes may enter, turn around and leave in a forward direction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the turning area shall be constructed in accordance with the approved details and shall be retained for the manoeuvring of motor vehicles at all times thereafter.
7. Prior to the first use of the development hereby approved, a plan showing car, van and trailer parking provision for 10 spaces to be accommodated within the site to include layout, surface details, and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.
8. Prior to the development hereby approved being brought into use a scheme for the storage and disposal of manure and soiled bedding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
9. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed on the site without the prior express planning consent of the Local Planning Authority.
10. The use of the existing building and land for equestrian purposes shall be limited to use by the owners and/or riders of the horses kept in the stables approved on the site, and shall not be used by any other persons, or as a riding school or equestrian training centre open to the general public, or for any other purpose whatsoever.
11. The existing hedgerow and trees along the northern, western and eastern boundaries of the site shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant or tree dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

12. Except as otherwise approved under a condition of this planning permission, no horse boxes, trailers, horse jumps, exercise equipment, or other horse related paraphernalia, shall be stored in the open without the prior express planning consent of the Local Planning Authority.
13. Prior to any works commencing at the site, an ecological report detailing an assessment of the surrounding land features of ecological interest, including the adjacent Local Wildlife Site and Otmoor Site of Special Scientific Interest, to identify important ecological features and any mitigation required to preserve these features, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

96

Land South Of Perdiswell Farm, Shipton Road, Shipton On Cherwell

The Committee considered application 14/02004/OUT an outline planning application (all matters reserved except for means of access) for a mixed use development comprising: up to 1,200 dwellings, including affordable housing and up to 120 unit care village (C2) with associated publically accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 13,800sqm of locally led employment (B1/B2/B8) including transport interchange; site for a Football Association step 5 football facility with publically accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works at Land South Of Perdiswell Farm, Shipton Road, Shipton On Cherwell for The Vanbrugh Trust and Pye Homes Ltd.

Councillor Simon Holland, addressed the meeting as a local Ward Member.

Huw Mellor, on behalf of Woodstock Town Council addressed the meeting in objection to the application.

Nigel McGurk and John Hoyer of Blenheim Palace Estate addressed the meeting in objection to the application.

In reaching their decision, the Committee considered the officers' report, presentation, written update and the address of the Ward member and public speakers.

Resolved

That application 14/02004/OUT be refused for the following reasons:

1. The proposed development would result in unnecessary and undesirable new housing development in open countryside in that the application site is not allocated for development in either the adopted Cherwell Local Plan 2011-2031, the West Oxfordshire Local Plan 2011, or the Submission West Oxfordshire Local Plan 2031. Cherwell District Council is able to demonstrate that it has a 5 year supply of deliverable housing land and the development of land at Woodstock

does not accord with the Council's development strategy of focussing development at Banbury and Bicester and allowing only limited development in rural areas, and therefore the proposal is contrary to Policies BSC 1 AND Policy Villages 1 of the Cherwell Local Plan 2011-2031 and to Policy H18 of the saved policies of the Cherwell Local Plan (1996)

2. This substantial development proposal would result in a significant loss of open countryside and have a substantial and adverse impact upon the character and appearance of that countryside and therefore be contrary to Policy ESD13 of the Cherwell Local Plan 2011-2031.
3. It has not been demonstrated that the development, by reason of its siting, size, and height of buildings, will not have a significant and adverse detrimental impact upon the Blenheim Palace and Park World Heritage Site, the Grade 1 listed building, and the Listed Garden, or the Blenheim Villa Scheduled Ancient Monument, which would impact upon the setting of these assets and visitors experience of the WHS and other heritage assets both on their approach to it from the south along the A44, and whilst within the park, and would therefore be contrary to Policy ESD16 of the Cherwell Local Plan 2011-2031. It is considered that the evidence to support the applicants case for securing the future of the World Heritage site is not sufficient to outweigh this concern
4. The proposed development would be poorly connected to the existing facilities offered by Woodstock, with the principle effective pedestrian/cycle route being along the A44. Additional proposed connections through existing housing estates are considered to be indirect and of lesser attraction to users as they do not lead to the facilities sought. Given the size of the site walking and cycling distances from the southern/eastern extremities of the site are excessive. The proposal is therefore considered to be contrary to Policy SLE 4 of Cherwell Local Plan 2011-2031
5. Given the refusal of planning permission by West Oxfordshire District Council for their part of the site the remaining development would result in an unconnected and isolated community in an unsustainable location poorly related to either Woodstock or Bladon, and it has not been demonstrated that the necessary facilities for the community could be provided in a satisfactory manner within the remaining area, and therefore the proposal would be contrary to Policies PSD1, Policy Villages 1 and 2, and Policy INF 1
6. The transport interchange (formerly Link & Ride) car park is contrary to transport strategy as set out in the Oxford Transport Strategy that forms part of the adopted Oxfordshire County Council Local Transport Plan 4, 2015 – 2031.
7. The provision of employment development of the scale proposed is inconsistent with the Cherwell Local Plan strategy which focusses employment development at Banbury and Bicester or on existing employment sites elsewhere. No attempt has been made to address

the criteria set out in Policy SLE1 of the adopted Cherwell Local Plan 2011-2031 and therefore the proposal is contrary to that Policy

8. It has not been demonstrated to the satisfaction of either the Local Planning Authority or Sport England that the proposed sports facilities have been planned in a positive and integrated way in accordance with Paragraph 70 of the NPPF and may not therefore be fit for purpose, accessible and sustainable, and therefore the proposal is contrary to Policies BSC10 AND BSC 11 of the adopted Cherwell Local Plan 2011-2031
9. By reason of a lack of a satisfactory completed S106 legal agreement to ensure that the development adequately mitigates its impact on community infrastructure and secures the provision of affordable housing, the local planning authority cannot be satisfied that the impacts of the development in this respect can be made acceptable. Consequently the proposals conflict with the requirements of Policies BSC3 and INF1 of the Cherwell Submission Local Plan as well as paragraphs 17, 203 and 204 of the National Planning Policy Framework

97 **Land South of and Adjoining Bicester Services, Oxford Road, Bicester**

The Committee considered application 15/00250/OUT, an outline application for 3 No Class A1 (retail); 3 No Class A3 (café and restaurants); 1 No Class D2 (gym); surface level car park, servicing and associated works Land South of and Adjoining Bicester Services, Oxford Road, Bicester for CPG Development Projects Ltd

Richard Mallows, on behalf of Bicester Traffic Action Group and John Liggins, on behalf of Bicester Vision, addressed the meeting in objection to the application.

Arfon Hughes, agent for the applicant and David Waters, on behalf of the Kingsmere Residents Association, addressed the meeting in support to the application.

In reaching their decision, the Committee considered the officers' report, presentation, written update and the address of the public speaker.

Resolved

That application 15/00250/OUT be refused for the following reasons:

1. The development proposed will have a significant adverse impact upon the vitality and viability of Bicester Town Centre, contrary to Policies SLE2 and Bicester 5 of the adopted Cherwell Local Plan 2011-2013 and Paragraphs 26 and 27 of the National Planning Policy Framework.
2. It has not been demonstrated to the satisfaction of the Local Planning Authority that the impact of the traffic generated by the proposed development would not be detrimental in terms of traffic congestion on

the surrounding network, contrary to government advice contained in the National Planning Policy Framework and contrary to Policy SLE4 of the Cherwell Local Plan 2011-2031.

3. In the absence of a satisfactory planning obligation, the Local Planning authority is not convinced that the necessary infrastructure directly required as a result of this scheme will be delivered. This would be contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.
4. The development proposed, by virtue of its form, scale and height, together with limited landscaping provision, would be out of scale and character with the adjacent residential development and detrimental to the visual amenities of the street scene, and of the area; and would result in a poor relationship with the adjacent residential development, contrary to saved Policy C28 of the adopted Cherwell Local Plan 1996 and Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.

98

Ambrosden Court, Merton Road, Ambrosden

The Committee considered application 15/00480/REM for reserved matters to the previously approved application 13/00621/OUT - Appearance, landscaping, layout and scale for 45 dwellings - (Amended Plans - Amended design and layout of buildings and road layout, together with alterations to landscaping and site enclosures) at Ambrosden Court, Merton Road, Ambrosden for Croudace Homes.

In reaching their decision, the Committee considered the officers' report, presentation and written update.

Resolved

That application 15/00480/REM be approved, subject to the following conditions:

- 1 Except where otherwise stipulated by condition, for the purposes of the layout, scale, external appearance and landscaping of the approved development, the development shall be carried out strictly in accordance with the following plans and drawings in addition to those approved with respect to matters of access as part of the original outline consent:
Site Layout: DES/023/100G
Storey Heights Layout: DES/023/102F
Materials Layout: DES/023/101G
Affordable Housing Layout: DES/023/105F
Enclosure Layout: DES/023/103F
Lighting Strategy: DES/023/107F
Refuse and Cycle Storage Layout: DES/023/106F
Parking Strategy Layout: DES/023/104F

Drainage Strategy: DES/023/108F
Plots 1-3: DES/023/200 E
Plots 4-6: DES/023/201 A
Plot 7: DES/023/202 B
Plots 8 _ 9: DES/023/203 B
Plots 10 _ 17: DES/023/204 B
Plot 11: DES/023/205 B
Plot 12: DES/023/206 B
Plot 13: DES/023/207 B
Plots 14 _ 19: DES/023/208 B
Plots 15 _ 16: DES/023/209 C
Plots 18 _ 31: DES/023/211 A
Plots 24 _ 25: DES/023/212
Plots 26-30: DES/023/213 B
Plots 32: DES/023/219 B
Plots 33-36: DES/023/214 E
Plots 37-39: DES/023/216 B
Plot 40: DES/023/216 B
Plots 41 _ 42: DES/023/217 A
Plots 43-45: DES/023/218 E
Garages 1: DES/023/220 A
Garages 2: DES/023/221 A
Garages 3: DES/023/222 A
Car Ports: DES/023/223 C
Street Scenes Sheet 1: DES/023/300 E
Street Scenes Sheet 2: DES/023/301 D

- 2 Prior to the commencement of any works of construction as part of the development hereby approved, a stone sample panel (minimum 1m2 in size) of natural rubble stone shall be constructed on site and then inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the buildings shown to be constructed in stone on the approved materials layout plan (ref: DES/023/101 G) shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
- 3 Prior to the commencement of any works of construction in connection with the carrying out of the development hereby approved, samples of the brick types to be used in the construction of the external walls of the development as well as samples of all types of external roof coverings to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved samples so as to accord with the specifications set out in the approved Materials Plan (ref: DES/023/101 G).
- 4 Prior to the construction of any building above slab level, full details of the proposed doors and windows to be used at 1:20 scale including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

- 5 Prior to the commencement of any works of construction in connection with the carrying out of the approved development, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.
- 6 Prior to the first occupation of the development hereby approved, the appropriate number of refuse bins required in relation to each dwelling shall be provided to accord with the current standards of Cherwell District Council.
- 7 Prior to the construction of any new site boundary wall, a sample panel of natural stone walling for use in the construction of the walls shall be erected on site and approved in writing by the local planning authority. All new stone boundary walls shown in plan no. DES/023/103 F shall be erected in accordance with the approved sample panel and such boundary walls shall in turn be fully constructed prior to first occupation of any of the approved dwellings.
- 8 Prior to the first occupation of any dwelling, the car parking, garages, car ports and manoeuvring areas serving it shall be provided in accordance with that shown in plan ref. DES/023/104 F and shall be constructed from porous materials or with provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the car parking, garages, car ports and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed at all times except where used for the parking and manoeuvring of motor vehicles.
- 9 Prior to the first occupation of any dwelling within the development hereby permitted, covered and secure cycle parking facilities shall first be provided to serve that dwelling in accordance with details set out in plan ref. DES/023/106 F. Thereafter, the cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the dwelling.
- 10 The garage(s) shown on the approved plans (ref. DES/023/104 F) shall be laid out such that they are available for the parking of motor vehicles at any time and shall not be converted to any other purpose (including to provide living accommodation) without the prior express planning consent of the Local Planning Authority.
- 11 Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the principal elevations of dwellings identified as Plots 1-3, 33-36 and 43-45 and Merton Road other than that shown on the approved "Enclosure Plan" ref. DES/023/103 F without the prior express planning consent of the Local Planning Authority.

- 12 Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, no new windows or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the approved dwellings referred to as Plots 36, 37 and 43 in approved plan ref. DES/023/100 G without the prior express planning consent of the Local Planning Authority.
- 13 Notwithstanding the provisions of Classes A, B and E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, the approved dwellings shall not be extended, nor shall any structures be erected within the curtilage of the dwellings without the prior express planning consent of the Local Planning Authority.
- 14 Prior to the carrying out of any works of construction on the site in connection with the approved development, the proposed means of enclosure surrounding the boundaries of the existing curtilage of the dwelling known as Roman Way as shown in plan ref. DES/023/103 F shall be fully laid out and, where this involves construction of new stone walling, this shall be in accordance with the approved sample panel of boundary walling as specified in condition 7.
- 15 Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect surrounding residential properties together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.
- 16 Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

- 17 All hard and soft landscaping set out in the approved landscape scheme shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces) by the end of the first planting and seeding seasons following the first occupation of the development or on substantial completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
- 18 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions that details methods for the protection of retained trees during construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
- 19 The development approved shall only be carried out in accordance with the lighting strategy set out in plan no. DES/023/107 F. No other external lighting in public areas shall be used without the prior written consent of the local planning authority.
- 20 Prior to the first occupation of any of Plots 33-36 (inclusive), the 1m post and rail fence shown in plan no. DES/023/103 F shall be erected in full in the position shown in the approved plan and retained as such thereafter.

99

Hill Farm, Hill Farm Lane, Duns Tew, Bicester

The Committee considered application 15/00570/F for the erection of 5MW PV Solar Farm and associated infrastructure at Hill Farm, Hill Farm Lane, Duns Tew, Bicester for Earthworm Energy Ltd

Christopher Hall and Christian Smith, local residents, addressed the meeting in support to the application.

Councillor Macnamara proposed that application 15/00570/F be approved, subject to conditions with authority delegated to officers to agree the exact wording. Councillor Kerford-Byrnes seconded the proposal.

In reaching their decision the committee considered the officers' report, presentation, written update and the address of the public speakers.

Resolved

That application 15/00570/F be approved subject to

- 1 That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

- 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the planning application forms together with the following plans and drawings:

GPP/EW/DT/10/02 Rev. 4
P111-35 Rev. Draft 4
1589-DD-003A

- 3 This permission shall expire no later than 25 years from the date when electricity is first exported from any part of the hereby approved development to the electricity grid network ('First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after the event.
- 4 Not later than 24 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented within 12 months of the expiry of this permission
- 5 No artificial lighting shall be used as part of the development (either during construction or once operational), and the CCTV system to be used shall only be in accordance with the appearance of the development as shown in the approved plans listed under condition 2.
- 6 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, an update survey for badgers (no older than six months old), with, if required, the details of any mitigation, development licence and location and timing of the provision of any protective fencing around setts/commuting routes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 7 No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
- 8 The development hereby approved shall be carried out strictly in accordance with the details and recommendations for buffer areas, biodiversity enhancements and supervision of works set out in the Extended Phase 1 Habitat Survey submitted with the application (prepared by Resource and Environmental Consultants Ltd dated 18th March 2015).

- 9 Prior to first operation of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping shall include:-
- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grassed areas and other planting,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas.
- 10 Prior to first operation of the development hereby approved, a schedule of landscape management for the duration of the development to include the timing of the implementation of the schedule, management of grassland and landscape features together with replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.
- 11 Prior to commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be adhered to throughout the period of construction.
- 12 Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
- 13 Following the approval of the Written Scheme of Investigation referred to in condition 12, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
- 14 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Hafren Water (ref: 1944/FRA) dated March 2015 and the following mitigation measures as detailed within the FRA:
- 1. There will be no PV Arrays and Inverters in Flood Zone 3
 - 2. The proposed fencing will be of wire construction so that it allows the free flow of flood water

The mitigation measures shall be fully implemented prior to first operation of the development and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- 15 No development shall take place until a scheme for the provision and management of a 10 metre wide buffer zone within the site alongside the Deddington Brook shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:
 - Plans showing the extent and layout of the buffer zone
 - Details of proposed planting
 - Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
- 16 Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed on the site other than those approved as part of this consent without the prior express planning consent of the Local Planning Authority.
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery, buildings or structures shall be erected, altered, extended or installed at the site
without planning permission from the local planning authority except for those works permitted by this permission.
- 18 Notwithstanding the requirements of conditions and 4 of this planning permission, if any of the individual solar panels hereby permitted ceases to export electricity to the grid for a continuous period of 6 months then a scheme of restoration for the whole site (including the removal of all above and below ground operational development associated with this planning permission) and its reversion back to its previous agricultural use shall be submitted to the local planning authority for its written approval. The approved scheme of restoration shall be fully implemented within 6 months of the date of its written approval by the local planning authority.

100 **Oxford and Cherwell College, Broughton Road , Banbury**

The committee considered application 15/01024/F for the demolition of existing buildings and change of use from D1 non-residential to C3 dwelling houses comprising 78 1-bedroom and 2-bedroom extra care residential apartments with associated ancillary accommodation and 39 car parking spaces at Oxford and Cherwell College, Broughton Road, Banbury for Bromford Homes Ownership Ltd. And Activate Learning.

Consideration of the application had been deferred at the previous meeting of the Committee to allow for a formal site visit.

In reaching their decision the committee considered the officers' report, presentation and written update.

Resolved

That application 15/01024/F be approved subject to:

- (i) The applicants first entering into a legal agreement to secure off-site infrastructure (if confirmed acceptable) and to secure affordable housing and nomination rights.
- (ii) The following conditions
 1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
 2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms Design and Access Statement and drawings contained in drawing issue sheet 1413 datedand other documents set out in Walker Troup Architects letter dated 3.6.15
 3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
 4. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
 5. Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.
 6. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

7. Prior to the commencement of the development hereby approved, all of the buildings and structures on the site at the date of this permission shall be demolished and the debris and materials removed from the site
8. Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of any of the units.
9. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
11. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS
12. Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing

distance of such services, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

13. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and [insert] parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.
14. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".
15. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.
16. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for bats, which shall include timing of works, and the location, design and timing of any alternative roosts to be provided, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.
17. The Extra Care building hereby approved shall not be occupied until details have been submitted to and agreed in writing for a work of public art to be placed on site. The details shall including the size, design and siting of the work of art and the design process for it. The development shall be undertaken in accordance with the details so approved and provided on site prior to the first occupation of the building.

18. Prior to the first occupation of the flats precise details of the pedestrian gateway to People's Park , including its locking arrangements shall be submitted to and approved by the Local Planning Authority , and the gateway shall thereafter be operated in the manner agreed.
19. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development
20. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

101 **OS Parcel 1424 Adjoining And Rear Of Jersey Cottage, Heyford Road, Kirtlington**

The Chairman advised the Committee that application 15/01128/OUT had been withdrawn by the applicant and would therefore not be considered at the meeting.

102 **Bicester Village Rail Land Car Park, Land South of Station Approach, West of Bicester Village, Pingle Drive, Bicester**

The Committee considered application 15/01169/F for alterations to the down ramp area of the existing car park deck, landscaping and the extension of and changes to the external appearance of the reception accommodation for visitors to Bicester Village (Amendments to previously approved 13/01934/F) at Bicester Village Rail Land Car Park, Land South of Station Approach, West of Bicester Village, Pingle Drive, Bicester for Bicester Nominees Ltd and Bicester II Nominees Ltd.

In reaching their decision the committee considered the officers' report, presentation and written update.

Resolved

That application 15/01169/F be approved subject to

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission

2. Except where otherwise stipulated by condition, the application shall be carried out in accordance with the following plans and documents: Application forms, Design and Access Statement dated June 2015; External lighting design planning statement dated December 2013; surface water drainage strategy dated December 2013; Drawing numbers 08048 P-540 Rev B; P-523; P-522; P-521; P-525; P-524; P-526; P-533; P-534; P-531; P-532; P-536; P-537; P-535; P-530; P-528; P-529; P-527; P-538 and P-539.
3. Within one month of the date of this permission, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of the proposed tree and shrub planting including their species, number, sizes and positions, together with any grass seeded/turfed areas.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the car park being first brought into use, or on completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
5. Within one month of the date of this permission, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. The car parking shall thereafter be carried out in accordance with the approved management plan.
6. Within one month of the date of this permission a full drainage scheme for the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Oxfordshire County Council's Drainage Team). The approved drainage scheme shall be implemented within three months of approval and shall be maintained as such thereafter.

103

Decisions Subject to Various Requirements

The Head of Development Management submitted a report which informed Members upon applications which they had authorised decisions upon subject to various requirements which must be complied with prior to the issue of decisions.

Resolved

- (1) That the position statement be accepted.

Appeals Progress Report

The Head of Development Management submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 6.05 pm

Chairman:

Date:

PLANNING COMMITTEE

29 October 2015

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

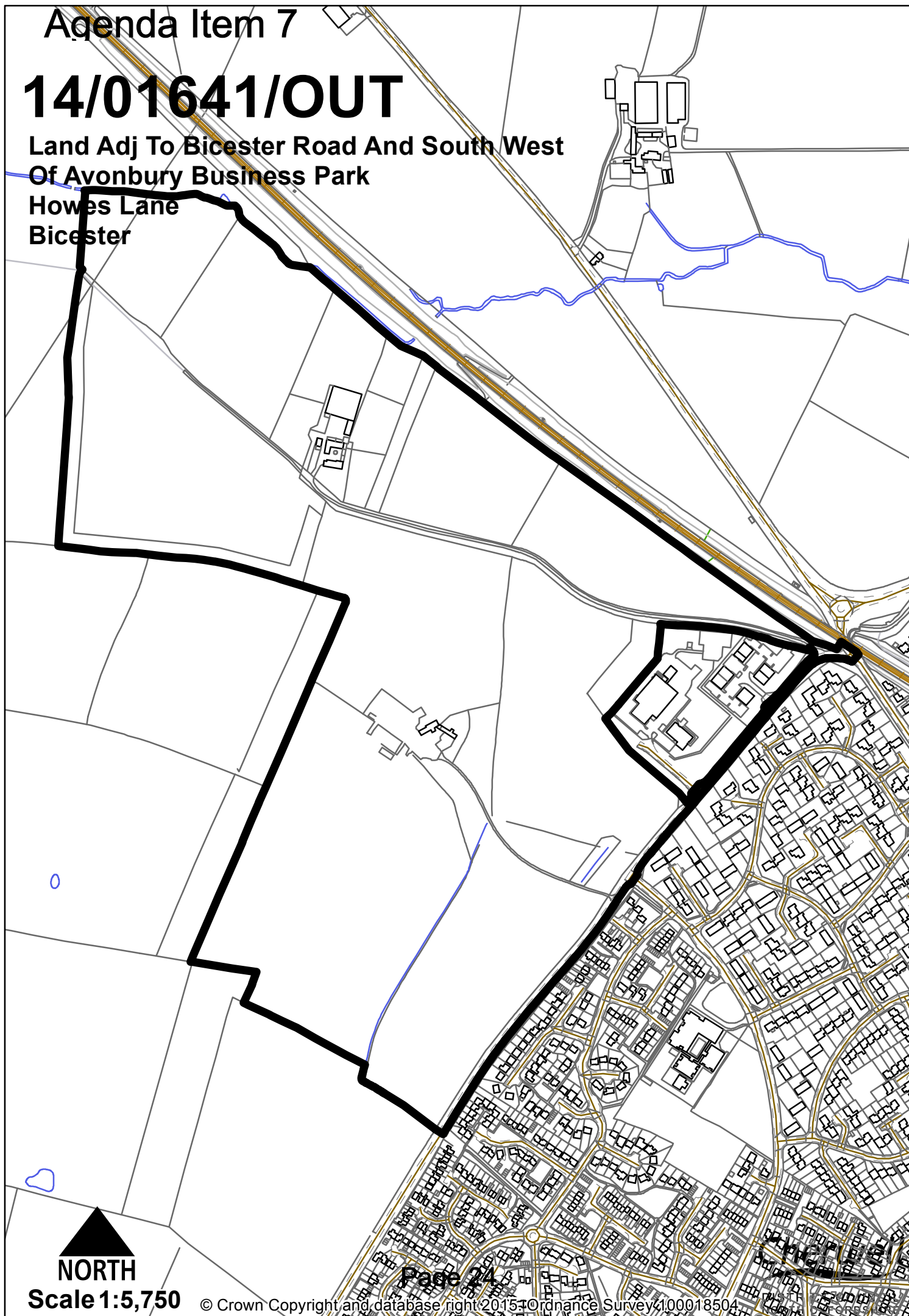
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site.

	Site	Application No.	Ward	Recommendation	Contact Officer
7	Land Adj To Bicester Road And South West Of Avonbury Business Park, Howes Lane, Bicester	14/01641/OUT	Bicester West	Approval	Jenny Barker/ Caroline Ford
8	Bicester Golf And Country Club, Akeman Street, Chesterton, Bicester, Oxfordshire, OX26 1TE	15/01068/F	Ambrosden And Chesterton	Approval	Linda Griffiths
9	Land adjacent Hardwick Hill cemetery, Southam Rd.Banbury	15/01194/F	Banbury Grimsbury and Castle	Approval	Bob Duxbury
10	The Plough Inn, 63 North Street, Bicester, OX26 6NB	15/01340/F	Bicester Town	Approval	James Kirkham
11	The Gables, 4 Westbourne Court, Bloxham, OX15 4HD	15/01513/F	Bloxham And Bodicote	Refusal	Victoria Barrett
12	Hill Leys, Banbury Road, Finmere.	15/01635/F	Fringford	Approval	Emily Shaw
13	Hill Leys, Banbury Road, Finmere.	15/01681/F	Fringford	Approval	Emily Shaw

Agenda Item 7

14/01641/OUT

Land Adj To Bicester Road And South West
Of Avonbury Business Park
Howes Lane
Bicester

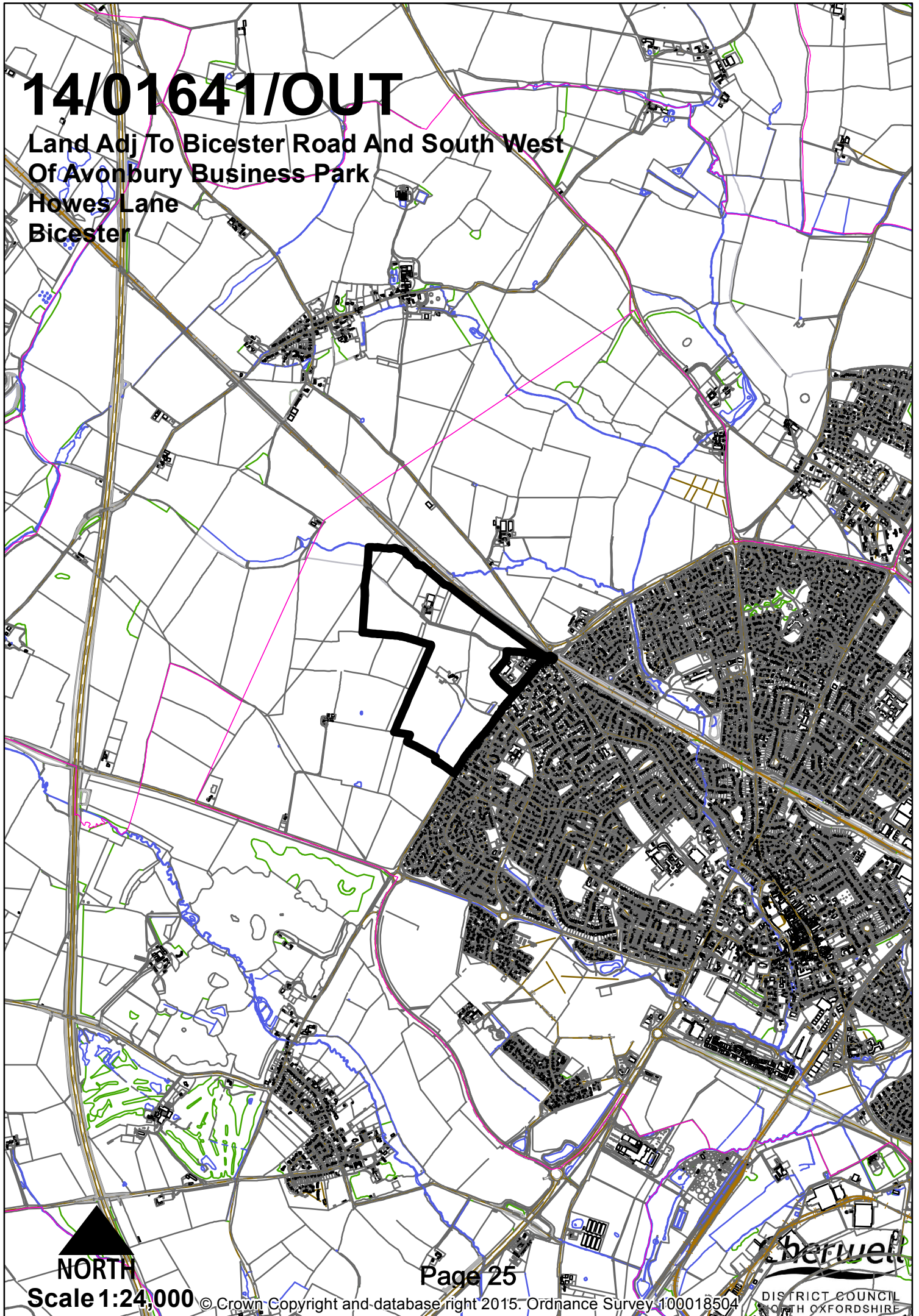


NORTH

Scale 1:5,750

14/01641/OUT

Land Adj To Bicester Road And South West
Of Avonbury Business Park
Howes Lane
Bicester



NORTH

Scale 1:24,000

Page 25

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Site Address: Land Adj To Bicester Road
And South West Of Avonbury Business
Park, Howes Lane, Bicester**

14/01641/OUT

Ward: Bicester West

District Councillor: Councillors Bolster, Hurle and Sibley

Case Officer: Jenny Barker/ Caroline Ford **Recommendation:** Approval

Applicant: A2 Dominion South Ltd

Application Description: Outline Application - To provide up to 900 residential dwellings (Class C3), commercial floor space (Class A1-A5, B1 and B2), leisure facilities (Class D2), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2 FE) (Class D1), secondary school up to 8 FE (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations

Committee Referral: Major

Committee Date: 29 October 2015

1. Site Description and Proposed Development

- 1.1 The site sits to the north western side of Bicester and is positioned to the south of the London to Birmingham rail line within the extent of the allocated site Bicester 1. The site sits adjacent to the built edge of the existing western extent of the town (served by Shakespeare Drive) but is separated from it by Howes Lane.
- 1.2 The site extends to around 51ha and is primarily in an agricultural use with blocks of woodland and field hedgerows. The site includes two farmsteads – Aldershot Farm and Gowell Farm and the associated buildings within these farmsteads are proposed for demolition (albeit Aldershot Farmhouse will remain). The site also sits adjacent to the Avonbury Business Park and the Thames Valley Police depot.
- 1.3 The Langford Brook extends along the northern extent of the site and a public bridleway extends centrally through the site from approximately the junction with the current Bucknell Road out into the countryside. The land is divided into fields by hedgerows and there are blocks of woodland predominantly on the edge of the red line site area.
- 1.4 This application proposes the provision of 900 dwellings with supporting infrastructure including that outlined above which serves the wider site and the development proposed at North West Bicester. Open space is provided and the stream corridor and a number of hedgerows are protected, whilst others are required to be removed.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. Following re-consultation and advertisement, the final date for comment was the 8th October 2015.

6 letters have been received. The following issues were raised

- Broadly supportive of the proposal but some areas require much greater thought and clarity on the part of the developers, in order to minimise

social disruption to existing residents.

- Various developments proposed in the vicinity of Howes Lane including a play area at the end of Shakespeare Drive, which is not desirable as other play areas attract Anti-Social Behaviour.
- The allotments/ public footpath on the part of Howes Lane to be closed needs further thought.
- Concern in relation to the possible increase in traffic on Shakespeare Drive once Howes Lane is closed.
- Concern is raised in relation to the time it will take to construct the development and the on-going disruption including traffic, noise, dust and vibration. Mitigation to minimise disruption is needed.
- Object due to the proposed infrastructure. Further information requested in relation to the energy centre and two secondary schools should be considered.
- What is proposed at the Gowell Farmstead?
- How will residents and wildlife be protected during development?
- Can the town cope with a development of this scale and the new residents that will result?
- The proposal to move Howes Lane to further away from the rear property boundaries of properties that back onto Howes Lane currently is to be commended. Existing residents experience noise and disturbance from this busy road and it is felt that this is an opportunity to enhance the quality of life for many people whose properties back onto Howes Lane, which will help to build good community relations with the new residents in the new housing development.
- A well-designed new road with dedicated pedestrian and cycling facilities will help to ensure the safety of, potentially, large numbers of very young children and young people in the years to come, as a result of building the primary school and the secondary school in the new development. It will also help to safeguard elderly people.
- Existing trees and hedgerows needs to be retained on site as they have many benefits.
- Commend the proposed increase in cycle routes, bus routes and safe pedestrian routes being planned for the older parts of the residential areas, as well as the new development because the good practice of the new development and 'eco town' will no doubt indicate to people how pleasant, and beneficial it would be to their health, if they got out and about more i.e. less reliance on cars etc.
- The balance of different buildings is supported, but it is unclear where the houses would be positioned and the final plan should not deviate from what is being proposed.

3. Consultations

3.1 **Bicester Town Council:** No comments received.

3.2 **Bucknell Parish Council:**

Bucknell is a rural community. The Parish Council wants to ensure that the proposed planning scheme preserves this, both during the construction phase and when North West Bicester is complete. With this in mind we make the following comments and suggestions:

1) Traffic, Road structure and Transport

- a) The residents of Bucknell still need access to Bicester. The proposed road structure needs to support this.
- b) However, the Parish Council feel that the proposed reduction of the speed limit on Howes Lane will result in an increase in through-traffic to Bucknell.

We suggest keeping the 50 mph limit but introducing service roads similar to those in Kidlington. This would stop traffic detouring on minor roads, both in Bucknell and Bicester.

- c) Alongside this we would like to see the Ardley to Bicester road become a 40mph limit and the village as a whole become a 20mph zone.
- d) As the proposed development is within 300 metres of Bucknell and the village's direct access to Bicester is to be restricted by it, we consider it reasonable that any bus route serving the development be extended to include the village. This will reduce car journeys through the development.

2) Green Buffer

- a) To keep Bucknell as a genuinely rural village we require guarantees that Bucknell will not be affected by light or noise pollution. Therefore we would like to see the "green buffer" being developed from the outset of the building phase to give the plants and trees time to grow before the building work approaches.
- b) The green buffer should be at least a 100 metre deep tree-line/woodland, ideally on a bund. In addition, this needs to completely encircle the various developments.
- c) We would like to suggest that a covenant is placed on the land comprising the Green Buffer to prevent any further development on this land and in turn maintain the buffer.

3) Drainage

- a) The drainage from Bucknell goes through the proposed planning scheme and therefore we would like to highlight the issues we have experienced as a village. These need to be considered in development.
 - Firstly we have had sewage flooding pollution incidents in the village on numbers occasion, increasing over the last 5 years. Sewage has run in the street and on one occasion been diverted into storm drains and thence into drainage ditches. These connect directly with the river systems in the development.
 - Secondly the village experiences flooding regularly and not just as a result of unusually heavy rainfall.
 - Bucknell has had continued correspondence with Thames Water and now have regular meetings with them to try and provide solutions to the problems.

4) Catchment School

- a) Currently Bucknell's catchment school is St-Edburgs which will be on the Kingsmere estate. We would like this to be re-assessed with the creation of new primary schools on the development.

3.3 Middleton Stoney Parish Council

Middleton Stoney Parish Council wishes to raise no objections to the application in principle but subject to the following considerable concerns.

We are concerned that there must be a robust transport route to bypass Bicester to the West. The current Howes Lane/ Lords Lane route is an important strategic route which accomplishes this at present. Reducing the speed and capacity of this route will have serious consequences.

The proposed new road passes through residential areas of the NWB site and we note is also to be a single carriageway low speed road rather than a semi-fast perimeter or orbital road. No doubt to enforce the low speed there will be a call for traffic calming measures which will render the road virtually useless for traffic wishing to bypass Bicester to the West, especially HGV traffic which currently uses Howes Lane/Lords Lane. There seems little point in motorists using the new Vendee Drive only to face a slow and tortuous route through the NWB after crossing the Middleton Stoney Road junction.

With many new developments in and around Bicester the Oxfordshire County Council and Cherwell District need to ensure that there are robust conditions in place for developers to build roads to the appropriate highway standard and this applies particularly to the Howes Lane realignment.

We note from modifications to the Cherwell Local Plan that NWB will provide 3293 dwellings by 2031. We assume therefore that The Exemplar (393 dwellings), Application 1 (2600 dwellings) and 300 dwellings from Application 2 will make up this total. Are we to assume therefore that it will be a considerable time before applications are submitted to cover the remainder of the southern area of the site to its boundary on Middleton Stoney Road?

- 3.4 **Chesterton Parish Council:** No objections raised but comments are made in relation to the following matters:
- Lack of adequate road infrastructure
 - No primary school proposed
 - The comment regarding three parking spaces for a 5 bed dwelling would demonstrate the out movement by car and goes against the principles of the eco town.

Cherwell District Council Consultees

- 3.5 **Planning Policy Officer:** No comments received.
- 3.6 **Strategic Housing Officer:** There is a requirement for 30% of the homes provided to be for affordable housing. In this case it should be 270 affordable homes.

The applicant has provided high level information relating to this in their Affordable Housing Strategy which follows very closely their first 'Application 1' submission.

There is an indicative affordable housing breakdown given for the whole of the eco-town site, however the finer detail provided in each separate application will be determined at reserved matters stage.

There is no expected extra care to be delivered on this application and none is detailed.

The affordable housing provision should follow the principles of providing a mixed, sustainable community, dispersing the affordable housing in clusters and ensuring that there is a range of house types in order to meet those needs identified through the Strategic Housing Market Assessment and the Council's housing register. The affordable housing should also be indistinguishable from the private units.

- 3.7 **Environmental Protection Officer:** No comments received.
- 3.8 **Landscape Officer:** The circulation pattern and GI appear to interconnect well with the overall masterplan. With potentially attractive, characterful Public Open Space and urban layouts it would be appropriate at this stage to consider the visualisations from appropriate/specific locations on plan, to indicate potentially attractive views, landmarks and landscape/urban character, and of course, legibility. The interface between housing and POS/public realm is rather vague at present.

From the Landscape Buffer Plan trees are to be removed from the southern embankment of the railway. Because of the proximity of housing to the railway and the distracting train noise will increase with the line upgrade. It would be appropriate to retain and mitigate this strong visual edge with dense woodland planting (north and south of Aldershot Farm) and increase the depth of the landscape buffer between the

built edge and the railway. Sound mitigation such as walls and earth modelling is probably out of the question, if sound proofing is being considered, however a wind-generated, pleasant/distracting sound of woodland in fall leaf will be of benefit to residents. Ground stability/structural implications of woodland adjacent to the embankment would have to be explored. Landscape maintenance and railway upgrade constructor's access to upgrade the line must be considered. It is important to note that an off road cycleway/foot path was included on the NW Bicester Masterplan - Green Infrastructure Rev A, but it has been hidden by the application boundary line on the Movement and Access plan. It is important to retain this route because of its connectivity; however its interface with the built edge needs to be clarified at the detailed planning stage. A woodland belt will also provide essential environmental buffering against the elements, helping to reduce resident's heating bills.

The detail of natural play areas or incidental areas need to be clarified for the purposes of calculating a maintenance commuted sum to cover inspections etc.

The indicative housing layouts – pp 70 - appear to consider in respect of the edges of the housing parcels the provision of adequate space for large and medium and mature trees, hedgerows formal hedges, adequate soil areas and depths, environmental factors (shade, structural, etc).

A number of conditions are recommended.

- 3.9 **Recreation and Health Officer:** The overall masterplan for the Eco-Town (NW Bicester) has provision for: community facilities proposing a small community hall north of the railway line, a second medium sized hall in the region of 400/450sqm is planned for south of the railway line with a larger facility envisaged to be a “cultural centre” also planned for north of the railway line, together with funding for commuted sum, development worker, events and projects.
This planning application will include the second medium sized hall and therefore the Heads of Terms needs to include proportional allocation from the overall masterplan figure for: a commuted sum for the community hall, a community development sum (for the community development worker) and a sum for events and projects.

Oxfordshire County Council comments are detailed and they are available in full via the Council's website. The comments are summarised below:

- 3.10 OCC has serious concerns about the uncertainty of delivering key infrastructure across the wider masterplan site caused by the piecemeal nature in which applications are coming forward. The funding and phasing of infrastructure across the site is dependent on if and when individual site applications come forward. For example, funding for the secondary school on this site is dependent on contributions from all other applications across the masterplan site. Further, with the absence of a Community Infrastructure Levy in Cherwell, it is unclear how the County will be able to seek contributions to county wide schemes such as Household Waste Recycling Centres, the Museum Resource Centre and the Central Library, all of which will be put under strain by this development. This puts the County Council at significant financial risk. Until it is clear how infrastructure will be delivered across the masterplan site, OCC maintains a holding objection.

Transport Development Control object on the basis that further information is required to demonstrate safe and suitable access to the school site incorporating all access points and layby.

Transport

Transport Strategy

Delivering functioning peripheral routes around the town is the key component of the

area transport strategy. County Council officers and Members voiced concerns through the master plan consultation about the Howes Lane realignment proposals and in particular the speed limit proposed and the impact of this on other routes in the town. The Transport Assessment for this current application goes a long way to address these concerns by explaining how the corridor will maintain its strategic function (section 11.2 in the transport assessment), however the speed limit remains a concern and needs further verification through the planning application for the realigned road.

The impact on the northern and eastern sections of the peripheral routes and on the central corridor is a concern for the County Council. The transport assessment demonstrates in Table 10.1 how the development of 900 houses south of the railway has a minor impact on the eastern peripheral route, but a high impact through the central area, albeit in combination with other growth within the town (section 11.4.2). These two matters are intrinsically linked. Traffic will only switch to using the peripheral routes (both for trips through the town and those that wish to access the town centre via one of the radial routes) if these are functioning effectively. Therefore it is essential that the development contributes towards schemes to address capacity problems on the northern / north-eastern sections of the peripheral routes as well as schemes to improve the central area for bus passengers, cyclists and pedestrians. This can be dealt with through S106 negotiations.

This application includes the secondary school site and therefore connectivity across the overall master plan site is important, particularly given the targets for travel by sustainable modes and containment. The delivery of a pedestrian / cycling tunnel under the railway is an important requirement to meet these needs. This will need to be addressed within the S106 negotiations, including the timing of any trigger point”.

Traffic Generation and Local Impact

The trip generation figures that have been submitted as part of the TA (paragraph 8.2) appear to be reasonable (and are in line with those accepted for 14/01384/OUT); as consideration has been given to the TRICS database, the national travel survey data available, the agreed containment factor of 35% of trips to be within the NW Bicester site and the aspirations of PPS1: Eco Towns.

The issue of monitoring the 35% containment of traffic movements within the site is an item that does not appear to have been covered in the TA. However, looking at the submitted Framework Travel Plan (Chapter 6), this requirement (and others) is mentioned alongside remedial actions if the agreed travel plan targets are not met. These travel plan details will need to be included within a future S106 Agreement for this application.

In regard to the proposed remedial actions under paragraph 6.5 (page 56 of the Framework Travel Plan), these details are unclear/are not identified which requires addressing with consultation (and agreement) with CDC and OCC as the LHA (further information required). Paragraph 11.10 of the submitted TA identifies a number of mitigation measures for the whole of the Bicester 1 (NW Bicester) site to provide. However, the TA does not provide any details of what measures are proposed to be delivered by planning application 14/01641/OUT (or 14/01384/OUT), other than this application will represent a 17.3% impact (over 12 hour period) on the local highway network - and a proportionate contribution towards mitigation measures will be made. This is a concern as a number of local junctions will be affected by the proposed development. Potential financial payment(s) to future mitigation schemes which are yet to be identified does not offer an acceptable mitigation package for this planning proposal. I would add that OCC would expect to see such directly related mitigation measures delivered and funded by the developer as part of a S278 Agreement instead of a financial payment(s). Such highway works would be considered as part of the overall S106 Agreement transport package being sought from this proposal, if

these works also provide strategic transport improvements to Bicester.

In the absence of this information the Heads of Terms for this planning application cannot be identified fully or agreed. Further information required, recommend a TA addendum is considered and submitted for consideration.

A review of the accident data for the area has been carried out, and has highlighted a high number of incidents has occurred within the last 5 years. Looking through the information provided it appears that the majority of reported incidents were down to driver error rather than the characteristics of the local highway network. However, in light of this data it is important that the proposed development considers these identified areas (identified in paragraph 3.9.2 of the TA) as part of the detailed stage(s) of the off-site works and appropriate road safety audits.

Traffic Distribution and Modelling

This element of the submitted TA will require further attention, please see the Transport Strategy and Knowledge Management Centre (Traffic Signals) team's comments below.

Construction Traffic Management Plan (CTMP)

The expected overall construction phase of Bicester 1 (NW Bicester) is around 20 years from the anticipated commencement date of 2019. Due to the significant size of the proposed development a high number of heavy goods vehicles (HGVs) are expected to be generated by this development. To ensure residential areas are avoided and protected during the build out periods of the development site a routing agreement for HGV construction vehicles is to be secured as part of a CTMP (to be imposed as a condition). The HGV route to be used during the life of the construction period (to be reviewed annually until the whole of Bicester 1 is built out) is to be via the A41/Vendee Drive from J9 of the M40 and the new Howes Lane/Lord's Lane.

Access Arrangements

Access to the proposed development site will be in the form of two traffic signalised junctions onto the new/realigned A4095 road, providing access into this section of the NW Bicester site and a link to the old Howes Lane road. It is unclear when these works will be provided which is a concern as they are subject to a separate planning application to realign the A4095 being approved by Cherwell District Council (CDC) as the Local Planning Authority. Due to this issue I can only comment that the principle of the proposed access arrangements for this planning application are considered acceptable, but subject to a detailed planning submission of the A4095 realignment works being formally approved and separate S278 technical approvals.

The 2 indicative drawings (Hyder references, 503/UA005241/01 and 504/UA005241/01) show indicative junction arrangements. Further design details of these access arrangements are required i.e. no vision splays shown, no radii details, no road and footway dimensions shown, traffic signal controls to be provided? etc. Further information and scaled access arrangement drawings are required.

Accessibility

It is unclear what internal access arrangements (pedestrian and cycle routes arrangements) are proposed to link this application site with planning application 14/01384/OUT. A route has been indicated on the overall master plan for the NW Bicester site, but it is unclear when such an important piece(s) of infrastructure are to be provided and by which planning application. Further information required.

Layout Comments

The proposed development has been submitted as an outline planning application. The internal layout of this site will be finalised as part of a detailed design stage, which is expected to establish a design code for the whole of the application site.

Such a design code is expected to include a street hierarchy, to be in line with MfS etc. Having a design code is considered essential for this development (and the remainder of the NW Bicester site). It is considered important that the requirement for a design code for this site is imposed as a prior to commencement of work planning condition.

It is noted that within the submitted Design & Access Statement dated September 2014 (pages 80 to 83) that a street hierarchy is proposed. At this time such a proposal cannot be agreed/approved by OCC as the LHA without further information i.e. internal layouts, location of land uses proposed within the development site etc. Please beware that any street hierarchy to be agreed/approved by the LHA must ensure the appropriate streets within the development are wide enough to accommodate a bus service route (minimum of 6m in width, 6.5m width on corners) and refuse vehicles.

Please note any future layout is expected to be in line with the guidance in MfS and the OCC's Residential Design Guide (currently being updated). In addition scaled tracking plan(s) will be required to demonstrate refuse vehicles and cars can turn within the site.

The proposed parking levels for this planning application (stated in the submitted TA paragraph 6.8.1) are similar to the level accepted for 10/01780/HYBRID, but do differ slightly to the standards quoted in the Design & Access Statement (page 88). Confirmation of what actual parking levels are to be provided is required.

If the proposed development is to be offered for adoption to the LHA a S38 Agreement(s) will be required, alternatively if the development is to remain private a Private Road Agreement(s) will be required between the developer and OCC. For guidance and information on road adoptions please contact the county's Road Agreements Team on 01865815700 or email Road.Agreements@Oxfordshire.gov.uk. School drop off/pick up requirements have and continue to be an issue for proposed and existing school sites around the county. Due to the significant size of this application (and the overall Bicester 1 site) it is important to identify the potential transport related requirements for the school sites included in this planning application.

Knowledge Management Centre (Traffic Signals) comments

Based on the information that was submitted with the application, it appears that the cycle times used were incorrect. This is considered an important issue where there are pedestrian crossings involved.

Public Transport

The developer is required to contribute to the funding of a commercially sustainable bus service, linking this and adjacent sites with the town centre and nearest rail station. Onwards connections by bus and rail to other destinations will be available from these destinations.

There is an understanding that the NW Bicester site will require two separate bus services, one for each side of the railway line. Therefore the public transport response to this application will deal only with that part of the wider master plan site to the south west of the railway line.

OCC does not have any access to general revenue funding to provide, or contribute towards, bus services to and from this site. The developer is required to deliver an attractive, but commercially viable bus service, which will operate without any form of subsidy, once the period of time of agreed financial support, or amount of money made available by this and other developers, has been exhausted.

There is a fundamental requirement to agree the relevant apportioning of the costs and delivery of the bus operation between the various landowners south-west of the railway. Nevertheless, the bus service must be planned to serve the entire master plan land, and the various landowners must enter into a form of contract to ensure that the service is delivered and funded in a coherent manner.

A S106 contribution of £2.88 million (index linked at October 2014 prices) is required to fund the delivery of a bus service which will increase as the development site builds out. The council will require a contribution profile for the bus service to be paid on an annual basis, rather than solely on the basis of completed units. Please note this contribution figure is for the development parcels located to the south west of the railway line i.e. planning application 14/01675/OUT, Himley Village etc are also to contribute towards the overall £2.88m figure required.

Travel Plan

Detailed supplementary travel plans and a travel plan monitoring fee will be needed for each of the proposed land use in accordance with the Oxfordshire County Council Travel Plan Guidance – Transport for New Developments: Transport Assessments and Travel Plans (March 2014) and submitted to the Travel Plans Team for approval prior to occupation. These plans will need to reference the site wide framework travel plan objective and outline how the end occupiers will implement the actions in their plans to achieve the overall objectives for the whole site.

The target for the site is to have 50% all trips originating from the site by non-car modes; this is an ambitious target and will need to be monitored as part of the on-going travel plan monitoring requirements. The developer will be required to carry out bi-annual surveys (years 1, 3 and 5 post occupation) to show that the travel plan objectives are being achieved and that the actions have been updated to take in to account the survey result.

A travel plan monitoring fee will be required for each of the supplementary travel plans over the threshold set out in Oxfordshire County Council's guidance document. The on-going monitoring of the travel plan for a period 5 years post final occupation. Further monitoring and fees may be required if the 50% target is not achieved.

To support sustainable travel to and from the site the developer will need to contribute to the running cost if they chose to use Oxfordshire Liftshare or set up their own liftshare programme. The setting up and running of car clubs in the larger market town will be required. (2 central parking spaces for a car club and membership for the first year provided to new residents – costing can be obtained from Co-Wheels)

The layout of the site should be set out to provide direct walking and cycling links across the site and should be linked in to the existing walking and cycling networks, the Access statement supplied with the application set out how the developer will achieve this. Housing on the site should be within 400m of a high frequency bus stop with good direct walking access to them.

Drainage

Infiltration drainage methods are not a viable option for this site. Surface water drainage capacity exceedance situations need to be managed so as to not affect the estate to the south east of Howes Lane.

Full SUDS will be required on this development. Surface water discharge from the site will need to be no more than the current greenfield run-off rate or better.

Full drainage design layout plans and drainage calculations will need to be submitted and approved by the Lead Flood Authority prior to the commencement of the development".

Revised plans

An additional access road to the west of the school sites: This is welcomed but further clarification is required regarding phasing. At no point in the development must either school be served by a cul-de-sac in the interests of pedestrian safety in the context of manoeuvring vehicles. However, it would be acceptable for the access road to terminate at the roundabout, which would provide the turning facility.

Drop off laybys and turning facility in the access road to the south west of the primary school: Further detail is required to ensure that the requirements for school access are met. There need to be three vehicular accesses into the school with associated pedestrian access, and a layby sufficiently large for two coaches, within the highway boundary. We need to be reassured that this can be achieved safely within the frontage. It is assumed that the roundabout provides the turning facility.

To note for future reserved matters applications: sufficient on street visitor parking will be required within 200m of the school boundary to meet the needs of parents dropping children off by car, in the interests of highway safety.

Revised land use layout for local centre: An indicative layout is provided within the Design and Access Statement addendum. Sufficient space appears to have been provided for goods access and tracking has been provided showing that a large articulated lorry can turn within the yard provided it is not occupied with other vehicles. However, I have concerns about pedestrian safety, with lorries manoeuvring in and out of the yard in the parking and pedestrian area in front of the stores. I would prefer to see the access to the yard at the end of the row of shops. Further tracking will be required to show that the lorry can turn into and out of the yard from the Strategic Link Road and through the parking area. This needs to be considered before the footprint of the local centre is fixed in case additional land is required. (It is noted that the commercial land use area has been reduced).

A delivery bay needs to be provided for the community centre, and bin storage areas need to be considered. (Also, will there be a need to provide recycling bins here?) Covered, secure cycle parking will be required for staff (some public cycle parking can be uncovered if this helps with locating it), and space for cycle trailers needs to be considered. These will presumably be matters for a future planning application but I am flagging them up now so that the total required area can be considered. The total number of parking and cycle parking spaces needs to be justified in terms of the spaces required for each use and how the uses can share the spaces.

Existing Howes Lane incorporated into green infrastructure. Further consideration is required on the treatment of Howes Lane, which is currently a 6 to 7-metre wide tarmac surfaced road. Securing its maintenance and availability for public use also need to be considered. The county council will submit further comments on this aspect of the development.

Slight realignment of the proposed A4095 Strategic Link road. The proposed realignment of the proposed road by 5 metres is not expected to have any discernible impact on road safety or traffic impact.

Slight relocation of this road's junction with the link road leading to existing Howes Lane, resulting in a staggered junction with Howes Lane. The stagger would result in a slightly less direct route to the development via Shakespeare drive and therefore have a slight benefit in terms of deterring through traffic in the Shakespeare Drive area. We would want traffic in Shakespeare Drive to be monitored and traffic calming and/or a one-way section to be introduced if necessary, as previously proposed.

Strategic Link Road: Comments have already been provided on a planning

application for this road, and it is understood that an amended application will be submitted taking in the changes proposed above. This application will also need to show the secondary school access and any other direct accesses onto this road so that highway safety can be considered.

Rights of Way Comments

It is considered that the application adequately considers impacts on rights of way. It is questioned whether the bridleway will be stopped up to private vehicles which is preferable. Contributions are also sought to rights of way improvements.

Archaeology

The site is located in an area of archaeological interest as identified by a desk-based assessment, a geophysical survey and a trenched evaluation. A further programme of archaeological investigation and mitigation will need to be undertaken ahead of any development. This can be secured through a condition on any resultant planning permission.

Education

This section of the eco-town development is estimated to generate 196 primary school pupils, 185 secondary school pupils, and 3.5 pupils attending special educational needs provision (SEN). This section of the eco-town development is to include a primary school and a secondary school, and to contribute towards the cost of primary, secondary and SEN school provision. The mechanism for apportioning costs towards these services between the separate applications which comprise the eco-town development is to be agreed.

Legal Agreement required to secure:

An acceptable site of 2.22ha for a 2 form entry primary school. An acceptable site of 10.45ha for a 1200 - 1500 place secondary school. Financial contributions towards the necessary primary and secondary school capacity; the mechanism for apportioning these costs across the separate applications is to be decided.

The housing developer is to provide off-site parking capacity prior to the completion of the Primary School. Off-site parent parking facilities to be provided for 50 vehicles or such other number as required by the Highways Authority based on a verifiable 'drop-off' assessment provided by the developer, suitable for dropping off and collecting children attending the Primary School which is freely available for such use and which affords safe, convenient and free flowing access to the Primary School Site [and where this is not reasonably practicable in time for the opening of the school to use reasonable endeavours to provide temporary drop off facilities as aforesaid and which are freely available for such use and which afford safe and convenient and free flowing access to the Primary School Site until the permanent area is available}. NB No parent drop will be permitted within the school site itself.

An offsite 2 coach drop-off/pick up layby facilities will be required adjacent to the entrance to the school; this facility can be utilised for parental drop-off and pick-up at the start and end of the school day and be utilised for other purposes outside the school day.

Primary schools

- No dead end roads should be situated adjacent to schools and the road layout should allow for circular routes to prevent the need to reverse in the road.
- To encourage sustainable travel initiatives schools should be accessible from at least two sides of the school site.
- Ideally there will be 3 vehicular entrances located strategically around the perimeter
- Noise generation around school sites should be minimal. For example proximity to the railway, major roads, energy centres etc. should be avoided.

The noise level on the boundary of a school playing field should not exceed 50 dB LAeq, 30 min.

- Sites should generally be rectangular with the minimum site frontage being 110m. This may need to be increased, as might the site area, if the site is irregular in shape.
- The design of school sites is bespoke such that the location of buildings or proximity of buildings to the boundary cannot be unreasonably constrained. However, the school would ideally be at the front of the site to ensure that each area of the site is fully utilised, has a defined function and meets OCC educational, safeguarding and management requirements.
- Hedgerows/ditches across sites should be avoided as they have the potential to compromise the economical layout of the school site, restrict supervision and restrict long term site flexibility (for example expansion).
- School sites should be as level as possible to limit the need for Abnormal cost
- No existing services are to cross the site and overhead high voltage power lines [ie greater than 1000 V (1000 V = 1 kV)] are not to be within 200 metres of any school site.

Similar requirements relate to the secondary school site.

Property

The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure.

The following housing development mix has been used in the following contribution calculations

- 115 no. x One Bed Dwellings
- 229 no. x Two Bed Dwellings
- 391 no. x Three Bed Dwellings
- 164 no. x Four Bed Dwellings

It is calculated that this development would generate a net increase of:

- 2160 additional residents including:
- 1594 residents aged 20 +
- 274 residents aged 65+
- 179 residents aged 13-19

Legal Agreement required to secure:

- Bicester new Library £ 95,148
- Waste Management £135,000
- Museum Resource Centre £ 10,800
- Adult Health & Wellbeing Day Care £ 53,868
- Central Library £ 37,044
- Total* £331,860

Contributions are to be index-linked to the relevant price bases (detailed below).

- Administration & Monitoring £15,000

Fire hydrants to serve the site are sought.

25 units of Specialist Housing are required across the Bicester Ecotown development. The breakdown across the development per application is to be confirmed with the District.

In addition a library link model (25 m2) fitted out, integrated as a dedicated flexible space as part of the new community centre, is required. This will function in

conjunction with the Oxfordshire Central Library in Oxford utilising its resources and also work in conjunction with the new Bicester Library once delivered and implemented as part of the District Council development at Franklins Yard.

The proposed development and other planned development in and around Bicester will generate further demands on the Early Intervention Service. This proposal is forecast to generate 179 residents aged 13-19.

To adequately address the increased needs, the County Council requires 15sqm of storage for youth kit to be designed into the community hall. This storage space should be able to be accessed internally and externally. The County Council requires 40sqm of space which is suitable for adult learning to be designed into the community hall.

The development will bring maintenance pressures upon highways depots as a consequence of the increased highway network. The provision of highways depots is under review in order to meet the increased demands which could result in the need for contributions.

If this application is given permission The County Council would support provision of a Changing places Toilet in Bicester Town centre to help meet the needs of this new community's use of the Bicester town's central amenities.

The development will bring maintenance pressures upon highways depots as a consequence of the increased highway network. The provision of highways depots is under review in order to meet the increased demands which could result in the need for contributions.

Ecology

The applicant has used a recognised biodiversity metric which demonstrates how the combined development over the whole NW Bicester Eco Town Masterplan site should deliver a net gain in biodiversity (in line with NPPF).

However, in order to achieve a net gain in biodiversity application 14/01641/OUT relies on the delivery of the Nature Reserve and other biodiverse green spaces proposed in the Masterplan, which have not yet been included in other planning applications. The application proposals in 14/01641/OUT would only have 15% green space, rather than the 40% required in the Cherwell District Local Plan. I consider that this is acceptable, provided that there is certainty that the Nature Reserve and other biodiverse green spaces would be delivered.

Provided that the Nature Reserve and other biodiverse green spaces are delivered, as proposed in the Masterplan, then the appropriate management and monitoring of the whole North West Bicester site could be crucial to whether the proposed development would be able to deliver a net gain in biodiversity. The applicant proposes that a LHMP (Landscape & Habitat Management Plan) would be produced for each reserved matters application. The LHMPs would contain both management and monitoring proposals.

I support the principle of off-site mitigation for farmland birds. However, I have some comments and suggestions on the details of the method of achieving this

Minerals and Waste

The proposed development includes an energy centre. The application does not specify the fuel to be used but states that the proposal is not a waste management development. If waste is to be used as a fuel at the energy centre, it could then be a waste management facility which should be considered as a county matter application by the County Council as the waste planning authority.

Energy strategy and proposed heat network

The energy strategy for the proposed development states that a site wide district heating network will be installed served by an on-site energy centre. It also states that installation of the district heating network will enable future proofing for new technology and this would enable waste heat from the Ardley energy recovery facility (ERF) to be plugged in in the future. This is supported and implementation of the development should be carried out in a way that keeps this possibility open should the supply of heat from the ERF be demonstrated to be technically and financially feasible in the future.

Other Consultees

3.11 Highways Agency: No objections

The HA will be concerned with proposals that have the potential to impact the safe and efficient operation of the Strategic Road Network (SRN). We understand that the cumulative impacts of growth on M40 junctions 9 and 10 as a whole from proposals set out in Cherwell District Council's Local Plan up to 2031 is currently being considered (particularly additional and accelerated growth). Any further infrastructure proposals that impact directly or indirectly on the SRN will be identified through this assessment. We offer no objection to this proposal, however we remain concerned about the potential cumulative impact of growth on M40 junctions 9 and 10. As the North West Bicester Masterplan Supplementary Planning Document (SPD) is developed, any proposals at the North West Bicester site would need to fully assess its impacts and if necessary identify measures/proposals to mitigate the potential impacts. Request to be consulted on any subsequent Construction Management Plan produced to support the proposal and would look to the site promoter to identify opportunities to reduce trips during peak periods which could minimise any potential impacts on the SRN.

3.12 Environment Agency:

The Environment Agency has been consulted at the pre-application stage by Cherwell District Council, the applicant and their consultants. We are pleased to see that the advice we have given over this pre-application period has been fully considered and reflected in this planning application submission. In general we support the application as proposed and raise no objections.

There are numerous matters which will be subject to detailed design and phasing of the development. In addition on its own, Application 2 does not fully meet the key requirements of ET14 (to provide at least 40% green infrastructure) or ET16 (to provide a net biodiversity gain). Application 2 relies on the wider Masterplan site in order to meet both the 40% green infrastructure and net biodiversity gain requirement.

It is therefore critical that your Authority is satisfied that the right safeguards and mechanisms are in place to ensure that these requirements can be achieved through multiple planning applications and multiple applicants. Otherwise there is a risk that these standards will not be delivered, and the PPS1 policy requirements will therefore not be met.

Furthermore, to ensure that the high sustainability standards proposed in this Outline planning application are delivered, appropriate planning controls will need to be incorporated into any planning permission granted. There are a number of key documents that must be part of the list of approved documents as these documents have set a number of requirements that must be met.

The surface water drainage strategy and the use of SUDS is not only critical to

ensure flood risk is not increased on or off-site. In addition, SUDS are needed to protect water quality and associated biodiversity. This is particularly important to protect the features of special interest for which Wendlebury Meads and Mansmoor Closes SSSI and Otmoor SSSI are notified. The SUDS on site are also needed to contribute to the sites green infrastructure, delivery of a net biodiversity gain and to meet Water Framework Directive (WFD) requirements. In order to meet the flood risk, water quality, green infrastructure and biodiversity requirements of the site (to meet PPS1 and NPPF requirements), prior to submission of any Reserved Matters applications, a site wide detailed surface water drainage strategy is needed and a number of issues are set out which must be addressed. This must be for the whole of the Application 2 site.

In addition to the site wide detailed surface water drainage strategy, alongside each Reserved Matters application a detailed surface water drainage scheme will need to be submitted for each individual development parcel. This is needed to meet the flood risk, water quality, green infrastructure and biodiversity requirements of the site (to meet PPS1 and NPPF requirements). The detailed surface water drainage scheme will need to show compliance with the approved Application 2 FRA and SWDS and Masterplan SWDS, and the approved site wide detailed surface water drainage strategy (required above). It is essential that the detailed schemes are submitted alongside the Reserved Matters applications because of the implications on layout and landscaping. Advice is proposed as to what must be addressed within the reserved matters application submissions. It is critical that there is a strategy for the long term maintenance, management and adoption of the SUDS features.

We welcome the commitment in the Application 2 FRA and SWDS to locate all development outside of Flood Zone 2 and 3. This will help meet the requirements set out in Policy ET18 of PPS1. Fluvial hydraulic modelling has been completed to identify flood risk areas within the site. This has been done by adapting the previously approved Exemplar hydraulic model. Due to the limited work completed to make the Exemplar hydraulic model fit to use for the Masterplan site, we do not consider that a detailed review of the revised modelling is needed.

We are pleased with the commitment within para 5.1 and section 7 of the Application 2 FRA and SWDS that watercourse crossings will be designed to ensure flood risk is not increased. However, the design commitment may not be realistically deliverable across the site and we therefore recommend a level of flexibility for the design of watercourse crossings. A condition should be used to relate to this matter.

The Application 2 WCS and Masterplan WCS appraise a number of water resource and waste water disposal options and conclude that there are feasible options available. The Application 2 WCS and Masterplan WCS therefore set out a number of options/strategies at the Outline planning application stage for water supply and disposal, but do not commit to which option or strategy will be taken forward. Your Authority will need to have confidence at this Outline planning application stage that the options in the Application 2 WCS and Masterplan WCS can be delivered and we recommend that the detailed strategies for water supply and disposal are agreed before any development begins. This is to ensure that the water infrastructure that the development relies upon is available in line with the proposed phasing of the development. The timely provision of new water infrastructure, or upgrades to existing water infrastructure is of vital importance in order to protect water quality and the environment and meet the requirements of PPS1 Policy ET17 and the NPPF.

We are pleased to see the commitment at section 4.2 of the Application 2 WCS that the design standard for the Application 2 area will incorporate a water efficiency target to limit average per capita consumption to 105l/p/d in all new homes. Water recycling technologies will also be required to supplement domestic supplies and further reduce the demand of potable water to 80l/p/d in all homes (i.e. at least 25l/p/d

potable water will be replaced by non potable). We understand that this 80l/p/d potable water per capita consumption design standard must be applied to non-residential development on site as well.

Water Neutrality

Policy ET 17.5 of the PPS1 states that Eco-towns in areas of serious water stress such as Bicester should aspire to water neutrality (achieving development without increasing overall water use across a wider area). Although the 80l/p/d potable water per capita consumption design standard if delivered in homes and non-residential development is considered a high water efficiency standard, it does not constitute water neutrality. We are pleased to see at para 6.2 of the Application 2 WCS that the site will aspire to achieve water neutrality with suggested strategies to do so. In particular, we consider that there is a real opportunity for partnership working within Bicester to reduce water consumption across the whole town to meet water neutrality at North West Bicester. The reuse of water from an on-site waste water treatment works (on the Application 1 site) if used as part of the waste water disposal strategy for the site could also offer another opportunity to meet water neutrality. If water neutrality is achieved this would be the first development in the Country to meet such high standards in water demand management on such a large scale, putting North West Bicester at the forefront of high sustainability standards.

Should waste water be sent to the existing Bicester Waste Water Treatment Works, the Application 2 FRA and SWDS at para 4.2.5 identifies a limited capacity within the existing sewer network and a history of known sewer flooding in Bicester. Para 5.4 and section 7 of the Application 2 FRA and SWDS identifies that new infrastructure will be required within the site to prevent potential exacerbation of any existing sewer flooding problems. We also note the Thames Water Ltd consultation response. They state that the existing waste water infrastructure cannot accommodate the needs of the application without upgrades which could lead to sewage flooding and adverse environmental impacts. Although the Application 2 WCS and Masterplan WCS conclude that the needed upgrades can be feasibly delivered, this supports the importance that the development must be phased in line with the required infrastructure upgrades on and off site. This is to ensure that waste water from the development can be conveyed and treated without increasing the risk of flooding, impacting on water quality and the associated biodiversity and resulting in deterioration under the WFD.

Also to be considered is that the Application 2 site does not include the land parcel specifically designated for accommodating the on-site waste water treatment infrastructure should this water disposal option be taken forward. This land parcel is located outside the Application 2 boundary and is located within the Application 1 site. Should the Application 2 site rely upon this on-site waste water treatment infrastructure it will be critical to ensure that the on-site waste water treatment infrastructure is available within the Application 1 site. Controls to ensure this is achieved will be vital.

In summary, before development begins, it is critical that a waste water disposal strategy is provided which demonstrates that there is the adequate conveyance and treatment infrastructure on or offsite to treat waste water from the development in line with phasing of the development. It must be demonstrated that water quality and the WFD status will not be deteriorated. A planning condition is recommended.

Green Infrastructure and Net Biodiversity Gain

ET14 and ET16 set out the PPS1 Green Infrastructure and Biodiversity requirements for the site.

Again, we are pleased that this Outline planning application as submitted reflects the broad principles discussed during the pre-application period. This includes the measures that have been discussed with respect to the environmental impacts of the

development, the mitigation requirements for these impacts, the design principles required to offset biodiversity impacts, and the measures needed to secure a network of green infrastructure characteristics which should provide for an attractive and bio-diverse environment.

However, on its own, Application 2 does not fully meet the key requirements of ET14 (to provide at least 40% GI) or ET16 (to provide a net biodiversity gain). Application 2 provides approximately 15% GI and relies on the wider Masterplan site in order to meet the 40% GI overall. Equally, in isolation, Application 2 does not achieve a net biodiversity gain and is reliant on the wider Masterplan site in order to achieve this requirement overall. The integration of ecological features including surface water management features such as SUDS will also be important to meet these requirements across the whole Masterplan site. It is therefore critical that your Authority is satisfied that the right safeguards and mechanisms are in place to ensure that these requirements can be achieved through multiple planning applications and multiple applicants.

The appropriate management and monitoring of the site will be crucial to ensure the proposed development is able to deliver a net gain in biodiversity. The applicant proposes in section 9 of the Biodiversity Strategy that a Landscape & Habitat Management Plan (LHMP) will be produced for each Reserved Matters application. The LHMPs would contain both management and monitoring proposals. It is imperative that the LHMP is produced in tandem with the detailed design for the built infrastructure to provide confidence that the green infrastructure will deliver on its intended objectives, given how critical this is in meeting the objective of net biodiversity gain and in providing an environment which meets with the Eco Town principles.

The Construction Environment Management Plan (CEMP) is also a critical document with respect to ensuring that the design principles are secured on site and that the appropriate measures are in place to minimise environmental damage during the construction phases. This includes safeguarding of watercourses and ponds and associated buffer zones, pollution prevention measures and water quality sampling, ongoing environmental monitoring etc. This should link closely with the LHMP to ensure that design principles are translated across the site. The CEMP is needed before the start of construction to ensure there is adequate time to assess its compliance with the design principles, and that all the relevant control measures are in place to prevent adverse construction impacts on the water environment in particular.

We are pleased that the Energy Strategy (Outline Application NW Bicester Planning Application 2 Energy Statement Report No 5024-UA005241-UE21R-02 Dated Sept 2014) at section 2 (Preferred Strategic Approach) has considered the inclusion of a District Heating Network which will enable future proofing relative to new technology (which can be plugged into the energy centres) such as the potential connection to the waste heat from the Ardley Energy from Waste (EfW) facility. Utilising waste heat from the Ardley EfW facility would see huge carbon savings, has the potential to lower energy prices for residents and will see the reduction of fossil fuel use, putting the North West Bicester development at the forefront of sustainability in the UK. We fully support this approach.

3.13 The second response from the **Environment Agency** provides the following advice:

Advice in relation to surface water drainage should be sought from Oxfordshire County Council as the Lead Local Flood Authority. With regard to fluvial flood risk, the FRA addendum does not make any significant changes, however proposed conditions will need to be updated to reflect this addendum. Advice provided in relation to other matters remains along with the proposed conditions therein.

- 3.14 **Thames Water:** First response advised that in relation to waste, Thames Water have identified an inability of the existing waste water infrastructure to accommodate the needs of this application. A condition is recommended relating to this matter. With regard to water infrastructure, it is advised that the existing water supply infrastructure has insufficient capacity to meet the additional demands from the proposed development. A condition is also recommended in relation to this matter. A planning informative is recommended in relation to an existing main that is on the site.

Second response provided the same advice in relation to waste water infrastructure, water supply infrastructure and in relation to the existing mains which cross the site. Additional comments in relation to impact piling and the need for a piling method statement to be submitted and agreed. The drainage strategy should contain details in relation to both surface and foul water.

3.15 **Natural England:**

Wildlife And Countryside Act 1981 (as amended)

No objection

This application is in close proximity to Ardley Cutting and Quarry and Ardley Trackways Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at Wildlife and Countryside link.

Sustainable Urban Drainage Systems and Water Management

It is noted that Thames Water have identified that the existing waste water and water supply infrastructure are insufficient to accommodate the additional demands associated with the application. Natural England considers that the application should specify how wastewater is to be treated and disposed of, and if this is to be onsite, paying particular attention to any potential effects on downstream Sites of Special Scientific Interest (SSSI's) or European sites.

It is noted that Sustainable Urban Drainage System (SuDS) techniques have been incorporated into the application for the onsite management of stormwater. Natural England recommends that the maintenance of SuDS infrastructure should be addressed to ensure that it remains efficient in future.

Green Infrastructure potential

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. It is noted that 6.88ha of greenspace will be provided within the application area, including allotments, play areas, orchards, linear park, SUDs and playing fields. As such, Natural England would encourage this incorporation of GI into the development. This is less than the 40% requirement for the eco-town, but it is noted that the balance will be made up on adjacent land. These areas should, where possible, be connected to existing green space to enhance connectivity.

Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

3.16 **BBOWT:**

Off-site farmland bird compensation

The submission of the proposal and the recognition that off-site mitigation for farmland birds will be needed is welcomed.

Areas of concern are:

1. After the end of the 25 years of payments the proposed options will in almost all cases provide no further value as they are of a nature that require annual renewal and therefore significant annual input of time and/or money. However the impact on farmland birds arising from the development will continue after 25 years.
2. At present it is not known what payments will be available for equivalent

options through the forthcoming NELMS scheme, and how and where these will be targeted. In order to be compensation then the measures must be additional. If farmers can obtain the same options for similar payments from NELMS then there is a risk that the proposal will not be additional since they could have been funded by NELMS.

3. In a similar off-site compensation scheme we are aware of then an additional sum of a little over 15% was provided over and above the payments to farmers to provide for the costs of an officer to seek out farmers to take up the options, and to advise and support them in carrying out the work. Without the pro-active seeking out of farmers we are not convinced that sufficient numbers will come forward to take up the options.
4. Other methods should be seriously considered apart from directing the money via an intermediary body which will presumably need to charge administrative costs in order to cover the time involved in distributing money. In such a scenario then potentially a significant amount of money that would have been allocated to establishing compensation would not be. In the aforementioned similar scheme we are aware of the money is held by the District Council.
5. In previous documentation then a location has been suggested for where farmland bird compensation could take place, namely the Ray Valley. No location is now given.

In our opinion the best option would be for funds to be allocated for land purchase in an agreed area and subsequent management for nature conservation by an appropriate body such as a local authority or wildlife conservation organisation. The funds would also provide for management for the initial 25 years and then thereafter the organisation would be expected to commit to on-going management as appropriate at its own cost.

Woodlands

Broadleaved semi-natural woodland and mature broadleaved plantation. We welcome the proposals for a Landscape and Habitats Management Plan to ensure they maintain their value to breeding birds (see ES 6.5.1.18). The exclusion of lighting is to be welcomed. The plan should also include management to encourage a rich ground flora and ensure either successful natural tree regeneration or additional planting as appropriate to secure the long-term future of the woodlands.

Ecological corridors / buffers

Habitats for ecological corridors, dark corridors and hedgerow and river buffers in general (referred to in all the above documents): every effort should be taken to maximise the species richness of these corridors and buffers through the use of appropriate species rich seed mixes with a combination of wild flowers as well as grasses. In addition seed mixes next to rivers should reflect the proximity to the water and the opportunity to create a transition from the wetland to terrestrial habitats.

Hedgerows

Paragraph 6.5.1.10 of the ES – we welcome the statement: “The implementation of a Landscape and Habitats Management Plan would ensure that the hedgerows maintain their value to hairstreak butterflies.” The LHMP should include details of this management, showing how the differing needs of both black and brown hairstreak butterflies can be met. These rare butterflies are very important in the local area and the commitment to consider them in the management of the hedgerows is particularly welcome. Newly planted hedgerows should include a significant component of blackthorn, the food plant of both black and brown hairstreaks. Notwithstanding any specific management for hairstreak butterflies, in general a rotational cutting regime on a three year cycle wherever possible (or a two year cycle where particular reasons justify it) will be of most value to biodiversity.

Biodiversity Impact Assessment metric

We welcome the detail provided in Chapter 6 of the Biodiversity Strategy and the use of a metric with respect to achieving a Net Gain in Biodiversity. We note, and welcome, in Table 2 that the aim is to create/retain a variety of priority habitats (Habitats of Principal Importance under Section 40 of the NERC Act) including: Semi-natural broadleaved woodland; ponds with buffers; hedgerows with buffers; lowland meadow; reedbed; wet woodland.

Green Infrastructure and Integrating Biodiversity into the Built Environment

There is an opportunity for a demonstration of high quality implementation of Biodiversity in the Built Environment. The development should include green infrastructure to retain and create a mosaic of habitats and linear features to ensure that structural diversity and habitat connectivity throughout the site is provided. This should include significant amounts of open space, some of which should be earmarked specifically for biodiversity, and some for biodiversity combined with public access. The biodiversity value of recreational areas should also be maximised, for example by the provision of species-rich grassland with an appropriate infrequent mowing regime on the borders of sports pitches. A sensitive directional lighting scheme should be implemented to ensure that additional lighting does not impact on the retained green corridors across the site.

Biodiversity enhancements such as hedgerow and tree planting and management, creation of ponds, creation of hibernacula for reptiles and amphibians and creation of wildflower grasslands should be included in the development design where possible in line with planning policy (NPPF) and the NERC Act, which places a duty on local authorities to enhance biodiversity. Provision should be made for the long term management of these areas. Proposals should also include:

- Integrated bird nest boxes and bat boxes, in a large number of the selected residential buildings, particularly those bordering open space, as well as public buildings.
- Street trees, and fruit trees in gardens
- Native wildflower meadows and other wildlife habitats within the street environment, ideally within gardens and also within the grounds of any public buildings.
- It is likely that the development will involve a large amount of roof space on public / commercial buildings. To help offset the loss of greenfield land that will result from development in this area then either green or brown roofs should be required for the vast majority of the roofs of public and commercial buildings, and preferably some residential buildings, although solar panels may be an appropriate alternative for some roofs.

Green Infrastructure should be designed to provide a network of interconnected habitats, enabling dispersal of species across the wider environment. Open spaces within developments should be linked to biodiversity in the wider countryside, including any designated sites, priority habitats and CTAs. Green Infrastructure should also be designed to provide ecosystem services such as flood protection, microclimate control and filtration of air pollutants.

Biodiversity benefits from SUDS

As well as providing flood control SUDS can provide significant biodiversity value if biodiversity is taken into account in the design, construction and management of SUDS features. This should be required of any development and details will be needed at the Reserved Matters stage. Examples include:

- Green and brown roofs;
- Detention basins and swales that can be planted with wildflower rich grassland;
- Reinforced permeable surface for car parks and drives that can also provide wildflower habitat.

Management and monitoring

Appropriate management and monitoring of the site is vital to achieving a net gain in biodiversity. Each reserved matters application must be accompanied by an LHMP (Landscape & Habitat Management Plan) as indicated in Section 9 of the Biodiversity Strategy. This should include both management and monitoring proposals. The management may need to be modified according to the results of the monitoring work.

The public green space and dedicated biodiversity areas within the site would need to be managed for biodiversity in perpetuity to avoid the loss of potential benefits from the mitigation and enhancement measures. Ecological monitoring is important to ensure that the management is successful in meeting its objectives for biodiversity and to enable remedial action to be identified, if necessary.

Conditions

Following the resolution of the above areas, if the Council is minded to approve this application, conditions should be used to ensure that the ecological aspects of the development proceed in line with the proposals for retention of habitat and for mitigation, compensation and enhancements

Additional response raised an objection relating to net gain of biodiversity:

The proposal does not demonstrate a net-gain in biodiversity, unless guarantees are provided that the Nature Reserve and other areas of biodiversity-rich green space outside of this application area, but within the Masterplan, will be taken forward.

The applicant has used a recognised biodiversity metric in the Biodiversity Strategy document (appendix 6J) which demonstrates how the combination of developments across the entire Masterplan site, with off-site compensation for farmland birds in addition, should deliver a net gain in biodiversity (in line with the NPPF). However, in order to achieve a net gain in biodiversity, this individual application relies on the delivery of the Nature Reserve, in particular, and also other areas of biodiversity-rich green space described in the Green Infrastructure and Landscape Strategy for the Masterplan, and which lie outside of 14/01641/OUT in the southern half of the overall Masterplan area.

The individual applications in the southern half which include the proposed Nature Reserve, and other significant areas of green space, have not yet been lodged.

In these circumstances, and bearing in mind that this application in itself does not appear to be providing a net gain in biodiversity (contrary to the NPPF), then some form of guarantee needs to be provided that the nature reserve and the other significant biodiversity-rich green space indicated in the southern half of the Masterplan will be taken forward before 14/01641/OUT can be approved.

- 3.17 **Network Rail:** This latest application is similar to the application for 2600 dwellings in NW Bicester in that it also refers to a proposed new road under bridge and pedestrian/cycle under pass which will affect Network Rail's operational railway line between Bicester North and Banbury. The developer is in direct contact with Network Rail (sales and Development and Asset Protection) over these proposed new bridges which will form part of a separate planning application "Strategic Infrastructure Application" re A4095 NW Strategic Link Road, which will no doubt be forthcoming shortly. These two residential led applications (and more to come) relate to land within the master plan for Bicester comprising up to 6000 new homes and new employment.

Network Rail is supportive of the closure of level crossings in the area, which we understand is proposed as part of the transport proposals arising from the North West Bicester development (at 5.1.2 of the TA it refers to (1) London Road level crossing will be closed permanently to through traffic at points immediately north and south of

the current rail level crossing and (2) Removal of the existing level crossing at Charbridge Lane).

Discussions between the applicant and Network Rail Property in relation to the bridge rights must be undertaken.

3.18 Sport England:

Sport England assesses this type of proposal in line with its planning objectives and with the National Planning Policy Framework (NPPF). The focus of these objectives is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to meet the needs of local communities. The occupiers of any new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facility Strategy, Playing Pitch Strategy or other relevant needs assessment. This requirement is supported by the NPPF.

3.19 NHS England:

Regarding the needs for the North West Bicester Site:

Summary

1. The Bicester area will undergo substantial housing growth in the coming years. There are 7 key strategic housing development sites which jointly will deliver 9,764 new homes for the period 2014 – 2031 and on the basis of the adopted occupancy rates for the respective developments this will equate to a population increase of approximately 22,786. The 4 main development sites within Bicester (to be developed in phases) are; South West Bicester (known as Kingsmere); NW Bicester EcoTown; Graven Hill; South East Bicester
2. An assessment of capacity within the local primary care infrastructure was carried out and it was concluded that an additional 10,000 new patients could be absorbed using the current facilities. The latter may require some modifications / adjustments to the existing premises, but it was felt that this could be achieved.
3. Any further patients above the 10,000 threshold would necessitate the provision of a new GP facility. Specifically, the North West Bicester site will generate 13,457 population (5607 dws x 2.4 h/hold size) which justifies a new surgery to be provided on the site.
4. On the basis of the housing growth trajectory, it is anticipated that the new facility would not be required until 2020. Clearly, if the growth were to accelerate then the facility would be required a little earlier and if it slows down then the date for this requirement would be pushed back further.
5. Following a meeting of the North East Locality Group on 18 September 2013, a request was made for Cherwell District Council to secure the following S106 provisions in order to safeguard the future expanded primary care services:
 - a. Secure land to enable building of a new GP surgery (to accommodate 7 GP's), on the NW Bicester Eco Town site
 - b. Secure the capital costs of this expansion from the developers (for the sum of £1,359,136)

It is NHS England's firm position that where a new health facility is required as a direct result of major housing growth, that a site to provide a new facility should be provided at either no cost or at the commercial rate for healthcare premises and that a financial contribution towards the funding of the new facility should be made in addition.

Various assessments of the capacity of local health facilities have recently been undertaken, and the need for new premises in this location is a direct requirement of the new population resulting from the NW Bicester development as set out above. The financial contribution that has been requested is directly related to needs of the population that will occupy the new development.

The impact of non-recurrent and recurrent infrastructure costs to NHS England is very significant and is a key concern in the delivery of new healthcare facilities. NHS England should not be burdened with the full cost of both delivering the new facility and/or the recurrent cost of providing the facility, where the requirement for the new facility is a direct result of identified housing growth.

It is acknowledged that the provision of a site within a development to allow the delivery of a new health facility is a suitable approach. This allows a reduction in the capital cost associated with providing the new facility in another location, and would also locate the new facility directly where the new population will be located.

It is important to note however, that NHS England does not have the capital available to fund infrastructure projects arising as a direct consequence of housing growth. Without a financial contribution towards healthcare infrastructure in addition to the provision of a site, there would be a significant financial burden placed on the delivery of the premises, which could delay or prevent the delivery of the service to the new population.

The financial contribution would be used for the sole purpose of providing healthcare facilities and the investment would be protected to ensure that the S106 monies are not used for the benefit of the property owner. In the event that a practice wished to finance the development of these new premises, any S106 monies that contribute to the building of this facility will result in a reduction in the Notional Rent reimbursement received by the practice. This reduction would be proportionate to the level of S106 funding, for up to a 15 year period (minimum). In other words a practice would not benefit from having a rental income for space that has been funded by S106 monies. The latter is all set out in the provisions made by the National Health Service (General Medical Services – Premises Costs) Directions 2013.

Due to the financial commitment that a practice would need to undertake to finance the building of a brand new surgery, this model is now becoming less common and practices are more likely to appoint a third party developer to build a facility and then enter into a leasing arrangement with the developer. If the premises are developed / owned by a third party developer, the landlord would equally not benefit from the S106 monies that have been invested. This could be managed in a number of ways including a charge against the property, or an agreement whereby the GP Practice pays a reduced rent. The reduced level of rent is not something that the GP practice would profit from in any way. This reduction however would have a direct benefit to NHS England as it is the latter who ultimately pay for GP lease rents via the rent reimbursement scheme (again as set out in the Premises Directions). The reduced rent, and therefore levels of reimbursement to the practice, means that NHS England is able to reduce the financial burden placed on it in having to provide additional healthcare infrastructure necessitated by housing growth. The reduced levels of rent would be reflected in the lease and the reduction would be proportionate with the enhancement of the property provided for by the S106 monies. The NHS would ensure that the reduced rent period is granted on a long term basis, 25 years for

example and that the rental figure is verified by the Valuation Office Agency to ensure that the appropriate reductions have been made. This approach is fairly common within the NHS when dealing with S106 monies and there are a number of other house developments in the area where S106 monies have already been secured and the same approach will be applied when using those funds.

The reason for requesting S106 monies as well as the provision of the site is to lessen the financial impact placed on the NHS as a result of infrastructure required due to housing growth and to ensure that the facilities needed to provide good quality healthcare can be put in place for the benefit of the residents of these developments. This facility has been necessitated as a direct consequence of the housing growth and the failure to provide this contribution would undermine the overall sustainability of the proposed house development.

3.20 **Bioregional:**

Bioregional are a charitable organisation who work to promote sustainability to ensure that we live within the natural limits of our one planet. Bioregional are supporting Cherwell District Council in the NW Bicester project as well as A2 Dominion in its role as a major housing provider on the site.

Bioregional have been fully committed to the Eco Town process throughout its development and will continue to work with all partners to help it deliver its full potential. Similarities to Outline Application 1 (14/01384/OUT) in regards to the submitted information and supporting documentation mean that our comments reflect this and are very similar to our formal response to Application1 submitted on 29th January 2015. In summary, we support this application and, subject to appropriate reserved matters and S106 conditions discussed below, we hope to see this scheme go forward.

Overall eco-credentials and general comments

Application 2 is consistent with A2Dominion's earlier outline application and the Exemplar phase of NW Bicester in that it offers outstanding standards of environmental performance in the following areas:

- Built to true zero carbon standard, above the current government definition of zero carbon
- Built to Code for Sustainable Homes standard 5
- Building true zero carbon and code 5 at scale, Application 1 is the largest development in the UK built to these high standards
- Good levels of energy efficiency in the fabric of the buildings and in their design
- Maximising photovoltaic solar panel arrays on every suitable roof, generating some 75% of the site's electricity needs
- A District Heat network is planned throughout the development
- Commitment to very high design standards for water efficiency
- Potential for good walking and cycling infrastructure, subject to detailed design
- Potential for net biodiversity gain
- A commitment that all non-residential buildings will be BREEAM Excellent standard

As a semi-rural extension to an existing town, NW Bicester is designed to be medium density. Compared with higher density urban developments, it provides greater potential for local food growing, high-quality wildlife habitats and accessible, large scale open spaces for play and leisure. In addition, the lower density allows for greater integration of roof-based technologies in meaningful quantities, such as photovoltaic panels and rainwater harvesting. The semi-rural location does, however, mean that sustainable transport is more challenging and biodiversity targets are higher due to a higher ecology baseline and larger development footprint.

Bioregional feel this application sets an excellent example of how to achieve

sustainable living in a rapidly growing Garden Town and it promises to deliver most of the original Eco Town aspirations.

Zero Carbon

The Eco-town PPS ET7 “Zero carbon in eco-towns” gives a definition that “over a year the net carbon dioxide emissions from all energy use within buildings on the development as a whole are zero or below.”

The submitted application energy strategy, in combination with the subsequent energy strategy addendum, delivers this definition of zero carbon.

The strategy meets the required definition by reducing demand through energy efficiency measures. It then meets the remaining demand through on site renewable and low carbon technologies. All electricity demand is met through the combination of the extensive provision of photovoltaic panels on residential and non-residential roof space and electricity generated from a Biomass CHP plant.

All space heating and hot water demands are met through a district heating system supplied from a combination of gas CHP and biomass CHP plants.

The true zero carbon energy strategy sets itself apart from other “carbon neutral” housing schemes within the UK because it deals with all of the developments carbon emissions. This includes both regulated and unregulated emissions. It deals with all of these emissions through on-site solutions.

Biomass CHP

Bioregional support the submitted energy strategy and its proposals for meeting true zero carbon. Biomass CHP is just one part of the mix in the energy strategy but we want to highlight the need for biomass CHP providers to demonstrate that their plant can operate reliably and at scale in a residential context (as opposed to operating in a research and development context). With this in mind, it is important that the energy strategy is reviewed as phases come forward for detailed planning approval, and alternative options for meeting true zero carbon left open. These should include:

- The potential to deliver further demand savings, perhaps using LED lighting, or as other more efficient electrical products and systems became mainstream
- The potential to increase the PV provision if necessary

Phasing

The NW Bicester Exemplar has demonstrated it can meet true zero carbon after delivery of 200 homes, whereas this application proposes meeting it after 500 homes. This is a lower standard than the Exemplar and could mean that NW Bicester operates with significant carbon emissions for some years and some uncertainty before meeting its zero carbon standard. We suggest that the phasing and sizing of plant could be adjusted to deliver true zero carbon in line with similar timings of housing levels as the Exemplar.

Biodiversity

We are pleased to see the incorporation of a Biodiversity Strategy (compliance with ET 16 Biodiversity – Eco towns PPS “A strategy for conserving and enhancing local biodiversity should be produced to accompany planning applications for eco-towns”) and the use of the Defra Metric (Appendix 6J of Environmental Statement)

We agree in principle with the downgrading of the Arable Land to Low Distinctiveness and Poor condition within the Defra Metric. This change means that Net Gain can be achieved without habitat compensation. However, as indicated in the application, species compensation is still required for farmland bird species.

Offset scheme

At this stage there are no details of the offset/compensation scheme for farmland birds. The integrity of the net biodiversity gain target is dependent on delivering an effective offset scheme, so we have listed some issues that will require care when setting up the scheme:

- Management of the fund/scheme and ensuring any management company has the correct experience and resources to manage a scheme of this scale
- Proximity of the enhanced land uses to NW Bicester
- Levels of payments compared to other comparable schemes
- Safeguarding the enhanced land after the life-time of the scheme (25 years) to ensure long-term biodiversity gains

Transport

Walkability

Bioregional carried out a modal transport assessment for NW Bicester which is referred to in the application. However, we would present the conclusions of this assessment differently. A significant number of homes (approx. 30%) will be beyond the 800m/10min walk to a local centre (Eco Town PPS ET 11 Transport - homes should be within ten minutes' walk of (a) frequent public transport and (b) neighbourhood services).

There is a suggestion of two small neighbourhood shops, remote from the local centres, set amidst the main housing areas, which would bring those remoter homes within 800m of the most basic local provisions, but question how likely those shops are to be delivered.

We therefore have concerns over the walkability of the outlying neighbourhoods in this application.

Modal shift targets

The modal shift ambitions within the transport assessment do not currently meet the PPS requirements. The PPS looks for a 50% modal shift, potential to rise to 60% over time, and significantly more ambitious targets as NW Bicester is close to a higher order settlement (ET11.3(b)).

We would welcome further work on how a modal shift of 60% could be achieved at NW Bicester; this could be through the identification of scenarios and precedents studies.

Offsite connectivity

The transport assessment lists the external connections between application 1 and the existing town. It breaks these down into primary and secondary connections. Although there is an acknowledgement that these connections will be delivered/upgraded through S106 agreements, we would welcome more detail on the timescale for the enhancements and which ones will be taken forward (PPS; ET 11 Transport - The town should be designed so that access to it and through it gives priority to options such as walking, cycling, public transport and other sustainable options, thereby reducing residents' reliance on private cars").

Support for Transport Approach

Despite the above queries, Bioregional support this scheme for a number of reasons:

- It is recognised that the town of Bicester currently has high car use (69%) given its location close to the strategic motorway network and therefore achieving 50% already represents a substantial shift in travel towards non-car modes.
- Extensive work is already underway on the promotion of Electric Vehicles

within the Exemplar Phase. We understand that this will continue onto this adjacent application. Initiatives include:

- Proposed incorporation of superfast car chargers across Bicester with the first installation to be next to the energy centre on the Exemplar phase
- Electric Car leasing services where residents can try a number of electric vehicles before they buy
- We understand that the off-site cycle improvements are listed within the S106 contribution and we are glad to see A2Dominion already looking into these.
- We are pleased to hear that the Exemplar bus service is under development and is considering the use of Electric Buses. This service will be extended to serve communities within this Application 1.

Employment

We welcome the inclusion of green businesses and promoting sustainability in Appendix 1 of the economic strategy. This is very positive and offers great opportunities to bring a unique set of skills, identity and business opportunities to Bicester.

We are unsure of the ownership and who will deliver the action plan in the economic strategy.

We understand that work has begun to promote NW Bicester to potential businesses and retail developers. A site wide approach is rightly being taken, rather than a piecemeal approach.

We recommend a periodic review of the action plan submitted as a check that the aspirations are being pursued and delivered.

Detailed Design and Design Code

Many of the aspirations for Application 2 will not become fully demonstrated until detailed designs and design codes are produced. Reserved matters will need to ensure delivery of the following:

- Character and identity of the development, landmark buildings
- High quality allotments and play areas
- Exemplary range of cycle and pedestrian routes
- Detailed lighting strategy that provides amenity for walkers and cyclists and also respects strategic dark corridors

Summary

Bioregional support this application and give great credit to the high environmental standards. We recommend that the following matters be addressed through reserved matters or S106:

1. Allowing for additional measures for further electrical demand reductions and potentially increased PV provision in case of deliverability issues in the energy strategy
2. A phasing plan that delivers zero carbon after a smaller number of homes around each energy centre, similar to the Exemplar precedent
3. A robustly planned offset scheme for farmland bird habitat
4. Options for more ambitious modal shift targets
5. Commitments around delivery of offsite walking and cycling connections
6. Ownership assigned to actions in the economic strategy to deliver green business services and to encourage incoming green minded businesses

4.1 Development Plan Policy

Adopted Cherwell Local Plan 2011-2031

Sustainable communities

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE4: Improved Transport and Connections
- BSC1: District wide housing distribution
- BSC2: Effective and efficient use of land
- BSC3: Affordable housing
- BSC4: Housing mix
- BSC7: Meeting education needs
- BSC8: Securing health and well being
- BSC9: Public services and utilities
- BSC10: Open space, sport and recreation provision
- BSC11: Local standards of provision – outdoor recreation
- BSC12: Indoor sport, recreation and community facilities

Sustainable development

- ESD1: Mitigating and adapting to climate change
- ESD2: Energy Hierarchy and Allowable solutions
- ESD3: Sustainable construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable flood risk management
- ESD7: Sustainable drainage systems
- ESD8: Water resources
- ESD10: Biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD15: Character of the built environment
- ESD17: Green Infrastructure

Strategic Development

- Policy Bicester 1 North West Bicester Eco Town
- Policy Bicester 7 Open Space
- Policy Bicester 9 Burial Ground

Infrastructure Delivery

- INF1: Infrastructure

Adopted Cherwell Local Plan (Saved Policies) 1996

- H18: New dwellings in the countryside
- S28: Proposals for small shops and extensions to existing shops outside Banbury, Bicester and Kidlington
- TR1: Transportation funding
- TR10: Heavy Goods Vehicles
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design Control

4.2 Other Material Policy and Guidance

The Non Stat Cherwell Local Plan proceeded to through the formal stages towards adoption, reaching pre inquiry changes. However due to changes in the planning system the plan was not formally adopted but was approved for development control purposes. The plan contains the following relevant policies;

H19: New Dwellings in the Countryside
H3: Density
H4: Types of Housing
H5: Housing for people with disabilities and older people
H7: affordable housing
TR3: A Transport Assessment and Travel Plan must accompany development proposals likely to generate significant levels of traffic
TR4: Mitigation Measures
R4: Rights of Way and Access to the Countryside
EN16: Development of Greenfield, including Best and Most Versatile Agricultural Land
EN22: Nature Conservation
EN28: Ecological Value, Biodiversity and Rural Character
EN30: Sporadic Development Countryside
EN32: Coalescence of Settlements
D9: Energy Efficient Design

4.3 **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was published in March 2012 and sets out the Government's planning policies for England. It contains 12 Core Principles which should underpin planning decisions. These principles are relevant to the consideration of applications and for this application particularly the following;

- Plan led planning system
- Enhancing and Improving the places where people live
- Supporting sustainable economic development
- Securing high quality design
- Protecting the character of the area
- Support for the transition to a low carbon future
- Conserving and enhancing the natural environment
- Promoting mixed use developments
- Managing patterns of growth to make use of sustainable travel
- Take account of local strategies to improve health, social and cultural wellbeing.

4.4 **Eco Towns Supplement to PPS1**

The Eco Towns supplement was published in 2009. The PPS identified NW Bicester as one of 4 locations nationally for an eco-town. The PPS sets 15 standards that eco town development should achieve to create exemplar sustainable development. Other than the policies relating to Bicester the Supplement was been revoked in March 2015.

4.5 **Planning Practice Guidance**

4.6 **NW Bicester Supplementary Planning Document**

The NW Bicester SPD provides site specific guidance with regard to the development of the site, expanding on the Bicester 1 policy in the emerging Local Plan. The draft SPD has been published and been the subject of consultation. The draft SPD is based on the A2Dominion master plan submitted in May 2014 and seeks to embed the principle features of the master plan into the SPD to provide a framework to guide development. The SPD is currently an Interim Draft having been considered by the Council's Executive where it was resolved that the SPD should be used on an interim basis for development management purposes.

The SPD sets out minimum standards expected for the development, although developers will be encouraged to exceed these standards and will be expected to apply higher standards that arise during the life of the development that reflect up to date best practice and design principles.

4.7 **One Shared Vision**

The One Shared Vision was approved by the Council, and others, in 2010. The document sets out the following vision for the town;

To create a vibrant Bicester where people choose to live, to work and to spend their leisure time in sustainable ways, achieved by

- Effecting a town wide transition to a low carbon community triggered by the new eco development at North West Bicester;
- Attracting inward investment to provide environmentally friendly jobs and commerce, especially in green technologies, whilst recognising the very important role of existing employers in the town;
- Improving transport, health, education and leisure choices while emphasising zero carbon and energy efficiency; and
- Ensuring green infrastructure and historic landscapes, biodiversity, water, flood and waste issues are managed in an environmentally sustainable way.

4.8 **Draft Bicester Masterplan**

The Bicester masterplan consultation draft was produced in 2012. It identifies the following long term strategic objectives that guide the development of the town, are:

- To deliver sustainable growth for the area through new job opportunities and a growing population;
- Establish a desirable employment location that supports local distinctiveness and economic growth;
- Create a sustainable community with a comprehensive range of social, health, sports and community functions;
- Achieve a vibrant and attractive town centre with a full range of retail, community and leisure facilities;
- To become an exemplar 'eco-town', building upon Eco Bicester – One Shared Vision;
- To conserve and enhance the town's natural environment for its intrinsic value; the services it provides, the well-being and enjoyment of people; and the economic prosperity that it brings;
- A safe and caring community set within attractive landscaped spaces;
- Establish business and community networks to promote the town and the eco development principles; and,
- A continuing destination for international visitors to Bicester Village and other tourist destinations in the area.

The aim is for the masterplan to be adopted as SPD, subject to further consultation being undertaken. The masterplan is at a relatively early stage and as such carries only limited weight.

5. **Appraisal**

The key issues for consideration in this application are:

- Relevant Planning History
- Environmental Statement
- Planning Policy and Principle of Development
- Five Year Housing Land Supply
- Adopted Local Plan and NW SPD
- Eco Town PPS Standards
- Zero Carbon
- Climate Change Adaptation
- Homes
- Employment
- Transport

- Healthy Lifestyles
- Local Services
- Green Infrastructure
- Landscape and Historic Environment
- Biodiversity
- Water
- Flood Risk Management
- Waste
- Master Planning
- Transition
- Community and Governance
- Design
- Conditions and Planning Obligations
- Other matters
- Pre-application community consultation & engagement

5.1 **Relevant Planning History**

5.1.1 Land at North West Bicester was identified as one of four locations nationally for an eco-town in the Eco Town Supplement to PPS1.

5.1.2 Following this, a site to the North East of the current site was the subject of an application for full planning permission for residential development and outline permission for a local centre in 2010 (10/01780/HYBRID). This permission, referred to as the Exemplar, and now being marketed as 'Elmsbrook', was designed as the first phase of the Eco Town and meets the Eco Town Standards. The scheme is currently being built out.

5.1.3 Four further applications have been received for parts of the NW Bicester site:

14/01384/OUT – OUTLINE - Development comprising redevelopment to provide up to 2600 residential dwellings (Class C3), commercial floorspace (Class A1 – A5, B1 and B2), social and community facilities (Class D1), land to accommodate one energy centre, land to accommodate one new primary school (up to 2FE) (Class D1) and land to accommodate the extension of the primary school permitted pursuant to application [ref 10/01780/HYBRID]. Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations.

This application benefits from a resolution to grant planning permission subject to the completion of a S106 legal agreement. This resolution was made at Planning Committee in March 2015.

14/01675/OUT – OUTLINE - Erection of up to 53,000 sqm of floor space to be for B8 and B2 with ancillary B1 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access of Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (G1); provision of sustainable urban systems (suds) incorporating landscaped areas with balancing ponds and swales. Associated utilities and infrastructure. It is anticipated that this application will be presented to committee by the end of the year.

14/01968/F – Construction of new road from Middleton Stoney Road roundabout to join Lord's Lane, east of Purslane Drive, to include the construction of a new crossing under the existing railway line north of the existing Avonbury Business Park, a bus only link east of the railway line, a new road around Hawkwell Farm to

join Bucknell Road, retention of part of Old Howes Lane and Lord's Lane to provide access to and from existing residential areas and Bucknell Road to the south and a one way route northbound from Shakespeare Drive where it joins with the existing Howes Lane with priority junction and associated infrastructure. Amendments are awaited from the applicant in order to move this forward.

14/02121/OUT – OUTLINE - Development to provide up to 1,700 residential dwellings (Class C3), a retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1 and C1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road). A consultation is currently underway in relation to an amended submission.

The plan attached at appendix A shows the area to which each of the applications relates.

6 Environmental Statement

6.1 The Application is accompanied by an Environmental Statement (ES). It covers landscape and visual, ecology, flood risk, hydrology, air quality, noise and vibration, cultural heritage, contaminated land, agriculture and land use, human health, socio economic and community, waste, transport and cumulative effects. The ES identifies significant impacts of the development and mitigation to make the development acceptable. An Addendum to the ES was submitted for ecology, flood risk and hydrology, air quality and transport.

6.2 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 reg 3 requires that Local Authorities shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and they shall state in their decision that they have done so.

6.3 The NPPG advises 'The local planning authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. The information in the ES and the consultation responses received have been taken into account in considering this application and preparing this report.

6.4 The ES identifies mitigation and this needs to be secured through conditions and/or legal agreements. The conditions and obligations proposed incorporate the mitigation identified in the ES.

7 Planning Policy and Principle of the Development

7.0.1 Section 38 of the Planning and Compulsory Purchase Act 2004 advises that;

'If regard is to be had to the Development Plan for the purposes of any determination under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise'.

7.0.2 The Development Plan for the area is the Adopted Cherwell Local Plan 2011-2031, which was adopted in July 2015 and the saved policies of the Adopted Cherwell Local Plan 1996.

7.1 Adopted Cherwell Local Plan 2011 – 2031 (ACLP)

7.1.1 The newly Adopted Cherwell Local Plan 2011-2031 includes Strategic Allocation Policy Bicester 1, which identifies land at NW Bicester for a new zero carbon mixed

use development including 6,000 homes and a range of supporting infrastructure. The current application site forms part of the strategic allocation in the local plan. The policy is comprehensive in its requirements and the consideration of this proposal against the requirements of Policy Bicester 1 will be carried out through the assessment of this application.

- 7.1.2 The Plan includes a number of other relevant policies to this application including those related to sustainable development, employment, transport, housing, community infrastructure, recreation, water, landscape, environment and design. These policies are considered further below in this appraisal.

7.2 **Adopted Cherwell Local Plan 1996**

- 7.2.1 The Cherwell Local Plan 1996 includes a number of policies saved by the newly adopted Local Plan, most of which relate to detailed matters such as design and local shopping provision. The Plan includes Policy H18, which relates to new dwellings in the open countryside. Whilst the proposal would conflict with this particular policy, the fact that the site forms part of an allocation in the newly adopted Plan is a material consideration. The policies of the adopted Cherwell Local Plan will be considered in further detail below.

- 7.2.2 The policies within both the Adopted Cherwell Local Plan 2011-2031 and those saved from the adopted Cherwell Local Plan 1996 are considered to be up to date and consistent with the National Planning Policy Framework having been examined very recently.

7.3 **Non Statutory Cherwell Local Plan**

- 7.3.1 The NSCLP was produced to replace the adopted Local Plan. It progressed through consultation and pre inquiry changes to the plan, but did not proceed to formal adoption due to changes to the planning system. In 2004 the plan was approved as interim planning policy for development control purposes. This plan does not carry the weight of adopted policy but never the less is a material consideration. There are a number of relevant policies as set out, which will be considered in further detail in this assessment.

7.4 **NW Bicester SPD**

- 7.4.1 The Eco Towns PPS and the CSLP both seek a master plan for the site. A master plan has been produced for NW Bicester by A2Dominion and this has formed the basis of a supplementary planning document for the site. The SPD amplifies the local plan policy and provides guidance on the interpretation of the Eco Towns PPS standards for the NW Bicester site. The SPD has been reported to the Council's Executive in June 2015 and has been approved for use on an interim basis for Development Management purposes. The document is therefore currently an 'Interim Draft' and does not yet carry full weight until such time that it is adopted. The SPD is therefore a material consideration.

7.5 **Eco Towns Supplement to PPS1**

- 7.5.1 The Eco Towns PPS was published in 2009 following the governments call for sites for eco towns. The initial submissions were subject to assessment and reduced to four locations nationally. The PPS identifies land at NW Bicester for an eco-town. The PPS identifies 15 standards that eco towns are to meet including zero carbon development, homes, employment, healthy lifestyles, green infrastructure and net biodiversity gain. These standards are referred to throughout this report. This supplement was cancelled in March 2015 for all areas except NW Bicester.

7.6 **NPPF**

- 7.6.1 The NPPF is a material consideration in the determination of the planning application. It is stated at paragraph 14, that 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which

should be seen as a golden thread running through both plan making and decision taking'. For decision taking this means¹ approving development proposals that accord with the Development Plan without delay. The NPPF explains the three dimensions to sustainable development being its economic, social and environmental roles. The NPPF includes a number of Core Planning Principles including that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the Country needs. The NPPF also states at paragraph 47 that Local Planning Authorities should boost significantly the supply of housing and in order to do this, they must ensure that the Local Plan meets the full, objectively assessed needs for market and affordable housing and identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer (5 or 20%) to ensure choice and competition in the market for land.

7.7 **Five Year Housing Land Supply**

7.7.1 The Council's most recent Annual Monitoring Report published in March 2015 concluded that the District has a 5.1 year supply of deliverable housing sites for the five year period 2015 to 2020 (commencing on the 1st April 2015). This is based on the housing requirement of the adopted Local Plan 2011-2031 Part 1 which is 22,840 homes for the period 2011-2031 and is in accordance with the objectively assessed need for the same period contained in the 2014 SHMA (1,140 homes per annum of a total of 22,800). The five year land supply also includes a 5% buffer for the reasons explained at paragraph 6.28 of the AMR. The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.

7.7.2 The five year land supply position has recently been tested at appeal at Kirtlington (14/01531/OUT), where the Inspector stated that the Council could demonstrate a five year supply of deliverable housing sites and that the relevant policies for the supply of housing in the Local Plan are up to date (paragraph 55 of the appeal decision).

7.8 **Conclusion on the principle of the development**

7.8.1 The site is part of a much larger site identified in the newly adopted Cherwell Local Plan for a mixed use development including 6000 residential dwellings. As such, the general principle of development on this land complies with adopted Local Policy. The NPPF advises that development proposals that comply with the Development Plan should be approved without delay. It is therefore necessary to consider the details of the proposal; its benefits and impacts and consider whether the proposal can be considered to be sustainable development.

8 **Zero Carbon Development**

8.1 The Eco Towns PPS at standard ET7 states;

The definition of zero carbon in eco-towns is that over a year the net carbon dioxide emissions from all energy use within the buildings on the eco-town development as a whole are zero or below. The initial planning application and all subsequent planning applications for the development of the eco-town should demonstrate how this will be achieved.

This standard is higher than other national definitions of zero carbon as it includes the carbon from the buildings (heating and lighting = regulated emissions) as with other definitions, but also the carbon from the use of appliances in the building (televisions, washing machines, computers etc = unregulated emissions). This higher standard is being included on the exemplar development which is being referred to as true zero carbon.

¹ Unless material considerations indicate otherwise

- 8.2 The NPPF identifies at para 7 that environmental sustainability includes prudent use of natural resources and the mitigation and adaptation to climate change including moving to a low carbon economy. Para 93 it identifies that 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.'
- 8.3 The ACLP policy Bicester 1 seeks development that complies with the Eco Town standard. Policy ESD2 seeks carbon emission reductions through the use of an energy hierarchy, Policy ESD3 seeks all new residential development to achieve zero carbon and for strategic sites to provide contributions to carbon emission reductions Policy ESD4 encourages the use of decentralised energy systems and ESD5 encourages renewable energy development provided that there is no unacceptable adverse impact.
- 8.4 The Interim Draft SPD includes 'Development Principle 2: 'True Zero Carbon Development'. The Principle requires the achievement of zero carbon and the need for each application to be accompanied by an energy strategy to identify how the scheme will achieve the zero carbon targets and the phasing.
- 8.5 The application is accompanied by an energy strategy that sets out how the development will achieve zero carbon development through predominantly on site technology. The strategy identifies measures to reduce energy use and then proposes an energy centre with low zero carbon technology (a Gas CHP – to meet approximately 70% of the thermal demands and Biomass CHP – to meet approximately 20% of the thermal demands). The remaining thermal demands would be met by highly efficient conventional gas boilers. These technologies would feed into the site wide District Heating Network by providing hot water and power. Thermal stores to regulate thermal demand into the District Heating Network are also proposed. The remaining carbon reductions will be met through the provision of solar PV to be installed on residential and non-residential roof space. Whilst this preferred approach is identified, it will be necessary for further refinement of available technical solutions alongside the detailed design work to occur to ensure that the proposal can ultimately achieve the aim to meet true zero carbon standards.
- 8.6 The proposals to achieve a true zero carbon development are ambitious and exceed other developments taking place in the UK. The achievement of zero carbon will be phased and it is proposed in the application that the standard will be met by the time 500 homes are constructed (to increase to 1000 homes once the larger engines are installed). The phasing will need to reflect the phasing of development on the site and it is proposed conditions are used to deal with the timing of the achievement of zero carbon. In addition there is rapid development in the area of renewables and CHP and further opportunities may arise, such as ability to connect to a heat network from Ardley or changes in renewable technologies to achieve true zero carbon moving forward. Therefore a condition is also proposed to enable the plan for achieving true zero carbon to be updated as development progresses.
- 9 **Climate Change Adaptation**
- 9.1 The Eco Towns PPS at ET8 advises;
Eco-towns should be sustainable communities that are resilient to and appropriate for the climate change now accepted as inevitable. They should be planned to minimise future vulnerability in a changing climate, and with both mitigation and adaptation in mind.
- 9.2 ACLP policy ESD1 seeks the incorporation of suitable adaptation measures in new

development to make it more resilient to climate change. Policy Bicester 1 requires all buildings requires all new buildings to be designed incorporating best practice in tackling overheating.

9.3 The Interim Draft SPD includes 'Development Principle 3 - Climate Change Adaptation'. The principle requires planning applications to incorporate best practice on tackling overheating, on tackling the impacts of climate change on the built and natural environment including urban cooling through Green Infrastructure, orientation and passive design principles, include water neutrality measures, meet minimum fabric energy efficiency standards and achieve Code for Sustainable Homes Level 5. The principle also expects applications to provide evidence to show consideration of climate change adaptation and to design for future climate change.

9.4 Work was undertaken by Oxford Brookes University and partners, with funding from the Technology Strategy Board (now innovate UK), in 2011/12 looking at future climate scenarios for Bicester to 2050. Climate Change impacts are generally recognised as;

- a) Higher summer temperatures
- b) Changing rainfall patterns
- c) Higher intensity storm events
- d) Impact on comfort levels and health risks

The Design for Future Climate project identified predicted impacts and highlighted the potential for water stress and overheating in buildings as being particular impacts in Bicester. Water issues are dealt with separately below. For the exemplar development consideration of overheating led to the recognition that design and orientation of dwellings needed to be carefully considered to avoid overheating and in the future the fitting of shutters could be necessary to avoid overheating.

9.5 For the masterplan, and carried forward to the application plans, the following have been identified in the Sustainability Statement as influencing the design;

- Delivering the development to zero carbon standards that will also respond to future climate change issues such as overheating through the provision of appropriate insulation, shading and ventilation.
- The development is designed to ensure that all buildings are located outside of the 1:100 year plus climate change and 1:1000 year flood zones.
- Landscape design leads the design form and function of areas, with the retention of hedgerows, riparian corridors, woodland and ponds plus the creation of interconnecting green and blue corridors and places that provide shade and shelter, manage water and help regulate the urban temperature.

There are also a number of detailed design matters to increase the resilience of biodiversity to climate change and to design in adaptive measures for the public realm, landscape and water management.

10 **Homes**

10.1.1 Eco towns PPS ET9 sets requirements for new homes at NW Bicester. It states homes in eco-towns should:

- a) achieve Building for Life 9 Silver Standard and Level 4 of the Code for Sustainable Homes 10 at a minimum (unless higher standards are set elsewhere in this Planning Policy Statement)
- b) meet lifetime homes standards and space standards
- c) Have real time energy monitoring systems; real time public transport information and high speed broadband access, including next generation broadband where possible. Consideration should also be given to the potential use of digital access to support assisted living and smart energy management systems
- d) provide for at least 30 per cent affordable housing (which includes social rented and intermediate housing)

- e) demonstrate high levels of energy efficiency in the fabric of the building, having regard to proposals for standards to be incorporated into changes to the Building Regulations between now and 2016 (including the consultation on planned changes for 2010 issued in June 2009 and future announcements on the definition of zero carbon homes), and
- f) achieve, through a combination of energy efficiency and low and zero carbon energy generation on the site of the housing development and any heat supplied from low and zero carbon heat systems directly connected to the development, carbon reductions (from space heating, ventilation, hot water and fixed lighting) of at least 70 per cent relative to current Building Regulations (Part L 2006).

- 10.1.2 The Interim Draft SPD includes 'Development Principle 4 - Homes'. This principle includes the requirement that applications demonstrate how 30% affordable housing can be achieved, ensure that residential development is constructed to the highest environmental standards, involve the use of local materials and flexibility in house design and size as well as how development will meet design criteria. 'Development Principle 4A - Homeworking', which requires applications to set out how the design of the homes will provide for homeworking. This includes referring to the economic strategy as to how this will contribute to employment opportunities for homeworking.
- 10.1.3 ACLP Policy Bicester 1 states 'Layout to achieve Building for Life 12 and Lifetime Homes Standards, Homes to be constructed to be capable of achieving a minimum of Level 5 of the Code for Sustainable Homes on completion of each phase of development, including being equipped to meet the water consumption requirement of Code Level 5 and it also requires the provision of real time energy monitoring systems, real time public transport information and superfast broadband access, including next generation broadband where possible'.
- 10.1.4 Issues with regard to the design are considered further below and the previous section within this appraisal has noted the measures that would be incorporated to achieve zero carbon. The application commits to the achievement of Building for Life 12 and to be built to Level 5 of the Code for Sustainable Homes as a minimum. It is also stated that lifetime homes standards and space standards will be met. Building for Life is a scheme for assessing the quality of a development through place shaping principles. This will be relevant as the scheme moves forward and to ensure the applicant's commitment can be met, a planning condition can be used. Lifetime homes standards were developed by the Joseph Rowntree Foundation to ensure homes were capable of adaptation to meet the needs of occupiers should their circumstances change, for example a family member becoming a wheelchair user. The standards are widely used for social housing. At this stage the application is in outline with no detail of the design of dwellings is included and therefore this requirement will be covered by condition. Nationally set space standards were published in March 2015 and are a matter for the Local Planning Authority (it was not incorporated into the Building Regulations unlike other aspects of the Housing Standards Review).
- 10.1.5 Real time energy monitoring and travel information is being provided as part of the Exemplar development being constructed through the provision of tablet style information portals in every home. The use of these to provide additional information to the community to support sustainable lifestyles and community events is being planned. There is potential that these could in the future also be customised to meet specific needs of occupiers including health needs. This is an area where there is technical innovation and it would be inappropriate to specify a particular approach at this point in time and again this is a matter for detailed designs. A condition is proposed to ensure future detailed proposals address this requirement.

10.2 Affordable Housing

- 10.2.1 Not only does the eco town PPS set out a requirement for affordable housing but saved policy H5 of the Adopted Cherwell Local Plan seeks affordable housing to meet local needs which is mirrored in NSCLP H7.
- 10.2.2 Policy BSC3 of the ACLP sets out a requirement for 30% affordable housing for sites in Bicester whilst Policy BSC4 seeks a mix of housing based on up to date evidence of housing need and supports the provision of extra care and other specialist supported housing to meet specific needs.
- 10.2.3 The NPPF advises that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. The NPPF at para 50 goes on to advise;
- ‘To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
 - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
 - where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.’
- 10.2.4 The provision of 30% affordable housing can be secured by condition and/or S106 agreement provided the scheme is viable. Initial work shows that the scheme can deliver 30% affordable housing. The detailed housing mix will also need to be agreed for both affordable and market housing to ensure that it meets local need and again a condition and/or S106 agreement are proposed to address the issue of the housing mix. The provision of affordable housing is a significant benefit of the scheme.
- 10.3 Fabric energy efficiency and carbon reduction
- 10.3.1 The PPS sets specific requirements for dwellings in terms of fabric energy efficiency and carbon reduction. The Adopted Policy Bicester 1 seeks a minimum of Code level 5 for homes. As part of the Exemplar development that is being undertaken the houses are being built to Code for sustainable homes level 5 with increased fabric efficiency and low carbon heating from an energy centre on site. This application proposes the continuation of the same approach of Code 5 houses and low carbon heating through energy centres and as such complies with this aspect of the PPS and the Local Plan.
- 10.3.2 The application makes provision for market and affordable housing. The detail of the housing will be established through reserved matter submissions guided by the requirements of conditions and agreements attached to any outline permission. These conditions will ensure the housing meets the PPS standards and delivers high quality homes as part of a sustainable neighbourhood as sought in the NPPF.
- 11 **Employment**
- 11.1 The Eco Towns PPS sets out the requirement that eco towns should be genuinely mixed use developments and that unsustainable commuter trips should be kept to a

minimum. Employment strategies are required to accompany applications showing how access to work will be achieved and set out facilities to support job creation in the town and as a minimum there should be access to one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport.

- 11.2 The NPPF identifies a strong, responsive and competitive economy as a key strand of sustainable development (para 7) and outlines the Government's commitment to securing economic growth (para 18). The NPPF identifies offices, commercial and leisure development as town centre uses and advises a sequential test to such uses that are not in a town centre (para 24) and where they are not in accordance with an adopted plan. This policy is designed to protect the vitality of town centres and this has been an important consideration in developing the proposals for NW Bicester. Local retail, leisure and employment provision is sought to serve the needs of the new development and reduce the need to travel but the scale and mix of uses is such that they will not compete with the town centre so for example the proposals do not include large scale supermarkets or retail provision. The benefit of mixed use development for large scale residential development is recognised, and a core principle of the NPPF is to promote mixed use development and in other paragraphs such as para 38 the benefit of mixed use for large scale residential development is recognised.
- 11.3 The Adopted Cherwell Local Plan makes it clear that there is an aim to support sustainable economic growth and Policy SLE1 requires employment proposals on allocated sites to meet the relevant site specific policy. Policy Bicester 1 seeks:
- a minimum of 10 ha, comprising business premises focused at Howes Lane and Middleton Stoney Road
 - employment space in local centres
 - employment space as part of mixed use centres
 - 3000 jobs, approx. 1000 B class jobs on the site (within the plan period)
 - A carbon management plan produced to support applications for employment developments
 - An economic strategy demonstrating how access to work will be achieved and to deliver a minimum of 1 employment opportunity per dwelling easily reached by walking, cycling or public transport
 - Mixed use local centre hubs to include employment
 - Non-residential buildings to be BREEAM very good and capable of achieving excellent
- 11.4 The Interim Draft SPD includes 'Development Principle 5 - Employment'. This principle requires employment proposals to address a number of factors and for planning applications to be supported by an economic strategy, which is consistent with the masterplan economic strategy and to demonstrate access to one new employment opportunity per new home on site and within Bicester. Each application should also include an action plan to deliver jobs and homeworking, skills and training objectives and support local apprenticeship and training initiatives.
- 11.5 An Economic Strategy was prepared to inform the Masterplan for the site and a subsequent strategy for the current application has been submitted. The Masterplan Economic Strategy looked at the opportunities for employment on the NW site in the context of Bicester and the employment allocations elsewhere in the town. The strategy identified the opportunity for some 4600 jobs on site within B1 business park, B2/B8 business park, an eco-business centre, local centre employment, education and employment in retained farmsteads, homeworking and long term construction jobs. Around 1000 local service jobs would also be created in Bicester to serve the demands of residents of the development and many of these would be in the town centre and 400 jobs in firms in the target sectors of the development but location on other employment sites in the town. The economic strategy is supported

by an action plan to include ways to support job creation (e.g. through apprenticeships schemes), in addition to the provision of employment land, which will support wide employment growth in the town.

- 11.6 In respect to this application site, the economic strategy identifies how it meets the requirement in the context of the overarching masterplan. It highlights that the masterplan does not evenly distribute employment across the whole development, particularly given the proposal for a business in the south east corner of the site, which is proposed to accommodate around a third of the total jobs across the site. The economic strategy advises that 841 jobs on the application 2 site area are likely to result, made up of jobs within office accommodation in the local centre, retail and local service activities, within the primary and secondary schools, opportunities for residents to work from home and within the construction timescale (estimated to be around 7 years). In addition, off site jobs are likely to increase given the extra demand brought about by the increased population and by businesses being attracted to Bicester and the eco town ethos.
- 11.7 The parameter plans for this application identify a significant area of land adjacent to the proposed new strategic road for the primary and secondary schools and their playing fields. A mixed use local centre and the GP provision is proposed to the south of the overall site and otherwise, a small commercial area is proposed adjacent to the existing Avonbury Business Park. The proposed mixed use local centre is to include retail uses, an energy centre, community uses and commercial uses including office space and nursery uses. The retail uses proposed are small scale local provision that would not impact on the town centre in terms of its vitality and viability and planning conditions can be used to control the size of the units to ensure that the retail premises do not compete with the town centre. The increase in size of the town through developments such as this will increase the population the town centre serves increasing its viability.
- 11.8 Whilst the scheme does not therefore meet on site the PPS requirement of one job per dwelling and this application alone has not been shown to meet the provision for directly related off site jobs. However it would make a significant contribution to meeting the ACLP policy requirement. In addition the Council currently has an application in for the main employment location identified in the A2D masterplan (14/01675/OUT) as well as applications that include other local centre provision. Businesses cannot be forced to locations they do not see as appropriate. To attract businesses it is not only necessary to have appropriate sites but also to create the right environment to attract businesses. An action plan is attached to the A2D masterplan Economic Strategy which sets out how this environment can be created to attract and create employment opportunities both on site and through development but also within the town. This approach has been successfully used in connection with the Exemplar development that is currently taking place, to support local employment and apprenticeships and work with local suppliers and to raise the profile of the scheme within Bicester. It is therefore part of the recommendation that an economic strategy action plan is required, through a legal agreement, to be submitted and implemented for this application to support job creation to meet the PPS standard.
- 11.9 It is considered that the NW development as a whole will meet the local plan target for jobs and is capable of meeting the PPS standard. It is appropriate for this standard to be met across the site to ensure appropriate distribution of uses including viable local centres. For this application it is important that it contributes as set out in the strategy and through proactive work on the action plan not just by the applicants but by other organisations with a stake and role to play such as Cherwell through its economic development work, Oxfordshire County Council through its work on skills, Bicester Vision and Chamber through their work to promote opportunity in the town and businesses as well as education providers around skills

and training.

12 **Transport**

- 12.1.1 The Eco Towns PPS sets out that Eco Towns should 'support people's desire for mobility whilst achieving the goal of low carbon living'. The PPS identifies a range of standards around designing to support sustainable travel, travel planning and travel choice, modal shift targets, ensuring key connections do not become congested from the development and ultra low emission vehicles. The PPS seeks homes within 10 mins walk of frequent public transport and local services. The PPS recognises the need for travel planning to achieve the ambitious target of showing how the town's design will enable at least 50 per cent of trips originating in the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent.
- 12.1.2 The NPPF has a core principle that planning should; 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;'
- 12.1.3 The NPPF also advises that the transport system needs to be balanced in favour of sustainable transport giving people a real choice about how they travel (para 29). It is advised that encouragement should be given to solutions that support reductions in greenhouse gas emissions and reduce congestion (para 30). Transport assessments are required (para 32). The ability to balance uses and as part of large scale development have mixed use that limit the need to travel are identified (para 37 & 38). It also advises that account should be taken of improvements that can be undertaken within the transport network that cost effectively limit the significant impacts of the development and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (para 32).
- 12.1.4 The Adopted Cherwell Local Plan policy SLE4 requires all development to 'facilitate the use of sustainable transport, make fullest use of public transport, walking and cycling'. Encouragement is given to solutions which support reductions in greenhouse gas emissions and reduce congestion. New development is required to mitigate off site transport impacts.
- 12.1.5 Policy Bicester 1 relates to the NW Bicester site and requires proposals to include appropriate crossings of the railway line, changes and improvements to Howes Lane and Lords Lane, integration and connectivity between new and existing communities, maximise walkable neighbourhoods, provide a legible hierarchy of routes, have a layout that encourages modal shift, infrastructure to support sustainable modes, accessibility to public transport, provide contributions to improvements to the surrounding road networks, provision of a transport assessment and measures to prevent vehicular traffic adversely affecting surrounding communities.
- 12.1.6 The Interim Draft SPD includes 'Development Principle 6 - Transport, Movement and Access'. This principle requires movement to be addressed within planning applications with priority to be given to walking and cycling through improvements to infrastructure and ensuring that all new properties sit within a reasonable distance from services and facilities, the need to prioritise bus links and with other highway and transport improvements to the strategic road network.
- 12.1.7 'Development Principle 6A - Sustainable Transport - Modal Share and Containment', seeks to achieve the overall aim that not less than 50% of trips originating in eco towns should be made by non car means. This includes providing attractive routes and connections through the development, providing connections to on and off site

destinations including schools and local facilities, enhanced walking routes, the provision of primary vehicular routes but which do not dominate the layout or design of the area, the provision of bus infrastructure, the use of car sharing and car clubs and with parking requirements sensitively addressed. Applications should demonstrate how these matters can be provided for as well as include travel plans to demonstrate how the design will enable at least 50% of trips originating in the development to be made by non car means.

- 12.1.8 Development Principle 6B – Electric and low emission vehicles requires proposals to make provision for electric and low emission vehicles through infrastructure and support in travel plans.
- 12.1.9 Development Principle 6C – Proposed Highways infrastructure – strategic link road and proposed highway realignments considers the benefits of realigning Bucknell Road and Howes Lane to provide strategic highway improvements, whilst creating a well-designed route that will accommodate the volumes of traffic whilst providing an environment that is safe and attractive to pedestrians, cyclists and users of the services and facilities used.
- 12.1.10 Development Principle 6D – Public Transport requires public transport routes to be provided that include rapid and regular bus services, with street and place designs to give pedestrians and cyclists priority as well as bus priority over other road vehicles. The location of the internal bus stops should be within 400m of homes and located in local centres where possible. Bus stops should be designed to provide Real Time Information infrastructure, shelters and cycle parking.
- 12.1.11 The application is in outline but supported by a movement and access parameter plan. This shows strategic, primary and secondary road provision within the site. The Strategic road is a length of new road that would in due course replace the existing Howes lane to provide a through route. The secondary road is part of a loop road shown on the masterplan that would serve development south of the railway line when connected to other parcels and the secondary street structure shows access to school sites, residential parcels and a link back to the existing Howes Lane. The site also includes the existing bridleway which is indicated as retained on its existing alignment through the site. Two links under the rail are indicated but are outside of the application site. The application is accompanied by a transport assessment that identifies the impact of traffic from the development and a draft travel plan. The application details reflect the A2D masterplan that shows the realignment of Howes Lane, primary roads serving land either side of the rail line and a comprehensive network of footpaths and cycle paths across the site.

12.2 Walking and Cycling

12.2.1 Layout

The proposals have been developed to promote sustainable travel whilst also making provision for vehicular traffic so people have a choice in the way they travel. The location of local facilities on the site has looked to ensure that they are accessible by walking, cycling or public transport, including the siting of schools, local centres, open space and employment opportunities. Facilities have been grouped in the local centre including primary and secondary school, local retail and health facilities and the local centre has been sited to facilitate access but also with a view to the long term viability of the location for retail elements by siting them where they could also serve passing traffic. The grouping of facilities in an accessible location supports the encouragement of sustainable travel patterns. The vast majority of the proposed residential areas are within 10 mins walk of the local centre and schools.

12.2.2

Network

The DAS advises; 'The design of the application and the provision of walking and

cycling and public transport links is such that a high level of alternatives to car use are encouraged in the development' and that 'The development is based on a permeable network of low traffic routes which will have priority for pedestrians and cyclists by virtue of speed, surfacing and layout. The plans show proposed walking and cycling provision within the site alongside the strategic and primary route, along the retained bridleway, through the stream corridor and providing a north south link which would connect under the railway and to the secondary school and sports pitches. Off site walking and cycling links have been identified as potential off road cycling provision and traffic calming along Shakespeare Drive, the improvement of the route from Bucknell Road to Queens Avenue and the provision of road cyclepath along Middleton Stoney Road. All three applications south of the railway line are being asked to make a proportionate contribution to these provisions. Contributions have also been sought to the improvement of the bridleway where it runs beyond the site.

12.2.3

The pedestrian cycle link under the railway is excluded from the application but it is proposed to require its provision through the use of Grampian conditions to restrict the extent of development until the tunnel is in place. The National Planning Practice Guidance advises;

'Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition) – i.e. prohibiting development authorised by the planning permission or other aspects linked to the planning permission (e.g. occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.' In this case Network Rail have raised no technical objection to the proposed work and negotiations are underway. The provision of funding for the works from the HCA is available and therefore it is considered reasonable to use a Grampian condition in these circumstances.

12.2.3

The application would provide good walking and cycling provision both within the site and connecting to the existing town and its facilities.

12.3 Public Transport

12.3.1

To provide a choice in ways to travel attractive public transport is necessary. The application proposal is that a bus route will be established from the town centre to loop through the south side of the NW Bicester site and return to the town via Bucknell Road. From the Town Centre other public transport can be accessed. The proposal is that 6 services an hour would be provided when the land south of the railway line is built out (a 10 minute frequency) and subject to viability a minimum of 4 per hour. The frequency of the buses is important as services need to be sufficiently frequent that people can simply turn up and know they will not have to wait long for the bus. Real time information on public transport is proposed for every home.

12.3.2

OCC advice is that the service would start with a single vehicle and then increase as the development progressed, at agreed trigger points. The bus service will require subsidy whilst it becomes established and this together with the details of the build up of the service would be controlled through the legal agreement.

12.3.3

The establishment of an attractive public transport offer will be important in securing a modal shift away from the use of the private car and achieving a 10 minute frequency is therefore important as well as the accessibility to bus stops from all the properties. A contribution is required from this site to the provision of the bus service

and facilities such as bus stops will need to be planned as part of detailed proposals for the site.

12.4 Rail

- 12.4.1 Bicester is well served by rail and with the improvements to services to Oxford under construction and then proposals to extend services eastwards, this is an attractive mode of travel which is likely to make the town an attractive location to live and work. The off site improvements for walking and cycling and bus service provision will provide links to the stations in the town via the town centre.

12.5 Vehicle Movements

- 12.5.1 A transport assessment (TA) has been submitted that as well as dealing with sustainable transport proposals has assessed forecast traffic growth, network capacity, impact and mitigation. The scope of the assessment was agreed with the highway authority, OCC. The Bicester SATURN model was used to establish base traffic flows (2012). Proposed highway changes, for example the M40 junction improvements and proposals resulting from the expansion of Bicester village, were included in the model as well as committed and planned development under different scenarios to 2031. This has enabled the impact of traffic from the proposed application to be modelled and measures required to mitigate the impact of development to be identified.

- 12.5.2 The modelling has identified areas where highway mitigation is required. The original modelling was based on the development of the whole of the NW Bicester site and it has been necessary to look at the impacts of the current application and the wider scheme to make sure that it makes a fair contribution to the full mitigation that is required, but is also capable of implementation without causing traffic problems on the network. The areas of mitigation agreed with OCC are considered further below.

12.6 Howes Lane/ Bucknell Road

- 12.6.1 For a number of years it has been recognised that there is a need to improve the junction of Howes Lane and Bucknell Road where it passes under the railway and improve Howes Lane. The planned growth around Bicester, including the NW development, require these improvements. An interim scheme has been undertaken, secured through the Exemplar development at NW Bicester, but major change is required to accommodate the growth now planned for the town. The rail line at the junction runs on an embankment at an angle to the road and to improve the junction a new bridge is required and this requires third party land. It is proposed to address this constraint by relocating the junction to the west, beyond the Avonbury Business Park and Thames Valley Police premises. This enables a straight crossing under the rail line and an improved junction to the north.

- 12.6.2 Linked to this improvement the realignment of the existing Howes Lane, from the Middleton Stoney Road roundabout to the new underpass is proposed as part of the A2D Masterplan and the whole of the proposed road and the rail crossing are the subject of a separate full planning application (14/01698/F). The full application for the road is awaiting amended plans to address a number of detailed comments that have been made. Outline applications 14/01384/OUT (which has a resolution to grant permission) and 14/01675/OUT which remain to be determined also include sections of the realigned road. The realignment is sought to address the impact of the existing road on the existing houses and to improve its design and capacity and enable the provision of footpaths and cyclepaths, sustainable drainage, avenue planting, crossings and improved urban design. The current outline application includes the link from the proposed under pass location running south through the site. OCC advise the proposed underpass and new junction are necessary to allow for the proposed growth of the town of which NW Bicester is part. A limitation on the number of units that can be occupied prior to the provision being made has been

identified as 900 dwellings across the whole of the NW Bicester site.

- 12.6.3 A2Dominion are the applicant's for this application and land north of the railway which is already subject to a resolution to grant, 14/01384/OUT. A2D have sought funding through the Homes and Community Agency (HCA) to deliver the realigned Howes Lane and the tunnel under the railway. Network Rail have not objected in principle to the proposed works but they will need to go through a technical approval process and agreement reached with their property team, who are seeking a ransom (shared value) to allow the works to take place. Discussions with Network Rail are on going and being progressed as quickly as possible and there is reasonable grounds for believing this matter will be resolved within a reasonable timescale. As such it is proposed that a Grampian condition is used to prevent development until the tunnel is available for use (see advice above).
- 12.6.4 To complete the Howes Lane realignment land contained within application 14/01675/OUT is required. The proposals in this application safeguard the realigned road and collaboration agreements between the applicants have been agreed to allow the remainder of delivery of the realigned Howes Lane. The application 14/01675/OUT is likely to be presented to the committee shortly.
- 12.6.5 There have been concerns expressed regarding the Howes Lane realignment, as well as support for moving traffic away from existing residential properties affected traffic on the existing road. The primary concern raised include whether the proposed realigned road will adequately function as a perimeter road to the town. Whilst these concerns are recognised it is considered that the realignment of the road offers significant advantages. Traffic modelling shows the current junction under the railway cannot accommodate the planned growth in Bicester. The NW Bicester proposals provide a mechanism to resolve this and to do so without adversely affecting the existing business park. The existing Howes Lane has no footpaths or cyclepaths and runs immediately at the rear of properties. As the town grows improvement to the route and access from it is required. The relocation of the route provides the opportunity to remove traffic impacts from existing dwellings and design a route that has really good provision for pedestrians and cyclists, accommodates sustainable drainage, allows for landscaping and access as well as accommodating the vehicular traffic. It is officers view that it provides a better solution for the long term growth of the town than improvements to the existing Howes Lane.
- 12.7 Other Traffic Mitigation
- 12.7.1 The traffic modelling has shown that improvement to the Lords Lane/Banbury Road roundabout will also be required and contributions to these works will be secured through legal agreements. Other measures such as the signalisation of the Exemplar southern access and B4100 Caversfield turn are being secured through application 14/01384/OUT for development North of the Railway.
- 12.7.2 To reduce the attractiveness of the route through Bucknell traffic calming has been sought through the proposed development North of the railway line (14/01384/OUT). The Highway Authority advise that applications to the south of the railway line should also contribute to village traffic calming and a financial contribution would be secured through a legal agreement. Any scheme would be the subject of local consultation and agreement prior to implementation.
- 12.7.3 Some traffic from the proposed development is likely to use the eastern peripheral routes including Skimmingdish Lane. Together with increases in traffic from other developments there are capacity issues forecast on this route. However the modelling shows only relatively small percentage of the increased traffic is from NW Bicester. Given that the development at NW Bicester will deliver improvements to the network on the west side of the town, including resolving the current junction

constraint at the Howes Lane/Bucknell junction, which will also benefit other developments, OCC are not seeking contributions for improvements to this route from this application.

12.8 Travel Plans

12.8.1 The PPS has an ambitious target to secure modal shift and the NPPF and Local Plan promote sustainable travel. The application is supported by a draft travel plan that sets out a range of measures including support for a car club, promotion of electric vehicles and cycling promotion and support as well as management and monitoring structure to give confidence that targets can be achieved.

12.9 The impacts of development at NW have been modelled in combination with other growth in the town. The transport assessment identifies mitigation that is to be secured through the series of applications that have been submitted for the site. The realignment of Howes Lane and new route under the railway provide significant benefit. The provision of measures to support sustainable travel are also necessary and this has been taken into account in terms of the layout of the site and the connections both on and off site. The provision of the transport mitigation for vehicles and sustainable modes ensure that the application provides for appropriate mitigation for the impacts that have been identified. Furthermore the measures to achieve ambitious modal shift ensure that the proposal is consistent with the requirements of the Eco Town PPS, the NPPFs which seeks a balance in favour of sustainable development and the requirements of Cherwell Local Plan Bicester 1.

13 **Healthy Lifestyles**

13.1 The Eco Town PPS identifies the importance of the built and natural environment in improving health and advises that eco towns should be designed to support healthy and sustainable environments enabling residents to make healthy choices. The NPPF also identifies the importance of the planning system in creating healthy, inclusive communities. The ACLP identifies the need for a 7 GP surgery which is supported by information provided by NHS England.

13.2 The Interim Draft SPD includes 'Development Principle 7 – Healthy Lifestyles', which requires health and well being to be considered in the design of proposals. Facilities should be provided which contribute to the well being, enjoyment and health of people, the design of the development should be considered as to how it will deliver healthy neighbourhoods and promote healthy lifestyles through active travel and sustainability. The green spaces should provide the opportunity for healthy lifestyles including attractive areas for sport and recreation as well as local food production.

13.3 The site overall would contain generous amounts of green space including allotments, country park and a site for a community farm. In addition the provision of a range of walking and cycling opportunities and provision for play and sport mean the site would encourage activity and healthy lifestyle choices. Whilst the current application site area includes a lower percentage of green infrastructure than elsewhere (as explained later in this appraisal), the site is located centrally within the wider site and has easy access to the large open space areas within the site.

13.4 The masterplan identifies a location for a GP surgery, which falls within the scope of this current application. This position reflects the advice of NHS England regarding the distribution of facilities around the town. A contribution to the provision of the facility is also sought through the current application. The application proposals through the design approach and in securing contribution to health provision would meet the requirements of the PPS, NPPF and CSLP.

14 **Local Services**

14.1 The PPS identifies the importance of providing services that contribute to the

wellbeing, enjoyment and health of people and that planning applications should contain an appropriate range of facilities including leisure, health and social care, education, retail, arts and culture, library services, sport and play, community and voluntary sector facilities. The NPPF advises that to deliver social, recreational, cultural and services to meet the communities needs that you should plan positively to meet needs and have an integrated approach to the location of housing economic uses and community facilities and services (para 70). The ACLP Policy Bicester 1 identifies the following infrastructure needs for the site: education, burial ground, green infrastructure, access and movement, community facilities, utilities, waste infrastructure and proposals for a local management organisation. BSC 12 seeks indoor sport, recreation and community facilities whilst BSC 7 supports the provision of schools in sustainable locations and encourages co location.

- 14.2 The interim draft SPD contains 'Development Principle 8 – Local Services'. This principle requires facilities to meet the needs of local residents with a range of services located in accessible locations to homes and employment.
- 14.3 Considerable work has been undertaken to identify the social and community infrastructure required to support the development. This has informed the A2D masterplan and the current application. The application includes the provision of a primary school, a secondary school, a community hall, a community sports club and changing rooms and nurseries and sport and play provision (within the school playing fields). A cultural strategy has also been developed that would seek to ensure that culture and the arts are incorporated into development proposals. Some provision is more sensibly made off site such as the expansion of the new library in the town centre and the existing sports centre and swimming pool. Other provision will be sought on other parts of the NW Bicester site; such provision for extra care, permanent sports pitches and country park. Where this is the case an appropriate financial contribution is sought.
- 14.4 The work done on planning for social and community infrastructure will result in the PPS standard being achieved and compliance with the advice in the NPPF and ACLP.
- 15 **Green Infrastructure**
- 15.1 The PPS requires the provision of forty per cent of the eco-town's total area should be allocated to green space, of which at least half should be public and consist of a network of well-managed, high quality green/open spaces which are linked to the wider countryside. A range of multi-functional green spaces should be provided and particular attention to providing land to allow the local production of food should be given.
- 15.2 The NPPF advises at para 73 that access to high quality spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. It also emphasises that Local Planning Authorities should set out a strategic approach in their local plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (para 114).
- 15.3 Adopted Cherwell Local Plan Policy BSC11 sets out the minimum standards that developments are expected to meet and it sets out standards for general green space, play space, formal sport and allotments. Furthermore, site specific, Policy Bicester 1 requires the provision of 40% of the total gross site area to comprise green space, of which at least half will be publicly accessible and consist of a network of well-managed, high quality green/ open spaces which are linked to the countryside. It specifies that this should include sports pitches, parks and recreation areas, play spaces, allotments, the required burial ground and SUDs.

- 15.4 The Interim Draft SPD includes 'Development Principle 9 – Green Infrastructure and Landscape'. This principle requires green space and green infrastructure to be a distinguishing feature of the site making it an attractive place to live. Planning applications should demonstrate a range of types of green space that should be multi-functional, whilst preserving natural corridors and existing hedgerows as far as possible. Furthermore it emphasises that 40% green space should be demonstrated.
- 15.5 The application is accompanied by a Green Infrastructure and Landscape Strategy that sets out proposals for the application site and includes illustrations of how the key spaces could be laid out. The application two site area has less opportunity based on the masterplan than other areas of the site to provide large open green spaces and so the Design and Access Statement identifies the breakdown on the land and how GI is to be provided. It identifies provision through hedgerow buffers, river corridor buffers, SUDs, allotments, play spaces, small areas of general amenity space, school playing fields and some play within housing areas. The total percentage site area across this application site is 29%. Much of this area would be publicly accessible although the 6.75ha for the school playing fields may not be. The percentage total site area for application two therefore does not on its own achieve the quantity of green space overall that the PPS and Policy Bicester 1 require. Whilst this may be the case, the application site area is an integral part of the wider masterplanned area, which provides sufficient green space to meet the overall 40% site area requirement and this application complies with the Masterplan overall. Other areas of the site, due to the way the masterplan is provided, allows for greater than 40% over all for example application 14/01384/OUT provides 46% green space in the form of the land between Bucknell Road and the railway, the country park to the western edge of the site, the green located centrally to the application, the stream corridor and the retained woodland to the north west of the site as well as the network of hedges and their buffers run through the site. However, notwithstanding this, it is important that each application provides sufficient green space to meet its own requirements overall unless it can be linked to another application by way of a legal agreement to ensure that there are sufficient triggers available to meet requirements. In these terms, a review has been undertaken of the total GI across applications 1 and 2 (submitted by A2 Dominion – 14/01384/OUT and this application), which delivers 43.7% GI across those two sites and taking into account the fact that these applications can and should be linked by way of the legal agreements, Officers are satisfied that it can be secured that this application can, alongside 14/01384/OUT achieve the quantity of green space the PPS requires.
- 15.6 The application has also been assessed against ACLP policy BSC11 which is the minimum standard that most developments are expected to meet. The policy sets out standards for general green space, play space, formal sport and allotments. The policy seeks around 6.4ha of general amenity space, 1.8ha of play space, 2.6ha of outdoor sport provision and 0.87ha for allotments. As explained above, the current application when viewed alone, would not meet the required standards, however when assessed alongside application 1 (14/01384/OUT) and which must be linked to it, the provision of general green space (including the country park, river corridor, woodland, burial ground, SUDs, hedges and general amenity space) exceeds the requirements, the provision of play space does not meet the requirements (albeit there is further potential for example play within the country park), and the provision of allotments does not meet the requirements, albeit the provision of the community farm would take the provision over that required for allotments, which is considered reasonable.
- 15.7 In respect to outdoor sport, on the advice of the Recreation and Health Improvement Manager the A2D masterplan sought a single location for sports pitches to serve the site to enable higher standard provision and to facilitate long term management and maintenance. In addition, it was desirable for the sports pitches to be located

adjacent to the secondary school site to facilitate future sharing of facilities. As a result the sports pitches are located adjacent to the secondary school site but outside the current application site area. Planning application 14/01384/OUT proposed a single junior pitch as part of the central green space as well as school pitches. The current intention is for temporary provision for formal pitches to be made available on the secondary school site. The secondary school site is 10.45ha but the school would be built in phases as pupils were generated from the development, the first phase would be a 600 place school whilst later phases would take it to 1200 places. There would therefore be land available in the early years of the development what could accommodate joint use pitches to which the community could have access. The advantage would be that the pitches created on the school site would remain in the long term and would not need to be removed at a later date.

15.8 The provision of adequate outdoor sport is important and it is proposed that contributions to the long term provision should be made as well as temporary provision, if it is needed, in advance of the final pitch location being available. This would be secured through legal agreements.

15.9 Whilst the site itself is light on green space, the site is part of a wider masterplanned site. This application can be linked to the other site of the applicant north of the railway line, which would deliver significant new areas of green space, including a country park and green space which could be used for a burial ground. The combined result of Green Infrastructure across the two application site areas would exceed the 40% requirement and this would meet the requirements of the PPS, NPPF and the ACLP policy BSC11.

16 **Landscape and Historic Environment**

16.1 The Eco Town PPS advises that planning applications should demonstrate that they have adequately considered the implications for the local landscape and historic environment to ensure that development compliments and enhances the existing landscape character. Measure should be included to conserve heritage assets and their settings. The NPPF recognises the intrinsic character and beauty of the countryside (para 17). The NPPF advises that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.

16.2 Adopted Cherwell Local Plan Policy Bicester 1 requires 'a well-designed approach to the urban edge which related development at the periphery to its rural setting' and development that respects the landscape setting and demonstrates enhancement of wildlife corridors. A soil management plan may be required and a staged programme of archaeological investigation. Policy ESD13 advises that development will be expected to respect and enhance the local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.

16.3 The Interim Draft SPD contains 'Development Principle 9A – Tree Planting', requires native trees and shrubs should be planted on the site to reflect the biodiversity strategy. Sufficient space should be allocated for tree planting to integrate with the street scene and adjacent street furniture, highways infrastructure, buildings and any associated services.

16.3.1 'Development Principle 9B – Development Edges' seeks to ensure that development on the edge of the site is likely to be more informal and rural in character and that this will be reflected in the nature of the green spaces to be provided whereas formal open spaces and sports pitches will have a different character.

16.3.2 'Development Principle 9C – Hedgerows and Stream Corridors' requires applications to explain green infrastructure in relation to the way it fits with the

housing and commercial developments. Hedgerow losses should be minimised and mitigated for and hedgerows to be retained should be protected and enhanced with buffer zones and additional planting. A minimum 60m corridor to the watercourses should be provided to create a strong landscape feature in the scheme and secure the opportunity for biodiversity gain. Dark corridors to provide connectivity between habitats and ecosystems must be planned and protected.

- 16.3.3 'Development Principle 9D – Sports Pitches', requires that sufficient quantity and quality of an convenient access to open space, sport and recreation provision is secured through ensuring that proposals for new development contribute to open space, outdoor sport and recreation provision commensurate to the need generated by the proposals.
- 16.4 The Environmental Statement accompanying the application assesses the landscape and visual effects of the application. In relation to the baseline condition, the site sits within the Wooded Estatelands' Landscape Character Type as set out within the Oxfordshire Wildlife and Landscape Study 2004. This character type has the following key characteristics:
- Rolling topography with localised steep slopes
 - Large blocks of ancient woodland and mixed plantations of variable sizes
 - Large parklands and mansion houses
 - A regularly shaped field pattern dominated by arable fields.
 - Small villages with strong vernacular character
- 16.5 Local landscape character areas have been identified for land to the north west of Bicester, each with a distinctive sense of place in the form of key characteristics. Relevant to the application site south of the railway line are character areas 'Bucknell Valley Corridor' and 'Himley Farmland Slopes'. The Bucknell Valley Corridor is assessed to be of low sensitivity and the Himley Farmland Slopes are also assessed to be of low sensitivity. The assessment concludes that the site falls within a landscape that is not designated and that the development would respond to landscape character through a carefully considered spatial layout, creation of a network of multi-functional green space/ infrastructure and a commitment to high quality built form. Overall, the significance of landscape effects is considered to be neutral and the significance of visual effects is considered to be slight adverse. The Council's Landscape Officer considers the circulation pattern and Green Infrastructure appear to interconnect well with the overall masterplan. Additional detail in relation to the interface between the housing and the public realm/ public open space is sought.
- 16.6 The DAS and landscape strategy provide information and illustrations as to how development can be integrated into the landscape and how landscaping can be used to create an appropriate relationship between the proposed development and the countryside beyond. The Character of the landscape is such that it can accommodate change but care will need to be taken to ensure that the detailed design of proposals at the reserved matter stage, particularly with regard to the treatment of the rural edge.
- 16.7 The Environmental Statement also considers the impact of the development upon built heritage and archaeology. Within proximity to the site are the listed barns at Himley Farm and furthermore, some of the buildings at Aldershot Farm and Gowell Farm are traditional buildings and have some value. The ES suggests that measures built into the design of the development including the retention of hedgerows and landscaping will reduce the impact upon the setting and significance of the listed barns at Himley Farm. The buildings at Gowell Farm will be lost as part of the development, but there is an intention to record their presence so as to not completely lose their significance. The buildings at Aldershot Farm have been

assessed to experience a slight adverse impact to their setting.

- 16.8 Archaeological investigations that have been undertaken so far have found two areas of potential archaeological potential at Aldershot Farm and in the southern portion of the site. A programme of mitigation in the form of archaeological excavation and recording is proposed.
- 16.9 The historic landscape resource within the study area has also been assessed and it has been found to be primarily an 18th century agricultural landscape with little time depth. Key features within the landscape include the historic field boundaries and field patterns. This landscape has been assessed as being of low value. Design mitigation measures have been included to preserve as many of the historic field boundaries as possible within the development to allow some legibility of the historic landscape to remain. In addition not all of the landscape will be impacted by the development. As a result of the development the historic landscape will experience slight adverse impacts.
- 16.10 The impact of the development on the character of the landscape is considered acceptable, all be it that detailed design will need to deal sensitively with the treatment of the urban/rural edge. The impact on the historic environment is most significantly the impact on the archaeology that is present on the site. This will be disturbed through development and it is proposed to mitigate this impact through the recording of the features. Hedges are proposed for retention except where it is necessary to form breaks for roads etc.
- 16.11 The ACLP suggests a soil management plan may be required. The ES covers agriculture, soils and land use. The land has been identified as grade 3 agricultural land with most of the land falling within grade 3b. The ES advises:
'During Construction, appropriate soil handling methodologies would be used, in line with current guidance, to ensure the sustainable re-use of soils and maximise the value of the retained soil resource within the proposed design. This will ensure that soils with the optimum characteristics are allocated for the given end use, such as food production, habitat creation or SuDS'. This can be secured by condition.
- 17 **Net Biodiversity Gain**
- 17.1 The Eco Town PPS requires that net gain in local biodiversity and a strategy for conserving and enhancing local bio diversity is to accompany applications. The NPPF advises the planning system should minimise impacts on bio diversity and providing net gains where possible, contribute to the Government's commitment to prevent the overall decline in bio diversity (para 109) and that opportunities to incorporate bio diversity in and around developments should be encouraged (para 118). The ACLP Policy Bicester 1 identifies the need for sports pitches, parks and recreation areas, play spaces, allotments, burial ground and SUDs and for the formation of wildlife corridors to achieve net bio diversity gain. Policy ESD10 seeks a net gain in bio diversity.
- 17.2 The Interim Draft SPD includes 'Development Principle 9E – Biodiversity', requires the preservation and enhancement of habitats and species on site, particularly protected spaces and habitats and the creation and management of new habitats to achieve an overall net gain in biodiversity. Open space provision requires sensitive management to secure recreation and health benefits as well as biodiversity gains. Proposals should demonstrate inclusion of biodiversity gains and all applications should include a biodiversity strategy.
- 17.3 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that "every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity" and;

- 17.4 Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.
- 17.5 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 17.6 Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:
- 1) is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development).
 - 2) Is there any satisfactory alternative?
 - 3) Is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species?
- 17.7 Therefore where planning permission is required and protected species are likely to be found to be present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local planning authority that the 3 strict derogation tests can be met prior to the determination of the application. Following the consultation with Natural England and the Council's Ecologist advice given (or using their standing advice) must therefore be duly considered and recommendations followed, prior to the determination of the application.
- 17.8 The application site is primarily down to grass and in arable use with field boundaries which are generally hedgerows. The site has been the subject of ecological assessment and this has identified that most of the field boundaries support species-rich hedgerows, the majority of which would be classified as 'important' under the Wildlife and Landscape Criteria of the Hedgerows Regulations (1997). Several of the hedgerows supported mature trees. The hedgerows provided habitat links across the Site. They were used by foraging bats, reptiles, and breeding birds, and were likely to be of value to hedgehogs.
- 17.9 A tributary of the Bure is located alongside part of the northern boundary to the Site. The riparian habitats associated with the watercourse were found to be of value to commuting and foraging bats and foraging grass snakes although as the water course does not necessarily hold water all year. There were several belts of recently planted broad-leaved plantation woodland (close to Aldershot Farm) which were not identified to have a particular ecological value for birds. Farmland birds were recorded using the site and it is likely to provide suitable habitat for reptiles and be used by foraging bats. Although no natural ponds are located on the site there are

ponds nearby that support populations of great crested newts and some could therefore also use parts of the site.

- 17.10 In addition to impacts ecological receptors in the vicinity have been assessed and the Environmental Statement does not identify any significant impacts on the proposed development on these sites.
- 17.11 The application is accompanied by a Bio Diversity Strategy which focuses on the retention of hedgerows and the watercourse with buffers to increase their ecological value. In addition new areas of value for wildlife would be created including through the use of sustainable urban drainage features and within areas of green space. The inclusion of bird and bat boxes within the built development and protection of dark corridors for bats are also included. The masterplan for NW also identifies that other areas such the country park, wetland treatment centre and nature reserve, which are proposed outside of the current application will also provide habitats to support bio diversity gain.
- 17.12 Although most bio diversity is proposed to be mitigated on site farmland birds cannot be as there will not be the scale of open fields that they require and similarly brown hare, although it is not evident that the site is currently of importance for this species. As a result it has been accepted that these species will need to be mitigated off site. An approach has been agreed that would allow either a farm scheme or the funding to be used for the purchase of land to secure mitigation for farmland birds. This would be secured through a legal agreement.
- 17.13 As well as habitat retention to achieve net bio diversity gain habitat creation and enhancement is required. The Defra Metric has been used to calculate that the A2D masterplan achieves net bio diversity gain. The application proposes that habitat creation and enhancements take place in the proposed country park, the waste water wetland treatment area, wet and dry SUDs features and woodland habitats, some of which fall within the application 1 site area. In addition buffer areas to the stream and hedges provide further opportunities and features within the built environment such as the green roofs; gardens and installation of net boxes also have the potential to create bio diversity gains. There are opportunities within the site to achieve a net gain in bio diversity but the Applicants have been asked to provide a revised calculation to demonstrate that the scheme does achieve net gain to inform future design of the open space areas. This has taken into account the slight change to the hedgerow buffers that has occurred - hedgerow buffers now equate to 3.5 ha (previously 3.56 ha). However, when considered alongside Application 1, A2Dominion still achieves net biodiversity gain.
- 17.14 Subject to securing the protection of habitats and the achievement of net bio diversity gain through conditions or legal agreements the application proposals will achieve a net gain in bio diversity meeting the requirement of the PPS, NPPF and ACLP. In protecting habitats and protected species sites section 40 of the NERC act and the requirements of the Habitat Directive are satisfied.

18 **Water**

- 18.1 The Eco Towns PPS states 'Eco Towns should be ambitious in terms of water efficiency across the whole development particularly in areas of water stress. Bicester is located in an area of water stress. The PPS requires a water cycle strategy and in areas of serious water stress should aspire to water neutrality and the water cycle strategy should;
- (a) the development would be designed and delivered to limit the impact of the new development on water use, and any plans for additional measures, e.g. within the existing building stock of the wider designated area, that would contribute towards water neutrality
 - (b) new homes will be equipped to meet the water consumption requirement of

- Level 5 of the Code for Sustainable Homes; and
(c) new non-domestic buildings will be equipped to meet similar high standards of water efficiency with respect to their domestic water use.

- 18.2 The NPPF advises at para 99 that when new development is brought forward in areas that are vulnerable care should be taken to ensure risks can be managed through suitable adaption measures, including through the planning of green infrastructure. The ACLP Policy ESD8 advises 'Development will only be permitted where adequate water resources exist or can be provided without detriment to existing uses.' Policy Bicester 1 requires a water cycle study and Policy ESD 3 requires new development to meet the water efficiency standard of 110 litres/person/day.
- 18.3 The Interim Draft SPD includes 'Development Principle 10 – Water'. This principle requires water neutrality to be achieved which means the total water used after a new development is not more than the total water used before the new development. Applications should be accompanied by a Water Cycle Strategy that provides a plan for the necessary water services infrastructure improvements. This should incorporate measures for improving water quality and managing surface water, ground water and local watercourses to prevent surface water flooding and incorporate SUDs designed to maximise the opportunities for biodiversity.
- 18.4 The application is accompanied by a Water Cycle Study, which draws on the conclusions from the masterplan Water Cycle Study. The WCS confirms that non residential buildings shall be designed with water efficient fixtures and fittings (and where appropriate reclamation of water) so as to reduce whole building potable water use by at least 55% from the baseline demand – in accordance with Excellent rating of BREEAM. Additionally, the WCS confirms that the design standard for all new dwellings will be that water efficient fixtures and fittings are specified to reduce average per capita consumption to 105 litres/person/day (l/p/d). Furthermore, the WCS confirms that additional design standards will specify that on site water recycling technologies are used locally to supplement domestic supplies, and hence reduce demand of potable water further to less than 80 l/p/d to meet Level 5 of the CSH water standards. The WCS estimates that the minimum design standards described above will reduce the potable water demand of the site from a baseline of 2.13 Ml/d, to 1.3 Ml/d. The Sustainability Statement describes this as 'a move towards the aspiration of water neutrality of nearly 40%. This level of potable demand is well within the growth levels assumed by Thames Water in their water resource management plan.'
- 18.5 The WCS highlights a number of possible strategies for further enhancing the water neutrality of the development, including water efficiency retrofit of the wider area, reclamation of wastewater effluent and utilisation of local groundwater supplies (potentially with infiltration drainage ensuring that the aquifer water balance is not depleted). However, it advises that the strategic approach has not yet been established and further work is on going, including discussion with possible inset suppliers to ascertain technical feasibility, detailed design and phasing considerations.
- 18.6 It is encouraging that measures are proposed to reduce water use and this is consistent with the PPS and CSLP. Since the drafting of the WCS, work has progressed in relation to on site water treatment, however this work remains ongoing. The Environment Agency has suggested that this issue could be addressed through the use of planning conditions and this approach is recommended. It will also be necessary to link this proposal to any on site water treatment works that may be delivered as this would ultimately be on an adjoining site rather than on the current application site. It is considered that this can be dealt with by way of condition.

19 **Flood Risk**

- 19.1 The Eco towns PPS advises that the construction of eco towns should reduce and avoid flood risk wherever practical and that there should be no development in Flood Zone 3. The NPPF advises that inappropriate development in areas of flood risk should be avoided (para 100) and that development should not increase flood risk elsewhere (para 103). The ACLP policy ESD6 identifies that a site specific flood risk assessment is required and that this needs to demonstrate that there will be no increase in surface water discharge during storm events up to 1 in 100 years with an allowance for climate change and that developments will not flood from surface water in a design storm event or surface water flooding beyond the 1 in 30 year storm event. Policy ESD 7 requires the use of SUDs.
- 19.2 The Interim Draft SPD includes 'Development Principle 11 – Flood Risk Management', which requires the impact of development to be minimised by ensuring that the surface water drainage arrangements are such that volumes and peak flow rates leaving the site post development are no greater than those under existing conditions. The aim is to provide a site wide sustainable urban drainage system (SUDs) as part of the approach and SUDs should be integrated into the wider landscape and ecology strategy. Applications should demonstrate that the proposed development will not increase flood risk on and off the site and take into account climate change.
- 19.3 The application is accompanied by a flood risk assessment, which identifies that the majority of the site sits within flood zone 1 (land with less than a 1 in 1000 annual probability of flooding). Along the stream corridor there are limited areas that are at a higher risk of flooding but these all fall within the stream buffer and no built development is proposed in this area.
- 19.4 A surface water drainage strategy has been drafted and must be implemented in order to ensure that post development run off rates and volumes can be no greater than the pre development rates. The application also includes a SUDs and drainage parameter plan which demonstrates areas of the site that can be set aside for surface water balancing so the rate of surface water run off can be restricted to the current green field rate.
- 19.5 The Environment Agency and OCC as the Lead Local Flood Authority have been consulted on the application and have raised no objections subject to conditions. The application is considered to comply with the PPS, NPPF and the ACLP with regard to flood risk.

20 **Waste**

- 20.1 The Eco Towns PPS advises that applications should include a sustainable waste and resources plan which should set target for residual waste, recycling and diversion from landfill, how the design achieves the targets, consider locally generated waste as a fuel source and ensure during construction ensure no waste is sent to landfill. The National Waste Policy identifies a waste hierarchy which goes from the prevention of waste at the top of the hierarchy to disposal at the bottom. The National Planning Practice Guidance identifies the following responsibilities for Authorities which are not the waste authority;
- promoting sound management of waste from any proposed development, such as encouraging on-site management of waste where this is appropriate, or including a planning condition to encourage or require the developer to set out how waste arising from the development is to be dealt with
 - including a planning condition promoting sustainable design of any proposed development through the use of recycled products, recovery of on-site material and the provision of facilities for the storage and regular collection of waste

- ensuring that their collections of household and similar waste are organised so as to help towards achieving the higher levels of the waste hierarchy
- 20.2 The Interim Draft SPD includes 'Development Principle 12 – Waste', which sets out that planning applications should include a sustainable waste and resources plan covering both domestic and non-domestic waste and setting targets for residual waste, recycling and landfill diversion. The SWRP should also achieve zero waste to landfill from construction, demolition and excavation.
- 20.3 The application is accompanied by a Sustainable Waste and Resources Plan (SWRP). This sets the following targets:
- For the percentage recycled / composted / reused: 70% from initial occupation and 80% by 2025
 - For residual waste levels: 300 kg per household per year from initial occupation and 200kg per household per year by 2025
- The current Council recycling rate is identified as 54.5% which is high compared with the national average but against this the targets identified are considered appropriate. Conditions and/ or legal agreements will be used to ensure measures to achieve the targets will be put in place.
- 21 **Masterplanning**
- 21.1 The Eco Towns PPS sets out that 'eco-town planning applications should include an overall master plan and supporting documents to demonstrate how the eco- town standards set out above will be achieved and it is vital to the long term success of eco towns that standards are sustained.' The PPS also advises there should be a presumption in favour of the original, first submitted masterplan, and any subsequent applications that would materially alter and negatively impact on the integrity of the original masterplan should be refused consent.
- 21.2 The ACLP Policy Bicester 1 states 'Planning Permission will only be granted for development at North West Bicester in accordance with a comprehensive masterplan for the whole site area to be approved by the Council as part of a North West Bicester Supplementary Planning Document.'
- 21.3 A masterplan and supporting documents have been produced by A2Dominion in consultation with the Council and other stakeholders. This masterplan has been the subject of public consultation. The development at NW Bicester will take place over a number of years and as such it was considered important that the key components of the masterplan are enshrined in planning policy and therefore the Council has produced a draft SPD. The SPD emphasises that in order to ensure a comprehensive development, all planning applications will be required to be in accordance with the framework masterplan for the site. Applications should provide a site specific masterplan to show how that site fits with the overarching masterplan and demonstrate the vision and principles set out in the site wide masterplan and the SPD.
- 21.4 The NW Bicester site identified in CSLP is large and it is important that development is undertaken in such a way as to deliver a comprehensive development. A masterplan is an important tool in achieving this particularly when there is not a single outline application covering the site as in this case. The current application is the first application to be considered that sits south of the railway line and is submitted by A2 Dominion the applicant for the Exemplar site and in relation to the vast majority of the land north of the railway line that benefits from a resolution to grant permission. The application is proposed to be developed in accordance with the A2D masterplan and whilst this particular proposal does not meet all requirements of policy (i.e. Green Infrastructure), this proposal can be linked by way of legal agreement to the application 1 north of the railway line. This site includes

the site for the secondary school and part of the land required for the highway infrastructure therefore, this land is also key to the delivery of the land north of the railway line, to establishing an acceptable development and would need to be secured through legal agreements. It will also be necessary to ensure that a position does not arise whereby other developers on the NW site are held to ransom through the failure to deliver infrastructure on this site and the aim is to ensure this does not occur, although a reasonable connection charge might be sought, through the use of legal agreements.

- 21.5 The Eco Towns PPS, the A2D masterplan and the emerging SPD provide a framework for securing a comprehensive development. Although the SPD is not yet approved it has progressed to an advanced stage and been informed by consultation of the A2D masterplan and the draft SPD and as such can be given some weight in the consideration of the current application.

22 Transition

- 22.1 The Eco Towns PPS advises that planning applications should set out;
- a) the detailed timetable of delivery of neighbourhoods, employment and community facilities and services – such as public transport, schools, health and social care services, community centres, public spaces, parks and green spaces including biodiversity etc
 - b) plans for operational delivery of priority core services to underpin the low level of carbon emissions, such as public transport infrastructure and services, for when the first residents move in
 - c) progress in and plans for working with Primary Care Trusts and Local Authorities to address the provision of health and social care
 - d) how developers will support the initial formation and growth of communities, through investment in community development and third-sector support, which enhance well-being and provide social structures through which issues can be addressed
 - e) how developers will provide information and resources to encourage environmentally responsible behaviour, especially as new residents move in
 - f) the specific metrics which will be collected and summarised annually to monitor, support and evaluate progress in low carbon living, including those on zero carbon, transport and waste
 - g) a governance transition plan from developer to community, and
 - h) how carbon emissions resulting from the construction of the development will be limited, managed and monitored.
- 22.2 The timing of the delivery of community services and infrastructure has been part of the discussions that have taken place with service providers in seeking to establish what it is necessary to secure, through legal agreements, to mitigate the impact of development. This has included working with Oxfordshire County Council on education provision and transport, NHS England, Thames Valley Police and CDC's Community Development Officer. Considerable work has been undertaken by A2Dominion, the applicant, in partnership with the Council and local organisations with regard to establishing a community management organisation (LMO).
- 22.3 The monitoring of the development is important and will allow the success of the higher sustainability standards to be assessed and inform future decision making. A monitoring schedule has been developed for the Exemplar development that is currently under construction. This was secured through the legal agreement accompanying the application and a similar approach is proposed for the current application.
- 22.4 The limiting of carbon from construction has been addressed through the work done on the Exemplar application using measures such as construction travel plans, work

on reducing embodied carbon and meeting CEEQUAL (sustainability assessment, rating and awards scheme for civil engineering). The further use of these measures for the current application can be secured by conditions and/or legal agreements.

- 22.5 The requirements for transition arrangements can therefore be met and secured as part of any planning permission that might be granted.

23 **Community Governance**

- 23.1 The Eco Towns PPS advises that planning applications should be accompanied by long term governance structures to ensure that standards are met, maintained and evolved to meet future needs, there is continued community involvement and engagement, sustainability metrics are agreed and monitored, future development meets eco town standards and community assets are maintained. Governance proposals should complement existing democratic arrangements and they should reflect the composition and needs of the local community. ACLP Policy Bicester 1 requires the submission of proposals to support the setting up of a financially viable local management organisation.

- 23.2 The Interim Draft SPD includes 'Development Principle 13 – Community and Governance', requires planning applications to show how they support the work to establish a Local Management Organisation (LMO) as the long term governance structure and seek to achieve a seamless approach across the site in terms of community led activities and facilities.

- 23.3 Work with a group of local stakeholders has been underway by the applicants and CDC officers for a couple of years. This has demonstrated there is a local appetite for such an organisation and helped to inform the role the LMO could play in future management of the development. As part of the work on the ExFemplar application an interim management body will be formed to help inform and shape the management of the site. When the development reaches a critical mass this will move to a more formal structure and then to a fully-fledged LMO. The aim is for the LMO to develop as the development grows, subject to the residents and businesses having the appetite to take on the responsibility. Discussions have taken place with regard to the funding of the organisation and a mix of funding has been sought including an endowment of funds and property that could potentially generate an income.

- 23.4 There has been good progress in progressing the LMO through the work on the Exemplar application and to ensure the PPS and CSLP requirements are met details of the setting up of the LMO and funding for it so that it can be sustainable in the long term will be included in legal agreements for the site.

24 **Design**

- 24.1 The NPPF advises 'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people' (para 56). The NPPF encourages consideration of the use of design codes, design review and advises great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. The Eco Towns PPS seeks the achievement of Building For Life as a measure of the quality of the development.

- 24.2 The ACLP policy ESD 15 on the character of the built and historic environment sets out 17 requirements for new development whilst Policy Bicester 1 has a further 33 design and place shaping principles. These requirements include contributing to the areas character, respect traditional patterns and integrate, reflect or re-interpret local distinctiveness, promote permeability, take a holistic approach to design, consider sustainable design, integrate and enhance green infrastructure, include best

practice in overheating, enable low carbon lifestyles, prioritise non car modes and support sustainable transport, providing a well-designed approach to the urban edge, respect the landscape setting, visual separation to outlying settlements, provision of public art.

- 24.3 The interim Draft SPD includes guidance on design and character areas. It sets a number of design principles, including the need for sustainability to be a key driver in the design of the eco town, creating a character, being integrated into the site and the surrounding town and countryside, creating a legible place, with filtered permeability that allows for efficient movement within and around the place, utilises a townscape led approach and which responds to its landscape setting. It includes information as to what information should be demonstrated through each planning application and the design principles that need to be complied with.
- 24.4 The DAS explains the proposals for the site and the application is accompanied by a set of parameter plans, which have been amended through the processing of the application. These parameter plans include a framework plan and a building heights plan, which would guide proposals for the site. The application is in outline with all matters reserved. The DAS provides further information but has not development the character areas in any great level of detail.
- 24.5 The parameter plans identify key aspects of the scheme and are consistent with the A2D masterplan. A condition is proposed that will require the development to be in accordance with the proposed parameter plans. Never the less further work is required to develop character areas and design codes to guide future reserved matter submissions. These can be dealt with through planning conditions to ensure that a suitable design guidance is in place to support future development.
- 24.6 Given the unique nature of the site it is proposed that a design review process is required for all detailed proposals going forward to make sure that they achieve high quality design as well as the high sustainability standards required. It is anticipated that sustainability will lead the design for the development and therefore it is likely to have a unique character. Never the less it will need to also be routed in the location and appropriate for the area.
- 24.7 The framework plan provides a sound basis, all be it at a high level, on which further detailed design can be based. Design will need to be developed and this can be secured through the imposition of conditions to fulfil the requirements of the policies in the ACLP.
- 25 **Planning Conditions and Obligations**
- 25.1 The NPPF advises that LPAs should consider whether otherwise acceptable development could be made acceptable through the use of conditions or obligations. Obligations should only be used where it is not possible to use a planning condition (para 2013). Paragraph 204 advises planning obligations should only be sought where they meet the following tests;
- necessary to make development acceptable in planning terms
 - directly related to the development and
 - fairly and reasonably related in scale and kind to the development.
- 25.2 Conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects (para 206). The NPPF also advises at para 205 that where obligations are being sought LPAs should 'take account of changes in market conditions over time' and 'be sufficiently flexible to prevent planned development being stalled'.
- 25.3 Planning obligations need to meet the requirements of Community Infrastructure Levy (CIL) regulations section 122 which states 'A planning obligation may only

constitute a reason for granting planning permission for the development if the obligation is—

- a) necessary to make the development acceptable in planning terms; .
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.'

In addition from April 2015 CIL reg 123(3) will limit the number of planning obligations to 5 that can be used to secure a project or type of infrastructure if that obligation is to be taken into account as a reason for approval. It is believed that the obligations identified in the Heads of Terms in Appendix 1 all meet the Regulation 122 and, as far as relevant, the Regulation 123(3) tests and can be taken into account as part of the justification for the grant of consent.

- 25.4 This large scale development proposal will require a legal agreement to secure the mitigation and infrastructure necessary to make the development acceptable. The planning obligation is proposed in two parts, the first to seek to ensure those elements required to secure a high quality of design and sustainability and that the scheme contributes to securing a comprehensive development of the NW site. The second will deal with the site specific requirements, as with other developments, including schools, highway mitigation, affordable housing, open space laying out and maintenance, community halls and community development, public transport and contributions for a doctors surgery, Thames Valley police and other matters.
- 25.5 Planning obligations must be negotiated with developers. This application is both large scale and complex and therefore the matters to be secured by planning obligation have been the subject of discussion with both the applicant and OCC. The applicant has indicated the scale of financial obligations they consider can be afforded by the development and the viability of the scheme has been reviewed on behalf of the Local Authorities. Never the less further work is required on the detail of contributions being sought including the timing of requirements, the detail of provision and links to the application North of the railway line. Discussions on these matters are on going.
- 25.6 One matter that remains outstanding is discussions with Network Rail as to whether they will seek a payment for allowing the connection under the railway. They have no technical objection but do seek to secure value for allowing works that enable development to take place. Network Rail has appointed a surveyor to advise them regarding the matter. If a financial payment has to be made to Network Rail it could impact on the viability of the scheme. If this resulted in significant changes to the Heads of Terms attached then it may be necessary to return the application to the committee for further consideration in the light of changed circumstances.
- 25.7 In addition to a planning obligation a range of planning conditions are required to secure acceptable development. Conditions will need to control the timing of development taking place particularly in relation to the provision of the road under the railway. These conditions are known as 'Grampian' conditions and the NPPG advise such conditions 'should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission'. In this case there is a reasonable prospect that the road can be provided as the applicant has control of land either side of the underpass, Network Rail have not objected to its provision and HCA funding is available to support its delivery and in these circumstances the use of a Grampian condition is considered appropriate and in accordance with the guidance.
- 26 **Other matters**
- 26.1 Although the above sections cover most matters, the ES does include the following matters; air quality, noise, and contamination.
- 26.2 The NPPF at para 109 identifies one of the roles of the planning system is

'preventing new or existing development from contributing to or being out at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. The CLP ENV12 requires adequate measures to deal with any contaminated land whilst the NSCLP Policy EN5 advises that regard will be had to air quality, Policy EN6 seeks to avoid light pollution whilst Policy EN7 looks to avoid sensitive development in locations affected by high levels of road noise and Policy EN17 deals with contaminated land. CDC has identified that Kings End/ Queens Avenue in Bicester should be declared an Air Quality Management Area.

- 26.3 An assessment of the proposals impact on air quality is included in the ES and the addendum to the ES. Two receptors have been identified, human receptors and sites of ecological value. Monitoring has taken place in locations around the town. The ES concludes that there is some potential for impact by way of dust from construction activities but that mitigation measures could control emissions. Emissions from road traffic and the energy centre were considered negligible on human receptors and for ecological receptors. Cumulative impacts from the developments were not considered to be significant.
- 26.4 It is therefore considered that the scheme is acceptable and would comply with the NPPF with appropriate conditions.
- 26.5 Noise has also been considered in the ES and surveys undertaken. The ES identifies that construction noise could have adverse impacts without mitigation but that with mitigation the impacts could be mitigated. The measures to ensure construction would not cause a nuisance would be set out in a Construction Environment Management Plan (CEMP) which can be required by condition. When the site is built out, there may be noise impacts from the energy centre and other installations that will be required to service the site. The impact of these would be through design details and these can be dealt with at the later detailed stage. Some noise impacts may be experienced from an increase in road traffic on site and on the local road network. The revised alignment of Howes Lane would reduce the noise impact on existing properties, which is seen as a major beneficial change. Other areas of the site affected by noise would need to be addressed at the detailed design stage. Noise and vibration surveys along the railway line adjacent to the site indicate that noise and vibration impacts are unlikely with the adoption of a suitable separation distance between receptors and the rail alignment.
- 26.6 It is considered that with suitable conditions noise issues can be mitigated both on and off site.
- 26.7 The ES addresses contamination. The report highlights that the land has been used predominantly for agricultural purposes since historical mapping was available in 1881. Investigations have shown the site to be a low risk but mitigation measures are suggested for construction workers, the environment and as part of future development phases. These matters can be addressed by planning conditions.
- 26.8 Subject to the inclusion of suitable conditions to secure mitigation, the proposals would comply with the NPPF and ACLP policies.
- 27 **Pre application Engagement**
- 27.1 The NPPF advises that 'early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre application discussion enables better coordination between public and private resources and improved outcomes for the community' (para 188). The A2D masterplan and these application proposals have been subject of genuine stakeholder and public engagement. This has informed and shaped the proposals and ensured that where possible they reflect the aspirations of the town.

28 **Engagement**

28.1 With regard to the duty set out in paragraphs 186 and 187 of the Framework, there has been engagement over the details of the proposal. It is considered that the duty to be positive and proactive has been discharged through discussion with the applicant on site.

29 **Conclusion**

29.1 The application proposals accord with the development plan being a part of an allocated site and this allocated site is supported by the Eco Towns PPS and the NPPF. Planning decisions should be in accordance with the Development Plan unless material considerations indicate otherwise.

29.2 Policy Bicester 1 and the Eco Towns PPS identify North West Bicester as a location of an Eco Town. Both policy requirements set standards for eco town development in order for the proposal to be an exemplar, incorporating best practice and to provide a showcase for sustainable living. A Masterplan for the site has been submitted and are due to be incorporated into an SPD for the site. The application proposals have gone a long way in meeting each of the standards set out within the policy documents and the Interim draft SPD, providing a proposal that exceeds the normal standard of development and with the potential to be a national exemplar of sustainable development.

29.3 The application proposes a significant amount of housing, including affordable housing. Some of this housing is likely to be capable of being delivered within the next five years and otherwise will contribute to the rolling requirement to achieve a five year housing land supply and this weighs in favour of the proposal. In addition the scheme would deliver employment and the development of a local centre and a secondary school, which is critical for the overall site. The NPPF seeks to support sustainable economic development and the mixed use nature of this proposal weighs in its favour.

29.4 The proposals relate to green field land and the NPPF recognises the importance of the protection of the countryside, although the site is not the subject of any specific designations. The CSLP identifies the site for development having considered how best to meet the growth needs of the district and therefore accepts as necessary the loss of the countryside. The application proposals incorporate areas of green space, incorporate and maintain features of bio diversity value and show how they can achieve a net biodiversity gain. This weighs in favour of the proposal. Whilst the loss of countryside weighs against the proposal the protection of bio diversity and the proposals for a net gain weigh in its favour.

29.5 The residents of this large scale proposal will need to travel and the TA has assessed the impact of the proposals. The application proposes measures to encourage and support the use of sustainable modes as well as setting ambitious targets on mode share. The proposals also make provision for off site highway improvements, although the construction of the rail underpass to relieve the Howes Lane/Bucknell Road junction is not included in the application. To prevent congestion that could occur if this provision was not made a Grampian condition is proposed to limit the extent of development that could be undertaken prior to the underpass being in place. The measures relating to sustainable transport and mitigation of the off site impacts weigh in favour of the proposal.

29.6 The application proposals include a range of community infrastructure to support the establishment of a sustainable place, including schools, community hall and play and sport provision. The proposal will also support off site provision, primarily within the town, such as the expansion of the sports centre and new library provision. The application is currently in outline with all matters reserved but the framework

parameter plan will provide the basis for more detailed proposals. The application provides the basis for an exemplar sustainable development, continuing the approach of the Exemplar development that is currently under construction. The sustainability features of the proposal, which go beyond what is commonly provided, weigh in favour of the proposal.

29.7 The current application does not cover the whole of the NW site and as such it is necessary to consider whether it is capable of delivering comprehensive development. Given the size of the application it is able to provide for a sustainable neighbourhood on site and in an appropriate way. The only areas where this is not the case, is with regard to sports pitches. Separate applications that have been submitted which do include these provisions. In the case of the secondary school the application includes this provision and will support an application made by the same applicant. There are also options for providing temporary sports pitches including within the secondary school land if the permanent pitch location is not available. Through the use of conditions and agreements it is considered that a comprehensive approach to development can be secured in this case and as such the harm that would arise from piecemeal development can be addressed.

29.8 The application proposals would provide sustainable development and on balance would not give rise to significant and demonstrable harm that outweighs the benefits of the granting of planning permission. The application is therefore recommended for approval as set out below.

30 **Environmental Impact Assessment Determination**

30.1 Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires;

24.—(1) Where an EIA application is determined by a local planning authority, the authority shall—

(a) in writing, inform the Secretary of State of the decision; .

(b) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and .

(c) make available for public inspection at the place where the appropriate register (or relevant section of that register) is kept a statement containing— .

(i) the content of the decision and any conditions attached to it; .

(ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public; .

(iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and .

(iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.

30.2 It is therefore **recommended** that this report and the conditions and obligations proposed for the development are treated as the statement required by Reg 24 C (i) - (iii). The information required by Reg 24 C (iv) will be set out on the planning decision notice.

6. **Recommendation**

Approval, subject to:

a) Delegation of the negotiation of the S106 agreement to Officers in accordance with the summary of the Heads of Terms attached at appendix B and subsequent completion of S106 agreements and;

b) the following conditions:

CONDITIONS TO FOLLOW

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as continuous engagement has occurred in relation to the details and the nature of the proposal.

Bicester Masterplan

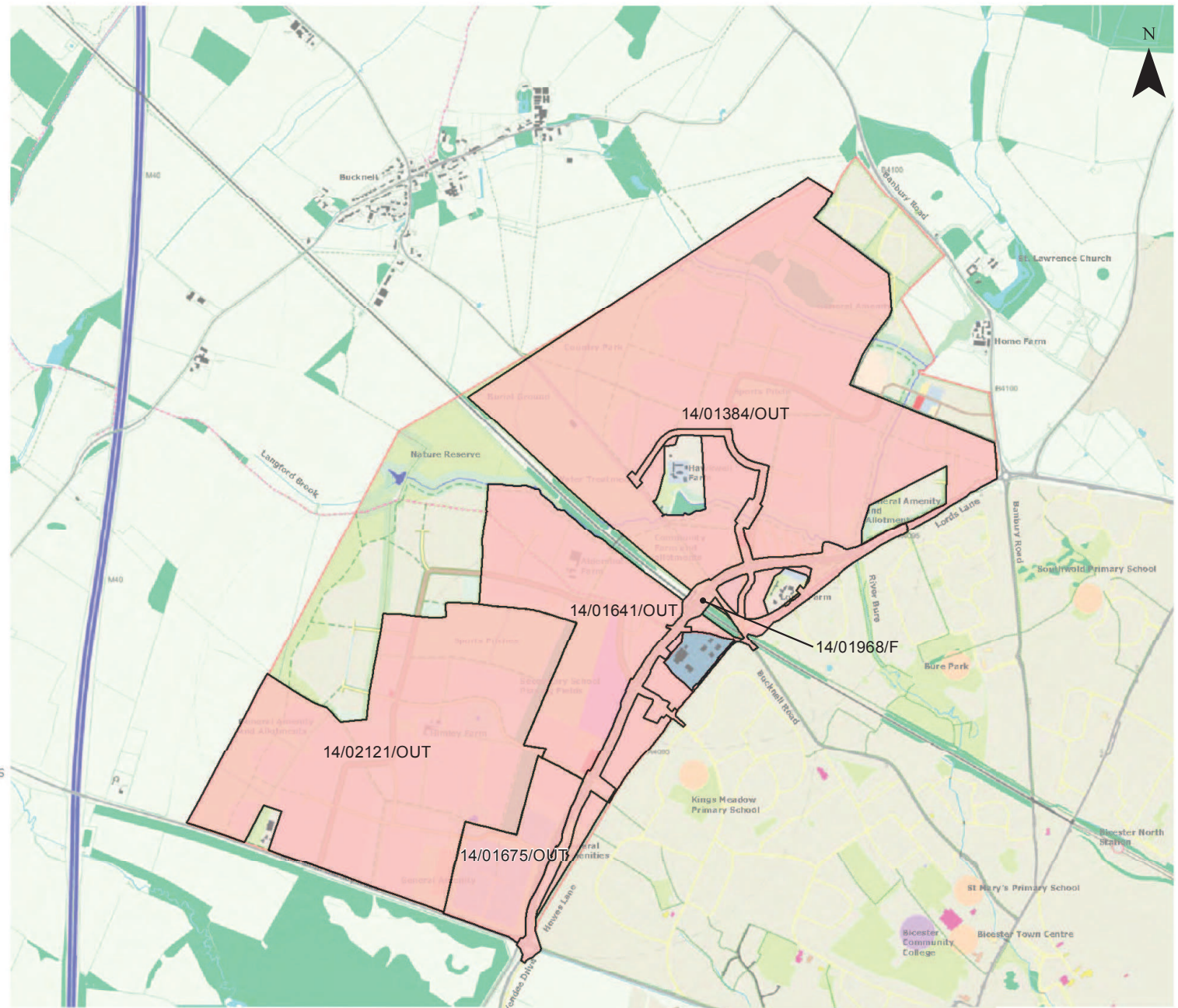
Masterplan Site Area

Proposed NW Bicester Land Use

- Green Infrastructure
- Existing Woodlands and hedgerows
- Existing Water Corridor and Ponds
- Proposed Woodlands and Hedgerows Buffer
- Proposed Water Corridor Buffer Zone
- Housing
- Primary School
- Secondary School
- Secondary School Sports Pitches
- Existing Business (including green space tbc)
- Existing Farm Use (including green space tbc)
- Commercial/ Business
- Social/Community
- Retail
- Care Home/Hotel/Other
- Extra Care Housing (including green space tbc)
- Energy Centre
- Water Treatment
- Proposed Retention Basins and Attenuation Ponds
- Proposed Swales
- Existing Herbage

Proposed Connectivity

- Strategic Roads including footpath/cycleway
- Primary Roads including footpath/cycleway
- Secondary Roads including footpath/cycleway
- Off road footpath cycleways
- Crossing under railway
- Existing Bridle Path



FARRELLS

BIMP6 01 NW Bicester Masterplan
Masterplan Framework

Appendix B

SUMMARY HEADS of TERMS

Committee 29 October 2015

Framework S106

1	Eco Town Quality Standards	
	<p>That development will be to eco town standards or other higher standards, relevant at the time, and the "quality" of the development shall be supported through assessment s of schemes by an independent expert panel which shall consider the schemes approach and compliance with:</p> <ul style="list-style-type: none"> (a) the proposed Masterplan; (b) the design standards; (c) the sustainability standards; (d) the proposed governance arrangements; (e) the proposed maintenance arrangements; (f) the proposed "Panel" arrangement for resolving issues and dealing with changes in standard; (g) measures to ensure delivery of panel decisions 	
2	Site Wide Infrastructure Provision and Connections	
	<p>The following site wide infrastructure is required to serve more than one part of the site:</p> <ul style="list-style-type: none"> (a) Primary Road Infrastructure; (b) Rail Tunnels; (c) Primary School sites; (d) Secondary School site; (e) Water Treatment (on site solution); (f) GP's surgery site; (g) Sports Fields & Changing Pavilion; (h) Community Halls (i) Heat network <p>That part of the site wide infrastructure provision in control of the developer/landowner shall be provided to an agreed programme and once provided shall be made available for the benefit of the whole NW site, subject to the payment of any reasonable connection charge that reflects the cost of providing the infrastructure.</p> <p>The Framework Agreement will set out a mechanism for determining the total cost of the site wide infrastructure and the apportionment of the costs to individual sites as they are brought forward for development. The costs and apportionment will be determined consultatively on a fair and equitable basis. Development will be restricted on an individual site unless and until the contribution towards the site wide infrastructure (apportioned for each individual site) has been paid.</p> <p>A2Dominion will use reasonable endeavours to secure the co-ordinated and effective delivery of the site wide infrastructure.</p> <p>Appropriate security provisions will be required in relation to the delivery of the site wide infrastructure.</p>	

3	Comprehensive Development	
	As each site comes forward the Councils will seek agreement with each landowner/developer to enter into the framework agreement	

Application Phase S106

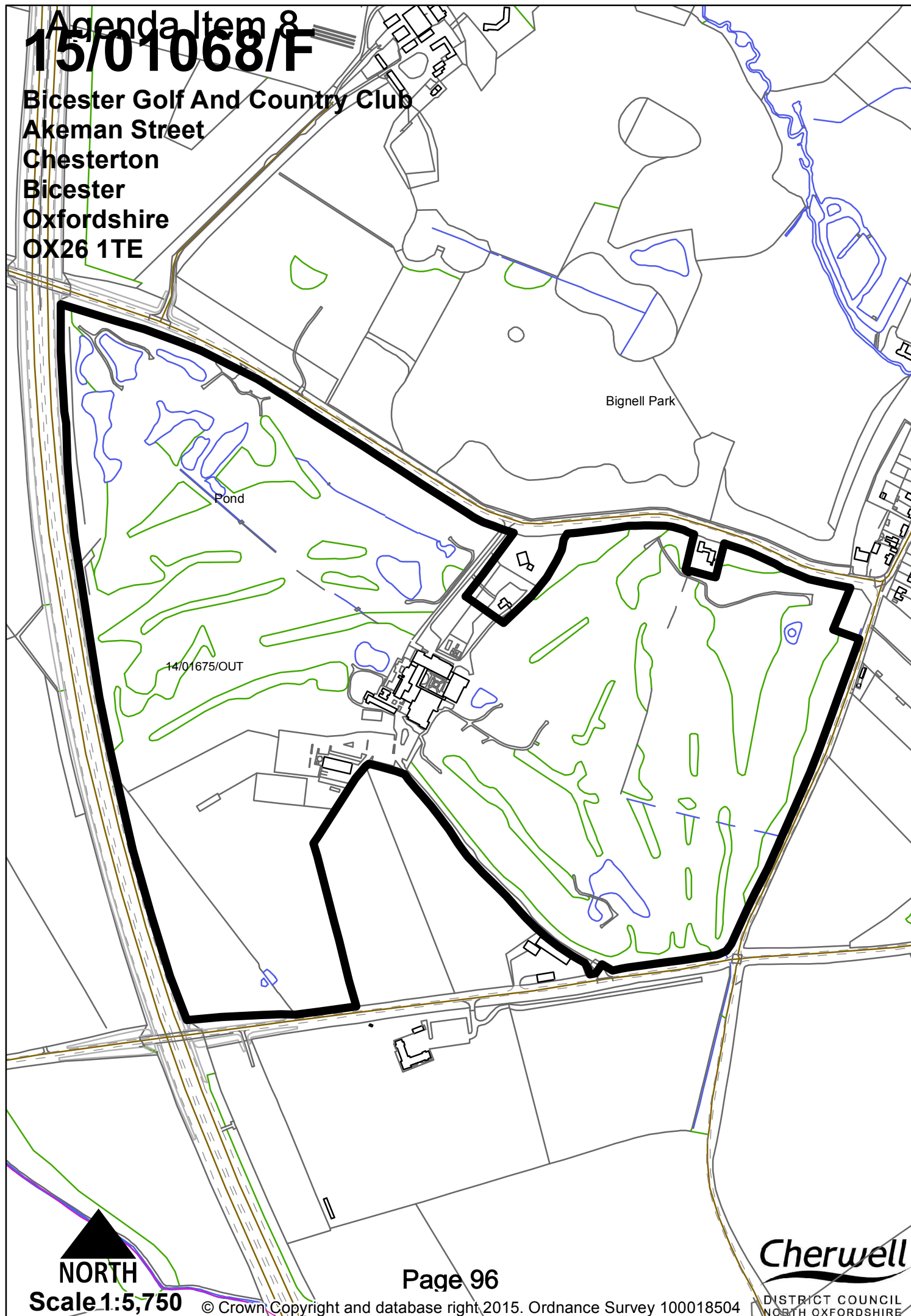
1	Affordable Housing	
	Provide 30% affordable housing in accordance with an agreed phasing and mix. Affordable housing to be provided by a Registered Provider. Affordable Housing scheme to be submitted and approved prior to submission of first residential reserved matter submission identifying the distribution of the affordable housing. Affordable housing to be delivered in clusters of no more than 15 affordable housing units unless agreed . Nomination agreement	
2	Bicester Library	
	Provide a financial contribution to the re provision of Bicester library	
3	Library Book Stock	
	Provide a financial contribution to the provision of book stock to the library	
4	Central Library	
	Provide a financial contribution for the remodelling of Oxford Central Library	
5	GP Surgery	
	Provide financial contribution to the provision of a new GP Surgery Provision of 0.2 ha of land for new health provision	
6	Thames Valley Police	
	Provide financial contribution to neighbourhood policing	
7	Community Hall & Sports Pavilion	
	Land at nil cost and provision or financial Contribution towards 400 sq m GIA Community Hall Land at nil cost and provision or financial Contribution towards 550 sq m GIA Sports Pavilion Financial Contribution towards fit out costs of Large Hall north of the railway line	
8	Community Development Worker	
	Financial contribution for the provision of a community development worker(s) to deliver the creation of the new community during the build out of the site.	
9	Community Development Fund	
	Financial contribution to deliver community development	
10	Employment and Training	
	Provide employment and training action plan to include measures to ensure opportunities for local labour and businesses through the development, measures to support home working and to work with the local job club to advertise jobs created through construction on the site. Delivery of specified number of construction (and related trades) apprenticeships in accordance with the number of opportunities identified through the CITB, through the Bicester ATA or other agreed provider. Make available the employment land in accordance with agreed phasing. Market the employment space to be provided on the site in accordance with an agreed scheme until	

	2100 dwellings have been occupied.	
11	Primary School	
	2.22ha of land at nil cost and provide school or financial contribution sufficient to provide a 1FE Primary School and funding to provide extra accommodation corresponding to the pupil generation (up to a 2 FE School)	
12	Secondary School	
	Provide 10.45 ha of land at nil cost and financial contribution towards building of 1200 place Secondary School	
13	SEN	
	Provide contribution for the provision of SEN places	
14	Temporary Sports Pitch	
	Fund the laying out of temporary sports pitches Provide for maintenance of the temporary pitches	
15	Permanent Sport Pitches	
	Fund the laying out of sports pitches Provide for maintenance of the pitches	
16	Public Open Space	
	Layout or fund the laying out of the public open space and transfer it to CDC in accordance with an agreed plan and phasing. Provide a commuted sum for maintenance	
17	Allotments	
	Layout or fund the laying out of the allotments and transfer them to CDC in accordance with an agreed plan and phasing.	
18	Play Areas	
	Layout or fund the laying out of the NEAPs and LEAPS and transfer to CDC in accordance with an agreed plan and phasing. Provide commuted sum for maintenance. Provide local areas of play within the residential parcels so every dwelling is within 400m of play provision. Make provision for secure long term ownership and management.	
19	Indoor Sport	
	Provide funding for the expansion of the Bicester Sports Centre	
20	Green Space that could be used for a Burial Ground	
	Provide contribution to the provision of a burial ground	
21	Bio Diversity Off Sett	
	Provide funding for off site bio diversity mitigation, to be used for off setting grant scheme or land purchase for bio diversity.	
22	Cultural & Wellbeing Strategy	
	Provide a cultural and wellbeing strategy and action plan for delivery across the site	
23	Local Management Organisation	
	Work with CDC to establish the LMO Provide funding for the establishment of the LMO and its activities	
24	Waste Collection & Recycling	
	Provide an action plan to deliver waste reduction Provide funding for the provision of domestic bins for waste and recycling Provide a location for a bring back site in accordance with an agreed plan and phasing Provide funding for the provision of bring bank sites	
25	Strategic Waste Management	
	Provide funding for the expansion of Strategic Waste Management provision to serve Bicester	
26	Bus Provision	

	Provide funding for the provision of the bus service to serve the site in accordance with agreed phasing	
27	Bus Access Scheme	
	Provide or provide funding for the improvement of Bucknell Road and Field Street to facilitate bus access	
28	Off Site Cycle Way Improvements	
	Provide or provide a contribution towards the following improvements; <ul style="list-style-type: none"> • upgrade walking and cycling provision from Bucknell Road to Queens Avenue • Off road cycle provision alongside Middleton Stoney Road • Shakespeare Drive cycle provision and traffic calming 	
29	Field Path Improvements	
	Fund improvements to Bridelway Bicester 9 and Bucknell 4	
30	Highway Works	
	Provide the following highway works in accordance with an agreed programme and phasing ; Howes Lane strategic realignment related to the site Contribution to tunnel and remainder of Howes Lane realignment Contribution to Banbury Road B4100 roundabout improvement	
31	Village Traffic Calming	
	Contribution to funding village traffic calming	
32	Travel Plan	
	Provide and agree a travel plan Provide funding for travel plan monitoring	
33	Monitoring	
	Provide scheme of monitoring eco town standards	
34	Local Centre	
	Marketing of local centre in accordance with an agreed scheme until developed or 850 dwellings have been occupied	
35	Bond/Guarantee	
	Provide bond or guarantee for the delivery of the infrastructure	
36	HGV Routing Agreement	
	Agreed routing for construction traffic and commercial traffic serving the proposed business units.	
37	Monitoring fees	
	Provide a fee for monitoring of legal agreements	

Agenda Item 8 15/01068/F

Bicester Golf And Country Club
Akeman Street
Chesterton
Bicester
Oxfordshire
OX26 1TE



NORTH

Scale 1:5,750

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

15/01068/F

**Bicester Golf And Country Club
Akeman Street
Chesterton
Bicester
Oxfordshire
OX26 1TE**

14/01675/OUT



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Scale 1:15,000

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Linda Griffiths **Ward(s):** Ambrosden And Chesterton

Applicant: Bicester Hotel Golf And Spa

Ward Member(s): Councillor Lynn Pratt

Proposal: Erection of two storey extension to existing hotel to form 62 new bedrooms
(60 net increase)

Committee Date: 29 October 2015 **Recommendation:** Approval

1. Application Site and Locality

- 1.1 Bicester Golf and Country Club is located to the south west of Bicester town and on the edge of Chesterton village. The main facilities offered at the Club include golf, health and fitness and tennis as well as catering for events, conferences and weddings.
- 1.2 The whole site extends to 46 hectares and is in an area that is potentially contaminated. The Conservation Area lies to the far north east corner of the wider site, some 500m from the siting of the actual development proposal. A public footpath crosses the site commencing at the southern access point to the site off Akeman Street, past the west side of the building and exiting on the northern road (A4095).
- 1.3 There are a number of trees on the site and within the vicinity of the proposed extension that are protected by a Tree Preservation Order. Vehicular access to the site is gained from Akeman Street, although servicing is via an access from the A4095.

2. Description of Proposed Development

- 2.1 The application submission follows the approval in October 2013 of an extension to provide 51 additional bedrooms (13/01102/F refers). This revised application seeks consent for a two storey extension to provide 62 bedrooms (additional 60 net), an additional 11 units above that approved previously. This will provide for a total of 112 bedrooms at the hotel. The extension is proposed in materials to match the existing building, although the fenestration differs. No additional parking is provided as part of this submission. The extension is located to the rear of the building overlooking The Green.

3. Relevant Planning History

13/01102/F - PER - Two storey extension to existing hotel with roof accommodation to form 51 new bedrooms

4. Response to Publicity

- 4.1 The application has been advertised by way of a neighbour letter, site notices and a notice in the local press. At the time of writing, no representations have been received as a result of this publicity.

5. Response to Consultation

5.1 Chesterton Parish Council:

Once again we have no objection to this application but we would like to know the Planners are aiming to do about the increase in traffic, due to this application, Taylor Wimpey proposal (45 homes) and Hill Residential (10 homes).

5.2 Cherwell District Council:

Planning Policy – The proposed extension concerns the provision of 62 new hotel bedrooms (60 bedrooms net increase) over 2 floors attached to the northern side of the existing hotel. The proposed 2,699.5 sqm GIA will double the existing C1 floor space on site.

On 20 July 2015 the council adopted the Local Plan 2011-2031 – Part 1. The Local Plan replaces a number of the saved policies of the 1996 adopted Cherwell local Plan. These are set out in Appendix 7 of the Local Plan 2011-2031. The policies in the Local Plan 2011-2031 and the saved policies of the 1996 Local Plan most pertinent to this planning application are set out below.

Local Plan 2011-2031-Part 1(July 2015)

PSD1 – Presumption in favour of sustainable development

SLE1 – Employment development

SLE2 – Securing dynamic town centres

SLE3 - Supporting tourism growth

SLE4 – Improved traffic connections

ESD1 – Mitigating and adapting to climate change

ESD2 – Energy hierarchy and allowable solutions

ESD3 – Sustainable construction

ESD7 – Sustainable drainage systems

ESD10 – Protection and enhancement of Biodiversity and the natural environment

ESD13 - Local landscape protection and enhancement

ESD15 – The character of the built and historic environment

Local Plan 1996 – Saved Policies

TR1 – Transportation funding

TR7 – Development attracting traffic on minor roads

T5 – Proposals for new hotels in the countryside

C8 – development in the open countryside

C14 – Countryside management projects

C28 – Layout and design

C32 – provision of facilities for disabled people

NPPF – the main paragraphs of the NPPF which apply are as follows:

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Core planning principle

Paragraphs 24, 26 and 27 – applying a sequential test for main town centre uses outside existing centres and the undertaking of an impact assessment

Paragraph 28 – Supporting a prosperous rural economy

Paragraph 29, 30, 32 and 34-36 – Promoting sustainable transport

Paragraphs 56, 57, 61-65 – Requiring good design

Paragraph 118 – Conserving and enhancing biodiversity

Paragraph 162 – Working with other authorities concerning infrastructure

Section 12 – Conserving and enhancing the environment

PPG – The paragraphs most pertinent from a Local Plan perspective are:

Paragraph: 001Reference ID: 2b-001-20140306 Ensuring the vitality of town centres

Paragraph: 010Reference ID: 2b-010-20140306 Use of sequential test in decision-taking

Paragraph: 011Reference ID: 2b-011-20140306 Locational requirements in the sequential test

Paragraph: 013Reference ID: 2b-013-20140306 Impact test

Non-Statutory Cherwell local Plan 2011

Whilst some policies within the Non-Statutory Local Plan may remain material, others have in effect been superseded by those of the Local Plan 2011-2031-Part 1. The following are the main policies which apply for this application:

T5: Tourist facilities in the countryside

TR5: Road safety measures for proposed development

TR6: Public transport

EN39: Preservation of listed buildings and the character of conservation areas

EN40: Preservation of the character and appearance of conservation areas

D3: Policy promoting local distinctiveness in design

D4: Design quality of buildings in general

Material Considerations

Cherwell Tourism Development Study 2008

The study noted in paragraph 7.4 that (at the time) additional hotel rooms in the pipeline would be sufficient to meet increased demand until 2016. Of relevance to the proposal is the acknowledgement in the study (page 32) that although there was a good range of accommodation, this was mostly small scale and there was a lack of higher quality, larger and branded accommodation. With regards to Bicester, paragraph 3.2 of the study noted that there were '.....few hotels in Bicester, and certainly nothing of sufficient quality to attract Bicester Village shoppers'.

Applicant's Information regarding current trends and existing supply of hotel accommodation

The 2008 tourism study indicated there were 19 hotels in the district all 2 and 3 stars or ungraded and proposed hotels (Premier Inn at Bicester, Bicester Golf and Country Club at Chesterton and Holiday Inn at Banbury).

These proposed hotels have since been built and the former Weston Manor Hotel upgraded to 4 Star, now The Manor at Weston-on-the-Green. There is limited high end accommodation in the district including at The Manor and the Bicester Hotel Golf and Spa at Chesterton. A resolution to approve was granted in 2014 (14/00403/F) for a town centre proposal in Bicester including a hotel.

It is acknowledged that although Cherwell may have a good supply of visitor accommodation, this is mainly 3 star accommodation including the opening of the Bicester Premier Inn in 2013. Given current hotel provision in the district, the proximity of Bicester Village and the particular type of accommodation and services provided at the Bicester Hotel and Spa, it is likely that demand levels are high as noted in the information submitted by the applicant but given the date of the latest published Tourism Study (2008) officers should seek advice from CDC's Recreation and Health Department.

Planning History

The site gained planning permission in 2013 for an extension to provide 51 new bedrooms, a net increase of 49 bedrooms (13/01102/F). Current proposal seeks permission for an extension to provide a 60 room net increase.

Sequential Assessment supporting the proposal

The applicant's sequential test identifies a number of alternative sites from:

- Sites in emerging and adopted Local Plan documents indicating hotel use
- Applicants own searches for vacant and available property
- Capacity of existing hotels to accommodate additional rooms in a multifunctional leisure/golf complex, and
- Sites with planning permission but not completed

The applicant makes use of the checklist in PPG Paragraph: 010 Reference ID: 2b-010-20140306 to justify whether the proposal complies with the sequential test and provides adequate information on the particular market and locational requirements of the proposal.

Policy Officers do not concur with the applicant's assessment of Cherwell Local Plan 2001-2031 allocations Bicester 1 and Bicester 3 as being no more sequentially preferable than the application site. Bicester 1 and 3 are intended to provide a mix of uses and infrastructure as part of planned strategic urban extensions to Bicester while Chesterton is a rural settlement. Notwithstanding this, it is considered that the applicants have looked at a proportionate number of sites district wide and investigated sufficiently the capacity of existing hotels to accommodate the type of facilities they intend to provide.

With the information available to us, we consider that it is unlikely to be a sequentially better site capable of providing accommodation of this type with associated uses including: golf, a spa, weddings etc. Also, due to proximity and the higher end accommodation offered, it will be able to respond well to Bicester Village's accommodation demand.

Impact Assessment

NPPF paragraph 26 requires an impact assessment for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan. The requirement is subject to locally set thresholds. Local Plan Policy SLE2 sets the threshold for such assessments at 2,000 sqm gross at Banbury, 1500 sqm at Bicester and 350 sqm elsewhere.

Although the proposed development would fall within the size threshold (c2,700 sqm GIA proposed), it is for a hotel (tourism development) as per the NPPF's definition of 'main town centre uses' and thus falls outside the uses identified for the purpose of paragraph 26 of the NPPF. PPG Paragraph 13 ID: 2b-013-20140306 makes clearer the intention of NPPF Paragraph 26, noting that the test does not apply to all 'main town centre uses' but relates to retail, leisure and office development. An impact test is not required for the purpose of this application proposal.

Overall Policy Observations

There is a hotel already operating in this site with the principle of an extension to the hotel established by extant planning permission 13/01102/F. However, the proposals will need to be

considered against the current planning policy framework with regards to material considerations.

The NPPF supports economic growth in rural areas including the provision of tourist and visitor facilities in appropriate locations. At the local level, Policy SLE3 supports proposals for new or improved tourist facilities in sustainable locations to increase overnight stays within the District. With regards to rural areas, paragraph B.36 of the Cherwell Local Plan limits employment growth in rural areas to schemes involving amongst other: '*sustainable growth in tourism including recreation based tourism*'. Saved Policy T5 of the 1996 adopted Local Plan considers proposals to extend existing hotels in the countryside acceptable provided they conform to other relevant policies.

The proposal is regarded as tourism development, a 'main town centre use', for the purpose of the NPPF and Policy SLE2 of the adopted Cherwell Local Plan. With regards to vitality of town centres, Policy SLE2 states that retail and other main town centre uses will be directed towards Bicester town centre and it requires a sequential approach to 'main town centre uses' with consideration given first to town centre and then edge of centre before considering out of centre locations. This proposal is in an out of town location but it is considered that the proposal satisfies the sequential test. The principle of the proposal is acceptable in policy terms but officers should consider any potential impact on:

Highway safety by traffic generation in this rural location and the adequacy of the proposed access and parking arrangements in liaison with OCC in accordance to SLE4 and saved policies TR1 and TR7.

Designated tree preservation orders, whether there are UKBAP grassland on the site and the potential biodiversity gain in accordance with Policy ESD10, Policy ESD13 and saved Policy C14.

The landscape/countryside. Policy C8 of the 1996 Local Plan should be considered in the context of Policy ESD13 of the 2011-2031 Local Plan.

Chesterton Conservation area in accordance with ESD15 and NSLP Policies EN39 and EN40.

A high quality design should be sought for this proposal.

There is no planning policy objection in principle subject to detailed consideration of transport, biodiversity, design and conservation matters.

- 5.3 Ecology Officer – the proposed extension covers an area to the North East of the current building mass, some of which already includes an area of hardstanding. There is a pond in close proximity, however, following previous applications on site for a similar extension, the question of the likely presence of great crested newts on site has been largely addressed. The agent has provided information that fish are present in the lake and that the pond is used for irrigation and is frequently dry. In addition the majority of the vegetation to be impacted by the works is already heavily managed as a golf course and such amenity grassland is less favourable as a habitat for most species.

There are however, patches of rougher grassland which are likely to be impacted during construction and by the building footprint which could affect reptiles (which are protected from killing and injury) and amphibians, therefore a precautionary method statement needs to be submitted to ensure no harm will occur to reptiles or amphibians on site during construction. This should include making rough vegetation progressively less suitable for reptiles, ensuring trenches etc. are not left uncovered, no storage of goods or vehicles within 10m of the pond side etc.

In line with NPPF recommendations there are opportunities for enhancements for biodiversity on site, in particular, for swifts given the records in the local area. A plan of proposed locations for swift bricks should be submitted to us and I would advise the applicant to liaise with the Swift Conservation co-ordinator for the area or a qualified ecologist on the best locations for their placement.

A number of conditions and a planning note are recommended.

- 5.4 Environmental Protection Officer: No objections in respect of air quality, contaminated land or noise issues.
- 5.5 Arboricultural Officer: advises that no further action should be taken in respect of the removal of the TPO'd trees from the site, but recommends that replacement planting is carried out.
- 5.6 Oxfordshire County Council:
Transport Strategy – The location of the existing Bicester Golf and Country Club and the rural character of the connecting road, Green lane, make it very challenging to access by non-car means. There are no pedestrian and cyclist facilities to link the facility with the nearby Chesterton Village or to bus services that serve this village and connect onto Bicester or Oxford. Green lane is essentially an unlit single carriageway which would be unattractive to pedestrians and cyclist wishing to access the site, largely due to perceived safety risk and the inconvenience from the lack of facilities.

The Planning, Design and Access Statement's conclusion that the proposal is 'sustainable' because there is no identified increase in traffic movements is very questionable. Sustainability should not be just determined on whether there is an impact on from traffic generation. It should be based on the availability and proximity sustainable transport infrastructure and services, e.g. footways, cycle ways and bus services. The developer's assessment fails to acknowledge access to the site by non-car means. Any extension of the hotel will generate increased travel demand from both guests and staff. Ideally, they should have a choice on mode of access, rather than being restricted to access by car or taxi.

However, OCC acknowledges that this is an established facility and that this extension proposal is unlikely to have an adverse impact on the surrounding road network in terms of trip generation. For these reasons OCC'S Transport Strategy team has no objection to the proposal.

- 5.7 Transport Development Control – The location of the hotel is not considered to be sustainable in purely transport terms. However, the hotel is an established use on the site and in the light of the National Planning Policy Framework, consideration must be given to wider sustainability issues and enabling continued growth and use of an established business and social and leisure facility.

No change is proposed to the existing access or parking arrangements. The existing accesses are suitable for the likely increase in traffic. The existing car park is underused, therefore the lack of increase in parking provision is considered acceptable. It is unlikely that overspill parking would result in parking on the highway or associated highway safety issues.

The additional rooms proposed are unlikely to generate a significant amount of traffic, or to cause severe harm to the local highway network.

It is however requested that an updated travel plan is submitted for approval to reduce trips to the site and encourage use of more sustainable modes of transport where possible.

- 5.8 Drainage – The application form states that a pond is being used to drain the proposed buildings surface water. Information is required on how this will be done and calculations need to be carried out to ascertain whether there is sufficient capacity in the pond.

The current documentation does not contain any information regarding surface water drainage and is therefore not acceptable in its current form. An assessment of the surface water drainage will be required.

- 5.9 Other External Consultees:
None

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

SLE2 - Securing Dynamic Town Centres

SLE3 - Supporting Tourism Growth

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD7 - Sustainable Drainage Systems (SuDS)

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

Cherwell Local Plan 1996 (Saved Policies)

T2 – Proposals for hotels, motels, guest houses and restaurants within settlements

T5 – Proposals for new hotels, motels' guesthouses and restaurants in the countryside

C8 – sporadic development in the open countryside

C28 - Layout, design and external appearance of new development

C32 - Provision of facilities for disabled people

6.2 Other Material Planning Considerations:

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

Cherwell Tourism Development Study 2008

7. Appraisal

7.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle of Development;
- Sequential test
- Design, Layout and Appearance;
- Impact on Heritage Assets;
- Landscape and Visual Impact;
- Trees and Landscaping;
- Accessibility, Highway Safety and Parking;
- Ecological Implications;

Principle of Development

7.2 The development plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031 (Part 1). Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF).

7.3 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which, amongst other things require planning to:

- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- Proactively drive and support sustainable economic development
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Support the transition to a low carbon future in a changing climate
- Encourage the effective use of land by reusing land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant developments in locations which are, or can be made sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

7.4 The NPPF at paragraph 14 states 'at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both planning and decision taking.... For decision taking this means

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission, unless;
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or
- Specific policies in the Framework indicate development should be restricted

7.5 The NPPF in Section 2 'Ensuring the vitality of town centres' advises that a sequential test should be applied to applications for main town centre uses. Only if suitable sites within the town centre are not available should out of centre sites be considered, and preference should be given to accessible sites that are well connected to the town centre.

7.6 Section 3 of the NPPF 'supporting a prosperous local economy' should support economic growth and 'support sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities'.

Adopted Cherwell Local Plan 2011-2031

7.7 The Cherwell Local Plan has been through Examination and has been considered by Full Council. This plan has now been adopted by the Council. The Local Plan is consistent with the NPPF in that it requires a town centre first approach that directs town centre uses towards the

town centre and encourages the growth of such centres and aims to support Bicester town centre's viability and vitality.

- 7.8 Policy SLE2 of the adopted Cherwell Local Plan 2011-2031 'Securing Dynamic Town Centres' seeks to ensure that Bicester's role is strengthened in terms of achieving economic growth, as a destination for visitors and in serving their rural hinterlands. The policy further advises that proposals for 'Main Town Centre Uses' not in a town centre should be in 'edge of centre' locations, and only if suitable sites are not available in edge of centre locations should out of centre sites be considered. An impact assessment will also be required in accordance with the NPPF. Policy SLE3 supports proposal for new or improved tourist facilities in sustainable locations where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the District.
- 7.9 Saved Policy T5 of the adopted Cherwell Local Plan 1996 addresses new hotels beyond the built up limits of a settlement. It specifically states that 'proposals to extend existing hotels...will be acceptable provided they conform to the other relevant policies in the plan'.

Sequential Test and Impact Assessment

- 7.10 The submission is supported by a sequential test analysis in line with the requirements of the NPPF and the adopted Cherwell Local Plan. The purpose of the test is to ensure that the vitality and viability of town centres is supported which in turn will ensure the development is sustainable. The situation in terms of available hotel accommodation in and around Bicester remains unchanged from when the previous application was considered in 2013. There are currently no hotels in Cherwell District within an existing golf, leisure or country club complex. The hotel that is closest in terms of facilities offered is the Holt Hotel but this does not provide a golf course or leisure and spa facility on the same scale, whilst it has a greater number of bedrooms it is only 3 star rating.
- 7.11 The sequential test submission concludes that there are no suitable and available alternative sites to meet the applicant's needs either in a town centre location or an edge of town centre location, or that there are no known hotels within the District with an existing leisure or country club complex which are better located sequentially. Furthermore, this application relates to provide for the 'high end' of the market (4/5 star). It is accepted that the sequential test has been met in this case and that there are no alternative locations which would be suitable for the hotel accommodation proposed, and is therefore in accordance with the Development Plan policies above and the NPPF in respect of tourism development.
- 7.12 Under the terms of the National Planning policy Guidance, as the proposal relates to hotel use (tourism development) the impact test is not required in respect of this submission.

Design, Layout and Appearance

- 7.13 Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'
- 7.14 Paragraph 61 states 'although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'
- 7.15 Paragraph 63 states 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally within the area'

- 7.16 Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 advises that design standards for new development whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of built development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policy C28 which states that 'control will be exercised over all new development, including conversions and extensions to ensure the standards of layout, design and external appearance, including choice of materials are sympathetic to the character or urban context of that development'.
- 7.17 The appearance of new development and its relationship with its surroundings and built and natural environment has a significant effect on the character and appearance of an area. Securing new development that can positively contribute to the character of its local environment is therefore of key importance.
- 7.18 The new two storey extension will be attached to the existing hotel on its northern side (in a similar position to that approved in 2013), and so is well related to the existing complex, and has been designed to match in terms of scale and design the existing hotel building. Whilst the current submission has been amended to indicate materials and detailing to match the existing building, the fenestration differs and the applicants have declined to amend this aspect of the submission. However, whilst this is considered to be a little unfortunate, having regard to the fact that the existing building is a modern building, and the extension is generally not visually prominent from the public domain (including the public right of way) and it will be set some distance from the boundary of the Chesterton Conservation Area, it is on balance considered acceptable, and therefore in accordance with the above mentioned policies and Government guidance.

Impact on Heritage Assets

- 7.19 The application was advertised as affecting the appearance of the Chesterton Conservation Area, the boundary of which is to the north of the golf course. However, given that the Conservation Area boundary is on the opposite side of the road, at some considerable distance from the proposed extension and with the extensive boundary planting and existing landscaping, the setting of the Conservation Area is not considered to be a constraint to the development. The proposal is therefore in accordance with the NPPF in this respect.

Landscape and Visual Impact

- 7.20 The Bicester Golf and Country Club building is centrally located within the grounds and is not readily visible from the public domain of the surrounding road network. A public footpath crosses to the west side of the building complex but it passes away towards the northwest, away from the proposed siting of the new extension. For much of the public footpath route, the existing buildings of the club house will screen the new extension. Views will be possible from the south, but being contained adjacent to the existing complex, the effect is less evident and is considered acceptable.
- 7.21 Having regard to the above, it is considered that the proposed siting of the extension is acceptable and sympathetic to its environment and will be read against the existing buildings. It is however considered that some softening of the immediate surroundings would be of benefit and a condition requiring the submission of a landscaping scheme is recommended.

Trees and Landscaping

- 7.22 There are a number of protected trees on the site which are in close proximity to the proposed extension. From the site plan submitted it appeared that the proposal will come very close to one of these groups of protected trees (TPO 1/91 refers) which included beech trees.

However, from the site inspection it was clear that these trees had been removed, and their former existence was evidenced by the tree stumps which remained. No consent has been granted for the removal of these TPO trees.

- 7.23 The removal of these trees has been assessed by The council's Arboricultural Officer who has advised that whilst the trees have indeed been removed without consent, he is of the opinion that no further arboricultural investigation is required in this matter and that the situation should now progress forward with the four felled trees being appropriately replaced within the landscaping scheme, and he suggests that this requirement should be subject to a condition. It is considered that the appropriate replacement trees should be 3 number beech (*fagus sylvatica*) and 1 number willow (*Salix chrysocoma*) planted at a suitable distance and location from the development but also as near as practicable to the original trees.
- 7.24 Having regard to the advice of the Arboricultural Officer, it is accepted that whilst the unauthorised removal of these trees is regrettable, provided they are replaced by appropriate species, their loss can be acceptably mitigated.

Highway Safety

- 7.25 The Golf and Country Club is located in an unsustainable location which is not easily accessible by any other means than by car. The submitted Planning, Design and Access Statement concluded that the proposal is sustainable as the highway consultant has identified that there will not be any increase in traffic movements as a result of the extension. This however, was not strictly correct as the Transport Statement dated July 2015 produced by Dermot McCaffery does acknowledge that the additional 11 rooms above those approved in 2013 is likely to generate an additional 76 trips per day. The submission has since been amended to reflect this.
- 7.26 Notwithstanding the above, the hotel is an established use and the increase in traffic generated above the previous permission is unlikely to adversely impact on the surrounding highway network and the car parking provision is adequate for the use. A Travel Plan is required as part of any consent to encourage access to the site by other means than just private car. This matter is conditioned.
- 7.27 Having regard to the above, no objections are raised by OCC as Highway Authority to the development and the proposal is therefore considered to be in accordance with the Development Plan and the NPPF.

Ecology

- 7.28 The NPPF – Conserving and enhancing the natural environment requires at paragraph 109, that, 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 7.29 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that 'every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity' and:
- 7.30 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of conservation Regulations 2010, which states that 'a

competent authority, in exercising their functions, must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those function’.

- 7.31 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex iv(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 7.32 Under Regulation 41 of the conservation Regulations 2010, it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if three strict derogation tests are met:-
1. Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature
 2. Is there a satisfactory alternative
 3. Is there adequate mitigation being provided to maintain the favourable conservation status of the population species
- 7.33 Therefore where planning permission is required and protected species are likely to be found present at the site or surrounding area, Regulation 53 of the Conservation Habitats and Species Regulations 2010 provides that a Local Planning Authority must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 7.34 In respect of the application site, the constraints have highlighted that there may be Protected Species, notably Common Frog, Small heath, Common Swift, Slow-worm, Common Toad, grass Snake and Common Kestrel on or within the vicinity of the site and possible UKBAP Grassland Habitat. Following the submission therefore, the applicants were requested to carry out an ecological survey. An ecological walk-over survey was carried out by AA Environmental Limited to determine the existence and location of any ecologically valuable areas and to record any evidence of protected species. The report can be read in full on the application file.
- 7.35 Whilst no species of note were found, the report makes a series of recommendations which will be incorporated into conditions. The survey report has been passed to the council's Ecologist for comment, but these at the time of writing have not been received. It should be noted that in her initial consultation response a number of conditions are recommended.
- 7.36 Consequently, it is considered that article 12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected or other species found to be present on the site will continue, and will be safeguarded notwithstanding the proposed development. The proposal therefore accords with the NPPF and {Policies within the adopted Cherwell Local Plan in this respect.

Engagement

- 7.37 With regard to the duty set out in paragraphs 186 and 187 of the Framework, it is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of this application and through seeking to work with the applicant to enable them to provide sufficient information and revised plans which seek to address the issues raised.

8. Conclusion

- 8.1 Having regard to the above assessment, it is concluded that the proposal to extend the existing hotel is acceptable and will not have a significant adverse effect on the locality and is therefore in accordance with the Development Plan and Government advice as set out within the National Planning Policy Framework.

9. Recommendation

Approval, subject to the receipt of no objections from OCC as Drainage authority and the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of 3 years beginning with the date of this permission
Reason AR2
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Amended Location Plan received 20.08.2015; Site Plans SK.15-543-53 and SK.15-543-54; Pond Discharge Detail SK.15-543-57 received 08.10.2015; SK.15-A1-543-51 and SK.15-A1-543-52; SK.15-A1-543-55A and SK.15-A1-543-50B received 02.10.2015; Arboricultural Impact assessment dated September 2015; Ecology Report Ref 153312/JDT dated 29th September 2015; Planning Design and Access Statement received 20.08.2015; Sequential Test and Traffic information submitted as part of the application.
Reason AR4
3. The natural stone to be used on the walls of the extension shall be of the same type, texture, colour and appearance as the stone used on the existing building and shall be laid dressed, coursed and pointed to match that of the existing building
Reason BR2
4. The materials to be used for the roof of the extension hereby approved shall match in terms of colour, type and texture those used on the existing building
Reason BR3
5. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a method statement to avoid harm to amphibians or reptiles during construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out in accordance with the approved details.
Reason KR1
6. Prior to the commencement of the development hereby approved, full details of a scheme for the location of a minimum of three swift bricks/boxes on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and

prior to the occupation of the development, the nesting provisions shall be installed on the site in accordance with the approved details and retained thereafter.

Reason KR2

7. All species used in planting proposals associated with the development shall be native species of UK provenance

Reason KR3

8. C1 Submit a landscaping scheme to include details for the replacement of the TPO trees which have been removed without consent

Reason CR1

9. C2 Carry out the landscaping

Reason CR1

10. C9 Arboricultural Method Statement (AMS)

Reason CR2

11. D20 Submission of a Travel Plan

Reason DR4

12. E2 Drainage

Reason ER1

13. The extension hereby permitted shall be used only for the purpose of hotel accommodation and for no other purpose whatsoever, including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

Reason HR10

Planning Notes

PN 24 Protected Species

PN 25 Bats

PN 26 Nesting birds

PN 30 Contamination

CONTACT OFFICER: Linda Griffiths

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Sunview Farm

Land Adjacent Hardwick Hill Cemetery
Southam Road
Banbury

Mast

15/01194/F OUT

Hardwick Hill
House

SOUTHAM ROAD

119.6m

Cemetery



Scale 1:1,500

15/01194/F

Land Adjacent Hardwick Hill Cemetery
Southam Road
Banbury

15/01625/OUT

NORTH

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Scale 1:12,500

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Greenwell
LAND RECLAMATION

Land adjacent Hardwick Hill cemetery, 15/01194/F Southam Rd.Banbury

Ward: Banbury Grimsbury and Castle

District Councillor: Cllrs. Beere, Bell
and Hussain

Case Officer: Bob Duxbury **Recommendation:** Approval

Applicant: Banbury Town Council

Application Description: Change of use from agricultural land to cemetery land

Committee Referral: Major application

Committee Date: 29 October 2015

1. Site Description and Proposed Development

- 1.1 The application relates to 3 hectares of land to the west of Southam Road (A423) to the north of the existing cemetery. It has a frontage to Southam Road of 140 metres and wraps around the northern and western side of the residential curtilage of Hardwick Hill House. The roadside boundary is partly formed by trees and is partly open. It is separated from arable land to the north by a row of trees, whilst that to the west is a broken set of trees and low hedging. There is solid tree line separating the land from the existing cemetery. The boundary to Hardwick Hill House is a mixture of conifer trees hedgerow and fencing.
- 1.2 The application site is currently grassland divided into one larger field and two much smaller parcels nearest to the main road. The land is mainly Grade 3a with small sections of Grade 2 and Grade 3b. It is currently tenanted
- 1.3 The proposal is to expand the Hardwick Hill cemetery into this adjacent land to meet the future burial needs of the town. Plans contained in the Design and Access statement show an access road created from the existing cemetery through the hedgerow on the south side of this site. It is also intended to form a small car park in the south-east corner of the site with a pedestrian access through the hedgeline and a further service access through as well
- 1.4 The application is accompanied by a Design and Access statement; a traffic movement survey; and a cemetery development services report, No ecology report is submitted, but it is explained that this is because the existing owners will not allow access for these purposes

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 21 August 2015
- 2.2 Two letters of objection have been received

The first is from solicitors acting for one of the freehold owners indicating that the applicant has already acquired land from his client to the west of the existing cemetery but that has not been used to expand the burial ground. They say it is not necessary for us to consider the need for further burial space whilst there is a substantial unused parcel of land within the applicants control. They also consider that the application is premature as it predates the Local Plan Part 2 . They would prefer any decision to be deferred until that Plan is more advanced. They note that the application is without a ecological survey, and suggest that a decision cannot be made until such a survey is provided. They request that we refuse this application as unproven, premature and incomplete

The second is on behalf of the owners of Hardwick Hill House. They object to the proposal on the following grounds

- Proposal will completely surround their property affecting its value and render it unsellable
- Other land may be available to the west of the crematorium which would be acceptable
- High water table with three wells adjacent
- Concern about the adequacy of the ground evaluation
- Urban infill taking the boundaries of Banbury to the M40 motorway
- Suggesting alternative of meeting the need in smaller areas of land on periphery of villages
- Lack of screening
- Loss of open view of the countryside
- Land not used for grazing for some years and now a proliferation of flora and fauna on site
- Querying extent of the need – consider it has been overestimated by a considerable margin
- Intrusive and excessive development and totally unsuitable land use

2.3 In response to these comments the Town Council has responded as follows

Banbury Town Council owns and maintains the existing cemetery fields however, the fields to the) are not in the ownership of Banbury Town Council. Those fields were transferred from Cherwell District Council to the London Crematorium Company in 1997, who have subsequently maintained and managed the site. This transfer took place before Banbury Town Council was set up and the Council has had no involvement in the running of the facility.

In addition, the field which Mr Sturt refers to is too small for the needs of the Council. Carrying out a basic search on the Town Council's GIS software, the field marked is a total of 3,503sq/m (or 0.35Ha) – 1/10 of the size of the application site.

Access to this site and the fields beyond is not considered adequate. The road which forks to the north of the crematorium building is a single track and only serves the facility at this time. To extend this road to the area of land which Mr Sturt refers to and the fields beyond, would not be possible due to a drainage ditch running through the adjoining field.

Mr Sturt later refers to the lack of an ecological survey on the 'Application Site'. As you may be aware, Banbury Town Council had approached the

land owners of the site to request that access be granted so that the survey could be completed. This was refused by the landowners on 17 July 2015 (I have attached a copy of their email). Banbury Town Council would, therefore, request that conducting an ecological survey be imposed as part of the conditions to any planning permissions which may be granted.

Further, Banbury Town Council would strongly refute Mr Sturt's conclusion that the Town Council has an unproven need for cemetery space. As set out in the Design and Access Statement, Banbury Town Council has identified that by 2024 there will be no more burial plots remaining (based on current burial rates and a growing population). In addition, the inspector of the Local Plan enquiry identified that the 'evidence of need is unquestioned'.

Banbury Town Council would urge Cherwell District Council Members and Officers to discount Mr Sturt's objections based on the reasons state above.

3. Consultations

3.1 Banbury Town Council: No comments received

3.2 Cherwell District Council Consultees

Environmental Protection no objections

Planning Policy

The NPPF does not specifically refer to cemetery provision but stresses the importance of planning positively for the provision of community facilities. The NPPG provides advice on assessing the potential impact of development on water quality and encourages early engagement with the Environment Agency. Sufficient information needs to be provided with applications to be able to identify the likely impacts on water quality.

The adopted Cherwell Local Plan Part 1 acknowledges the need for additional cemetery provision at Banbury during the Plan period (paragraphs C.125, C.190 and Policy Banbury13). Policy Banbury 13 recognises the need for an extension to the existing cemetery, and indicates that developer contributions will be sought towards its establishment. The policy also indicates that detailed investigations will be required to determine the suitability of ground conditions for cemetery use. However the Plan does not allocate a site for an extension; Paragraph C.190 of the Plan indicated that as the increase in burial capacity did not require a strategic land allocation, it would be progressed through Local Plan Part 2.

This application is proposing a change of use to cemetery use for a site ahead of the Local Plan Part 2 process, and government guidance on prematurity

therefore has to be taken into account. However it would be difficult to consider the application premature bearing in mind government advice in the NPPG, firstly due to the scale of the proposal (being non-strategic) and the

limited alternative locations for extending the cemetery, and secondly as work has only just commenced on Local Plan Part 2, and that Plan cannot therefore be considered to be at an advanced stage. Therefore the main issues for consideration are the need for the additional cemetery space versus the harm that would be caused, and the presumption in favour of sustainable development, as set out in adopted Policy PSD1.

In terms of need, the Inspector appointed to examine the submission Cherwell Local Plan as modified, in his report (paragraph 197), observed in relation to plan policy Banbury 13, that:

“This policy confirms the local requirement for new burial site provision in Banbury with contributions from major new housing schemes to provide funding to facilitate an extension to the existing cemetery, subject to suitable ground conditions being demonstrated. The evidence of need is unquestioned and therefore the policy is soundly based and requires no modification.”

The Design and Access Statement accompanying the application indicates that in view of development proposed at the town in the adopted local plan, it is anticipated that existing burial space will have run out by 2024. Additional provision therefore needs to be made, as recognised in Local Plan Part 1 and by the Local Plan Inspector in making his report. The application does not seem to indicate the estimated number of burial plots that the proposed extension would accommodate or an indication of the time period this is expected to serve, and it is therefore difficult to assess the extent to which the 3 hectares of land will meet the identified need.

The planning application is accompanied by a groundwater audit report and the Environment Agency has confirmed that it has no objections to cemetery use of the application site in terms of water quality.

The application site has the potential to contain BAP Priority habitat but is not accompanied by an ecological survey, although it is noted that one has been requested.

The proposed extension to the cemetery is well located in relation to the community it will serve, being situated just to the north of Banbury. Whilst the application site lies beyond the built up limits of the town, it is located immediately adjacent to the existing crematorium and cemetery. The site is located on the top of the hill, and the potential visual impact of the proposals will need to be taken into account. However, no buildings are proposed and the site is afforded some screening from existing vegetation, which will limit any visual impact. The extent of the application site and the proposed development would however, result in Hardwick Hill House being surrounded on three sides by cemetery use, and the detailed layout of the proposed extension would therefore need to take into account the potential impact on the amenity of the adjacent residential property, including the intended location of the additional parking area.

The Qualitative Standards of provision set out under adopted Local Plan policy BSC11 indicate that cemeteries should comprise the following:

“A well maintained, clean and safe site with the provision of seating areas, clear footpaths and car parking either on the site or nearby. The site will encourage biodiversity by providing varied vegetation and aim to be an oasis for quiet contemplation.”

This would need to be taken into account in the design of the proposed extension

On balance, from a planning policy perspective, it is considered that the recognised need for additional cemetery provision and the benefits of this proposal outweigh the adverse impacts, when assessed against government advice and local planning policy. As such, no objection is raised in planning policy terms to the proposed change of use of the application site to cemetery use for the reasons stated above. However, the potential visual, traffic and biodiversity impact will need to be appraised in detail and the amenity of the adjacent residential property and the Council's qualitative standards of provision should be taken into account in the design of the proposed extension.

Ecology Officer

Prior to registration I recommended a walkover survey for this site as it is potentially botanically interesting as grazing has ceased and our database has it as potentially BAP/Priority grassland. The hedgerows on site are also likely to be BAP habitat and there is also a possibility of suitability for reptiles. I see no ecological information has been submitted however

Oxfordshire County Council Consultees

3.3 Highways Liaison Officer: Have no objections

County Archaeologist

The site is located in an area of archaeological interest 200m north west of an area where prehistoric features have been recorded. These features consisted of ditches and pits dated to the Neolithic through to the Iron Age. Further pits and ditches along with a prehistoric cremation were recorded during an archaeological evaluation 150m south of the proposed cemetery extension. Neolithic pits and a linear feature were also recorded 800m east of the proposal area during the Banbury Flood Scheme.

It is therefore possible that this site could contain further archaeological deposits related to these features including further Neolithic and Bronze Age features and burials.

In accordance with the National Planning Policy Framework (NPPF), we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation. This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken

Other Consultees

3.4 Environment Agency

We have **no objection** to the above proposals.

The groundwater risk assessment carried out in the submitted site condition report concluded that the majority of the risks are low or very low (with the exception of depth of drift deposits). In particular we note that the site is entirely located in geology designated as “Unproductive Strata”. There are no registered groundwater abstraction within the vicinity. Neither is there any surface watercourses in the immediate vicinity.

As such we would not regard the proposed cemetery development as being particularly high risk from a groundwater perspective. The risks to controlled water as a whole are not likely to be dissimilar from the existing cemetery.

As noted some isolated perched water may be present in the more sandy areas of the overlying dyrham formation and superficial deposits. This is likely to be relatively isolated, groundwater movement is likely to be from east to west and significant movement of perched water is unlikely. As per standard requirement we would not want to see any burials in areas of standing groundwater (if present).

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 2011-2031 relevant policies

Policy PSD1 Sustainable development

Policy ESD6 Sustainable Flood Risk Management

Policy ESD8 Water Resources

Policy ESD10 Protection of Natural Environment

Policy ESD13 Local Landscape Protection

Policy Banbury 13 Burial site provision in Banbury

Policy Banbury 13: Burial Site Provision in Banbury

An extension to the existing cemetery is required to meet the needs of both the existing population and future development in the town. As such developer contributions will be sought from new development in the town towards the establishment of the facility. Further details will be contained in the Developer Contributions SPD.

Detailed investigations will be required

C.190 As indicated above, additional burial site provision will be required during the Local Plan period to meet the needs of the town. The Town Council has carried out initial investigations and has requested that land be allocated to provide increased burial capacity. However, this does not require a strategic land allocation to be made in the Local Plan and will therefore be progressed as part of the Local Plan Part 2.

Adopted Cherwell Local Plan (Saved Policies)

Policy C8 Sporadic development in open countryside

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle of Development
- Landscape impact
- Residential impact
- Ecology
- Access and parking
- Water environment
- Archaeology

Principle of Development

- 5.2 As noted in the Planning Policy consultee response the National Planning Policy Framework does not specifically refer to cemetery provision, but it does stress the importance of planning positively for the provision of community facilities.
- 5.3 The applicant has included in the supporting documentation information about current burial rates at both Hardwick Hill and Southam Road. It is explained that Southam Road is not effectively full and all new burials will be at Hardwick Hill Cemetery. Having excluded specific areas to be set aside for children's remains, Muslim burials, and cremated remains there are estimated to be 450 plots remaining for general lawn area burials. The plots are currently being used at a rate of 44.75 per annum on average; it is anticipated that this will increase due to the expanding population of Banbury. Taking assumptions about the rate of growth into account it is estimated that the current facilities will be exhausted by 2024.
- 5.4 The newly adopted Cherwell Local Plan acknowledges the need for additional cemetery provision for Banbury – see Policy Banbury 13 and explanatory paragraph C.190 set out 4.1 above. It will be noted that the Policy does not however allocate a specific site for an extension, but that it was intended to progress this through Local Plan Part Two.
- 5.5 In terms of need, the Inspector appointed to examine the submission Cherwell Local Plan as modified, in his report (paragraph 197), observed in relation to plan policy Banbury 13, that:
“This policy confirms the local requirement for new burial site provision in Banbury with contributions from major new housing schemes to provide

funding to facilitate an extension to the existing cemetery, subject to suitable ground conditions being demonstrated. The evidence of need is unquestioned and therefore the policy is soundly based and requires no modification.”

- 5.6 Consideration has been given to whether this proposal could or should be resisted at this time as being premature to the work necessary for Local Plan Part Two. This is considered by the Policy team to be an unreasonable stance as the scale of development is not great and there will be limited alternative locations. As The work on Part Two has only just begun it is not possible to argue that the Plan is at an advanced stage. Therefore the main issue is the need for the cemetery space versus the harm that will be caused , and the presumption in favour of sustainable development .
- 5.7 The proposed extension to the cemetery is well located in relation to the community it will serve, being situated just to the north of Banbury. Whilst the application site lies beyond the built up limits of the town, it is located immediately adjacent to the existing crematorium and cemetery. From a planning policy point of view the scheme is considered acceptable, but clearly the potential harm caused to interests of acknowledged importance has to be assessed

Landscape Impact

- 5.8 The site is situated at the top of this hill and therefore an assessment is necessary of where the proposal will be seen from. This land use is relatively innocuous in the countryside being predominantly a greenfield use with no major buildings or other structures that draw the viewers eye. The land is relatively well screened from the main road , albeit that there are some gaps in the hedge/tree line that would be sensible to be filled. The site cannot be seen from the motorway as the M40 is in cutting to the north of the site. Views from the west are long range , and in our view the use will not be prominent. Overall the conclusion is that the proposal will not be harmful to the character or appearance of the countryside.

Residential Amenity

- 5.9 The site wraps around the west and north sides of Hardwick Hill House. Whilst part of the boundary is a good screening hedgerow, other sections are open. It has to be accepted that some people would have reservations about such a relationship to a domestic dwelling, but this a wholly subjective matter. This perceived impact will need to be assessed against the acknowledged need for the facility
- 5.10 Approximately 100 metres north of the northern boundary of the application site lies Sunview Farm. The farm house of that farm has a clear view southwards towards the site, but the northern boundary is an almost complete tree line/hedgerow. It is not considered that this property will have any significant impact upon its residential amenities

Ecology

- 5.11 The applicant has been unable to submit the usual ecological survey information as the current land-owner has not allowed them access to do so. This is an unusual situation but the Council will have to proceed with a careful approach. It will be noted above that our Ecology Officer notes that both the grassland and the hedgerows may be BAP priority habitats. It is recommended that in these circumstances the Council has little option but to proceed to apply a condition requiring an ecological survey to be undertaken prior to the commencement of any development. It may be necessary for the applicant to recognise that some parts of the site may not be able to be used for the intended purpose, depending of course on the survey results and the mitigation that may be possible.

Highways and Parking

- 5.12 No change is proposed to the access arrangements to the cemetery. This development will not cause any increase in the rate of burials or therefore on daily average traffic flows, merely extending the period into the future over which the use will be able to continue. As a consequence the Highways Authority quite rightly raise no objections.
- 5.13 The indicative layout plan included in the Design and Access statement shows a small additional car park within the application site. The current provision is for 46 spaces, but as above there is no proposal to increase the level of internments and therefore the car parking proposed is not required as a function of this proposal as such. Members may themselves have experienced some parking congestion on this site with big funerals, and therefore the additional car parking proposed is to be welcomed. However, the location shown for this new facility, to the immediate west of Hardwick Hill House is considered to be unneighbourly and therefore it is proposed to agree the siting of the car park at a later date by condition.

Other Matters

- 5.14 The water environment is a crucial aspect of deciding upon the acceptability of a cemetery, to ensure that the site does not flood and that water catchment areas are not polluted. These considerations rule out many of areas of land from being considered acceptable by the Environment Agency. It will be noted that at para.3.4 above the EA raise no objections
- 5.15 At para. 3.3 above it will be noted that the County Archaeologist recommends that prior to determination an archaeological field evaluation is undertaken prior to determination. The applicant is unable to do this as access to the site is being denied to them. As with the ecology position above the Council must consider if this can be done with by the imposition of a condition that requires clearance prior to development occurring. Whilst this is not desirable, and may again lead to areas of the site potentially not being usable for the approved use, in the circumstances this is considered a tolerable way forward

6. Recommendation

APPROVE subject to the following conditions

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with 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. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, site location plan and Design and Access Statement

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework

3. Prior to the commencement of development hereby approved, a phasing plan covering the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan

Reason: To ensure the proper phased implementation of the development and to minimise the harm upon the residential amenities of the adjoining property

4. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

6. Prior to the commencement of the development and notwithstanding the submitted details, an arboricultural survey, undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority

Reason - In the interests of identifying and retaining important trees on the site in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

8. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Method Statement (AMS)

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

9. The existing hedgerows along all boundaries of the site shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

10. Notwithstanding the illustrative details shown in the Design and access statement prior to the commencement of the development hereby approved, full specification details (including siting, construction, layout, surfacing and drainage) of the turning area and additional parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework

11. Prior to the commencement of the development hereby approved a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

12. Prior the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 11, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of development a detailed ecological survey of the site shall be undertaken by reputable ecological specialist. The survey results, and any necessary and appropriate mitigation measures, shall be

submitted to and approved by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

15/01340/F

The Plough Inn
63 North Street
Bicester
OX26 6NB

Agenda Item 10

15/01340/F

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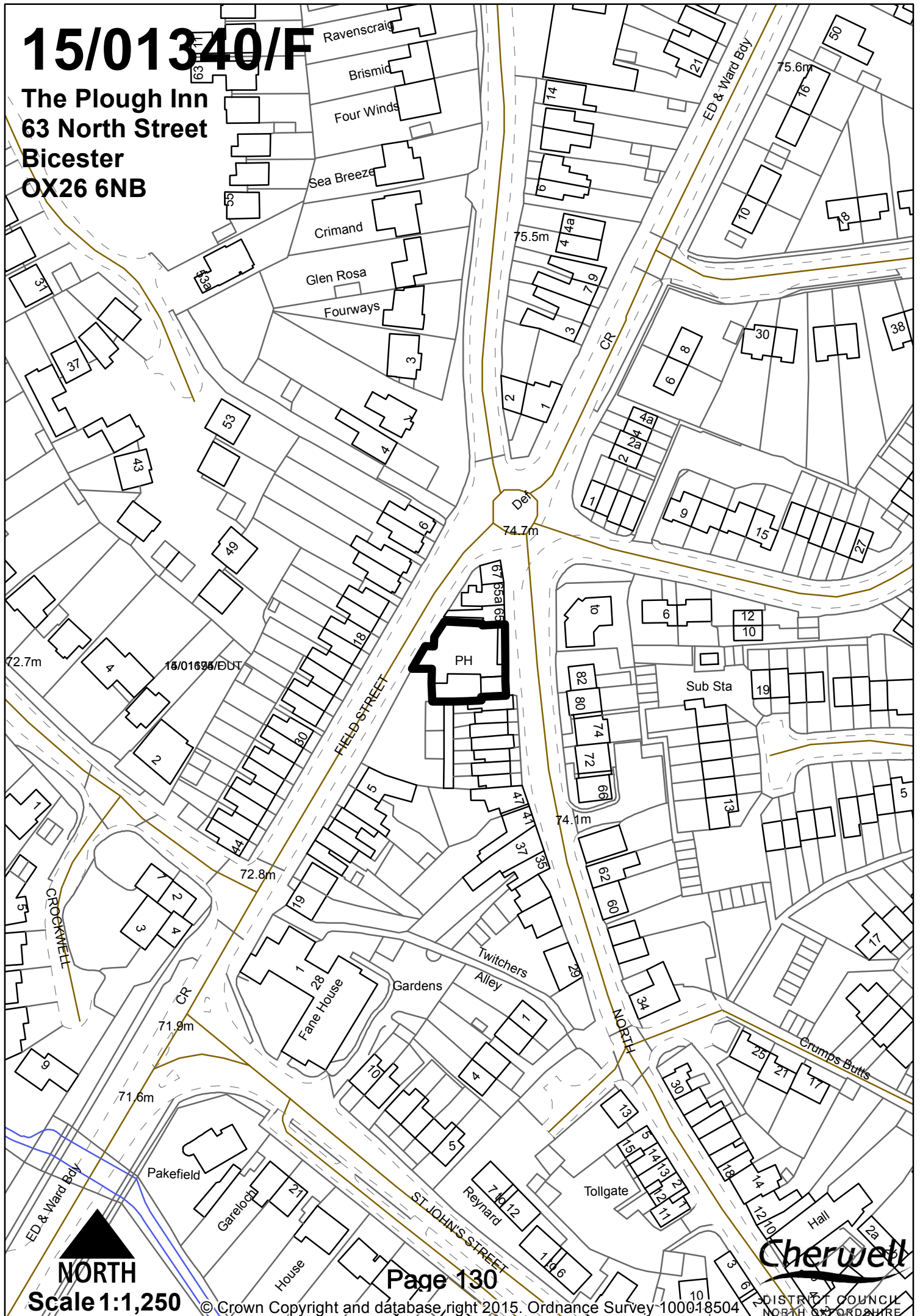
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15/01340/F

The Plough Inn
63 North Street
Bicester
OX26 6NB



**Site Address: The Plough Inn,
63 North Street, Bicester, OX26 6NB**

15/01340/F

Ward: Bicester Town

District Councillors: R Mould and D Pickford

Case Officer: James Kirkham

Recommendation: Approval

Applicant: Green King PLC

Application Description: Alter height of and replace front elevation windows and replace one of the windows with a door. Pave and fence off existing recessed external area to create courtyard/garden

Committee Referral: Member Request

Committee Date: 29 October 2015

1. Site Description and Proposed Development

Site Description

- 1.1 The application site is The Plough Inn Public House located on North Street in Bicester. The area has an urban character and the town centre lies approximately 220 metres to the south of the site. The immediate area is predominantly residential however there are a number of commercial uses in the locality particularly to the south of the site closer to the town centre.
- 1.2 The main entrance to the pub exists from North Street. There is parking located off Field Street where there is also an access to the pub. The main part of the application property is a 3 storey limestone building set back from North Street. A single storey flat roof extension has been added to the front of the building (North Street) at some time in the past and this is set back from the edge of the North Street pavement. The surrounding properties are a mix of predominantly 2 storey residential properties.

Proposed Development

- 1.3 The current proposal seeks planning consent to erect a 1.1 metre high cast iron fence to the front (North Street) of the property to enclose the area of space which currently exists between the front of the single storey flat roof extension and the edge of the pavement. This area is approximately 1.8 metres deep by 10.6 metres wide. The area would be paved with slabs to form a small courtyard area.
- 1.4 The current application also proposes to alter the 3 casement windows on the front elevation of the single storey element of the building fronting onto North Street. It is proposed to remove the middle window and replace this with a solid set of doors to provide a new entrance to the building. The cill level of the two other windows would be lowered and a new larger timber sliding sash window would be inserted.
- 1.5 During the course of the application amended plans have been received which improve the appearance of the changes to the fenestration. These include the provision of a central solid timber panel door rather than glazed doors and amendment to the windows to have sash windows with a more vertical emphasis. The amendments have also altered the proposed railings to a province style cross railing and the inclusion of some landscaping.

2. Application Publicity

2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment is 10th October 2015. 1 letter has been received. The following issues were raised:

- Impact of alterations on character and appearance of conservation area
- The enclosed area will attract noise and disturbance to neighbouring properties
- The pub has to have its windows and doors closed when there is a function on.
- The pub already has a large car park and outdoor seating area to the rear

3. Consultations

3.1 BICESTER TOWN COUNCIL: **No objections** but there are concerns that the new window heights may not be in keeping with the building.

Cherwell District Council Consultees

3.2 COUNCILLOR PICKFORD (BICESTER TOWN WARD): Requests this application comes to committee, due to conservation area, noise and impact on the neighbours especially elderly residents opposite.

3.3 CONSERVATION OFFICER (conservation comments made in respect of the original proposals and prior to receipt of amended plans):

3.4 North Street is in need of improvement generally, original windows and doors have been lost and refuse bins line the street.

3.5 The Plough Inn does not address the street and there is no strong entrance which is highly desirable for any commercial business. The Plough Inn would have been a handsome three storey, symmetrical limestone building of some status amongst the two storey terraced cottages that surround it. The original building is set back from the street with an unfortunate single storey flat-roofed extension to the front of the property which is also set back from the pavement. Further extensions have been added to the rear fronting Field Street, there is an outside courtyard area and a car park accessed from Field Street. The existing extension to the front of the property and loss of original fenestration has already caused harm to the building and the Bicester Conservation Area.

3.6 The current proposal has been submitted with the intention of improving the character and appearance of the building: The proposals include the lowering of existing window cills and the replacement of the two outer existing windows with sash windows divided into tiny panes of glass of odd proportion which pick up on the light above the doors. The central window is proposed to be made into a glazed French door which are not traditional on a front street elevation. The left hand door will remain the entrance to the pub, this is a very understated entrance.

3.7 Iron railings will require regular maintenance and will need careful design – traditionally railings were designed with security in mind and were topped by pointed finials – this would not be conducive to a pub environment – hooped railings are not traditional and would not enhance the conservation area. An alternative which would be more inviting would be to define the boundary with some street trees planted in

root containers flush with the ground level and some appropriately design railings. Trees within this street would attract interest and create a more inviting entrance to the pub.

- 3.8 A central entrance to the pub would help to structure the entrance to the pub, it would be best centred on the original three storied building behind so that the whole starts to tie together. The replacement of windows with a design which respects the original building would enhance the conservation area and the commercial property.
- 3.9 The proposals as submitted do not form a strong and inviting entrance, there are also health and safety concerns with proposed Victorian style iron railings. An alternative that could be considered includes the strengthening of the entrance and introduction of some greenery to attract people to the entrance. This would reduce the current harm caused to the original building by the current single storey extension and allow the significance of the original building to be better understood
- 3.10 NUISANCE INVESTIGATION OFFICER: **No objections in principle** however notes the proposed external area on North Street could be used as a smoking area and thus there could be some late night noise from smokers congregating in this area although there is nothing to stop them doing this already by standing on the pavement. Putting double doors on this elevation could also lead to noise breakout from the pub especially if any live/recorded music is played. Therefore suggests the following condition be imposed:

- 1) The external area on North Street shall not be used after 10pm on any night.

It is noted that a requirement of the existing licence is to have windows and doors kept closed when amplified music is being played.

Oxfordshire County Council Consultees

- 3.11 HIGHWAYS LIASION OFFICER: **No objections**

4. Relevant National and Local Policy and Guidance

4.1 DEVELOPMENT PLAN POLICY

Cherwell Local Plan 2011-2031 - Part 1: This was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

PSD1: Presumption in favour of Sustainable Development
ESD15: The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

C23: Retention of features in conservation areas
C28: Layout, design and appearance of new development
C31: Compatibility of proposals in residential areas

Other Material Planning Considerations

National Planning Policy Framework (NPPF): in particular paragraph 17 'Core planning principles' and sections 7 'Requiring good design', 11 'Conserving and enhancing the natural environment' and 12 'Conserving and enhancing the historic environment'.

Planning Practice Guidance (PPG): in particular the sections on design and noise

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle
- Design and impact on heritage assets
- Impact on neighbouring properties amenity
- Other matters

Relevant Planning History

5.2 07/00871/F – New entrance canopy and terrace extension with perimeter fence – Permitted. This related to an extension to the rear courtyard area.

Principle

5.3 The principle of the alterations to the fenestration of the public house are considered to be acceptable subject to the impact of the development on the character and appearance of the conservation area.

5.4 The current application also seeks to enclose the area of land between the front of the single storey element of the pub and the footpath to create a small enclosed area. Concerns have been raised that as a result of this development there will be an increased noise and disturbance to the nearby residential properties due to the use of this space. Residential properties lie immediately adjacent to the application site and whilst these comments are noted and officers have sympathy with them, it is not considered that this would form a sustainable reason for refusal for the reasons outlined below.

5.5 The area to the front of the pub which would be enclosed with the railings is within the ownership of the applicant and therefore forms part of the existing grounds of the pub. The proposed development does not therefore constitute a change of use and this area could be used as an outdoor area for smoking/sitting without the benefit of any further planning consent.

5.6 Furthermore this space could also be enclosed with a 1 metre high fence utilising permitted development rights (i.e. development which does not require planning permission). As a result of the above the applicant could achieve a very similar development to that currently proposed without the benefit of planning permission which would have a very similar impact on the amenity of the neighbouring properties in terms of noise and disturbance.

5.7 Therefore the principle of these alterations are considered to be acceptable subject to other materials considerations.

Design and impact on heritage assets

- 5.8 The application site is located within Bicester Conservation Area. Policy ESD15 of the Local Plan Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting and high quality design particularly where proposals affect the historic assets. Saved Policy C28 of the Local Plan reinforces this. The NPPF defines conservation areas as designated heritage assets and states that heritage assets are irreplaceable and new development should make a positive contribution to local character and distinctiveness. Where a proposal would lead to less than substantial harm this harm should be weighed against the public benefits of the proposal. Furthermore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 5.9 The existing single storey extension which would be altered does not make a positive contribution to the conservation area and the fenestration of this extension does not respond well to the character of the original building or surrounding area. The character of the main building has also been eroded with alterations to the windows and extensions over the years.
- 5.10 The current application has been amended during the course of the application to ensure the proposed new windows and doors will result in an improved appearance to the building. The proposed sliding sash timber windows with side lights will provide a more vertical emphasis to the fenestration of the building which will be more in keeping with the traditional character of the building. The main entrance door has also been amended to be made central to the frontage and also altered from a glazed door to a solid timber panelled door which will create a stronger entrance to the building more in keeping with the original building. This will also improve the legibility of the street frontage by providing a more defined entrance to the pub.
- 5.11 The proposed enclosure of the area to the front of the building is also considered to be acceptable from a design perspective. The choice of a cross style railing (province style) is in accordance with advice provided by the Conservation Officer and is considered to be acceptable. It is also proposed to provide some soft landscaping adjacent to the fence which will soften the development.
- 5.12 Overall the proposed development is considered to have a minor beneficial impact on the character and appearance of the Conservation Area and the host building and is therefore considered to comply with Policy ESD15 of the Cherwell Local Plan Part 1 and advice in the NPPF.

Impact on amenity of neighbouring properties

- 5.13 Policy ESD of the Local Plan Part 1 and paragraph 17 both seek to secure a good standard of amenity for all existing and proposed occupants of land and buildings. Charter 11 of the NPPF also states the planning system should contribute to the local environment of preventing unacceptable levels of noise pollution.
- 5.14 As discussed earlier within the principle section of this report it is not considered that the proposed development would result in an unacceptable impact on the amenity of the neighbouring properties in terms of noise and disturbance given the existing use and the potential works which could be undertaken under permitted development.
- 5.15 The Nuisance Investigation Officer has raised no objection to the application and has acknowledged that there is nothing to stop people congregating in the area to be enclosed at the current time. He has requested a conditions requiring the external

area should not be used after 10pm on any night. This would provide an element of control over the area which does not currently exist. He has also noted that the current premises licence requires the doors and windows to be shut when any licenced entertainment takes place at the premises. The licence would continue to have control over the use of the building in relation to these matters and operates separately from the planning system.

- 5.16 In relation to the fenestration changes to the building, given that these would replace existing openings, it is not considered that they would result in a significant impact to the neighbouring properties amenity.
- 5.17 Overall whilst it is acknowledged that the relationship of the pub with the neighbouring properties is not ideal, it is not considered that the proposed development would significantly exacerbate this situation. Furthermore the other changes to the building are not considered to significantly impact on the amenity of the neighbouring properties

Other matters

- 5.18 OCC have been consulted on the application and have raised no objection to the proposal. They have provided a highway adoption plan which show the area of land to be enclosed lies outside the extent of the adopted highway. The applicant has also confirmed this land is within their ownership.
- 5.19 The licensing of the public house is controlled under a different consenting regime which sits separately from the planning regime. Decisions relating to the licensing of the pub would be considered outside of the planning system.

Engagement

- 5.19 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the Council has raised design concerns with the applicant during the course of the application and amended plans have been received to address these. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.20 The proposed alterations to the fenestration of the building are considered to enhance the appearance of the building and positively contribute to the character and appearance of the area. A very similar development to that proposed for the enclosure of the area of land to the front of the building could be achieved under permitted development rights and it is therefore not considered that a reason for refusal on noise and disturbance to neighbouring properties could be sustained at appeal. The proposed 1.1 metre high province style railing is considered to be appropriate for its location. Overall the development is considered to be acceptable and in accordance with local and national planning

6. Recommendation

Approval, subject to:

a) the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this consent.

Reason - For the avoidance of doubt, to ensure that the development is carried out

only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form and Drawing Nos: 1662-PL0, 1662 02 Rev E, 1662-03 Rev C.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. Any remedial stonework necessary for the repair or making good of the walls shall be carried out in natural stone of the same type, texture, colour and appearance as the stone on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

4. Prior to the installation of any doors and windows, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

5. Prior to the installation of the railings hereby permitted, full details of the railings, including a cross section, material and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the railings shall be installed within the building in accordance with the approved details.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

6. Prior to the first use of the outdoor area shown to be enclosed by railings and planting on the approved plan (1662-03C), a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the

adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. All planting comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. The outdoor area shown to be enclosed by railings and planting on the approved plan (1662-03C) shall not be used as an outdoor seating, drinking or smoking area after 22:00hrs on any day.

Reason: To protect the amenity of the neighbouring properties for noise and disturbance in accordance with ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C31 of the Cherwell Local Plan 1996 and advice in the NPPF.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

15/01513/F

**The Gables
4 Westbourne Court
Bloxham
Banbury
OX15 4HD**

120.9m

Bridge Ho

WESTBOURNE


COURT

123.2m

EI Sub Sta

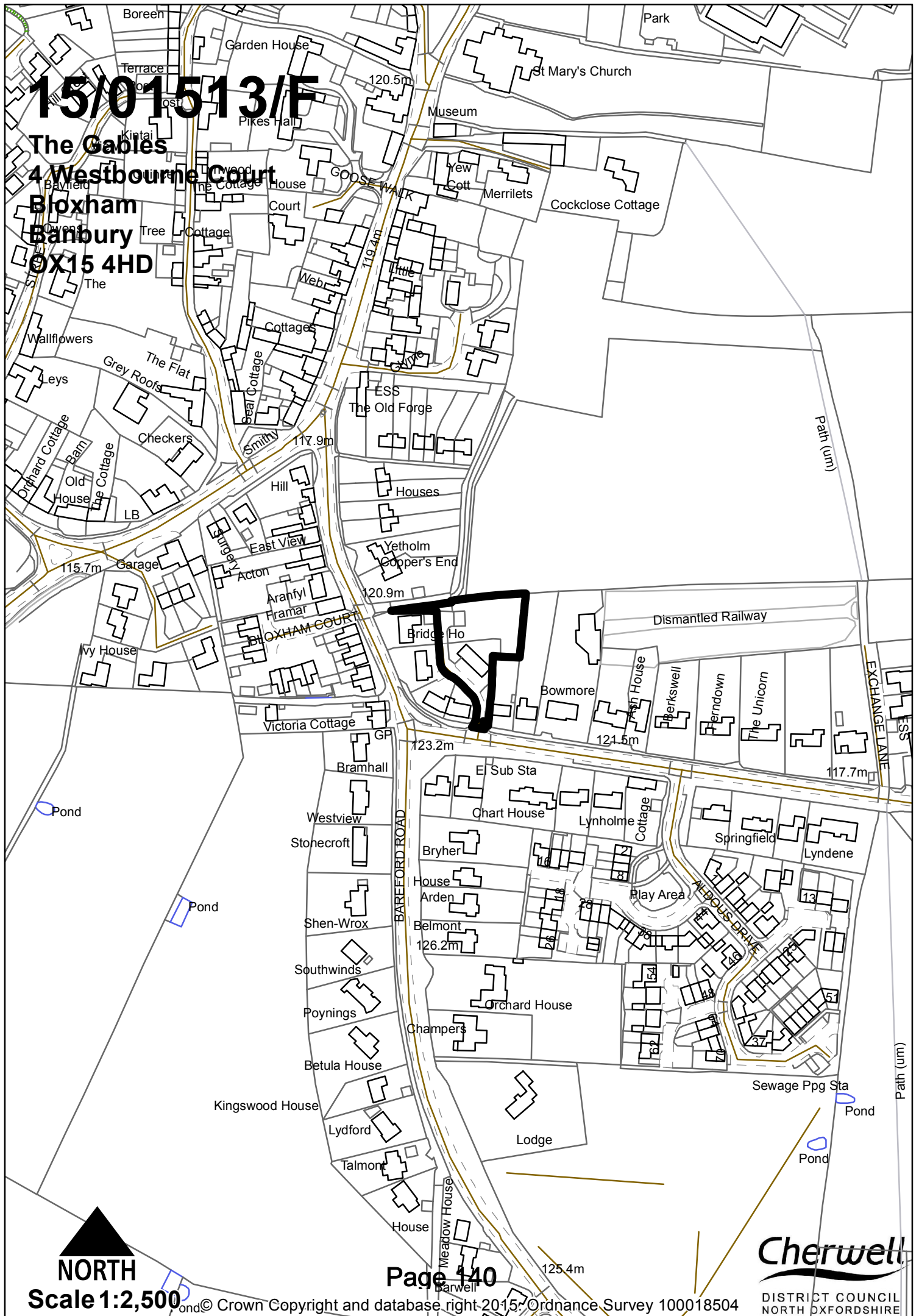
Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE


NORTH
Scale 1:500

15/01513/F

The Gables
4 Westbourne Court
Bloxham
Banbury
OX15 4HD



NORTH

Scale 1:2,500

Page 140

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

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Case Officer: Victoria Barrett **Ward(s):** Bloxham And Bodicote

Applicant: Mr & Mrs J Tibbetts

Ward Member(s): Cllr C Heath
Cllr L Thirzie Smart

Proposal: Erection of single and two storey extension to outbuilding to provide garage and store

Committee Date: 29.10.2015 **Recommendation:** Refuse

1. Application Site and Locality

- 1.1 The application property is a detached, two storey dwellinghouse facing broadly south-west onto Westbourne Court, a cul de sac home to five properties and accessed via the Milton Road, within the built form of Bloxham. The property also benefits from a large outbuilding to its north with a comparable footprint to the main dwelling. The outbuilding, part single storey and part two-storey, features double garage, swimming pool and changing room, plus gym at first floor level above the garage. It is this outbuilding which is the subject of the current application. The majority of the outbuilding was granted planning permission in 2004 (see planning history below). The site is close to the Bloxham Railway Cutting, but outside any designated Conservation Area and there are no other relevant designations. The site is bounded to the north by a field, with the site's northern boundary delineated by hedgerow.
- 1.2 It is noted that at the time of the 2004 application the site's eastern boundary was linear, on a broadly north south axis, as borne out by available aerial mapping, but that the current application site includes land which appears to have been acquired from the eastern neighbour, 3 Milton Road.

2. Description of Proposed Development

The current application is for the erection of a part single storey, part two storey extension to the north side of the outbuilding, to provide garage with storage behind, and above the garage (no floor plans have been submitted of the first floor level). The two-storey part would have a width of c.5.8m, depth of c.6.1m, eaves height of c.4.2m and overall height of c.6.0m, north-south ridge and gable end facing north. The single storey part, set in slightly from the former element, would be flat roofed, with a height of c.2.33m and length of c.16.2m, its width increasing to c.6.6m at the eastern end. Soldier course detailing is proposed, over a brick arch header to the garage door, and a rooflight to the western 'front' elevation.

This application is reported to Planning Committee because the applicant is a close relative of a member of staff working in the planning department.

3. Relevant Planning History

11/01819/F – Front porch extension – granted
05/02306/F – Insertion of roof light to side elevation – granted
05/02207/F – Dormer to the front – granted

05/00830/F – Two storey extensions to side and rear and two dormer windows to rear – granted

04/02770/F – Erection of outbuilding to provide garaging, gym and swimming pool. Erection of 2.4 metre boundary wall (in accordance with plan no's 1215/34b and 1215/38a received 02/03/05) – granted

02/02338/OUT – Erection of 2 No. dwellings including construction of new access to highway (as additional plans received on 07.01.03) – withdrawn

00/00089/F – Erection of single storey garage extension with pitched roof to side of existing garage (as amended by plans received on 15.11.00) – granted

96/01337/F – Two storey side extension to dwelling – granted

4. Response to Publicity

Neighbour notification letters (x8); site notice (x1) posted 01.10.2015. The final date for comment was 22.10.2015. One letter received, advising no objections subject to certain assurances from the applicant.

5. Response to Consultation

Parish/Town Council:

There are concerns regarding overdevelopment of this site which will include:

- The creation of a hard edge to the field behind the property comprising a brick wall with little or no room for proper screening by way of a fencing and hedge
- Loss of biodiversity due to the removal of a hedge
- Seek the continuation of the existing Condition relating to the use of the outbuildings
- All construction traffic to access the site via Milton Rd.

Cherwell District Council: None

Oxfordshire County Council: None

Other External Consultees: None

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

6.2 Other Material Planning Considerations:

National Planning Policy Framework ("the Framework") - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. In particular paragraphs 9-17 (presumption), 18-20 and 22 (economy), 29-36 (transport), 56-67 (design), 93-104 (climate change and flooding), 109-125 (natural environment) and 186-206 (decision taking)

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

7. Appraisal

7.1 Officers consider the following matters to be relevant to the determination of this application:

Impact on residential amenity

Impact on highway safety

Impact on the street scene

Impact on the character and appearance of the area

Impact on residential amenity

7.2 By reason of its siting relative to neighbouring properties, the proposed building would not detrimentally affect the living conditions of neighbouring residents. It would be sited at approx. 30 metres from the dwelling at Copper's End to the north-west, and approx. 18 metres from Bridge House to the west, separated from the latter by that neighbour's garage. One rooflight is proposed to the building's western front elevation, but this would not afford any significant degree of overlooking relative to the two rooflights on the existing garage building.

Impact on highway safety

7.3 There is sufficient turning space between the application site and Bridge House, such that the proposal would not significantly affect local highway safety.

Impact on the street scene

7.4 However, the proposal would result in a building which could not be described as subservient to the main dwelling. Indeed the footprint of the resultant building, at approx. 23 metres by approx. 14.1 metres (greater at some points) would appear to significantly exceed that of the

main dwelling. The effect of the building in this regard is emphasised by the height, form and massing of the two storey element of the current proposal, resulting in a building fronting the highway of approx. 14.1 metres width with eaves exceeding 4 metres and ridge height exceeding 6 metres for the duration of that width. For these reasons, it is considered that the proposal would result in a building of excessive scale that would not be subservient to the main dwelling, and which would have a detrimental effect on the visual amenity and character of the building and its immediate setting.

- 7.5 In addition, the western front elevation of the proposal, with elevated eaves and no windows other than a rooflight, would result in a building which is visually incongruous and unattractive displaying poor design and exacerbating a negative attribute of the existing outbuilding, to the detriment of the visual amenity of the locality.

Impact on the character and appearance of the area

- 7.6 The existing outbuilding is set some 6.0 – 6.5 metres off the site's northern boundary and, although the site is adjacent to countryside to the north and visible from footpaths across those fields, this degree of set off, combined with the presence of a hedge to the boundary has helped to minimise the visual impact of the existing outbuilding on its surroundings.
- 7.7 The current proposal would require removal of this soft, natural edge and its replacement with a harsh, built up edge, with the northern wall of the outbuilding's two-storey element becoming the boundary, and the remaining single storey part either forming the boundary or immediately abutting the boundary. The result is that the building would serve to urbanise its surroundings and adversely affect the rural, undeveloped character and appearance of the area.
- 7.8 It is noted that much of the proposed building is of a height (c.2.33m) which is close to the height of fence/wall which could be erected under permitted development rights (2.0m). However, that additional height over the length proposed is considered visually harmful itself and the effect of the flat-roofed element in this regard is exacerbated by its attachment to the two-storey element. And, by reason of its design, scale and siting, the proposed two-storey element is considered to detrimentally affect the character and appearance in its own right.
- 7.9 Further, through its attachment to, and visual association with the existing outbuilding, and most critically its proximity to the northern boundary, the current proposal would serve to significantly increase the visual impact of the existing outbuilding on the character and appearance of the area.
- 7.10 For the reasons set out above, the proposal would result in a building of excessive scale that would not be subservient to the main dwelling, a visually incongruous form of development displaying poor design, and would result in a cramped form of overdevelopment that would adversely affect the character and appearance of the area. The proposal therefore fails to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Policies C28 and C30 of the Cherwell Local Plan 1996.
- 7.11 Paragraph 17(3) of the Framework seeks "to secure high quality design", paragraph 58 states that planning decisions should aim to ensure that development is "visually attractive as a result of good architecture and appropriate landscaping" and paragraph 64 states that, "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area." Paragraph 56 states that the government "attaches great importance to the design of the built environment". For the reasons set out above, the proposal would fail to accord with these paragraphs of the Framework.

8. Conclusion

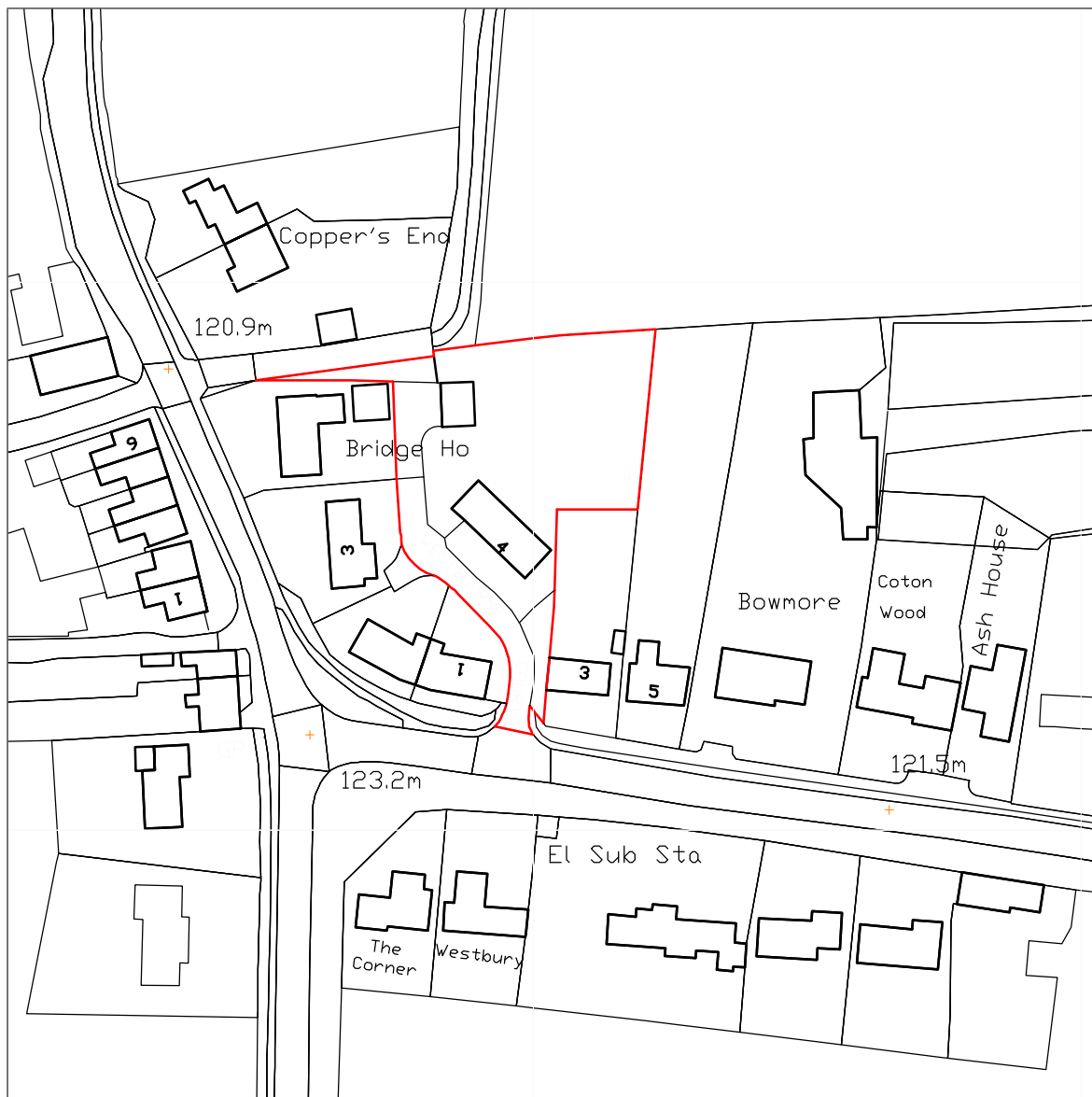
The proposal would not adversely affect local highway safety or the living conditions of neighbouring residents. However, for the reasons set out in this report, the proposal would adversely affect the visual amenity of the street scene and the character and appearance of the area, and would therefore fail to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Policies C28 and C30 of the Cherwell Local Plan 1996, and paragraphs 17, 58 and 64 of the National Planning Policy Framework.

9. Recommendation

By reason of its scale, form and massing, the proposal would result in a building of excessive scale that would not be subservient to the main dwelling, which would be visually incongruous displaying poor design, and would result in a cramped form of overdevelopment that would adversely affect the character and appearance of the street scene and that of the local area. The proposal therefore fails to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Policies C28 and C30 of the Cherwell Local Plan 1996 and paragraphs 17, 58 and 64 of the National Planning Policy Framework.

CONTACT OFFICER: Victoria Barrett

TELEPHONE NO: 01295 221824



Date : November 2011

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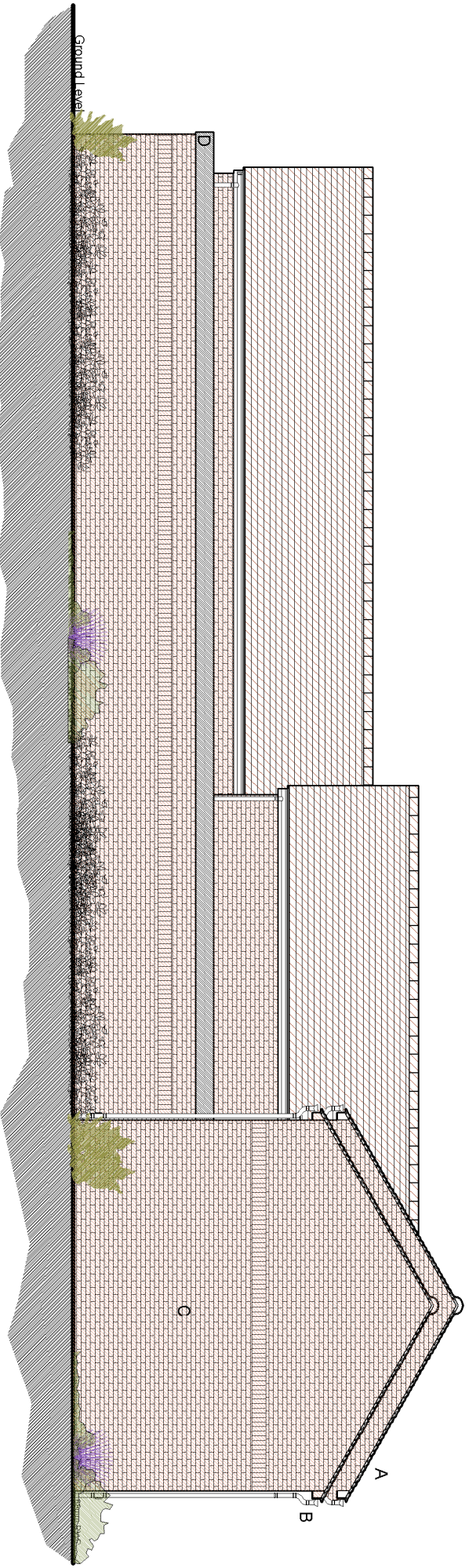
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Oxon OX15 4HD

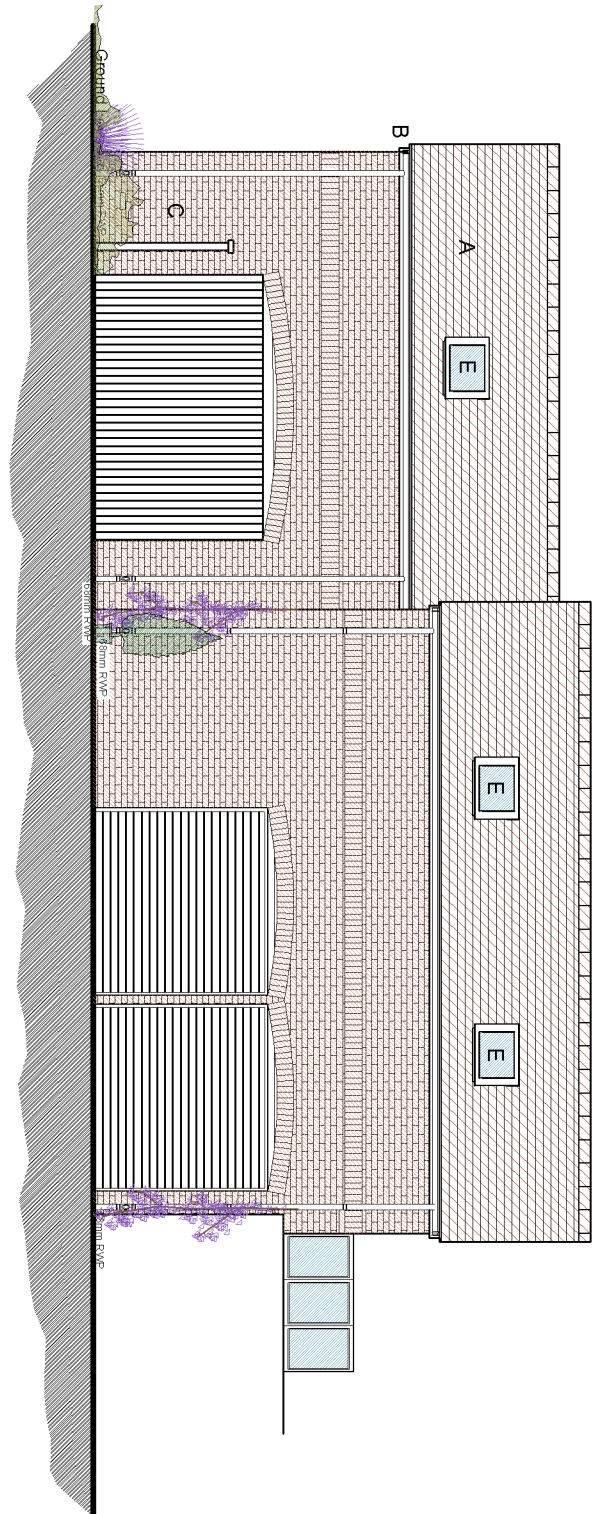
Centre co-ordinates :

National Grid sheet reference at centre of this Siteplan :

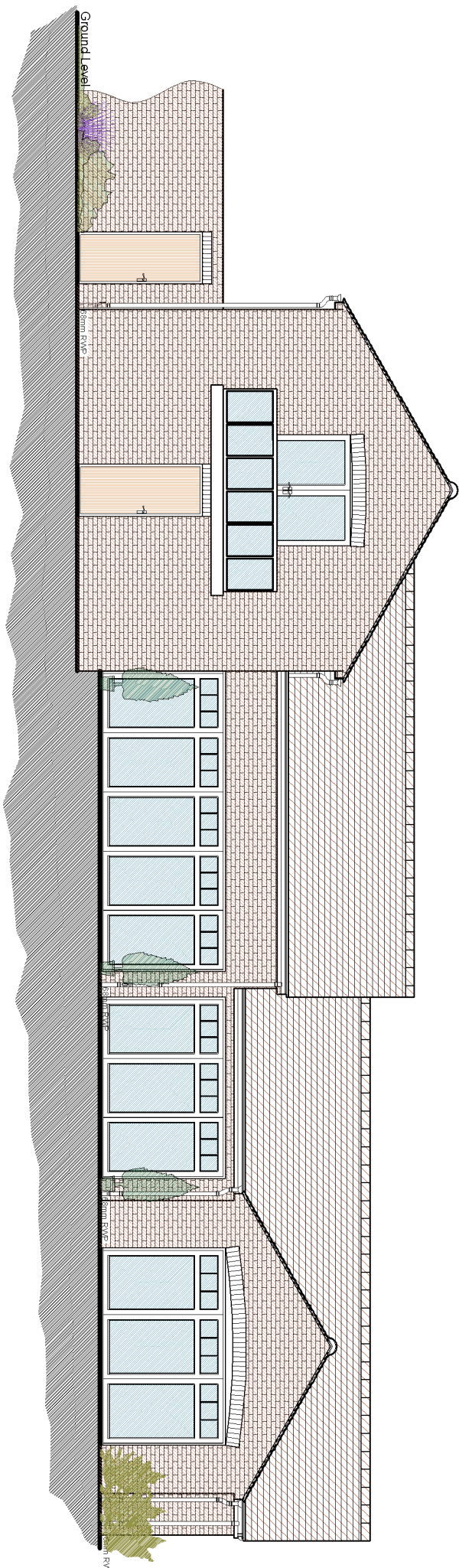
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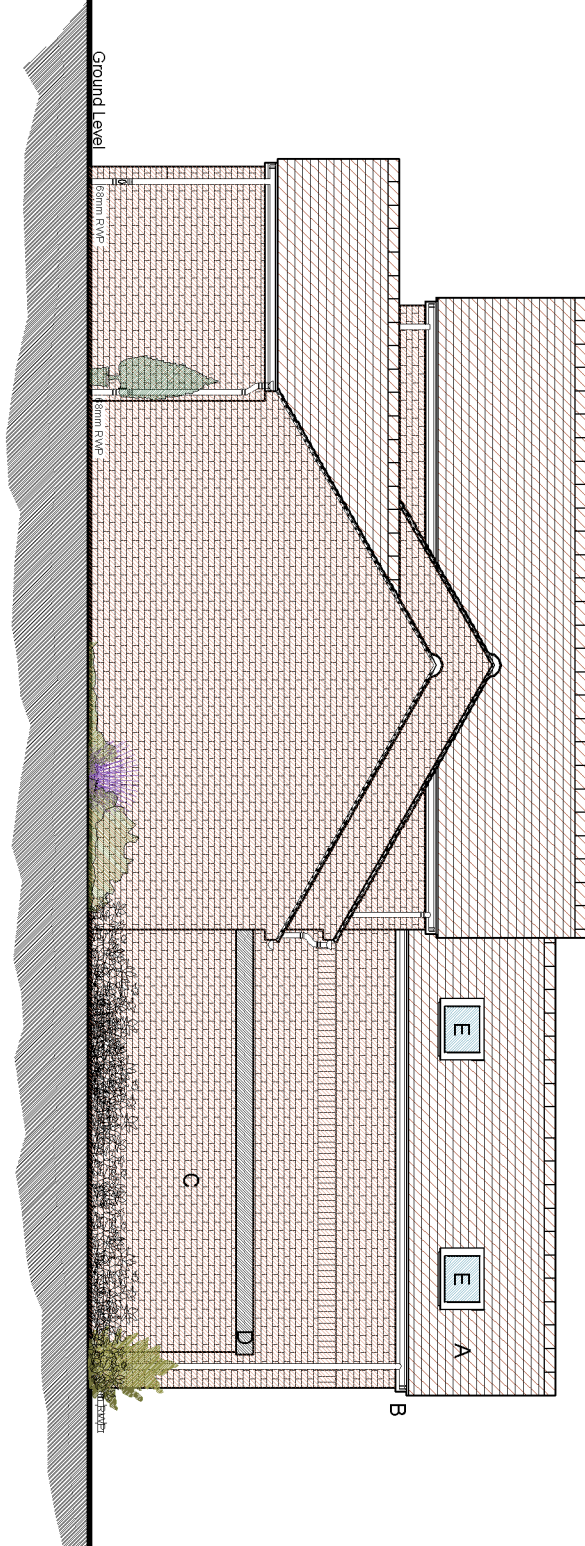
REAR ELEVATION TO FIELD



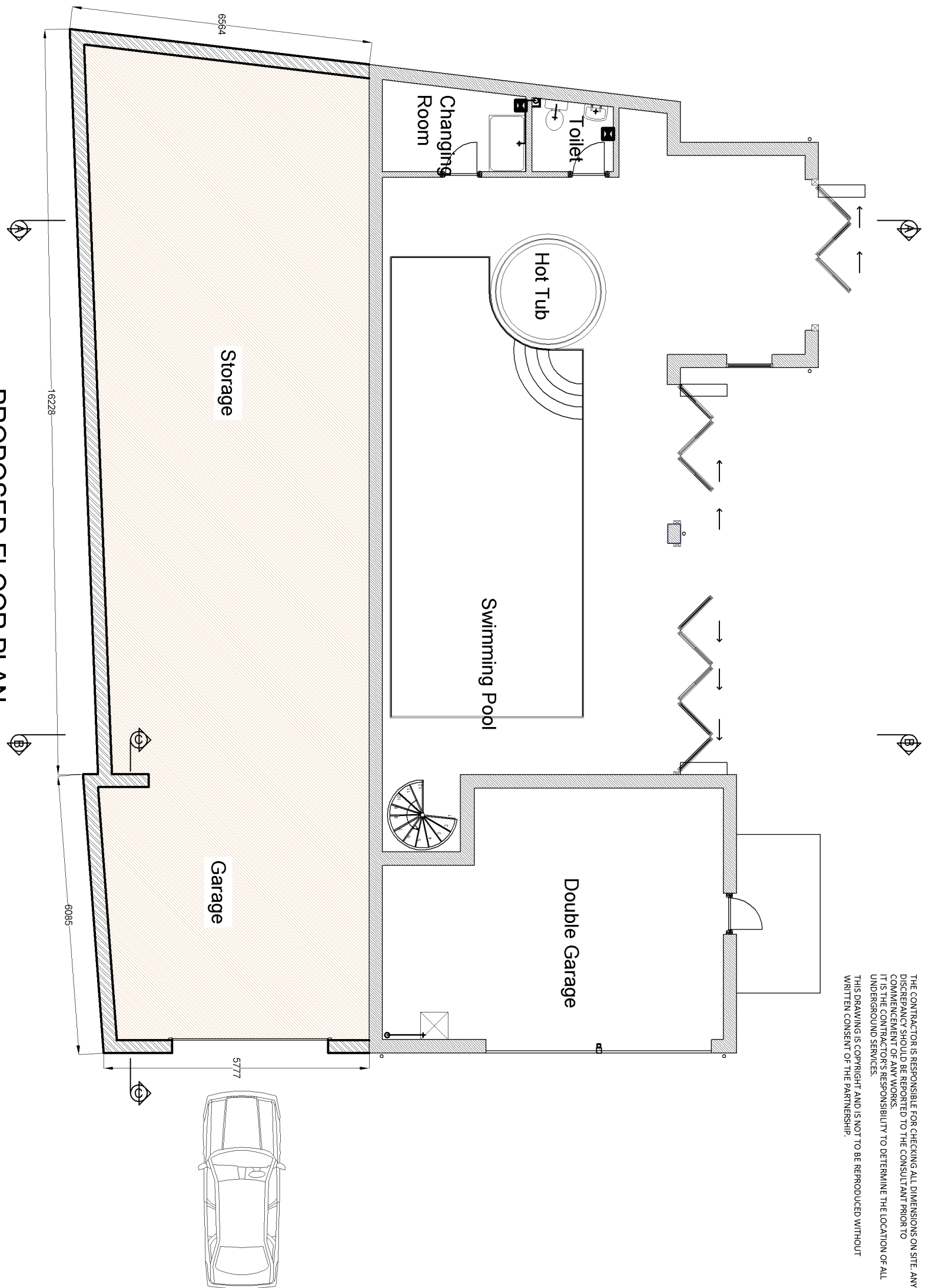
SIDE ELEVATION TO EXITING DRIVE



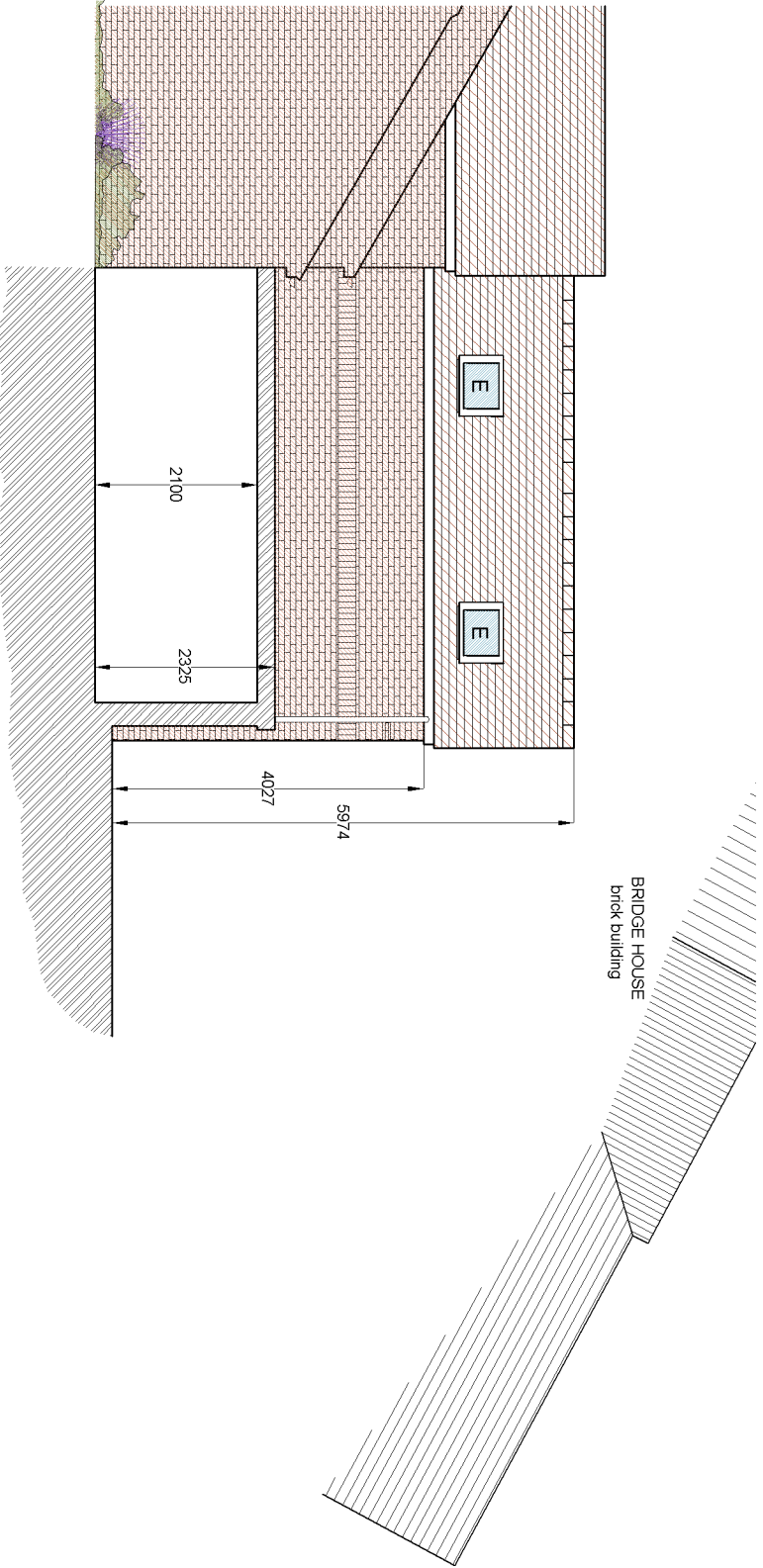
EXISTING FRONT ELEVATION TO GARDEN



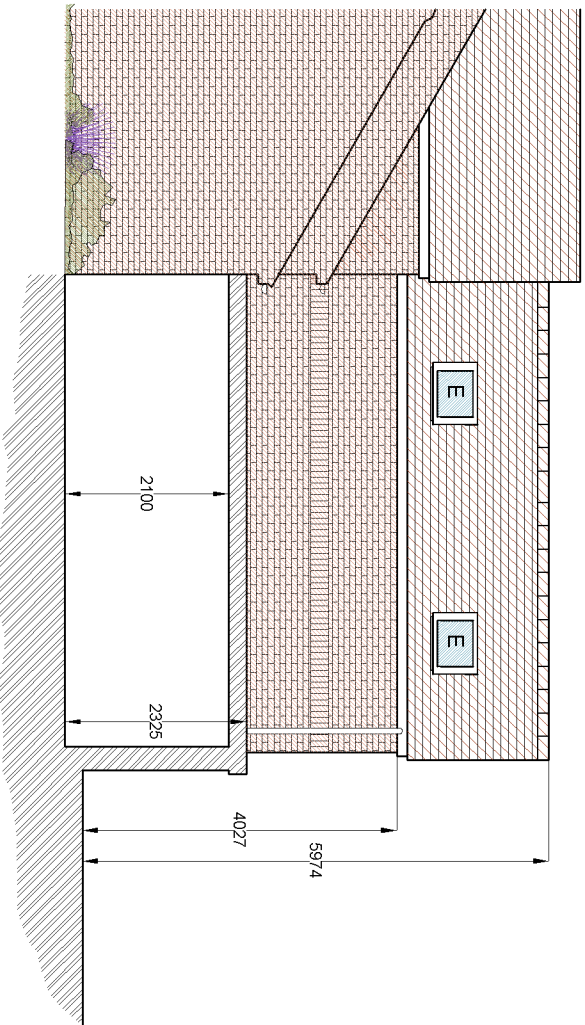
SIDE ELEVATION TO GARDEN



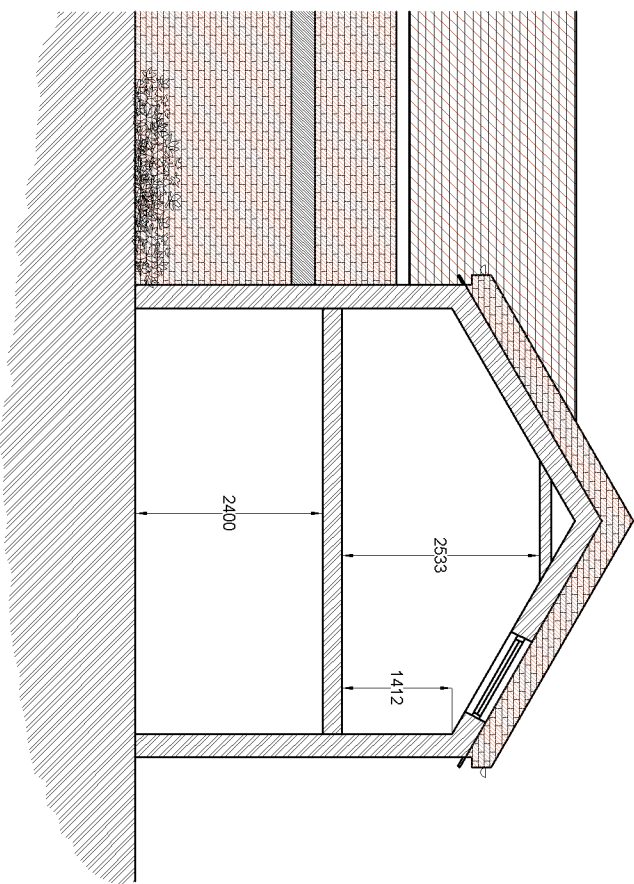
PROPOSED FLOOR PLAN



SECTION A-A



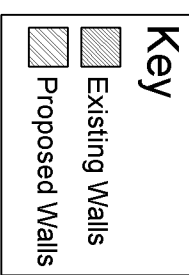
SECTION B-B



SECTION C-C



SITE PLAN

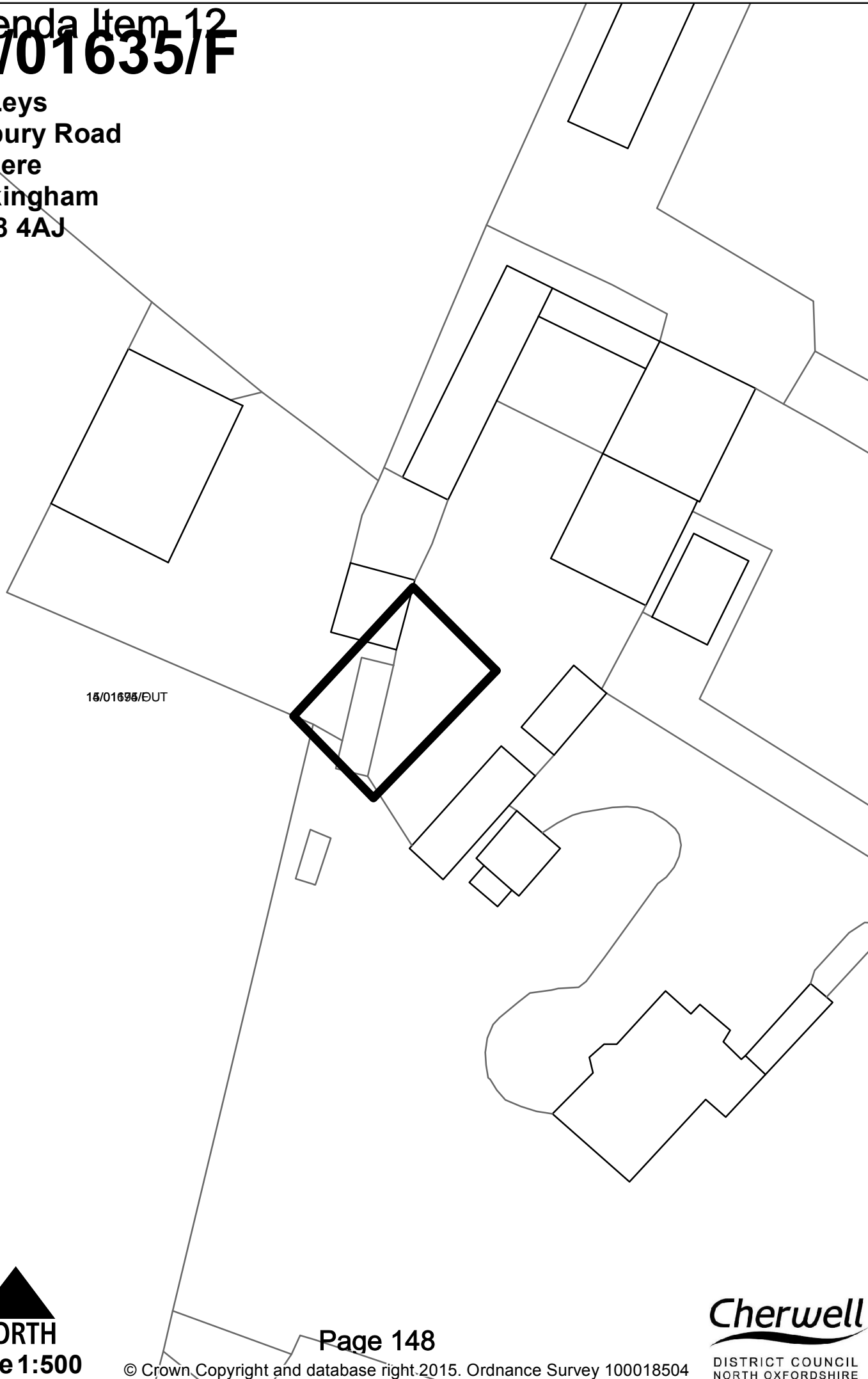


- A- Proposed roof to match existing
- B- Gutters to match existing
- C- Brick to match existing
- D- Proposed flat roof
- E- Proposed rooflight

0 1 2 3 4 5 6 7 8 9 10 15
1:100 Scale Bar. Units: Metres

Agenda Item 12 15/01635/F

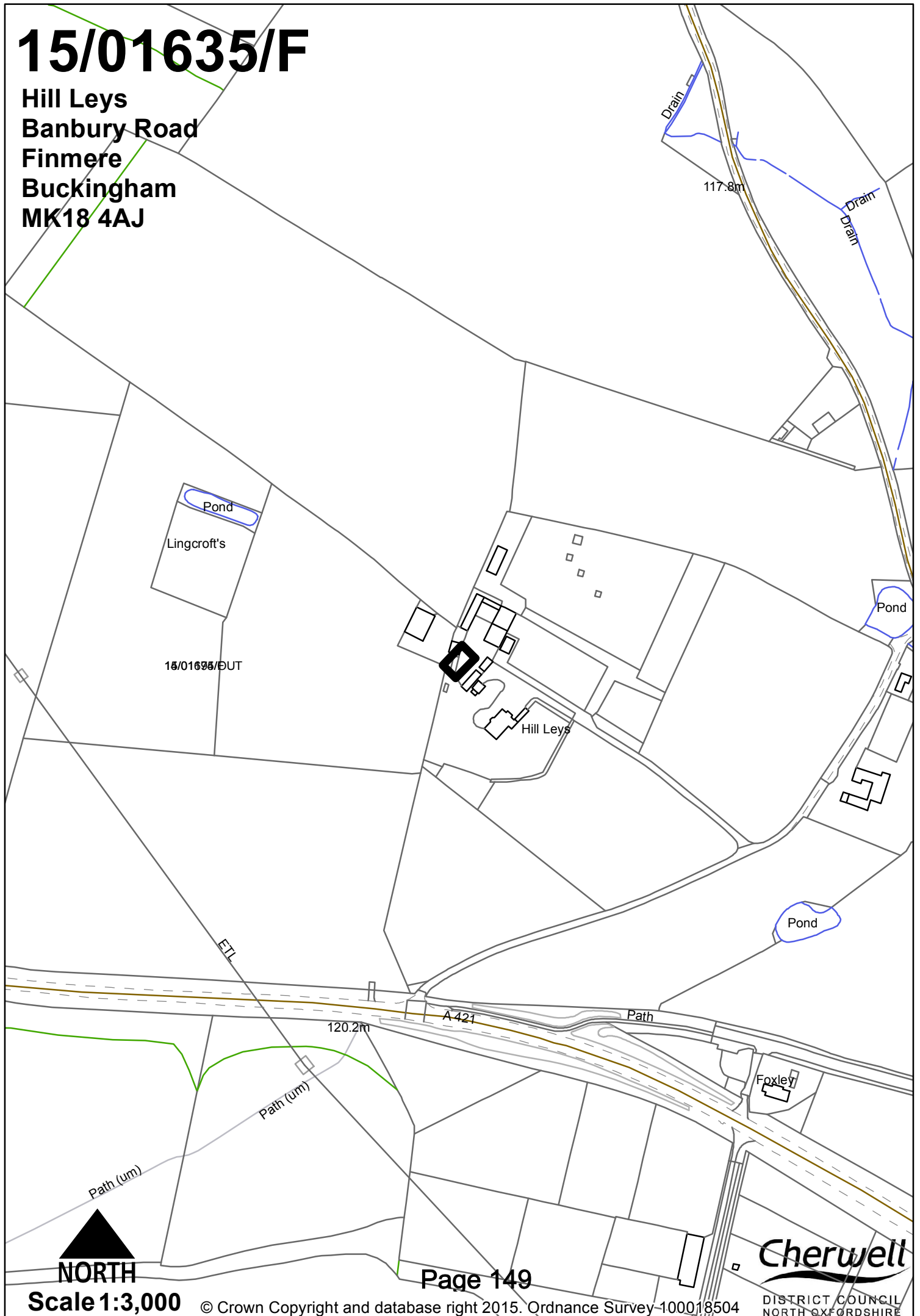
Hill Leys
Banbury Road
Finnere
Buckingham
MK18 4AJ



NORTH
Scale 1:500

15/01635/F

Hill Leys
Banbury Road
Finnere
Buckingham
MK18 4AJ



Scale 1:3,000

**Site Address: Hill Leys, Banbury Road,
Finmere.**

15/01635/F

Ward: Fringford

District Councillor: Councillor Barry Wood

Case Officer: Emily Shaw

Recommendation: Approval

Applicant: Mr and Mrs M Kerford-Byrnes

Application Description: Erection of replacement Stable/Farm building

Committee Referral: Member of the Council application **Committee Date:** 29th October 2015

1. Site Description and Proposed Development

- 1.1 The site of the application is located within the existing farm yard associated with Hill Leys, a farmhouse and associated farm complex located to the west of Finmere. Two footpaths pass through the site (213/1/10 and 213/1/20), one follows the main drive to the property west to east, and passes straight through the centre of the farm yard exiting at the north west and the other footpath crosses the open fields from Finmere to the north of the farm yard and heads north west having joined into the other path. There is also a bridle way (213/3/20) which runs north south along the track to the south east.
- 1.2 The application proposes the erection of a stable/farm building to replace an existing brick building and previously sited timber stables, which have since been removed from the site for safety reasons. The footprint of the proposed building measures 18.5 metres by 11.3, and the height of the building to the ridge of the roof measures 5m and to the eaves 2.46m. The building will comprise 7 stables and a secure tack room. The building is to be sited on the footprint of the previous timber stables and part of the foot print of the previous brick building. The building is to be constructed from timber to the elevations and have a metal sheet roof in dark brown/grey. The proposed building is to be accessed via the existing access drive to the farm yard.
- 1.3 Planning application 15/01681/F, which is a related application for the erection of replacement loose boxes at Hill Leys, is also being considered as an item on this Committee agenda.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment is the 29th October 2015. No third party correspondence has been received to date as a result of this consultation process.

3. Consultations

- 3.1 Finmere Parish Council: no comments received to date.

Cherwell District Council Consultees

- 3.2 Environmental Protection Officer: no comments received to date
- 3.3 Landscape Officer: no objection to replacing these buildings. The site is not visible in the wider countryside due to a flat landscape and abundant hedge and copse planting. A public right of way runs through the farmyard but the view from this is likely to be improved.

- 3.4 Ecology Officer: comments awaited regarding removal of the existing brick building. Comments will be reported as a written update at the meeting.

Oxfordshire County Council Consultees

- 3.5 Highways: no objections subject to a condition which specifies personal use for equestrian and agricultural.
- 3.6 Footpaths: no comments received to date

Other Consultees

- 3.7 Anglian Water: no comments to make on this application

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 2011 - 2031 Part 1

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

Policy ESD13: Local Landscape Protection and Enhancement

Policy ESD15: The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

AG5: Development involving horses

ENV1: Pollution

C28: Layout, design and external appearance of new development

4.2 Other Material Policy and Guidance

National Planning Policy Framework (NPPF)

Planning Practice Guidance

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant policy
- Visual appearance and landscape impact
- Highway safety
- Other issues – Ecology and pollution

Relevant policy

- 5.2 This application must be determined in accordance with the development plan which comprises the Cherwell Local Plan 2011/2031 Part 1 and Cherwell Local Plan 1996 (Saved Policies). Policy ESD13 of the Cherwell Local Plan 2011-2031 seeks to secure development which will enhance and respect the local landscape character without undue visual harm to the open countryside. Saved policy AG5 of the Cherwell Local Plan 1996 relates to proposals for horse related development and will be supportive of proposals that would not have an adverse impact on the character and appearance of the countryside and would not be detrimental to the amenity of neighbouring properties. Saved policy C28 seeks to secure a development which is of a layout, scale, design and external appearance which is sympathetic to the character and appearance of the sites surroundings.
- 5.3 The NPPF sets out a presumption in favour of sustainable development, which should be seen as a golden thread running through decision making. There are three dimensions to sustainable development which include an economic, social and environmental role. The proposed development which comprises a replacement stable building within an existing farm complex will maintain an appropriate leisure activity within a rural area and is considered to meet the social role of sustainability. The proposed building replaces a previous timber stable building and brick built stable which are both beyond repair and unfit for purpose. The proposed building would be an improvement visually and would therefore protect and even enhance the visual amenity of the local landscape therefore meeting the environmental role of sustainable development.

Visual appearance and landscape impact

- 5.4 The proposed stable building is to be sited within the existing farm complex, without any encroachment beyond the existing boundary of the site and partially within the footprint of previous stable buildings. The building will be higher and of a larger footprint than the existing buildings, however it would be of an improved appearance compared to the previous brick and timber buildings and its external appearance of timber and a dark coloured metal roof would be in keeping with the surrounding development. It is my opinion therefore that due to its siting within the existing farm complex the building would respect and enhance the character and appearance of the local landscape in accordance with Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and saved policy AG5 and C28 of the Cherwell Local Plan 1996.
- 5.5 There are two footpaths which pass through the farm complex, one of which runs immediately adjacent to the proposed building. The proposed building replaces a rundown brick stable building and a previous run down timber stable building. The views from the footpaths would in my view be enhanced by the proposed development with the removal of two old buildings and their replacement with a timber stable building which is sited within the existing farm complex and respects the scale and appearance of existing development within the locality. The proposed development would be considered to preserve and enhance the character and appearance of the landscape in accordance with Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and saved policy AG5 and C28 of the Cherwell Local Plan 1996.

Highway Safety

- 5.6 The proposed new building comprises 7 stables and a secure tack room to be used to keep the applicants own horses only. The application does not include any private livery use or riding school. The existing brick building and previous timber building comprises 6 stables and therefore the proposal is an increase in 1 stable. The proposed building is to be accessed via an existing vehicular access along the drive

from Finmere and entering the site from the south east. The Local Highway Authority has raised no objection to the proposed development and I have no reason to disagree with their opinion. A condition will be attached to limit the use of the stables for the keeping of the applicant's horses only.

Other issues - Ecology and pollution

- 5.7 The existing brick stable building is to be removed to allow the erection of the proposed building. The Council's Ecologist has been contacted to seek advice on the likely hood of the building being used by bats or nesting birds and comments are awaited. Any comments received will be reported as a written update to Committee.
- 5.8 The use of the proposed building for the keeping of horses will generate horse manure at the site which will need to adequately dealt with to avoid adverse impacts cause by its storage. A suitable condition will be attached to the planning permission to ensure appropriate management of the manure generated at the site. The proposal is considered to be in accordance with saved policy ENV1 of the Cherwell Local Plan 1996.

Conclusion

- 5.12 The proposed timber stable building is to be sited within the existing farm complex and within the footprint of two previous stable buildings. The proposed building therefore, would be considered to be a feature in keeping with surrounding development and would be considered to preserve and enhance the visual appearance and character of the local landscape. The proposed building would not adversely affect highway safety, biodiversity or cause any undue impact from pollution. The proposal is therefore considered to accord with policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved policies ENV1, AG5 and C28 of the Cherwell Local Plan 1996 and government guidance contained within the NPPF.

Engagement

- 5.17 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

6. Recommendation

Approval, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with 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. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered and titled:

- 472/20

- Hancox Barn elevations (Rev No. C) 20.07.2015
- Hancox barn floorplans (Rev No. C) 20.07.2015
- Site Plan – DAJ/3480-2(i)gn 09.09.2015

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of any works on the building hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD13 and ESD15 of the adopted Cherwell Local Plan, saved policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the development hereby approved being brought into use a scheme for the storage and disposal of manure and soiled bedding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that proper arrangements are made for the disposal of manure, to ensure the creation of an environment free from intrusive levels of odour/flies and to prevent the pollution of adjacent ditches and watercourses, in accordance with Policies AG5 and ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. The building and the stables hereby permitted shall be used only for the keeping of horses owned by the occupiers of Hill Leys and by no other person whatsoever.

Reason: In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and does not cause a highway safety issues or adverse impact on the surrounding area to comply with Policy ESD10 and ESD15 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
2. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

Agenda Item 13
15/01681/F

Hill Leys
Banbury Road
Finmere
Buckingham
MK18 4AJ

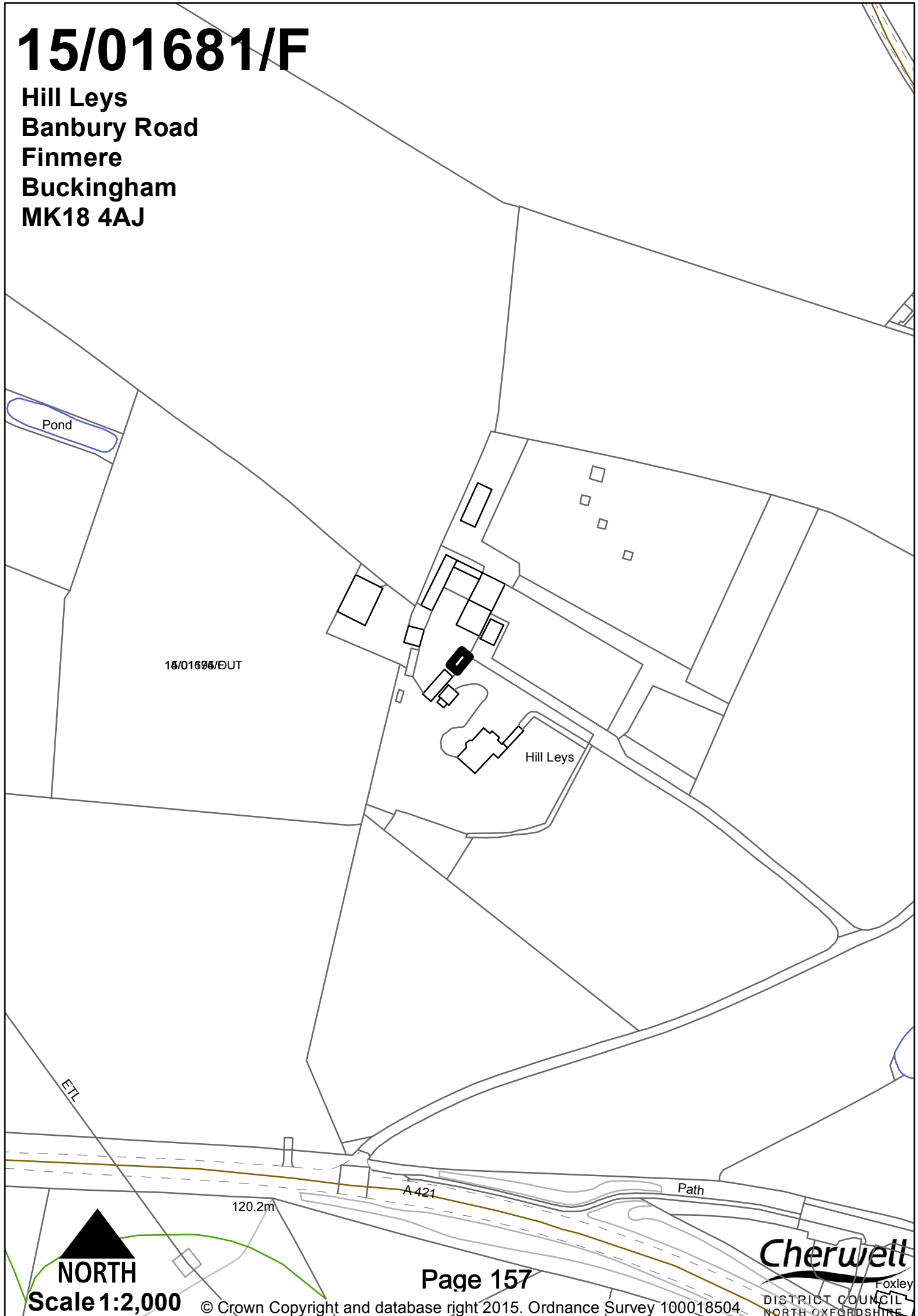
15/01681/FUT



Scale 1:200

15/01681/F

Hill Leys
Banbury Road
Finnere
Buckingham
MK18 4AJ



Scale 1:2,000

**Site Address: Hill Leys, Banbury Road,
Finnmere.**

15/01681/F

Ward: Fringford

District Councillor: Councillor Barry Wood

Case Officer: Emily Shaw

Recommendation: Approval

Applicant: Mr and Mrs M Kerford-Byrnes

Application Description: Erection of replacement loose boxes

Committee Referral: Member of the Council application **Committee Date:** 29th October 2015

1. Site Description and Proposed Development

- 1.1 The site of the application is located within the existing farm yard associated with Hill Leys, a farmhouse and associated farm complex located to the west of Finnmere. Two footpaths pass through the site (213/1/10 and 213/1/20), one follows the main drive to the property west to east, and passes straight through the centre of the farm yard exiting at the north west and the other footpath crosses the open fields from Finnere to the north of the farm yard and heads north west having joined into the other path. There is also a bridle way (213/3/20) which runs north south along the track to the south east.
- 1.2 The application proposes the erection of a stable building comprising two loose boxes to replace a partially dismantled time stable building which comprised 3 stables. The footprint of the proposed building measures 7.3 metres by 5 metres, and the height of the building to the ridge of the roof measures 3.6 metres and to the eaves 2.7 metres. The building will comprise 2 loose box stables. The building is to be sited partially on the footprint of the previous timber stables and sited 3 metres further south than the existing building. The building is to be constructed from timber to the elevations and have a metal sheet roof in dark brown/grey. The proposed building is to be accessed via the existing access drive to the farm yard.
- 1.3 Planning application 15/01635/F, which is an associated application for the erection of a stable building at Hill Leys, is also being considered as an item on this Committee agenda.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment is the 29th October 2015. No third party correspondence has been received to date as a result of this consultation process.

3. Consultations

- 3.1 Finnere Parish Council: no comments received to date.

Cherwell District Council Consultees

- 3.2 Environmental Protection Officer: no comments received to date.

- 3.3 Landscape Officer: no objection to replacing these buildings. The site is not visible in the wider countryside due to a flat landscape and abundant hedge and copse planting. A public right of way runs through the farmyard but the view from this is likely to be improved.

Oxfordshire County Council Consultees

- 3.4 Highways: no objections subject to a condition which specifies personal use for equestrian and agricultural.
- 3.5 Footpaths: no comments received to date

Other Consultees

- 3.6 Anglian Water: no comments to make on this application

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 2011 - 2031 Part 1

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

Policy ESD13: Local Landscape Protection and Enhancement

Policy ESD15: The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

AG5: Development involving horses

ENV1: Pollution

C28: Layout, design and external appearance of new development

4.2 Other Material Policy and Guidance

National Planning Policy Framework (NPPF)

Planning Practice Guidance

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant policy

- Visual appearance and landscape impact
- Highway safety
- Other issues – Ecology and pollution

Relevant policy

- 5.2 This application must be determined in accordance with the development plan which comprises the Cherwell Local Plan 2011/2031 Part 1 and Cherwell Local Plan 1996 (Saved Policies). Policy ESD13 of the Cherwell Local Plan 2011-2031 seeks to secure development which will enhance and respect the local landscape character without undue visual harm to the open countryside. Saved policy AG5 of the Cherwell Local Plan 1996 relates to proposals for horse related development and will be supportive of proposals that would not have an adverse impact on the character and appearance of the countryside and would not be detrimental to the amenity of neighbouring properties. Saved policy C28 seeks to secure development which is of a layout, scale, design and external appearance which is sympathetic to the character and appearance of the site's surroundings.
- 5.3 The NPPF sets out a presumption in favour of sustainable development, which should be seen as a golden thread running through decision making. There are three dimensions to sustainable development which include an economic, social and environmental role. The proposed development which comprises a replacement stable building within an existing farm complex will maintain an appropriate leisure activity within a rural area and is considered to meet the social role of sustainability. The proposed building replaces a previous timber stable building which is beyond repair and unfit for purpose. The proposed building would be an improvement visually and would therefore protect and even enhance the visual amenity of the local landscape therefore meeting the environmental role of sustainable development.

Visual appearance and landscape impact

- 5.4 The proposed stable building is to be sited within the existing farm complex, without any encroachment beyond the existing boundary. The building will be sited on a similar foot print but sited further to the south than the existing building causing the relocation of the gated access to the north of the building from the residential garden into the farm yard. The building will be of a similar scale in terms of height and would be of an improved appearance compared to the existing timber building, and its external appearance of timber and a dark coloured metal roof would be in keeping with the surrounding development. It is my opinion therefore that due to its siting within the existing farm complex the building would respect and enhance the character and appearance of the local landscape in accordance with Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and saved policy AG5 and C28 of the Cherwell Local Plan 1996.
- 5.5 There are two footpaths which pass through the farm complex, one of which runs immediately adjacent to the proposed building. The proposed building replaces a rundown timber stable building. The views from the footpaths would in my view be enhanced by the proposed development with the removal of a partially demolished stable building and its replacement with a timber stable building which is sited within the existing farm complex and respects the scale and appearance of existing development within the locality. The proposed development would be considered to preserve and enhance the character and appearance of the landscape in accordance with Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and

saved policy AG5 and C28 of the Cherwell Local Plan 1996.

Highway Safety

- 5.6 The proposed new building comprises 2 stables to be used to keep the applicants own horses only. The application does not include any private livery use or riding school. The existing timber building comprises 3 stables and therefore the proposal is a reduction in 1 stable. The proposed building is to be accessed via an existing vehicular access along the drive from Finmere and entering the site from the south east. The Local Highway Authority has raised no objection to the proposed development and I have no reason to disagree with their opinion. A condition will be attached to limit the use of the stables for the keeping of the applicant's horses only.

Other issues - Ecology and pollution

- 5.7 The existing stable building has already been partially dismantled and therefore the opportunity for protected species to be present is limited. The proposal would therefore not be considered to harm biodiversity.
- 5.8 The use of the proposed building for the keeping of horses will generate horse manure at the site which will need to adequately addressed, to avoid adverse impact caused by its storage. A suitable condition will be attached to the planning permission to ensure appropriate management of the manure generated at the site. The proposal is considered to be in accordance with saved policy ENV1 of the Cherwell Local Plan 1996.

Conclusion

- 5.9 The proposed timber stable building is to be sited within the existing farm complex and partially within the footprint of the timber stable building to be removed. The proposed building therefore, would be considered to be a feature in keeping with surrounding development and would be considered to preserve and enhance the visual appearance and character of the local landscape. The proposed building would not adversely affect highway safety, biodiversity or cause any undue impact from pollution. The proposal is therefore considered to accord with policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved policies AG5 and C28 of the Cherwell Local Plan 1996 and government guidance contained within the NPPF.

Engagement

- 5.10 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

6. Recommendation

Approval, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with 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. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered and titled:

- 472/20
- Hancox Looseboxes 23.07.2015
- Site plan - DAJ/3480-1(i)gn 09.09.2015

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of any works on the building hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD13 and ESD15 of the adopted Cherwell Local Plan, saved policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the development hereby approved being brought into use a scheme for the storage and disposal of manure and soiled bedding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that proper arrangements are made for the disposal of manure, to ensure the creation of an environment free from intrusive levels of odour/flies and to prevent the pollution of adjacent ditches and watercourses, in accordance with Policies AG5 and ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. The building and the stables hereby permitted shall be used only for the keeping of horses owned by the occupiers of Hill Leys and by no other person whatsoever.

Reason: In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and does not cause a highway safety issues or adverse impact on the surrounding area to comply with Policy ESD10 and ESD15 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Planning notes:

1. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and

should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.

2. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

Agenda Item 14

Cherwell District Council

Planning Committee

29 October 2015

Decisions Subject to Various Requirements - Progress Report
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Report of Head of Development Management

This report is public

Purpose of report

This report aims to keep members informed upon applications which they have authorised decisions upon to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

The following applications remain outstanding for the reasons stated:

10/00640/F (re-affirmed 24.5.12)	Former USAF housing South of Camp Road, Upper Heyford Subject to legal agreement concerning on and off site infrastructure and affordable housing. May be withdrawn following completion of negotiations on 10/01642/OUT	
13/00330/OUT (6.3.14)	81-89 Cassington Road Yarnton Subject to legal agreement	
13/00433/OUT	Land at Whitelands Farm, Middleton Stoney Road, Bicester	

(11.7.13)	Subject to legal agreement concerning on-site and off-site infrastructure	
13/00444/OUT (11.7.13)	Land west of Edinburgh Way, Banbury Subject to legal agreement concerning on-site and off-site infrastructure	
13/00847/OUT (7.8.14)	Phase 2 SW Bicester Subject to legal agreement re infrastructure contributions	
13/01372/CDC (6.2.14 and 24.4.14)	Land rear of Methodist Church, The Fairway, Banbury Subject to legal agreement re affordable housing	
13/01601/OUT (6.2.14) and (7.8.14)	Land adj. Spiceball Park Road, Banbury Revised proposal received late May 2014 – reconsultation and return to Committee) Sec. of State indicates that he does not want to intervene. Legal agreement re off-site infrastructure contributions to be completed	
13/01811/OUT	Land at Dow Street, Heyford Park, Upper Heyford Subject to legal agreement with CDC/OCC	
14/00697/F (21.5.15)	Land off Skimmingdish Lane ,Bicester Subject to legal agreement to secure infrastructure contributions and affordable housing	
14/00962/OUT (27.11.14)	Land S of High Rock, Hook Norton Rd. Sibford Ferris Subject to legal agreement to secure the affordable housing	
14/01205/Hybrid (18.12.14)	Springfield Farm, Ambrosden Subject to legal agreement to tie in previous agreement	
14/01384/OUT (19.3.15)	Bicester Eco-Town Subject to legal agreement for affordable housing, and on-site provision and off-site infrastructure contributions	
14/01737/OUT (19.2.15)	The Paddocks, Chesterton Subject to legal agreement to secure infrastructure contributions and affordable housing	
14/01843/OUT (19.2.15)	Land W of Great Bourton Subject to legal agreement to secure infrastructure contributions and affordable housing	

14/01816/F (3.9.15)	Longford Park, Bodicote Subject to linking agreement to 05/01337/OUT	
14/02132/OUT (11.6.15)	Land at Bunkers Hill, Shipton on Cherwell Subject to legal agreement concerning on-site infrastructure delivery	
14/02156/OUT (3.9.15)	Land SW Cotefield Business Park, Bodicote Subject to agreement to ensure phasing after 11/00617/OUT and infrastructure contributions	
15/00082/OUT (16.4.15)	Site of Tesco, Pingle Drive, Bicester Subject to (i) referral to Sec of State (Sec of State indicates that does not wish to intervene) (ii) subject to applicant entering into legal agreement re employment and skills plan and relating to previously agreed off-site highway works	
15/00476/F (6.8.15)	Wildmere Road Banbury Subject to OCC and Environment Agency withdrawing their objection	
15/00480/REM (1.10.15)	Ambrosden Court, Merton Road, Ambrosden Subject to receipt of amended plans to match late agreed changes – received and consent issued	
15/00570/F (1.10.15)	Hill Farm, Duns Tew Subject to Chairman,s concurrence to draft conditions and no-call in by NCU – all complete – decision issued	
15/00723/F (6.8.15)	The Pits, The Moors, Kidlington Subject to legal agreement concerning off-site infrastructure	
15/00695/OUT (9.7.15)	Graven Hill, MOD Bicester Subject to amending the legal agreement entered into re 11/01494/OUT re site boundary	
15/1006/F (3.9.15)	Land adj Bicester Community College Sport England maintained objection Sent to Sec of State to consider need for call-in	
15/01024/F (1.10.15)	OCVC College, Banbury Subject to legal agreement re contributions to off-site infrastructure	

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

The following alternative options have been identified and rejected for the reasons as set out below

Option 1: To accept the position statement

Option 2: Not to accept the position statement. This is not recommended as the report is submitted to Members information only

5.0 Implications

5.1 Financial and Resource Implications

The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by:

Kate Crussell, Service Accountant, 01327 322188,
Kate.Crussell@cherwellandsouthnorthants.gov.uk

5.2 Legal Implications

There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:

Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,
nigel.bell@cherwell-dc.gov.uk

5.3 Risk Management

This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,
nigel.bell@cherwell-dc.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
All papers attached to the planning applications files referred to in this report	
Report Author	Bob Duxbury, Development Control Team Leader
Contact Information	01295 221821 bob.duxbury@cherwell-dc.gov.uk

Cherwell District Council

Planning Committee

29 October 2015

Appeals Progress Report

Report of Head of Development Management

This report is public

Purpose of report

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **15/01079/F – Highfield Social Club, George Street, Bicester, OX26 2EE –**
Appeal by Highfield Social Club against the refusal of planning permission for removal of roof feature, internal alterations and the erection of a two storey front extension (revised scheme of 14/02165/F).

15/01354/F – Applea Banks, Lower Street, Barford St. Michael, Banbury, OX15 0RH – Appeal by Mr Christopher Churchill against the change of use of land to the rear of Applea Banks to domestic garden.

15/01234/F – Adderbury House, Lake Walk, Adderbury, OX17 3PE – Appeal by Mrs M Shingler against the refusal of planning permission for a single storey side extension; associated landscaping and restoration of garden area.

15/01235/LB – Adderbury House, Lake Walk, Adderbury, OX17 3PE – Appeal by Mrs M Shingler against the refusal of Listed Building consent for a single storey side extension; associated landscaping and restoration of garden area.

15/01103/F – Bishops End, Burdrop, Banbury, Banbury, OX15 5RQ – Appeal by Mr Geoffrey Noquet against refusal of planning permission for removal of conditions 3 and 4 of planning

permission 13/00781/F to allow occupation of holiday let cottage as a separate dwelling.

15/01403/F – Land to the Rear of 181 and 183 The Moors, Kidlington, OX5 2AE
– Appeal by Mr Matthew Grimes against the refusal of planning for erection of a two storey building which will contain 1 No one bedroom flat, two single garages, bicycle and bin store and associated parking.

2.2 Forthcoming Public Inquires and Hearings between the October 29th November 26th.

None

2.3 Results

Inspectors appointed by the Secretary of State have:

1) Dismissed the appeal by Murex Energy Limited against the refusal of planning permission for erection of a single wind turbine with maximum blade tip height of 77m, formation of new vehicular access track and associated infrastructure – OS Parcel 0313 East of M40 Adjoining and South of March Road, Mollington – 14/00011/F (Committee).

The Inspector in his report concluded that the benefits of the proposal attracted significant weight in favour. The proposal would have no harmful impact on living conditions, and neither would it undermine the safety of horses and their riders, operations at Shotteswell Airfield, or aircraft. It would cause a moderate degree of landscape harm but on its own that would be insufficient to outweigh the benefits.

However, the Inspector noted that the impact of the proposal on the setting, and thereby the significance, of the Obelisk, and the significance of the Registered Park and Garden (RPG), needed to be factored in too. By dint of the operation of s.66(1) of the Act, the harm that would be caused to the setting of the Obelisk weighed heavily against the proposal. The harm that would be caused to the significance of the Obelisk and the RPG added to that. When those strong negative factors were added to the imaginary scales, it was the Inspector's conclusion that the benefits the proposal would bring forward were insufficient to outweigh the harmful impacts it would cause.

The Inspector concluded that, on that basis, the proposal failed to accord with Local Plan Policy ESD 5, which deals specifically with renewable energy proposals, and the Local Plan Policy PSD 1. A proposal of this nature that had more negative impacts than benefits could not be described as a sustainable form of development. Given that the impacts would not be, and could not be made, acceptable, the proposal also failed to accord with the framework.

2) Allowed the appeal by Mr & Mrs Kevin Lewis against the refusal of planning permission for demolition of existing garage and replacement with timber frame garage – Appendix 170 Sibford Road, Epwell, Banbury,

OX15 6LH – 15/00744/F (Delegated).

The Inspector concluded that the main issue was the effect of the proposed garage on the character and appearance of the area around Sibford Road in the location within Epwell. However, considering the site context, the siting (being set back within the plot), proposed landscaping of the proposal and similar development opposite the site at Westwell, the Inspector did not consider that the garage would be either inappropriate or unduly prominent in the street scene. As such, the Inspector concluded that the proposed garage would not be harmful to the character or appearance of Sibford Road and there would be no conflict with Policy C28 or C30 of the Cherwell Local Plan.

3) Dismissed the appeal by Mrs Anna Capillie Francis against the refusal of planning permission for the erection of two storey side extension - re-submission of 15/00285/F – 1 Jerome Way, Shipton-on-Cherwell, Kidlington, OX5 1JT – 15/00882/F (Delegated).

The Inspector concluded the main issue in the appeal to be whether the proposed extensions represented inappropriate development in the Green Belt and, if so, whether the harm to the Green Belt, and any other harm, was clearly outweighed by any other considerations.

The Inspector noted that the floorspace resulting from the proposed extensions, and including an earlier single-storey rear extension, would represent an addition of some 87% to the original dwelling and concluded that this would be disproportionate representing inappropriate development in the Green Belt. The Inspector also concluded that the proposal would harm the openness of the Green Belt.

The Inspector concluded that the other considerations put forward by the appellant did not clearly outweigh the harm to the Green Belt that would be caused by the proposed development, and that there were, therefore, no very special circumstances to justify the inappropriate development.

The Inspector concluded that the proposed development was therefore contrary to Policy ESD14 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the NPPF.

4) Dismissed the appeal by Mrs Kochurani Shaju against the refusal of planning permission for a two storey side extension – 41 Chatsworth Drive, Banbury, OX16 9TT – 15/00439/F (Delegated).

The Inspector concluded that the proposed extension, by virtue of its scale, orientation and proximity to neighbouring properties, would be harmful to the character and appearance of the area around this part of Chatsworth Road, and would also be harmful to the living conditions of the occupiers of No. 43 Chatsworth Road by way of the impact on light and outlook. On this basis the Inspector concluded the proposed would conflict with Policies C28 and C30 of the Cherwell Local Plan 1996 which require development to be sympathetic to the character of its urban context, and to be compatible with the layout of existing dwellings in the vicinity and with the scale of the existing dwelling, its curtilage and the character of the street scene.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

- 4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

5.0 Implications

Financial and Resource Implications

- 5.1 The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by:

Kate Crussell, Service Accountant, 01327 322188,

kate.crussell@cherwellandsouthnorthants.gov.uk

Legal Implications

- 5.2 There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:

Nigel Bell, Team Leader – Planning, 01295 221687,

nigel.bell@cherwellandsouthnorthants.gov.uk

Risk Management

- 5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Nigel Bell, Team Leader – Planning, 01295 221687,

nigel.bell@cherwellandsouthnorthants.gov.uk

Comments checked by:

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
All papers attached to the planning applications files referred to in this report	
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