

Public Document Pack



Committee: Planning Committee
Date: Thursday 21 January 2016
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Colin Clarke (Chairman)	Councillor Fred Blackwell (Vice-Chairman)
Councillor Andrew Beere	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 Nigel Randall	Councillor G A Reynolds
Councillor Barry Richards	Councillor Lawrie Stratford
Councillor Rose Stratford	Councillor Sean Woodcock

Substitutes

Councillor Ken Atack	Councillor Carmen Griffiths
Councillor Timothy Hallchurch MBE	Councillor D M Pickford
Councillor James Porter	Councillor Sandra Rhodes
Councillor Nicholas Turner	Councillor Bryn Williams
Councillor Barry Wood	

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 - 23)

To confirm as a correct record the Minutes of the meeting of the Committee held on Thursday 17 December 2015.

6. **Chairman's Announcements**

To receive communications from the Chairman.

Planning Applications

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|-----|---|---------------------|
| 7. | OS Parcel 4200 Adjoining And North East Of A4095 And Adjoining And South West Of Howes Lane, Bicester (Pages 26 - 125) | 14/01675/OUT |
| 8. | The Paddock, Main Street Great Bourton (Pages 126 - 140) | 15/01587/F |
| 9. | Orchard Way, Heyford Road, Somerton, Bicester, OX25 6LL
(Pages 141 - 153) | 15/01895/F |
| 10. | Franklins House, Manorsfield Road, Bicester (Pages 154 - 166) | 15/02230/F |

Review and Monitoring Reports

11. **Decisions Subject to Various Requirements** (Pages 167 - 171)

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.

12. **Appeals Progress Report** (Pages 172 - 177)

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 13 January 2016

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 17 December 2015 at 4.00 pm

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

Councillor Andrew Beere
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 Nigel Randall
Councillor G A Reynolds
Councillor Barry Richards
Councillor Lawrie Stratford
Councillor Rose Stratford

Apologies for absence: Councillor Sean Woodcock

Officers: Jon Westerman, Development Services Manager
Aaron Hetherington, Democratic and Elections Officer
Matt Chadwick, Planning Officer
Stuart Howden, Senior Planning Officer
Linda Griffiths, Principal Planning Officer

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Declarations of Interest

9. The Bungalow, Cumberford Hill, Bloxham, Banbury, OX15 4HL.

Councillor Chris Heath, Declaration, as she had a personal interest and would therefore leave the chamber for the duration of the item and consequently not voting on the application.

Councillor G A Reynolds, Declaration, as he has a relative that lives near to the application site and would therefore leave the chamber for the duration of the item and consequently not be voting on the application.

11. Land North Of Bicester Avenue Garden Centre Adj To Oxford Road, Bicester.

Councillor Lawrie Stratford, 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.

139 **Requests to Address the Meeting**

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

140 **Urgent Business**

There were no items of urgent business.

141 **Minutes**

The Minutes of the meeting held on 26 November 2015 were agreed as a correct record and signed by the Chairman, subject to the following amendments:

Minute 119 – Declarations of Interest

11. The Bungalow, Cumberford Hill, Bloxham, Banbury, OX15 4HL

Councillor Chris Heath, declaration as she had a personal interest and would therefore leave the Chamber for the duration of the item and consequently not voting on the application

Councillor G A Reynolds, declaration, as he has a relative that lives near to the application site and would therefore leave Chamber for the duration of the item and consequently not be voting on the application.

17. Proposed Sports Pavilion and Sports Field, Whitelands Way, Bicester.

Councillor Lawrie Stratford, declaration as a member of Oxfordshire County Council and would leave Chamber for the duration of the item.

Councillor Rose Stratford, declaration, as a member of the Bicester Sports Board and would leave the Chamber for the duration of the item.

142 **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.
2. The Chairman advised that the next planning meeting in January may need to start at 2pm. The Development Services Manager would update members prior to the meeting.

143 **Land East Of Evenlode Crescent And South Of Langford Lane Kidlington**

The Committee considered application 14/02067/OUT for a Technology Park, 40,362 sqm office, R&D, laboratories, storage and ancillary space at Land East of Evenlode Crescent and South of Langford Lane, Kidlington for Hill Street Holdings/Bloombridge .

Richard Cutler, the applicant, addressed the committee in support to the application.

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

Resolved

That application 14/02067/OUT be approved subject to the following:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph 6.39;
- b) referral to the Secretary of State to ratify the decision to approve;
- c) the following conditions:
 - 1 That no development shall be started until full details of the siting, design, layout and external appearance of all buildings, landscaping and all means of access (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
 - 2 In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
 - 3 The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

- 4 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the Site Location Plan (13045 1001) and the following documents:

Oxford Technology Park - The Compelling Case (Parts 1 & 2)
Transport Assessment produced by Peter Brett (December 2014)
Transport Note TN004 produced by Peter Brett (31/03/15)
Framework Travel Plan produced by Peter Brett (September 2014)
Updated Phase 1 Habitat Survey produced by Southern Ecological Solutions (December 2014)
Engineering Appraisal produced by Haydn Evans Consulting (November 2013)
Flood Risk Assessment and Drainage Strategy produced by Baynham Meike partnership (October 2012) updated by an email dated 17 April 2015.
Noise Impact Assessment produced by Peter Brett (December 2014)
Air Quality Screening Assessment produced by Peter Brett (December 2014)

- 5 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.
- 6 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including position, layout, construction, drainage and vision splays, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to commencement on site, the means of access shall be constructed to base course and used as such during the initial construction phase. Prior to first occupation on site, the access scheme will be completed and retained in accordance with the approved details.
- 7 Prior to the commencement of each phase of the development hereby approved, detailed access and circulation specifications for that phase of development shall be submitted and approved in writing by the Local Planning Authority as part of the Reserved Matters Application for that phase. Thereafter, and prior to the first occupation of the phase of development considered, the access, and circulation, parking and manoeuvring areas shall be provided on the site in accordance with the approved details. Parking and manoeuvring areas shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- 8 Prior to the first occupation of the development hereby approved, a Framework Travel Plan, prepared in accordance with Oxfordshire County Council's Guidance on Transport Assessment and Travel Plans, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Framework Travel Plan shall be implemented and operated in accordance with the approved details.

- 9 Prior to commencement of development a Construction Traffic Management Plan must be submitted to and approved in writing by the Local Planning Authority.
- 10 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development including appropriate infiltration testing in accordance with BRE 365, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate:
- surface water run-off generated up to and including the 1 in 100 year (including a 30% allowance for climate change) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.
 - surface water runoff will be managed so that it does not contaminate controlled waters

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- 11 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
- 12 Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.
- 13 Prior to the commencement of the development hereby permitted, measures to encourage the uptake of low emission transport, shall be submitted to and approved in writing, by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that measures are in place which mitigate the impact of the development on local air quality and support the uptake of low emission technologies now and in the future.
- 14 The levels of noise emitted by fixed plant and equipment operated on the site shall not exceed the levels set out in Table 7.1 of the Noise Assessment Report produced by Peter Brett and dated December 2014.

- 15 Prior to the commencement of the development hereby approved, a reptile method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be carried out in accordance with the approved details.
- 16 Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing tree or shrub planting, areas of species rich grassland, habitat boxes for birds shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
- 17 A full technical safeguarding study shall be undertaken, to assess the effects of the development on London Oxford Airport's navigations aids and radar equipment and shall be submitted as part of the reserved matters application(s).
- 18 Prior to the commencement of development a Bird Control Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be carried out in accordance with the approved details.
- 19 No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.
- 20 The development hereby permitted shall be constructed to meet at least BREEAM 'Very Good' standard.
- 21 The primary function of all businesses occupying the site should not be as a distribution centre. All B8 space should be ancillary to the either a B1 or B2 use.

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Land At Lince Lane With Access Off Station Road, Enslow, Kidlington, OX5 3AX

The Committee considered application 15/00822/F for the erection of an office building and 14 no. dwellings together with associated car parking, cycle parking, garages, public amenity spaces and new footway link at Land at Lince Lane with access off Station Road, Enslow, Kidlington, OX5 3AX for Portdevon (Oxford) LLP Minns Estates Limited.

Huw Mellor, agent for the applicant, addressed the committee in support of the application.

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

Resolved

That application 15/00822/F be approved subject to

- The satisfactory completion of a legal agreement to secure the items listed in paragraph 7.40 of the officers' report.
- Receipt of amended plans to the satisfaction of the Head of Development Management that overcomes the concerns raised by OCC about on-site parking provision.
- 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 drawings: 2014063/P51, 2014063/P52, 2014063/P53, 2014063/P54, 2014063/P55, 2014063/P56, 2014063/P57, 2014063/P58 and 2014063/P59.
 - 3 Prior to the commencement of the development hereby approved and notwithstanding that shown in the approved plans, a schedule of materials and finishes for the external walls and roofs 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 hereby approved, samples of the roof coverings to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
 - 5 Prior to the commencement of the development hereby approved, a sample panel of all external walling to be used (minimum 1m² in size) shall be constructed on site which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved sample panel.
 - 6 Prior to the commencement of the development, a plan showing the details of the finished floor levels of the proposed dwellings in relation to existing ground levels on the site 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.
 - 7 Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall:
 - Include a natural rubble stone wall along the site's northern and western boundaries;

- Provide for a screen between the office building and the existing houses of Hill Top Cottage and Stone Quarry House to the south;
- Make provision for suitable access between the enclosures for hedgehogs.

Thereafter, the approved means of enclosure shall be laid out prior to the first occupation of the development and thereafter so retained.

- 8 The dwellings hereby approved shall not be occupied until 3 bins for the purposes of recycling, residual and garden waste have been provided for each of the approved dwellings, in accordance with the following specification:
- One 240 litre blue wheeled bin for the collection of dry recyclable material;
 - One 240 litre green wheeled bin for the collection of residual waste;
 - One 240 litre brown bin for the collection of garden waste material
- 9 Notwithstanding any details shown to the contrary in the approved plans, all windows to be installed on buildings within the development shall be flush fitting balanced casements that are recessed a minimum of 75mm within the window surrounds unless otherwise agreed in writing by the local planning authority.
- 10 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is substantially completed. The scheme shall also include:
- Discharge Rates
 - Discharge Volumes
 - Maintenance and management of SUDS features (this maybe secured by a Section 106 Agreement)
 - Sizing of features - attenuation volume
 - Infiltration in accordance with BRE365
 - Detailed drainage layout with pipe numbers
 - SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
 - Network drainage calculations
 - Phasing
- 11 Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways, parking and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

- 12 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.
- 13 Prior to the first occupation of the development hereby approved, a Construction Traffic Management Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to Secure Travel Plans'. shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.
- 14 No development shall take place unless full details of a footway leading from the development to the Rock of Gibraltar public house (including its position, layout, construction, drainage and vision splays) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no occupation of any dwelling shall occur (other than for construction purposes) until the footway has been provided in full in accordance with the approved details.
- 15 Prior to first occupation of the approved office building, details of its bin storage facilities shall be submitted to and approved in writing by the local planning authority. Thereafter the building shall only be occupied once the approved facilities have been provided and such facilities shall be retained as approved thereafter.
- 16 Prior to commencement of development, a scheme that includes the following components to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. Reason
- 17 No occupation of any part of the development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 18 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 19 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
- 20 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.
- 21 Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on site, to include full details of measures both within buildings and landscaping shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

- 22 Prior to the commencement of the development hereby approved, a lighting design scheme to include all exterior lighting proposals on site and the estimated areas of light spill 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 scheme.
- 23 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.
- 24 Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.
 - a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.
 - b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
 - c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.
 - d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents
 - e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)
- 25 Notwithstanding the provisions of Classes A, B and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and any subsequent amendments or enactments, the approved dwellings shall not be extended nor shall any structures be erected within their curtilages without the prior express planning consent of the Local Planning Authority.

- 26 Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 and any subsequent amendments or enactments, the approved office building shall only be used for purposes within Class B1 as defined in the Schedule to the Use Classes Order 1987 (as amended) and shall not be extended or altered from that approved without the prior express planning consent of the Local Planning Authority.
- 27 Prior to commencement of development and in advance of works to any trees on the site (including removal, lopping, topping, pruning or any other action that could harm the health of any tree), a method statement setting out the means of enhancing the biodiversity value of Lince Lane Copse Local Wildlife Site (including the retention of all existing native trees, shrubs and hedges within it on the application site) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
- 28 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity (in particular the ecological value of the Lince Lane Copse LWS), 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 CEMP at all times.
- 29 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.

- 30 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.
- 31 Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.
- 32 No development shall commence until details demonstrating how each dwelling on the site will achieve an energy efficiency standard equivalent to at least a 44% improvement over the Target Emission Rate (as determined in 2006 Building Regulation Standards) have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until it has been constructed to meet the required energy performance standard in accordance with the approved details.

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The Bungalow, Cumberford Hill, Bloxham, Banbury, OX15 4HL

The Committee considered application 15/01090/F for the demolition of existing dwelling, garage and car repair workshop and the erection of a terrace of 4 new dwellings with associated landscaping and parking to the rear at The Bungalow, Cumberford Hill, Bloxham, Banbury, OX15 4HL for Inglenook Properties Ltd.

Andrew Lester, a local resident, addressed the committee in objection to the application.

Richard Liang, the applicant, addressed the committee in support of the application.

In reaching their decision, the committee considered the officers report and presentation and the addresses of the public speakers.

Resolved

That application 15/01090/F be approved subject to the following:

- 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 drawings: S5:722-001C; S5:722-002C; S5:722/03C; S5:722/04C; S5:722/05C; S5:722/06C; S5:722/08C; and, S5:722/09C
- 3 Prior to the commencement of the development hereby approved, samples of the external roofing materials to be used in the construction of the roof of the buildings in the approved development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the samples so approved.
- 4 Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
- 5 Prior to the commencement of the development hereby approved, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.
- 6 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.
- 7 Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels of the proposed development in relation to existing ground levels on the site 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.
- 8 Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be installed on site in accordance with the approved details prior to first occupation of any of the approved dwellings.
- 9 No dwelling hereby approved shall be occupied until 3 bins for the purposes of refuse, recycling and green waste have been provided for that dwelling in accordance with the following specification:
 - One 240 litre blue wheeled bin for the collection of dry recyclable material
 - One 240 litre green wheeled bin for the collection of residual waste

- One 240 litre brown bin for the collection of garden waste material

- 10 No occupation of the any of the approved dwelling shall take place until details of dedicated bin and cycle storage facilities for each dwelling have been submitted to and approved in writing by the local planning authority. No occupation of the dwellings shall take place until the approved facilities have been provided on site and they shall be retained as such thereafter.
- 11 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: 14-1731-08-001 Rev B (Infrastruct CS Ltd, June 2015) and the following mitigation measures detailed within the FRA:
 1. Provision of compensatory flood storage as described in section 7 of the FRA and shown on Drawing 100 P02 (12 June 2015)
 2. Provision of a safe route into and out of the site
 3. Finished floor levels are set no lower than 110.35m above Ordnance Datum (AOD).
 4. The use of flood resilient construction techniques.
The mitigation measures shall be fully implemented prior to occupation or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- 12 Prior to commencement of development a scheme shall be submitted to, and approved in writing by, the local planning authority in consultation with the Environment Agency ensuring unhindered 24 hour access for Environment Agency staff to and from the Environment Agency's Bloxham flood warning station, both during construction and upon completion of the development .
- 13 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
- 14 Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

- 15 If contamination is found by undertaking the work carried out under condition 14, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
- 16 If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 15. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority prior to occupation of any of the approved dwellings.
- 17 Prior to the commencement of the development hereby approved, full details of the means of vehicular and pedestrian access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed in accordance with the approved details prior to first occupation of the dwellings and retained as such thereafter.
- 18 Prior to the commencement of the development hereby approved, full specification details of the driveway including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the approved dwellings, the development shall be constructed in accordance with the approved details.
- 19 No occupation of any dwelling shall take place until a scheme for the construction of an extension to the existing footway so that it continues across the road frontage of all the approved dwellings has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. No occupation of any of the approved dwellings shall occur until the approved works to the footway have been completed.
- 20 No development shall take place until a scheme for the relocation of the existing dropped kerb pedestrian crossing point has been submitted to and approved in writing by the local planning authority. No occupation of any of the approved dwellings shall occur until the pedestrian has been relocated in accordance with the approved details.
- 21 Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments/enactments, the approved dwellings shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

- 22 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/enactments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within 8m of the bank of Bloxham Brook without the prior express planning consent of the Local Planning Authority.
- 23 No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the Bloxham Brook shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out and managed thereafter in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from buildings, structures, lighting and domestic gardens and form part of wider green infrastructure provision along the brook.
- 24 No occupation of any of the approved dwellings shall take place until a scheme for the prevention of car parking on the verge/footway of Cumberford Hill to the front of the approved dwellings has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. No occupation of the approved dwellings shall occur until the approved scheme has been carried out and the measures shall be retained as such thereafter.
- 25 No occupation of the approved dwellings shall take place until the areas for the parking and turning of cars as shown on drawing no. S5-722-002C have been fully laid out and made available to occupants of the approved dwellings. Such areas shall be retained as approved for the parking of motor vehicles thereafter.
- 26 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 significantly adversely affect neighbouring 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 at all times.
- 27 Notwithstanding anything shown to the contrary in the approved plans, any rooflight to be inserted into the approved dwellings shall be of flush fitting conservation type where no part of it projects beyond the roofslope in which it is positioned.
- 28 No development shall commence until details demonstrating how each dwelling on the site will achieve an energy efficiency standard equivalent to at least a 44% improvement over the Target Emission Rate (as determined in the 2006 Building Regulation Standards) have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until it has been constructed to meet the required energy performance standard in accordance with the approved details.

- 29 No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit from thereon.

146

OS Parcel 2678 Adj A34, Part Of A34 By Hampton Gay And Poyle, Hampton Gay and Poyle, Oxfordshire

The Committee considered application 15/01605/F for an additional pitch for a mobile home and community day room on plot 1 at OS Parcel 2678 Adj A34, Part Of A34 by Hampton Gay And Poyle, Hampton Gay and Poyle, Oxfordshire for Mr David Goddard.

Sally Woodbury, agent for the applicant, addressed the committee in support of 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 15/01605/F be approved subject to the following conditions:

1. Development in respect of the additional mobile home hereby permitted 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 strictly in accordance with the following plans and documents:
 - Application form submitted with the application;
 - Design and Access Statement submitted with the application;
 - Site Location Plan submitted with the application;
 - Drawing Numbers 1564/01A and 1564/03 submitted with the application;
 - Floor Plan of Mobile Home Titled 'Tredegar 40' X 12'' submitted with the application;
 - E-mail received from the applicant's agent on 3rd November 2015;
 - Drawing Number 0970/02B received from the applicant's agent by E-mail on 9th November 2015; and
 - E-mail received from the applicant's agent on 26th November 2015.
3. No more than 17 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 9 shall be static caravans or mobiles homes), 7 utility day rooms and 1 community day room shall be stationed on the site at any one time and these shall be sited as is displayed on Drawing Number 0970/02B received from the applicant's agent by E-mail on 9th November.

4. The development hereby permitted shall be carried out in accordance with the recommendations in section 5 “issues to be addressed” of the Flood Risk Assessment prepared by Prior Associates Consulting Engineering dated August 2010 and Reviewed October 2015 (Ref: 9069/2) accompanying the application.
5. The Community dayroom shall be used only for the purposes outlined in the Design and Access Statement submitted with the application and E-mail received from the applicant’s agent on 3rd November 2015 and shall not be occupied as a separate unit of accommodation.
6. No commercial activities shall take place on the site, including the external storage of materials in association with a commercial activity, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
7. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the 'Planning Policy for Traveller Sites' August 2015.

147

Land North Of Bicester Avenue Garden Centre Adj To Oxford Road, Bicester

The Committee considered application 15/01736/OUT for the erection of a building for retail use within Class A1, along with related access, parking, servicing, landscaping and other works at Land North of Bicester Avenue Garden Centre adjacent to Oxford Road, Bicester for Blooms Properties Limited Partnership.

Jonathan Best, agent for the applicant, addressed the committee in support of the applicant.

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

Resolved

That application 15/01736/OUT be refused for the following reason:

1. The development would result in the loss of land which forms part of an allocated employment site in the recently adopted Cherwell Local Plan 2011-2031 Part 1. It has not been demonstrated that there is no reasonable prospect of the site being used for its allocated purpose in the long term, and so the proposal is considered to be unacceptable in principle and would unnecessarily and unjustifiably erode the Local Plan employment strategy for Bicester. The proposed development would therefore be contrary to Policy SLE1 and Policy Bicester 4 of the Cherwell Local Plan Part 1, and the NPPF in particular paragraph 17 “Core planning principles” and section 1 “Building a strong, competitive economy”.

Land West Of Banbury Road, Twyford, Banbury

The Committee considered application 15/01773/OUT, an outline application for up to 50 residential dwellings (including up to 35% affordable housing), land for potential GP outreach Surgery/Pharmacy/Community Use/Primary School Relocation, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Banbury Road and associated ancillary works with all matters to be reserved with the exception of the main site access at Land West of Banbury Road, Twyford, Banbury for Gladman Developments.

David Griffiths, on behalf Adderbury Parish Council, addressed the committee in objection to the application.

Peter Hilldrup, the applicant, addressed the committee in support of the application.

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

Resolved

That application 15/01773/OUT be refused for the following reasons:

1. The development proposed, by reason of its scale and siting on the edge of a village in an open countryside location, and taking into account the amount of new housing development already planned to take place in Adderbury and Cherwell District Council's ability to demonstrate an up-to-date five year housing land supply, is considered to be unnecessary, undesirable and unsustainable new development that would harm the rural character and setting of the village and would prejudice a more balanced distribution of the rural housing growth planned for in the Cherwell Local Plan. Therefore the proposal is considered unacceptable in principle and contrary to Policies ESD13, ESD15 and Policy Villages 2 of the adopted Cherwell local plan 2011-2031 and saved Policies C8 and C33 of the adopted Cherwell Local plan 1996 and advice within the National planning Policy Framework.
2. By reason of its siting, scale, form and appearance, in particular the loss of important views across open countryside of the historic core of Adderbury village including the Adderbury Conservation Area and the Grade 1 listed church of St Mary, as experienced along one of the main approaches into the village, the proposed development is considered to cause considerable, unnecessary and unjustified harm to the setting and significance of designated heritage assets. There are no public benefits that outweigh this level of harm. The proposal therefore conflicts with Policies ESD13, ESD15 and Policy Villages 2 of the adopted Cherwell Local Plan 2011-2031, saved policy C33 of the adopted Cherwell Local Plan 1996 and the advice within the National Planning Policy Framework.

3. By reason of its siting, size, scale, form and appearance, in particular, the extensive loss of important views across open countryside of the historic core of Adderbury Village and the Sor Valley, the proposal is considered to cause significant and unacceptable harm to the rural landscape character and quality of the area and setting of the village as experienced by local residents, visitors and users of the A4260 and public rights of way. The proposal is therefore contrary to Policies ESd13, ESd15 and Policy Villages 2 of the adopted Cherwell Local Plan 2011-2031 and saved policy C33 of the adopted Cherwell Local plan 1996 and advice within the National planning Policy Framework.
4. By reason of the siting and size of the development and resulting loss of some 14ha of most versatile agricultural land, and taking into account the Council's ability to demonstrate a five year housing land supply, the quantum of housing development already planned for in Adderbury, and the lack of evidence to demonstrate that there are no other sites in Category A villages in the District which would be preferable in terms of areas using poorer quality agricultural land to meet the District's housing needs, the proposal is considered to result in unnecessary and unjustified loss of best and most versatile agricultural land. The proposal is therefore contrary to Policies BSC2 and Policy Villages 2 of the adopted Cherwell local Plan 2011-2031 and advice within the National Planning Policy Framework.
5. By reason of the site's location in an area of known archaeological interest with high potential for significant archaeological deposits to survive on site, in the absence of a detailed and adequate archaeological field evaluation, the Local Planning Authority cannot be satisfied that the proposal would not result in unacceptable and unavoidable harm to archaeological assets. Therefore the proposal conflicts with Policies ESd15 and Policy Villages 2 of the adopted Cherwell Local Plan 2011-2031 and advice within the National Planning Policy Framework.
6. It has not been satisfactorily demonstrated by the Transport Assessment submitted with this application what impact the proposed development, including the GP surgery, pharmacy, community facility and new primary school may have on the proposed access and local highway network contrary to the advice within the National Planning Policy Framework.
7. By reason of the lack of a satisfactory completed section 106 agreement to secure contributions to the community services and infrastructure that would be directly affected by the development, and to secure the provision of affordable housing to meet housing need, the Local Planning Authority cannot be satisfied that the impacts of the development in these respects can be made acceptable. The proposal therefore conflicts with Policies BSC3 and INF1 of the adopted Cherwell Local Plan and advice within the National Planning Policy Framework.

149

Car Park, Ardley With Fewcott Community Hall, Ardley Road, Fewcott

The Committee considered application 15/01839/F for resurfacing of the existing car park and associated drainage works at the Car Park, Ardley With Fewcott Community Hall, Ardley Road, Fewcott for the Board of Trustees.

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

Resolved

That application 15/01839/F be approved, subject to the following conditions:

8. 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.
9. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents:
 - Application form submitted with the application;
 - Location Plan submitted with the application;
 - Drawing Number: 201 P1 dated 1st October 2015.
10. Prior to the commencement of the development hereby approved, full engineering specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas 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 and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

150

Quills 36 Main Street, Duns Tew

The Committee considered application 15/01894/F for the erection of an open canopy and application of timber cladding to eastern elevation of dwelling (retrospective) and increase in height of stone wall to eastern boundary at Quills, 36 Main Street, Duns Tew for Mr J Scotchbrook.

Jonathan Scotchbrook, owner of Quills, addressed the committee in support of the application.

Councillor Kerford-Byrnes proposed that application 15/01894/F be approved with appropriate conditions delegated to the Head of Development Management. Councillor Macnamara seconded the proposal.

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

Resolved

That application 15/01894/F be approved subject to:

1. The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered: JL 100-011 Rev. A, JL 100-013 Rev. A and JL 100-014 Rev. A
3. Prior to the construction of the raised boundary wall hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural weathered stone to match the stonework on the existing boundary wall, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the boundary wall shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

151 **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.

152 **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 7.12 pm

Chairman:

Date:

PLANNING COMMITTEE

21 January 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.

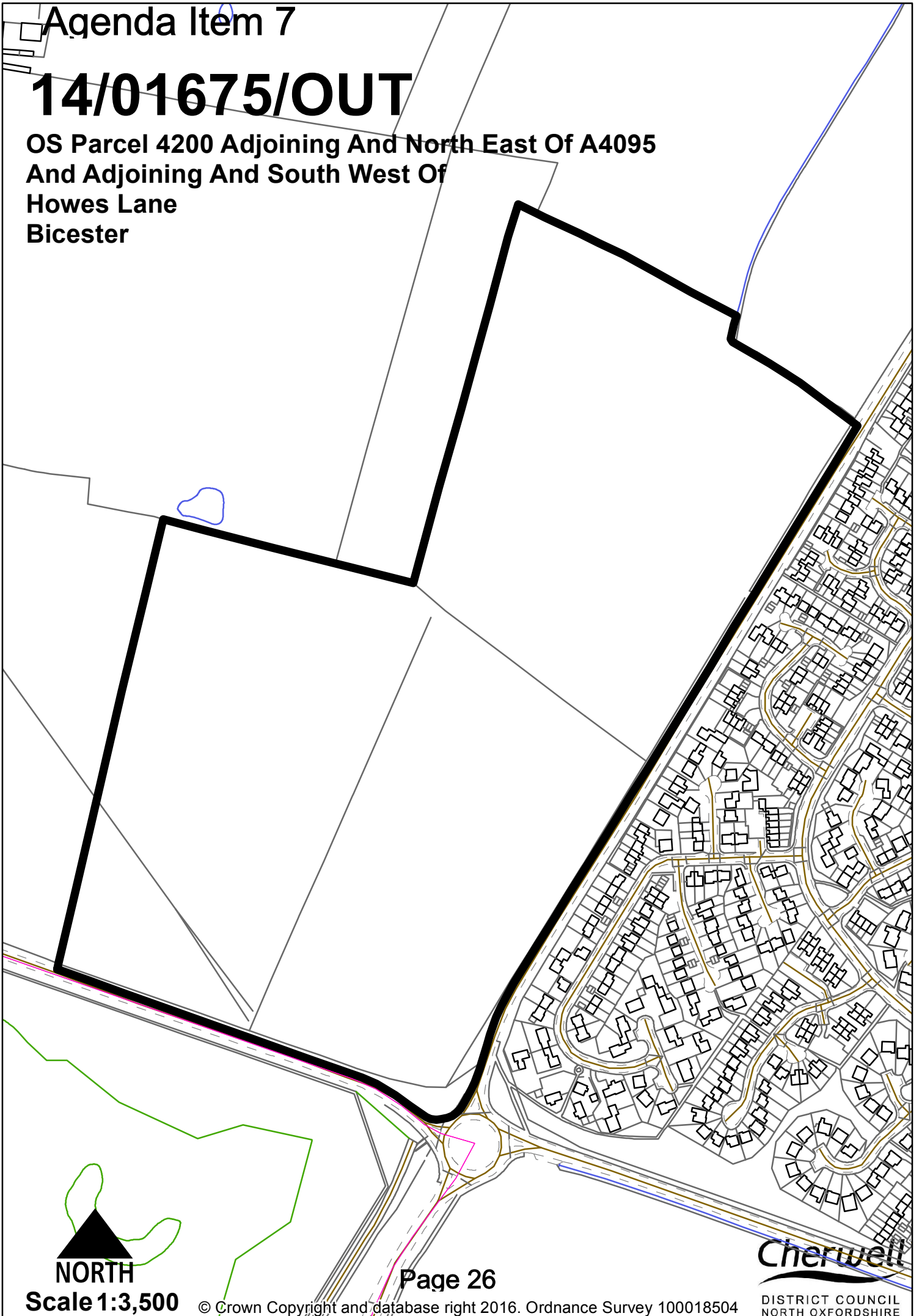
Background Papers

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	OS Parcel 4200 Adjoining And North East Of A4095 And Adjoining And South West Of Howes Lane Bicester	14/01675/OUT	Ambrosden And Chesterton	Approval	Caroline Ford
8	The Paddock Main Street Great Bourton	15/01587/F	Cropredy	Approval	Bob Neville
9	Orchard Way, Heyford Road, Somerton, Bicester, OX25 6LL	15/01895/F	The Astons And Heyfords	Approval	Gemma Magnuson
10	Franklins House Manorsfield Road Bicester	15/02230/F	Bicester Town	Approval	Gemma Magnuson

14/01675/OUT

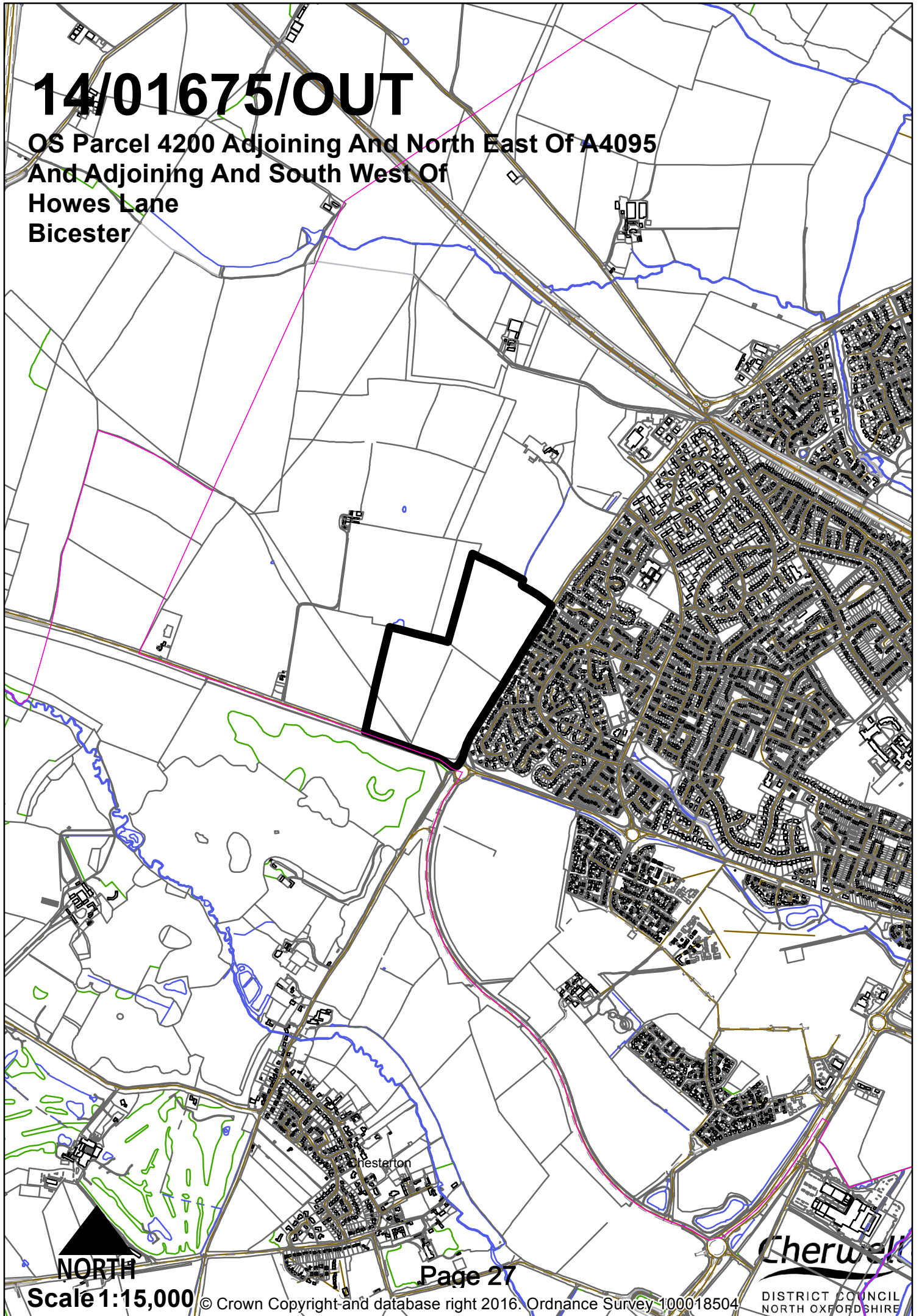
OS Parcel 4200 Adjoining And North East Of A4095
And Adjoining And South West Of
Howes Lane
Bicester



Scale 1:3,500

14/01675/OUT

OS Parcel 4200 Adjoining And North East Of A4095
And Adjoining And South West Of
Howes Lane
Bicester



NORTH

Scale 1:15,000

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

**OS Parcel 4200 Adjoining And North East Of
A4095 And Adjoining And South West Of
Howes Lane
Bicester**

14/01675/OUT

Case Officer: Caroline Ford **Ward(s):** Ambrosden And Chesterton

Applicant: Albion Land Ltd

Ward Member(s): Councillor Lynn Pratt

Proposal: 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.

Committee Date: 21.01.2016 **Recommendation:** Approval

Committee Referral: Major

1. Site Description and Proposed Development

- 1.1 The site is situated to the North West side of Bicester at the junction of the Middleton Stoney Road and Howes Lane and sits adjacent to the build edge of the existing western extent of the town but is separated from it by Howes Lane. The site sits within the extent of the allocated site Bicester 1 in the Adopted Cherwell Local Plan which seeks to achieve a new zero carbon mixed use development including 6000 homes.
- 1.2 The land extends to 20.06ha in total and is currently in agricultural use with field margins formed from trees and hedgerows and a block of woodland on the edge of the site area. Adjacent to the site to the north and west is agricultural land, which forms part of the allocated site, to the south is Bignell Park, to the south east is the new development currently under construction at Kingsmere and to the east is the existing edge of Bicester. In terms of site constraints, there are trees protected by a preservation order on the site, there are records of ecological interest nearby, Bignell Park, an ecologically important landscape sits opposite the site and there is some potential for the land to be contaminated.

- 1.3 The application seeks outline planning permission with all matters reserved except for access. The proposal seeks to establish two employment zones, the larger to be accessed via a new junction from the Middleton Stoney Road and the smaller to be accessed via a temporary access from Howes Lane pending the completion of the proposed realigned Howes Lane. Once the realigned route opens, the temporary access would be closed to motor vehicles. The Planning Statement advises that the employment zones are proposed to create two varied employment zones, one designed to accommodate largely B8 uses and the other to accommodate smaller B2 uses. Ancillary B1 uses are also proposed. Two housing areas are proposed to accommodate up to 150 homes and other associated infrastructure including Green Infrastructure are proposed and demonstrated on the proposed parameter plans. The application demonstrates a total of up to 53,000sqm of flexible employment provision and 4.5ha of residential land. Importantly, the proposal includes part of the land required for the realignment of Howes Lane and this, alongside the outline applications submitted by A2 Dominion (14/01384/OUT and 14/01641/OUT) would establish the principle of the realigned road in line with the Masterplan. The application seeks parameters for the commercial development of up to 16.75m in height to ridge with a maximum eaves height of 13.7m whilst the residential parameter is for development primarily with a maximum height of 11m and 15m at prominent locations.

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 15 October 2015.

78 letters have been received. The following issues were raised:

- Industrial development seems unwise
- Commercial development would be out of context with the residential development
- A B1 business park would be more appropriate, with designs based on existing two storey Avonbury and TVP buildings
- Albion Land may well require 24/7 operations but this is in conflict with the Masterplan which provides for ".....limited B2 and B8 uses where it supports employment in businesses that contribute to the low carbon economy and does not adversely affect neighbouring uses." Clearly by their own admission the proposed development cannot be viable as submitted
- The aspiration to control usage to 'low carbon' is undefined and in reality, unenforceable
- The character of the neighbourhood would be adversely affected
- Building on green spaces on the edge is creating an urban sprawl
- Existing neighbours would be subjected to considerable noise, air and light pollution as well as vibration over 24 hours from vehicles and operations affecting quality of life and the ability to enjoy their homes
- Existing residents would be affected by views and loss of sunlight of the development from their rear gardens
- Affect house values
- Scale and nature of proposal (three storeys) would be unsuitable for this site and existing homes
- Howes Lane and surrounding road infrastructure, even when realigned will not cope with the volume of traffic this development will bring.
- RE Policy SLE 4 "...Development which is not suitable for the roads that serve the development and which have a severe traffic impact will NOT be

supported” This will increase greenhouse gas emissions and increase congestion on Bicester’s already congested road network.

- The impact on local facilities such as small shops and local schools with potential employees using Shakespeare drive as a "Rat Run".
- The entrance to the site from the Middleton Stoney road and close to the roundabout would be dangerous.
- This should not be approved until the roads/ infrastructure have been decided.
- The existing Howes Lane should be made into a bike/ cycle path
- Concerns in relation to the construction, associated traffic and timeframe for construction.
- Increased volume of traffic
- The footpath/walkway (approximately 1 mile long) is already dangerously narrow and on the edge of a main road along its entire length with no protective barriers. My concern is that should this development go through this road will become even more heavily used HGVs greatly increasing the risk of serious and fatal accidents along Middleton Stoney Road.
- Also there is no cycle-lane along this road which would be shared with increased large vehicles. (This is not conducive to the general appeal to make more use of cycle transport.)
- Increase in noise and pollution to the site from HGV traffic as well as members of staff driving to the site as there is no easy access by public transport.
- Increased parking in residential streets from shift workers and HGVs arriving early
- RE Policy BSC 1 B90 - This encourages the reuse of a more suitable site on Bicester 2, Graven Hill, where a rail infrastructure is already in place and the motorway network is in close proximity.
- The type of industry proposal should be located nearer to major roads, including B4100, closer to the M40, Graven Hill and existing industrial areas of the town
- Empty warehouses elsewhere in Bicester available and more accessible
- It is misleading to say that jobs are needed – unemployment rates in the town are already low
- This type of development offers few jobs for the amount of land occupied
- The majority of jobs currently provided in Bicester are unskilled and poorly paid, forcing a large proportion of the people of Bicester to commute, which is not self-sustaining or in keeping with the idea of an Eco-town. Any new employment plot needs to offer a more diverse variety of skilled and well paid jobs
- Increased localised flood risk
- Environment impact on a variety of local flora and fauna, some believed to be protected, notable the grass snake, common frog, butterflies and hedgehog
- No mature planting is planned to screen the buildings. Landscaping and the area for balancing is inadequate for the size of the development.
- Would be in close proximity to the proposed primary and secondary schools
- No mention appears to be in the NW Bicester Master Plan
- Cherwell District Council's letter dated 22nd May 2015 to Albion Land's agent states: "You are aware that the emerging Local Plan identifies the application site as a location for business premises but sets out that it should be B1 with limited B2 and B8 uses." This is a critical point. The land is primarily designated for B1 use - that is for Business - offices and light industry appropriate to a residential area. This application is clearly not appropriate to a residential area and the developers have failed to meet the Local Plan by instead choosing to prioritise B8 (storage or distribution)

and B2 (general industrial) use of land, which as the Council have outlined, should be limited. This has still not been addressed in the latest application from Albion Land.

CPRE

Object to B8 warehousing:

- Detrimental visual impact to and from surrounding countryside
- A large land take for very few employment opportunities
- Increase in congestion, noise and emissions
- Not in keeping with existing or future residential area
- Suggest EIA on views from both existing and future residential areas on its boundary and to the open countryside
- We emphasise the site at Graven Hill, Bicester 2, is already set up for warehousing with its readymade infrastructure

Employment – acknowledge the requirement for employment for the ever increasing population of Bicester and surrounding area, this needs to be achieved with the least amount of green fields taken and employing the maximum number of people per unit area.

Bicester is in an area of great transport stress, this development would exacerbate this problem, with the 24/7 use of HGV

Location of site requires a careful EIA on views from both existing and future residential areas on its boundary and to the open countryside

The view from the countryside towards this site would require a low level development to prevent an abrupt change in the height of buildings. Giant B8 warehousing is the exact opposite.

This application, and indeed the intention of the Local Plan, cannot meet the requirements of Policy SLE 1 in this area. As follows:

-Warehousing is not already in this area and so does not make efficient use of the land, let alone any previously developed. Furthermore, warehousing uses large tracts of land for very few employment opportunities and is therefore not an 'efficient use' of site.

-Access to this site by HGV night and day would be difficult at best and impractical during periods of dense traffic. HGV are not a 'sustainable form of transport' in this special 'high Eco Standard' area.

-Scale of any warehouse in this area would be inappropriate and certainly does not 'respect the character of its surroundings'. Furthermore it would have an 'adverse effect on surrounding land uses, residents and the natural environment.'

Assessed against Policy SLE 4 –

- With the Eco-Town being developed and envisaged to be predominantly foot and cycle traffic, the requirement for HGV around this area would be detriment for anyone wishing to walk or cycle
- B8 use would not employ many local people but would take a large area of land.
- Almost all traffic to and from this warehouse would be from out of town and thus does not achieve a 'sustainable local economy'.
- It would not reduce greenhouse gas emissions
- The final line agrees with CPRE submission 'Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.'

Assessed against Policy BSC 1 & NPPF, under section 4, paragraph 30

- Suggest Graven Hill would be a more suitable site, as it has previously developed land available, a ready built, sustainable transport railway infrastructure for the distribution of goods and already has warehousing developed on it.

Does not comply with bullet points 10-12 of Policy Bicester 1 NW Bicester Eco-Town: Key site specific and place shaping principles.

3. Consultations

3.1 Councillor Sibley: Strongly object:

- The South East corner **Greenfield site** of Howe's Lane and Middleton Stoney Road is not the right location for B8 use, particularly as this would adversely intrude not only on the existing and predominately residential area but also on the Eco development now in progress. The B8 proposals for this site would use large areas of valuable land and space along with the construction of huge buildings will cause significant ecological damage and be a real blight on the local landscape.
- I would therefore recommend that Graven Hill Bicester is the best location that meets the criteria and needs for warehousing, storage and distribution by way of its close proximity to excellent road & rail networks and because the Ministry of Defence (MOD) which is a **Brownfield site** have used the established purpose built facility for the past 70 years.
- Warehousing, storage and distribution offers minimum levels of employment opportunities and I would suggest that the CDC Planning Officers delete B8 USES resulting in the south east corner of Howe's Lane being restricted to employment B1 & B2 class uses only. This would be more conducive to attracting high tech and high skilled jobs and would be better suited to meeting the greater employment needs and employment target numbers of 1000 jobs for this area of the ECO development.
- I strongly object to the plan for the temporary access off Howe's Lane as this would see a substantial increase in traffic of heavy Goods Vehicles (HGV) operating 24 hours a day 7 days a week leading to an increase in congestion, noise, vibration and pollution levels on a road which was not built for this capacity of traffic. It is unsustainable now and will be in the foreseeable future. The existing Howe's Lane especially at peak times already suffers from an ever increasing volume of traffic which would be further exacerbated by this B8 proposal.
- May I also draw your attention to a fundamental point regarding realignment of Howe's Lane which has to be answered before any planning application is given the green light?
- I would request that the CDC Planning Officers and Members recognise the strong and valid objections of local residents and councillors by rejecting the Employment - B8 CLASS USES for the South east corner of Howe's Lane.

3.2 **Bicester Town Council:** Strongly objects to this application and does not wish to see any B8 development on this site.

3.3 **Bicester Town Council's Second response:** Continues to strongly object to B8 development on this site. Their view is that B8 should be limited and is in breach of the Local Plan and does not conform to the CDC Employment Policy.

Strong objections are also raised to the temporary use of Howes Lane as an access when there is no clear indication of how long this will be used for and indeed if Howes Lane is realigned. This will have an impact upon new and existing residents of Howes Lane in terms of noise and vibration from Heavy Goods Vehicles.

3.4 **Middleton Stoney Parish Council:**

- The proposal contains provision for 4.5ha of residential land which will fall within the scope of the overall eco town development. Given the number of homes expected within the plan period (to 2031) and the other applications already submitted, a further application to provide 150 units is surely premature.
- In respect of the B8 proposal, it is considered this is a wholly inappropriate location for buildings of the size and design proposed. The build height is

unreasonable and will blight the adjacent residential area.

- The development is likely to attract a considerable volume of traffic and there is concern that traffic (especially HGVs) accessing the site from the North will leave the M40 at junction 10 and pass through Middleton Stoney adding to the existing problems at the cross roads in the centre of the village
- If this is to be supported then a routing agreement must be in place for HGV traffic using the site so that such traffic will not be able to access the site through Middleton Stoney. This must also apply to construction traffic.
- The proposal to build on, currently productive agricultural land next to and including residential development will blight the area to an even greater extent than the planned eco town development.
- There are a considerable number of unused industrial sites in Bicester which should be considered for redevelopment in preference to the proposed greenfield site. Alternatively, brown field sites would be more suitable and provide less damaging and disrupting access to the M40/ rail network. Whilst it is considered that the town has enough warehouses, if more are required, they could be located amongst others that exist and which offer better transport connection. Alternatively, the development could be accommodated at Graven Hill and the Bicester Business Park.
- The final approval for the North West Bicester Masterplan has not yet been given. Only at that stage will the totality of the eco town be clearly defined and understood. As such, it is considered premature to consider an employment site of the scale proposed.
- The Bicester Masterplan, which is currently the subject of a consultation process provides for 'sites location in North West Bicester 'eco community' for businesses which have strong eco credentials and wish to be located in the very heart of this special place'. It is strongly believed that this proposal has few eco credentials, most particularly it will generate traffic, not reduce it.
- The applicant claims that significant job creation will ensue under the criteria laid down within the eco town concept. The Parish Council fail to see that this will be the case given the nature of the proposals. Such jobs as may be created will, initially, if not then permanently, be taken up by people currently living outside Bicester since no part of the eco town has yet been built.

3.5 Chesterton Parish Council: Object to the application:

- Insufficient thought as to the roads
- Unsuitable for storage and distribution
- 'Gateway' location is stated but if so the roads need vastly improving
- This is a residential area and would be better suited alongside the existing distribution park

3.6 Bucknell Parish Council: Whilst we have no objection to minor realignment of Howes Lane, we consider that it ought to continue to form part of the Bicester ring road following more or less its present route and not be subject to a 30mph speed restriction, or any similar restriction which might be implied by referring to it as ' the boulevard. We would also like to reserve the right to comment further when the detailed application is made.

Cherwell District Council Consultees

3.7 Planning Policy:

Overall Policy Observations (dated 08/06/2015):

The adopted Development Plan is dated and does not provide for built development in this location. The application site comprises an area of open countryside beyond the built-up limits of Bicester. Development would result in an extension of Bicester's built-up area and would contribute towards the ongoing Eco-Town development. The saved policies of the Cherwell Local Plan seek to protect the countryside and this aim remains appropriate in the context of NPPF principles including '*recognising the*

intrinsic character and beauty of the countryside and to *'contribute to conserving and enhancing the natural environment'* (para' 17). The Non-Statutory Local Plan is of little weight as a material consideration but similarly includes policies of restraint for this area of countryside.

The application site forms part of the North West Bicester Eco-Town site. The saved policies of the PPS Eco-Towns Supplement provide for an ecodevelopment in this location. The supplement provides a set of minimum standards, "...to ensure that ecotowns are exemplars of good practice and provide a showcase for sustainable living and allow Government, business and communities to work together to develop greener, low carbon living..." (para' 3).

The potential benefits of delivering development to the highest environmental standards provides the opportunity for very significant benefits to be delivered in providing new housing, employment opportunities and other development to meet existing and future needs. The benefits of eco-town development to the wider town are also made clear in the Eco-Bicester One Shared Vision document. It is for these reasons, with the support of an extensive evidence base, that North West Bicester is identified as the largest strategic development site in the Submission Local Plan (as Proposed to be Modified). Whilst the Submission Local Plan is the subject of unresolved objections it has been through its Examination Hearings (December 2014) and the Inspector's Report is expected imminently. The Plan therefore carries weight, albeit that weight is limited at this stage.

The PPG's advice on prematurity will need to be considered. Including up to 53,000sqm of employment floor space, this is a 'substantial' proposal. The grant of permission would also precede the Local Plan Inspector's conclusions on the suitability of the site proposed for allocation and the appropriateness of the intended requirements of draft Policy Bicester 1.

However, it is considered that this must be viewed in the context of national planning policy which provides for a potential eco-town at North West Bicester, the fact that the Plan seeks to achieve eco-development in this location, the fact that part of the wider eco-town site is under construction, and the absence of a timely alternative proposal that would meet the requirements of the PPS Supplement. Predetermination should also be considered in the light of all other material considerations. Key considerations, from a local plan perspective, are considered below to assist a determination of whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Masterplanning

Policy Bicester 1 states: *'Planning permission will only be granted for development at NW Bicester in accordance with a comprehensive masterplan for the whole area to be approved by the Council as part of a North West Bicester Supplementary Planning Document...'*

There is not presently a 'permitted' or 'approved' masterplan in the context of the PPS Supplement (ET20) or 'approved' in the context of Policy Bicester 1 of the modified Submission Local Plan.

This application must be considered on its own merits and the proposed development must fully contribute in delivering an eco-development as envisaged by the PPS Supplement as proposed by Policy Bicester 1 of the modified Submission Local Plan. The Masterplan Framework helps to demonstrate how this will be achieved, particularly as other elements of the overall Eco-Town development are brought forward through separate planning applications. Should permission be granted for the present application, there should be appropriate use of legal agreements to provide the requisite certainty over linkages with other Eco-Town components and delivery,

particularly in relation to securing necessary infrastructure.

Housing

It is noted that all detailed matters other than access are reserved. The application proposes up to 150 homes including affordable housing. The location proposed for housing in the application is generally consistent with the masterplan framework within the draft SPD which identifies this area for housing and greenspace. The housing would be close to the local centre, retail, play areas, the secondary school and, if approved, the employment proposals in this application which will support the modal shift away from dependence on private cars to walking and cycling in accordance with the NPPF, the Submission Local Plan and the PPS 1 supplement.

The modified Submission Local Plan provides for 6000 new homes at North West Bicester with 3,293 being delivered by 2031. The Housing Delivery Monitor included in the 2014 AMR anticipates the delivery of 630 homes at North West Bicester between 2015 and 2020 in addition to the 393 homes under construction on the exemplar part of the site. The provision of housing on the North West Bicester site would help maintain a five year supply in accordance with the Council's policy direction, albeit ahead of the Inspector's Report on the Local Plan.

It is noted that the planning application forms show the provision of 30% social rented homes and 30% intermediate homes, however the Design and Access Statement states up to 30% affordable homes will be provided. A mix of types of new homes is proposed in the application. This is consistent with policies in the Submission Local Plan.

Employment

The employment uses proposed in the application are not located on land allocated in the adopted Local Plan (saved policies) for employment uses. However adopted policies relating to employment are out-of-date in so far as they do not take into account current employment land needs and do not reflect the identification of North West Bicester as an eco-town location in Eco-towns Planning Policy Statement 1 Supplement (2009).

The Local Plan (Policy SLE1 and site specific policies) identifies new strategic sites at Bicester where employment generating development should be located (including at North West Bicester), providing the opportunity for a mix of employment uses in a number of locations. The Local Plan allocates land for varying employment sectors in order to cater for company demand, improve skills, and increase knowledge based industries to reduce out commuting. Paragraph C.11 explains how there is an imbalance between homes and jobs at Bicester and in terms of the role of Bicester. Paragraph C.25 explains how the Plan aims to ensure that Bicester will be significantly more self-sustaining and a location for higher technology businesses in delivering development to 2031. Paragraph C.30 states that the North West Bicester development will be pivotal in delivering highly sustainable growth. Paragraph C.41 explains how the development at North West Bicester will provide at least 6,000 jobs in total and 3,000 in the Plan period. Paragraph C.42 states that the precise nature and location of jobs will be set out by a masterplan that will be prepared for the north west Bicester allocation.

Policy Bicester 1 states that use classes should be B1, with limited B2 and B8 uses. It sets out that 1,000 jobs on B use class jobs will be provided on the site within the Plan period and the remainder through other uses such as home working with some jobs located away from the site such as in Bicester town centre. Mixed use local centre hubs on the site will include B1(a), A1-A5, C1, D1 and D2 uses. The Policy sets out that a minimum of 10 hectares of employment land for use classes B1, B2 and B8 should be provided at North West Bicester focused at Howes Lane and Middleton Stoney Road and that this will generate between 700 and 1000 jobs. The

policy states that there should be careful design of employment units on site to limit adverse visual impact and ensure compatibility with surrounding development.

The proposal is in accordance with the NPPF's emphasis on delivering economic growth but needs to be considered in detail to determine whether it would result in sustainable development. The proposals are generally consistent with the masterplan framework contained in the draft SPD which shows employment development in this location. The requirements of PPS1 have not yet been fulfilled but the proposals are in general accordance with it. The proposal is consistent with the Submission Plan as it relates to an area of land (to the south east of the site) identified in Policy Bicester 1 for employment uses. The proposal is also consistent with the B1, B2 and B8 employment use classes expected in this location and the number of jobs envisaged in the Local Plan. Policy Bicester 1 requires job creation of between 700 and 1000 B use class jobs on the site.

The Planning Statement with the application, recognising that job numbers are not certain, states that between 800 and 1,000 jobs will be created by the application proposals, contributing towards the overall requirement of 6,000 jobs sought by Policy Bicester 1 and towards the 4,600 on site job numbers in the draft SPD. Consultation should be undertaken with the Council's Economic Development Officer to help assess whether this is a realistic estimate, particularly with the high proportion of B8 employment provision proposed and this needs to be considered in the context of the requirement in the draft SPD for 2,000 jobs.

There is some concern that the employment proposals are for B8, B2 uses and ancillary B1 uses which is inconsistent with the overall Policy Bicester 1 emphasis on B1 uses with limited B2 and B8 uses. There are other sustainable strategic sites identified in the Local Plan at Bicester to accommodate B8 employment needs, including land at Graven Hill (Policy Bicester 2). It will be important that there is appropriate provision of employment opportunities at North West Bicester to ensure that the eco-town is a genuine mixed-use community and with the highest levels of sustainability. An approach is required which provides employment opportunities for residents, maximises sustainable travel and seeks to ensure that unsustainable commuter trips are kept to a minimum. There is a need to carefully consider the balance of employment uses that would be achieved in the context of wider North West Bicester proposals. An over-reliance on B8 uses would not be conducive to achieving the objectives of Policy Bicester 1. The mix of uses must be appropriate to comprehensively delivering policy Bicester 1 and not undermine the delivery of other strategic policies including other identified employment sites. Consideration should be given to the potential use of legal agreements to provide certainty on the delivery of the mix of uses to help ensure compliance with local and national planning policy for the wider Eco- Town site.

The application covers only part of the North West Bicester site and does not seek to fulfil the full employment figures envisaged in the PPS1 supplement, draft Policy Bicester 1 and the draft SPD. However separate applications have been made elsewhere on the North West Bicester site. For the exemplar scheme under construction, it is anticipated that 465 jobs will be created (250 on site) with delivery of a primary school, shops, office uses and an eco-business centre. Policy Bicester 1 allows for employment uses on other parts of the North West Bicester site and recognises that some jobs will be located away from the site such as in the town centre.

It will be necessary to ensure that any significant shortfall in expected job numbers for different areas of the North West Bicester development do not adversely impact on the planning and delivery of other areas. It is important that there is broad compliance with national and local policy for each individual proposal to provide the requisite number of employment opportunities and to help create sustainable travel patterns. It

may be necessary to attach conditions to planning permissions and use legal agreements to achieve this. This should include consideration of requiring new buildings only to accommodate employment uses and providing local apprenticeships where possible. Considering the NPPF requirements, Policy Bicester 1 and Policy ESD16 there is a need to ensure that the employment proposals are appropriately integrated with the rest of the eco-town development in terms of access, design, and the impact on existing and proposed residential and public areas. Paragraph B.40 of the Submission Local Plan states that in all cases very careful consideration should be given to locating employment and housing in close proximity and unacceptable adverse effects on the amenity of residential properties will not be permitted. The proposed buildings and operations should also meet national and local policy requirements relating to sustainable living and construction. Zero Carbon development and Climate Change Adaption PPS1 supplement ET7 and Policy Bicester 1 require the development to be zero carbon. Policy Bicester 1 and the draft SPD require the submission of an Energy Strategy. An energy assessment is provided as part of the planning application. Policy Bicester 1 requires high quality exemplary development and design standards including zero carbon development, Code Level 5 for dwellings at a minimum and the use of low embodied carbon in construction materials, as well as promoting the use of locally sourced materials. Demonstration of climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of policies ESD 1 – 5 is required. Policy Bicester 1 also sets out other policy requirements relating to employment including requiring non-residential buildings to be BREEAM very good with the capability of achieving BREEAM Excellent.

The Planning Statement sets out that the new homes will be constructed to CSH4 and capable of achieving CSH5 once the wider Eco-town is complete. The Planning Statement states that commercial buildings will achieve BREEAM 'very good' but be capable of achieving Excellent once end users are identified.

Healthy Lifestyles

The application includes a number of measures to encourage and facilitate healthy lifestyles including walking and cycling routes, green infrastructure and convenient access to health services to be provided elsewhere on the wider ecotown site.

Local Services

Policy Bicester 1 requires proposals to include facilities for leisure, health, social care, education, retail, arts, culture, library services, indoor and outdoor sport, play and voluntary services. The local centre hubs shall provide for a mix of uses that will include retail, employment, community and residential provision. Each neighbourhood of approximately 1000 houses must include provision for community meeting space suitable for a range of community activities including provision for older people and young people.

A children's play area is proposed within the site there are services and facilities proposed close to the application proposals in other planning applications and in the masterplan framework. The level of service and facilities should be assessed taking into account provision committed or proposed elsewhere on the ecotown site as a whole.

Policy Bicester 1 requires all homes to be within a maximum of 800m of a primary school. However this is in accordance with the overall masterplan framework plan. County Council views on proposed school provision will be important.

Green Infrastructure

PPS1 Supplement ET14 and Policy Bicester 1 indicate that 40% of the total area should be green space. The application proposes paths, cycleways and landscaped areas and the Design and Access Statement submitted with the application sets out

how this requirement will be met by the proposal. Open space requirements are also set out at Policy BSC11 of the Submission Local Plan and should be considered.

Landscape and Heritage

PPS1 Supplement ET15 requires adequate consideration of the landscape and historic environment. Policy Bicester 1 indicates that consideration should be given to maintaining visual separation with outlying settlements. Connections with the wider landscape should be reinforced and opportunities for recreational use of the open countryside identified. Development proposals should be accompanied by a landscape and visual impact assessment together with a heritage assessment. The Policy also requires a well designed approach to the urban edge, which relates development at the periphery to its rural setting and affords good access to the countryside, minimising the impact of development when viewed from the surrounding countryside.

The Planning Statement explains how a Landscape and Visual Assessment have been provided with the application. The application proposes landscaped areas throughout the site, landscape buffers around the edge of the site and a significant buffer along Howes Lane. The Council's Landscape Services Team and Urban Designer should be consulted and proposals will need to be considered against the NPPF, draft SPD and Policies ESD13 and ESD16.

Biodiversity

PPS1 supplement ET16 indicates that a net gain in local biodiversity is required and that planning applications should be accompanied by a biodiversity conservation and enhancement strategy. This is reflected in the requirements of Policy Bicester 1 and the emerging draft SPD.

The application is accompanied by a Phase 1 Habitat Survey, which states that the site is not subject to any statutory or non-statutory designations of nature conservation interest and no such designations are likely to be adversely affected by the proposals. The Planning Statement highlights how the habitats of greatest potential are the hedges which are largely retained and will be enhanced under the proposals. It also sets out how appropriate measures will be undertaken to safeguard these species at the site if they are found to be present or nearby. Comments of the District Council ecologist and BBOWT should be taken into account in determining the extent to which the proposals meet policy requirements in relation to biodiversity.

Water

PPS Supplement ET17 indicates that planning applications should be accompanied by a water cycle strategy. Developments should aspire to water neutrality in areas of serious water stress, incorporate measures in the strategy for improving water quality, managing surface water, groundwater and local watercourses to prevent flooding and incorporate SUDS.

Policy Bicester 1 seeks water neutrality on the site. The approach shall be set out in a Water Cycle Study. The Water Cycle Study shall cover water efficiency and demand management, water quality and how it will be protected and improved, WFD compliance, surface water management to avoid increasing flood risk and water services infrastructure improvement requirements and their delivery, having regard to the Environment Agency's guidance on Water Cycle Studies. Zero Carbon (see PPS definition) water neutral development is sought. Development proposals will demonstrate how these requirements will be met. The draft SPD reflects the policy requirements.

A Water Cycle Study was produced as part of the masterplan work. The study looks at demand and supply, water quality and water neutrality issues, as required by policy. The masterplan provides two strategies for wastewater treatment; on-site

treatment or conveyance to the existing wastewater treatment works. A network of above-ground attenuation SUDS is proposed. The views of the Environment Agency and Thames Water should be taken into account in determining the extent to which the proposals meet policy requirements regarding water and the water cycle study.

Flood Risk management

All built development is to be located in Flood zone 1. The application is accompanied by a Flood risk assessment. This meets the requirement of PPS1 supplement and Policy Bicester 1, which indicates that there should be no development in areas of flood risk and development should be set back from watercourses which would provide opportunity for green buffers. Policy Bicester 1 also requires provision of sustainable drainage in accordance with Policy ESD 7: Sustainable Drainage Systems (SuDS), taking account of the recommendations of the Council's Strategic Flood Risk Assessment.

The planning application is accompanied by Surface Water Drainage Design document and information is provided in the Environmental Statement. The proposals include balancing ponds and swales (Detailed design and form to be determined at reserved matters stage). This is in line with the Council's Level 2 SFRA which indicated that due to underlying geological composition and groundwater vulnerability, attenuation techniques may be more suitable than infiltration techniques.

Waste

PPS1 Supplement ET19 indicates that planning applications should be accompanied by a Sustainable Waste and Resources Plan. Policy Bicester 1 requires the provision of facilities to reduce waste to include at least 1 bring site per 1000 dwellings positioned in accessible locations. Provision for sustainable management of waste both during construction and in occupation shall be provided. A waste strategy with targets above national standards and which facilitates waste reduction shall accompany planning applications. Waste is discussed in the Environmental Statement submitted with the planning application.

Transport

Policy Bicester 1 includes a number of 'key design principles' with a focus on the integration and connectivity between new and existing communities and measures to maximise use of sustainable transport. The proposals will need to meet these policy requirements. The application proposes that access to the larger employment zone in the application is off the Middleton Stoney Road (B4030). A second access is proposed off Howes Lane as a temporary access to the smaller employment zone and residential zones pending completion of the realigned Howes Lane. A connectivity phasing plan is provided in appendix 3 of the Planning Statement.

A transport assessment is provided with the planning application which concludes that the proposals would not prejudice highway safety or have any detrimental impact on the surrounding highway network. The impact of lorry movements should be considered carefully and the views of Highways Authority should be sought for this application.

As set out above, a separate application is proposed for a new road connecting the Middleton Stoney Road roundabout to join Lords Lane. It will be important to ensure that the proposals are not delivered as a 'standalone' development but rather as development that integrates with and helps to comprehensively deliver the wider Eco-Town objectives.

Infrastructure

Draft Policy Bicester 1 requires the provision of:

- Sufficient secondary, primary and nursery school provision on site. Four 2 Form entry primary schools and one secondary school with homes located at

- a maximum of 800 metres from the nearest primary school (bullet point 1).
- A 7 GP surgery to the south of the site and a dental surgery (bullet point 2).
- Changes and improvements to Howes Lane and Lords Lane to facilitate integration of new development with the town (bullet point 6).
- Education, health care and indoor space facilities will be encouraged to locate in local centres and opportunities for colocation will be welcomed (bullet point 7).
- Utilities and infrastructure which allow zero carbon and water neutrality on the site and the consideration of sourcing waste heat from the Ardley Energy recovery facility (bullet point 9).

Where appropriate the application should seek to meet these policy requirements.

Policy Recommendation

The application site is not identified for development in the adopted Development Plan. The proposals would entail the development of substantial area of countryside and extend the built-up limits of Bicester. They would assist in achieving economic growth in line with the NPPF, would produce new housing including affordable homes, and would assist the District in maintaining a 5 year land supply by bringing forward part of a site that is supported by the Council's emerging policy. There would be visual, traffic and other impacts from development that require detailed appraisal in determining whether the grant of planning permission would have adverse impacts that significantly and demonstrably outweigh the benefits.

In making this determination, it must be recognised that the proposed development could be delivered to bring about a large part of an Eco-Town in general accordance with the national PPS1 Supplement for Eco-Towns and the NPPF's goals of achieving sustainable development including economic growth, new homes and the transition to a low carbon future. The objectives of the modified Submission Local Plan, its strategy for Bicester and draft Policy Bicester 1, all support the delivery of Eco-Town development in the proposed location, albeit having limited weight at this stage. However, it is important to ensure that the proposals are not delivered as a 'standalone' development but rather as development that integrates with and helps to comprehensively deliver the wider Eco-Town objectives.

The application is for substantial development that would predetermine the Local Plan Inspector's conclusions on the Submission Local Plan and, in particular, Policy Bicester 1. It would also predetermine the formal approval of a masterplan for the entire Eco-Town site; a masterplan required by the PPS Supplement and Policy Bicester 1. However, the application is generally consistent with a masterplan framework which has been included in a draft SPD. The draft SPD demonstrates how the proposed development could be provided as part of a comprehensive and integrated approach to the North West Bicester site, a approach which has been worked on collaboratively by the site promoters and the Council. It is important that planning conditions, appropriate legal agreements and the future consideration of reserved matters ensure that a coherent approach is delivered.

While this is an outline application with all matters reserved other than access, it is also important that the proposal contributes significantly to the delivery of Eco-Town Development including zero carbon homes and climate change adaptation. Subject to the areas of concern raised in this response being addressed, there is no objection from a planning policy perspective.

- 3.8 **Economic Development:** No full response received, but taking into account the Planning Policy comments suggesting advice ought to be sought from the Economic Development team to assess whether the anticipated job numbers could be considered realistic, Officers again requested advice and the following advice was received:

I would not insist on just B1 but would seek 'exemplar sustainable' B1, B2 and/or B8 – this may be logistics/supply chain based as this would reflect the demand and lead to earlier release to meet the latent demand of local businesses and inward investors.

- 3.9 **Design and Conservation:** The site occupies an important location at the gateway to the NW Bicester Eco Town and is currently in agricultural use. The site is identified for employment/ business centre and residential uses in the NW Bicester Masterplan, providing up to 2000 jobs and with the proposed realigned Howes Lane 'boulevard' passing through the site in the south-east. The NW Bicester Masterplan anticipates that the business centre site will accommodate a variety of business and that design parameters will ensure that it fits well with surrounding uses and is in keeping with the wider eco town principles.

Concerns are raised in relation to the level of information provided in relation to design and development detail, the position of pedestrian/ cycle links to provide direct links, the design principles that are established including the level of detail provided in some areas, the statements made in relation to sustainability and energy, the conventional strategies proposed for car parking in terms of the numbers of spaces and their positioning that would reinforce the dominance of the car and the level of jobs proposed.

Additional Urban Design Comments have been provided again commenting on the level of information currently submitted and available for consideration, the way large scale buildings such as this could be accommodated on the site and the need for further design work to be undertaken to guide future reserved matters submissions.

- 3.10 **Housing Officer:** The outline application for up to approximately 150 homes will require a 30% affordable housing contribution. The detail of the mix will need to be discussed and agreed at reserved matters stage, however the principle of a 70/30 tenure split between rented and shared ownership should be considered along with a range of house types to be provided. Units should be clustered in groups of no more than 15 units and the RP that takes on the units will need to be agreed with the Council. The affordable units need to be designed to ensure they are tenure blind and built to CSH L5 or equivalent. 50% of the affordable homes will need to meet lifetime homes standards and the necessary standards and 2% of the affordable homes will need to meet full wheelchair accessibility standards.

- 3.11 **Environmental Protection Officer:** No response received.

- 3.12 **Landscape Officer:**

- Do not agree with the results of the LVIA. There are major significant effects at the construction and completed stages of the development.
- There are significant landscape and visual effects associated with the development, especially the large warehouse's western and northern elevations on future residential areas of the Ecotown. In this regard the potential elements or aspects that might affect landscape and views or visual amenity have not been identified sufficiently, nor the sources of effects, and those most likely to lead to potentially significant effects.
- The PRoW, some 950 metres to the north of the development has not been considered in regard to visual receptors: further work needs to be done in this area.
- There is concern that the mitigation measures may not be sufficient and it is suggested that the scale of the north and west elevations of the commercial units should be mitigated within the footprint of the buildings i.e. setting back sections of the building from the boundary (breaking up the block) and terracing the building to conceal the visually dominant elevation with good 'ecotown-type' treatment such as landscaping the roof surface and installing

green walls.

- It is noted that some visual receptors will experience harm (section 5)
- Localised views can potentially be mitigated but there are still concerns.
- The western elevations of the commercial unit should be set back sufficiently to reduce any harmful effect upon the proposed care home and green infrastructure.
- It is not agreed that the urbanised edge of western Bicester will allow for the integration of such large warehouse as this because there are fundamental character differences between housing and commercial units. It should be emphasised in the LVIA that the landscape character will change drastically with these intrusive commercial units.
- The weighting given towards the housing element appears to have skewed the results in the summary. The warehousing has more harmful effects on landscape and visual receptors and the results must therefore reflect this. Thus the LVIA is an iterative process that informs the design, not only the landscape mitigation and enhancement, but the design/layout/scale of the buildings. Support the CDC Urban Designers comments regarding layout, circulation and landscape, etc. It is agreed that there is insufficient detail provided and the indicative information of the design and access statement is insufficient.

3.13 **Landscape Officer (second response):**

- The space between the employment edge/building and Howes Lane is considered to be sufficient for a substantial woodland structure which would be required to screen the employment units from residential receptors east of Howes Lane. This is because of the large attenuation. In order to achieve this planting, attenuation features need to be reconsidered. It is crucial to ensure the residential receptors to the west of Howes Lane have a substantial woodland structure to successfully mitigate views of the large 'warehousing/distribution' units associated with the employment area/zone. Space should be created for planting of large native trees along the Middleton Stoney Road.
- Advice provided as to appropriate tree species and how to plant to achieve the required degree of landscape mitigation for this development.
- The existing hedgerow to Howes Lane and within the area close to the TPO'd Oak tree (adjacent to Howes Lane) should be reinforced.
- There should be a landscaped edge between the highway curtilage and the building facade and the intervening car parking should also be mitigated.
- There are a number of examples where the planting depth is insufficient to provide mitigation against the harmful landscape and visual impacts and effects of the large industrial units of the employment area. The depth must be increased to allow substantial planting.
- The earth bund appears to encroach on the hedgerows RPA and should be redrawn to avoid this given that the hedgerow must be retained as a visual buffer to the development.
- An indication of the projected growth rates/heights of the planting types over time frames would help us to consider the improving mitigating effects over time for the benefit of residential and visual receptors.
- In order to ensure the successful establishment of the landscaping a landscape management plan is necessary and to be drawn up by the landscape consultant.
- The green infrastructure through the centre of the larger residential parcel is to be welcomed, however the parcels extend right up the retained hedgerows on the perimeter. If the gardens back on the hedgerow on the western, northern and eastern boundaries it will be difficult to prevent occupiers from removing hedgerow or cutting too low to improve light level to gardens. A curvilinear 10 m landscaped buffer between the hedgerows and access roads is necessary,

to be planted with native trees to provide the appropriate level of landscape mitigation.

- The Design and Access Statement confirms that there will be up to 150 units which equates, according to our standards and the layout and scale of the site, to at least 1 LEAP, 1 NEAP and a number of LAPs. On the Land Use Parameter Plan 3383-24 (Chetwoods Architects) the LAP due to its location best converted to a combined LAP/LEAP adjacent to paved footways where surveillance is good. 5 unequipped free zone LAP are required to satisfy the 100m minimum distance from the furthest dwelling. Planning obligations in respect of play and informal open space provision are to be in accordance with CDC's qualitative and quantitative standards – refer to Developer Obligations SPD. Commuted sums are to be calculated in accordance with CDC's current rates.
- An indication of the pedestrian/cyclist circulation routes is essential for the connectivity of POS, housing and employment areas, not forgetting pedestrian crossings over the new highway.
- Conditions are requested in relation to a landscaping scheme, hedgerow protection, tree pit details and landscape management.

3.14 Arboricultural Officer:

- The BS5837 categorisation of the majority of the trees on site are agreed with and the evaluations and recommendations regarding tree removal and retention are agreed with.
- Tree T3 (oak – subject to TPO 13/2001) should be retained rather than removed as proposed as there is no justifiable reason as to why such a tree cannot be accommodated within a development scheme.
- The works to T1 (retained and protected) and T7 (removed to allow for the installation of the new road layout) (both subject to TPO 13/2001) proposed are agreed with.
- The proposed loss of hedgerows A and B are justifiable because of the constraints they pose to development. The 500m cumulative length of both hedgerows must be mitigated by the replacement planting of 500m worth of native hedgerow within an approved landscaping scheme.
- On site protection for retained trees and hedgerows will be addressed via an Arboricultural Method Statement (AMS) and on site Arboricultural supervision/monitoring (and conditions are recommended to secure this).

3.15 Community Development: The overall masterplan for the eco town has provision for community facilities proposing a small community hall north of the railway line, a second small hall 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 sums, community development worker, events and projects. This proposal includes 150 dwellings and the Heads of Terms needs to include proportional allocation from the overall masterplan figure for a commuted sum for the local community hall provision, community development and a sum for events and projects.

3.16 Environmental Protection: no objections to this application in principle. However, the design and access statement for the full planning application should address the potential noise impact of any of the B8/B2/B1 uses on the proposed residential development. This should include noise from deliveries and access traffic to the site. Hours of use restrictions may also be required.

It is noted that the applicant's require 24/7 operational times to make the development viable and marketable.

The noise report adequately addresses the issues of noise and covers the issues set out earlier. Suggested conditions relate to restricting the noise levels from activities

on the application site to not exceed the target noise criteria set out within the ES and for mitigation measures to control noise from the construction of the development in line with the ES.

Oxfordshire County Council

Oxfordshire County Council have provided four, in depth responses to this application. The following sets out a summary of the responses received on each occasion.

3.17 Overall View:

23/12/2014

This application forms part of the strategic site allocation Bicester 1 within the emerging Cherwell Local Plan. Oxfordshire County Council support the delivery of the North West Bicester site which has been the subject of ongoing joint working between OCC, Cherwell District Council and the Eco Bicester Strategic Delivery Board.

However, OCC has concerns about the proportion of B2 and B8 employment uses proposed in this application which will result in a very low number of jobs in relation to the amount of land taken up by the development. Such development is inconsistent with the North West Bicester Masterplan and Policy Bicester 1 in the emerging Cherwell Local Plan which places greater emphasis on provision of B1 use class employment. The proposals for B2 and B8 uses are not in keeping with the ambitions for Bicester as articulated in the Oxfordshire Strategic Economic plan. Consequently Economy and Skills Officers have raised an objection.

There are also technical issues that are raised in the officer responses below, inconsistencies with the North West Bicester Masterplan and gaps in the information that has been submitted. As a result, Transport Development Control officers and the County's Ecologist Planner have raised objections.

Further, **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, mitigation for this development is dependent on delivery of the primary school and secondary school which are part of Application 2. 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.**

22/07/2015

Response provided in relation to amendments submitted in June 2015.

The overall response remains the same in substance as that provided in December 2014. In relation to concerns over the employment uses proposed and how this complies with the now Adopted Cherwell Local Plan, it is advised that the Economy and Skills objection remains and should be given increased weight given the adoption of the Cherwell Local Plan and the approval of the NW Bicester SPD for Development Management purposes.

Transport Development Control Officers continue to object on the basis of amendments being required to the site access arrangements, further information required on temporary access arrangements from Howes Lane and the conditions previously recommended as well as others continue to be recommended. The County Ecologist Planner maintains her objection on the basis of inconsistencies with the NW

Bicester Masterplan/ SPD and Policy Bicester 1. Inaccuracies in the ES have not been addressed. This objection should also be given increased weight given the adoption of the Cherwell Local Plan and the approval of the NW Bicester SPD for Development Management purposes.

Concerns continue to be raised in relation to how infrastructure will be delivered across the site and their holding objection remains.

15/09/2015

Response provided in relation to additional information submitted in August 2015.

Concerns continued to be raised in relation to the employment uses proposed.

Transport Development Control Officers continue to raise concerns in relation to clarity required on the infrastructure to be provided as part of this application to ensure that it aligns with that proposed by others, some issues raised in past correspondence which have not been resolved, the pedestrian/ cycle connectivity in the temporary access arrangements, no additional information in relation to traffic impact, travel plans or public transport and it is still unclear what the mode of surface water discharge from the site is.

Local Members have raised further concerns in relation to the suitability of the vision splays on the access off the Middleton Stoney Road for articulated lorries and have questioned the safety of the location of the bus stop and layby on the western side of the Middleton Stoney Road. Members request there is a routing agreement to prevent vehicles travelling to J10 of the M40 via Middleton Stoney. There are also concerns about the noise and vibration and the environmental impact that the temporary Howes Lane access could have on existing residential properties.

The County Ecologist maintains her objections.

Concerns continue to be raised in relation to how infrastructure will be delivered across the site and their holding objection remains.

14/10/2015

Response provided in relation to additional highways, access and transportation information submitted in September 2015.

Transport Development Control Officers maintain their objection. The latest submission asserts that the development could come forward in its entirety in advance of the strategic road link/ tunnel. This would result in a severe traffic impact and is contrary to the County Councils position that no more than 900 homes may be occupied before the strategic link road and tunnel are in place. In addition, the proposals do not demonstrate safe and suitable access arrangements.

3.18 **Transport**

23/12/2014 - Objection

Employment area - Middleton Stoney Road

The access arrangement to the large employment site from the Middleton Stoney Road by way of a priority T-junction with a designated right turn will ensure that traffic flows are as unhindered as much as possible and this is considered acceptable. The principle of this access at 7.3m wide is acceptable, but there must be a dedicated shared pedestrian and cycle route via this access point and an amended plan was required. The principle of a link along the northern side of the Middleton Stoney Road linking to the roundabout junction with Howes Lane and Vendee Drive is acceptable but a 3m shared pedestrian and cycle way is required and an amended plan was required. This would need to link with the development proposed at Himley Village.

The proposed development is required to provide two bus stops on the Middleton Stoney Road close to the site access which should feature a shelter, bus stop pole and flag. These stops must be located to maximise access to the site and connection to the footway/ cycleway. Additional information is also required in relation to scaled drawings of the access arrangements, including visibility splays, junction radii, tracking and a road safety audit is required.

Temporary access arrangements - Howes Lane

The access proposed from Howes Lane is via a simple priority T-junction. The road would be 7.3m wide and split to provide access to the residential part of the site and access to the smaller commercial units. An internal footway/ cycleway is proposed. The principles proposed for the temporary access from Howes Lane are acceptable however additional details as to the access arrangements is required. Clarity as to how long the temporary arrangements will be place for and who will be carrying out the works including footway works is required.

Future access arrangements - Howes Lane

Concerns are raised as to the delivery of the future re-alignment of Howes Lane and how this sits with the current application as they are to be separately considered. At the time of this response, queries were raised as to who the main developer across the site is, if there is formal agreement between the parties in relation to the temporary and permanent access arrangements proposed, who is to provide the footway works and clarity over who is to provide the transport/ highway works and by when. Until further information is received in relation to these queries, the proposed access arrangements onto Howes Lane could not be supported.

Traffic Generation, Distribution, Modelling and Local Impact

Additional work sought from the applicant in relation to the following areas:

- The use of 2019 modelling data is not accepted the site must be tested on the same basis as the rest of the NW Bicester site
- The trip rates quoted within the TA appear reasonable for a standalone development. However, these trip rates do not correspond with the overall trip rates for the wider site. The agreed trip rates consider the objectives and aspirations of the PPS and these do not appear to have been considered as part of this submission. To ensure a consistent approach, the agreed trip rates must be used alongside the required vehicle containment targets.
- The level of B8 use will impact on the containment of traffic and has the potential to impact on mode choice.
- It must be demonstrated how the site will contribute to the containment and mode choice targets of the Masterplan.
- The application should either contain or restrict the amount of B8 land uses on the site or a trigger point must be agreed to ensure the realigned Howes Lane is in place before a certain number of HGVs are on the strategic road network close to residential properties.
- The application must contribute to the strategic solution of the Howes Lane/ Bucknell Road pinchpoint (the new tunnel under the railway that the Masterplan proposes).

Routeing agreement

The TA states that a future Travel Plan is to include measures to be put in place to ensure HGV drivers use designated routes (from the south) to and from the site at all times. However there are no details as to how this route will be enforced and additional information is required. A formal routeing agreement is also required.

Layout and accessibility

As this is an outline application, the level of detail is currently limited. A design code setting out the street hierarchy is essential for this site. The requirement for a Design Code must be a planning condition. Whilst the DAS suggests a road hierarchy, the

LHA do not consider it appropriate at this stage to assess this without further information. Any future layout must meet Manual for Streets and must be accompanied by tracking information. The proposed parking levels meet the required standards but as this is an eco-development, lower numbers of parking should be required with a robust travel plan in place. It is unclear what internal access arrangements (pedestrian and cycle route arrangements) will be provided to link this site to the surrounding parts of the NW Bicester site. It is unclear when these important routes will be provided and by which application.

Transport Strategy

Reference is made to Local Transport Plan (LTP3), which states that the County Council will seek opportunities to improve access and connections between key employment and residential sites and the strategic transport system; work with strategic partners to develop the town's walking, cycling and bus networks and links between key development sites and the town centre and railway stations, and will work to get the most out of Bicester's transport network by investigating ways to increase people's awareness of the travel choices available in Bicester. Each of these principles is vital for this development, particularly given the scale of the overall North West Bicester master plan and the eco-principles that need to be met.

The revised LTP3 area strategy also states that "Delivering a strategic perimeter route around the town is the key component..." Understanding the impact of this development, and the overall North West Bicester master plan, on this corridor is therefore the crucial element for a transport strategy response. County Council officers and Members have voiced concerns over the details of the Howes Lane realignment and these will be dealt with through the planning application for that scheme, however, what is essential is the delivery of the new tunnel under the railway to replace the skewed junction at Howes Lane / Bucknell Road and Bucknell Road / Lord's Lane.

Concerns are raised that the Transport Assessment concentrates on factoring to 2019 and sees this development as standalone. This proposal is part of the wider NW site and must be reviewed in this context. The Exemplar scheme proposed an interim measure at the Howes Lane/ Bucknell Road junction but it was acknowledged that in the longer term, a strategic solution to provide capacity relief would be brought forward through the masterplan site. The TA suggests that 43% of trips are predicted to be along Howes Lane therefore this site must contribute to the strategic solution under the railway. These are required at an early stage.

Concern raised in relation to the amount of B8 warehousing proposed and the low ratio of jobs to floorspace. Fewer jobs on the site would affect the containment levels of the masterplan, which would be likely to impact on the number of trips out commuting from the development. It will be more difficult to meet the Masterplan targets of limiting car trips and maximising on trips by sustainable modes. There is also a lack of reference to mode share targets and containment, which are a fundamental principle of the masterplan.

The level of B8, also raises questions in relation to impact upon residential amenity in terms of noise and vibration from Heavy Goods Vehicles. This has the potential to have a severe impact and would be particularly felt before the realigned road was in place. This would appear to conflict with what the Local Plan says at B.40 and Policy SLE4 (Submission Plan).

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 the nearest railway station. To serve the wider site, two bus services will be required, therefore in relation to this application, the response deals only with the part of the wider

masterplan to the south west of the railway line. There is a fundamental requirement that the costs and delivery of the bus service must be agreed between the relevant land owners south of the railway, nevertheless, the service must be planned to serve the wider site and there must be a contract to ensure the service is delivered and funded in a coherent manner.

A S106 contribution of £2.88million is required to fund the delivery of a bus service which will increase as the site builds out. This will need to be paid on an annual basis rather than solely on the completion of units. This figure is the overall total and so contributions from the other applications south of the railway will also contribute to this £2.88million. Details are provided in relation to the required services, the costing of services and the trigger points for service enhancements. Contributions towards the cost of establishing an effective bus route into the town centre along the Bucknell Road are also sought. Bus stop infrastructure is also required.

Travel Plan Team

A framework travel plan that sets out the overarching objectives and targets for the site needs to be submitted prior to works starting on site and it will need to be updated as the site builds out to reflect any changes in land use.

Detailed supplementary travel plans and travel plan monitoring fees will be required for each land use. 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 overall target for the masterplan site is for 50% of journeys originating from the site by non-car means. This is an ambitious target and will need to be monitored. Bi-annual surveys will be required to show that the travel plan targets are being achieved.

Travel plan monitoring fees will be required to allow ongoing monitoring and further fees may be required should the 50% target not be achieved.

To support sustainable travel, the developer will need to contribute to the running cost if they choose to use Oxfordshire lift share, the setting up and running of car clubs and measures to support and encourage cycling.

The layout of the site should set out direct walking and cycling routes and connect to the existing networks. All houses should be within 400m of a bus stop.

Drainage

The requirements of the Flood and Water Management Act must be adhered to. High ground water could cause difficulties in providing a cost effective solution for surface water storage. Infiltration drainage methods are not viable for this site and surface water drainage capacity exceedance situations need to be managed so as not to affect other nearby areas of the town. Full SUDs are required and surface water discharge must be no more than the current greenfield run off rate or better. Full drainage design layout plans and calculations will need to be submitted prior to the commencement of the development.

Rights of Way

Contributions towards bridleway and footpath improvements, the creation of new bridleway links and any works to the surrounding rights of way network are identified and have been identified for any site south west of the railway line.

Heads of Terms (transport contributions)

Detail is provided as to transport financial contributions requested. These are set out in detail in Appendix X of this committee report.

Additional Transport comments of the 22/07/2015

Objection continues to be raised on the basis of the comments made already, the need for both accesses to require lighting and speed limit changes, the need for the plan showing the Middleton Stoney Road access to be amended and further information required on the temporary access arrangements off Howes Lane - particularly in relation to pedestrian and cycle access.

S106 contributions largely the same as the first response. An additional contribution has been identified in implementing TROs for the reduced speed limits on Middleton Stoney Road and Howes Lane and additional works likely to be required on Howes Lane to ensure safe pedestrian and cycle access in the temporary arrangements. Conditions recommended are also those originally sought with clarification provided that the routing agreement must apply to both employment zones. A condition is also recommended to be imposed on the maximum size of units on the smaller employment zone to reduce the incidence/likelihood of deliveries by HGVs.

Middleton Stoney Road access

Further drawings have been supplied in response to the original comments with a Road Safety Audit. The drawing for the main employment site access from the Middleton Stoney Road will be acceptable with amendments as per the following:

- Footway/ cycleway to be separated from the Middleton Stoney Road by at least a 1m verge including around the corner into the main site access.
- Annotation to show the extension of the 40mph speed limit to the north of the site access, as recommended in the safety audit
- Confirmation that the lighting will be provided on Middleton Stoney Road extending from the roundabout to include the junction.

The tracking drawing has been provided showing the junction is suitable for HGV use. The safety audit did not pick up the need for a deceleration lane. The proposed reduction in speed limit and the addition of street lighting will help to mitigate the risk of not having one. A bus layby has been indicated at the southbound bus stop but not for the north. This has been justified due to physical constraints, infrequency and likely short stop times.

Howes Lane temporary access

A drawing has been submitted showing the temporary access junction for the northeastern part of the site. This demonstrates that HGVs will be able to pass each other when entering/ leaving the junction with Howes Lane but additional tracking is required to show HGV tracking into/ from the smaller industrial zone. Lighting would be required on Howes Lane and in the absence of a right turning lane, the speed limit on Howes Lane would need to be reduced from 50mph to 40mph. The proposed junction layout would only be acceptable with a speed limit reduction and lighting. An annotated drawing to show this is required.

A planning application has been received for the strategic realignment of Howes Lane to be provided by A2 Dominion with contributions secured from other NW Bicester sites via a Framework Agreement. Clarification is required as to the extent of this infrastructure to be directly provided by this development.

There needs to be alignment between the strategic infrastructure and what is considered via this application. For example, the access road into this site northwest of the new strategic link road did not form part of the above mentioned application but is assumed to be part of that scheme, as is the future bus only link to the northwest. The road needs to tie in with the future junction arrangements and be built to its final dimensions, with suitable arrangements for cyclists and pedestrians on the new path from Middleton Stoney Road to cross.

Pedestrian and cycle access

The path from Middleton Stoney Road is to be constructed as a cycle and pedestrian path and will eventually form part of the realigned Howes Lane. It must be delivered at the same time as the temporary road access, and it must be lit. The site will need to connect to the existing network of footways and cycleways. A connectivity plan has been provided, but there is no footway on the opposite side of Howes Lane and so the application must demonstrate how the connections will be provided, and how they connect safely into the network of local walking routes from the nearby residential areas. The need for a temporary controlled crossing on Howes Lane should be assessed.

Traffic Impact

Not aware that any further assessment that is in line with the assessments made for the NW Bicester Masterplan have been carried out. This relates to the trip rates used and the need for this to contribute to the overall targets and so to be able to assess the cumulative impact and the need for targets within travel plans to be brought in line with the modal share targets for NW Bicester as a whole.

There is a need for a trigger point to be agreed to ensure the realigned Howes Lane is in place prior to a certain number of HGVs being on the strategic road network. The developer has suggested that the route for all HGV traffic will be south but Officers view is that some traffic is likely to head north on Howes Lane to the wider road network. In terms of the overall impact of traffic generated by the development at the critical Bucknell Road/Howes Lane junction, the TA suggests that in isolation, the development would increase the traffic at that junction by 3.8% in the am peak and 2.8% in the pm peak. In isolation this could not be considered severe, but the cumulative impact of NW Bicester is predicted to be severe, hence the need for the site wide trigger point of 900 homes calculated as being the point at which the strategic link road and tunnel become necessary. So while the site should be subject to the overall NW Bicester 900 homes trigger, it is difficult from a transport perspective to suggest a trigger point based on HGV impact. This is something that would need to take into account broader environmental impacts.

Travel Plan

The draft Framework Travel Plan has now been assessed. This does not currently meet OCCs guidance and will require further work to make it acceptable. It should focus on both the employment and residential parts of this proposed development. There is little detail on the measures within the plan, it should set a blueprint for the subsidiary travel plans to be produced by the employment occupants of the site.

Public Transport

Further discussions are required between the developer and OCC to agree suitable arrangements for the event that this development comes forward before the rest of NW Bicester, i.e. before the planned NW Bicester bus services. The site must be easily accessible by bus from opening, to avoid habit-forming car access to the site.

Layout

As layout is part of a reserved matters application, this would be considered at a later date.

Additional Transport comments of the 15/09/2015

Objection continues to be raised on the following points:

- Clarity is required on the highway infrastructure to be provided by this application, to ensure that it ties in with what is to be provided by others (i.e. that there are no gaps).
- Some of the issues raised in our most recent comments have not been addressed.
- In particular there is no pedestrian/cycle connectivity from existing residential

areas to the northeast, in the temporary access arrangements.

- No information has been supplied in this amended application in response to previously highlighted concerns over traffic impact, travel plan or public transport.
- It is still unclear from the Concept Drainage Design for the site as to what the mode of surface water discharge from the site is.

Middleton Stoney Road access

An amended plan has been received separating the footway/ cycleway from the carriageway as requested, however the extension of the speed limit has not been annotated. This must be amended. The suggestion of bollard lighting is not acceptable. Full height lighting columns are required to ensure highway safety at the junction. A commitment is required in relation to the extent of the street lighting (but this could be conditioned).

Howes Lane temporary access

Previous comments on this are repeated as they have not been addressed.

Highway infrastructure

The same points with regard to the need for clarification of who is providing infrastructure is made again including the need for coordination to ensure that the permanent infrastructure conforms to the overall scheme design and specification. A Land Dedication and Phasing and Connectivity of Roads plan has been provided but there is no pedestrian connectivity to the site from the north east as was previously commented upon. This must be addressed. Further comments are made with regard to this drawing in relation to annotation required to indicate lighting, crossings required, footways to be provided going into the smaller employment area from the access road, the road infrastructure does not extend to the northern site boundary, the links from the smaller employment site to the larger one must connect and it is unclear what the shaded areas are.

Drainage

It is still unclear from the Concept Drainage Design for the site as to what the mode of surface water discharge from the site is. It is assumed it will be via a piped system with a limited rate of discharge via a hydro-brake or similar. Also, there are quite a few surface water features which are referred to as Swales. The shape and size of these features suggest they are more like ponds.

Additional Transport Comments of the 14/10/2015

Objection is raised on the severe traffic impact if the development comes forward in its entirety in advance of the strategic link road/tunnel and that the proposals do not demonstrate safe and suitable access. The comments provided are in relation to additional material supplied in the form of an introduction document and a transport note as well as an additional drawing.

Traffic Impact

The 'Introduction' document is a transport note setting out an argument for allowing the development to proceed in its entirety prior to the strategic link road being built. This is contrary to the county council's position that no more than 900 homes (which includes those on the Exemplar Site) may be occupied before the strategic link road and tunnel are in place. This threshold was set on the basis of a Memorandum from Hyder consulting dated 12 December 2014 – Ref UA005241 NW Bicester Development.

The assessment in the December 2014 memo took as its starting point a transport modelled scenario for 2024 which included 2256 homes across NW Bicester and 10 ha of employment land, and no strategic link road. Key junctions were assessed for lower levels of development based on factoring down the turning movements at the

junctions in proportion to theoretical reductions in the amount of development. The 900 threshold represented a 60% reduction from 2256 and therefore it can be assumed that the 900 threshold would have included 40% of the 10 ha of employment land. Thus the threshold allows for 4 ha of employment land at NW Bicester.

The applicant argues that this and the remaining 5.45 ha of employment use in the proposed development should be permitted prior to the link road/tunnel on the basis that the original mix of employment uses on which the 2024 scenario was modelled, had higher theoretical trip generation than the currently proposed use. The applicant argues that this means the prediction of congestion at the Howes Lane/Bucknell Road junction which gave rise to the threshold is overly pessimistic. However, the difference in estimation is not quantified.

Additionally the applicant argues that the background traffic in the 2024 scenario was based on levels of employment use coming forward in the period, which are not likely to be achieved given current trajectories. However, this cannot be assumed, and I am unable to predict whether the forecast employment can be delivered during this period, and therefore whether the traffic predictions are overly pessimistic.

Whilst I accept, for the above two reasons, that the junction assessment may have been based on overly pessimistic estimates of employment trip generation, I do not see how this translates into justification for a further 4.45 ha of employment land prior to the link road being built.

The 'Introduction' then goes on to demonstrate how a further 150 dwellings (the current proposal) on top of the 900 threshold, would impact the most affected of the modelled junctions, Howes Lane/Bucknell Road. It was based on queues at this junction that the 900 threshold was set – 900 homes would give rise to a queue of 28 vehicles on Howes Lane in the pm peak, which was considered the maximum acceptable queue. The additional 150 dwellings would increase the queue on Howes Lane (turning left onto Bucknell Road) from 28 to 48 vehicles in the pm peak, and the queue on Bucknell Road from 8 vehicles to 10 vehicles. The applicant argues that a queue of 48 vehicles on Howes Lane and 10 vehicles on Bucknell Road would not block junctions downstream, and therefore that the impact would not be severe in NPPF terms. However, no calculations or estimate of the length of the queue in metres is provided, allowing for vehicles at the back of the queue to be still closing up.

I would argue that the moving back of a queue of 48 vehicles could easily stretch back to the Shakespeare Drive signalised junction, less than 400 metres away, because the vehicles in a queue do not close up straight away. Also gaps would need to be left for accesses. Further, a queue of 10 vehicles waiting to turn right on Bucknell Road would stretch back to the roundabout. This means the junctions would not perform efficiently and there would be further congestion.

The queue on Howes Lane would give rise to increased pollution and an unpleasant environment for pedestrians and residents. Rat-running is likely via Shakespeare Drive and Browning Drive, and drivers finally reaching the junction with Bucknell Road are likely to make less safe manoeuvres due to impatience.

Further, the PICADY output is not provided, which is likely to demonstrate the impact on traffic in terms of delay per vehicle. Overall I would say that these impacts could be considered severe.

Therefore in transport terms I do not accept the conclusions of the Introduction and justification for allowing the entire development to proceed in advance of the strategic link road being built.

Public Transport arrangements

The developer argues that existing bus services are acceptable, with the additional bus stops on Middleton Stoney Road which the developer would provide, and the pedestrian link to stops on Wansbeck Drive, which the developer would partially provide. The developer says that discussions have taken place with the operator of the 21 service and that extensions into the evening and Sundays 'would be acceptable subject to a business case'. This statement is unclear – does the developer intend to fund the extensions? This is likely to be required to allow the services to run. Without these extensions there would be an unacceptable level of service, particularly for the residential element of the development.

Highway Infrastructure

A plan has been provided to address concerns raised in relation to the safety of the access arrangements from Howes Lane and the footpath from Middleton Stoney Road. Further concerns are raised in relation to there being no annotation indicating lighting, no annotation indicating the speed limit reduction, the lack of a formal crossing across Howes Lane (a temporary signalised crossing is required), improvements to the point it joins the existing residential area at Wansbeck Drive and clarification as to a dotted line shown on the drawing and what this is.

3.19 **Archaeology**

No objection subject to conditions. The site contains a number of archaeological features identified through geophysical survey and a trenched archaeological evaluation. A condition requiring that a programme of archaeological investigation be undertaken ahead of the development will need to be attached to any planning permission for the site.

3.20 **Economy and Skills**

70% of the employment area is given over to B8 uses which may result in very low ratios of number of jobs to floor space. Such development is not in keeping with the ambitions for Bicester as articulated in the Oxfordshire Strategic Economic plan. Bicester is part of the Knowledge Spine stretching from the town through Oxford city and into Science Vale Oxford. This is contrary to Policy Bicester 1, which states that employment use classes within the NW Bicester site should be B1 with limited B2 and B8 uses. In order to achieve a balance of employment types across the town, the storage and distribution uses would be better suited to sites such as Graven Hill.

The development is expected to create up to 1000 new jobs. This is inconsistent with the North West Bicester Masterplan, which states that up to 2000 jobs could be accommodated on the application site.

Local firms in Bicester have identified that there is currently significant growth potential, particularly in the manufacturing sector, but this is being frustrated by the lack of high quality sites and premises. The availability of land for commercial development is limited and firms read the existing stock of commercial space as dated and unattractive. As a result Bicester is losing the kind of high quality firms that it needs to attract and retain high value businesses and jobs. The proposed development will not address this issue.

There appears to be no plans to build in super fast broadband connectivity on site. The plan is to link to an existing BT cabinet within Bicester. This is unlikely to provide the broadband speeds required for modern businesses.

A condition is recommended to seek an Employment and Skills Plan that will ensure, as far as possible that local people have access to training (including apprenticeships) and employment opportunities at the construction and end user phases of this proposed development. This will help to ensure that future development is economically and socially sustainable by creating a locally skilled workforce and removing barriers to employment.

3.21 Education

This section of the eco-town development is estimated to generate 33 primary school pupils, 31 secondary school pupils and 0.6 pupils attending special educational needs provision (SEN). This section of the eco-town development will be expected 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.

A new secondary school and four primary schools are proposed across the wider site. In relation to this application proportionate share of the cost of these is required. A proportionate share of the cost of primary school provision for 33 pupils would therefore be £654,819. In relation to secondary school provision, a proportionate share for 31 pupils would be £733,925. For SEN provisions, across Oxfordshire 1.11% of pupils are taught in special schools and all housing developments are expected to contribute proportionately toward expansion of this provision and this would amount to £18,394 by a total of 0.6 pupil places.

An amended request was made within the OCC response of the 22 July 2015:

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

- 15 no. x One Bed Dwellings
- 57 no. x Two Bed Dwellings
- 56 no. x Three Bed Dwellings
- 22 no. x Four/+ Bed Dwellings

It is calculated that based on the above mix, this area of the eco town development is estimated to generate 40 primary school pupils, 33 secondary school pupils and 0.8 pupils attending special educational needs provision. The updated financial contributions are therefore provided as £890,200 for primary school provision, £876,249 for secondary school provision and £27,970 for SEN provision. Full justification is outlined within the full response from OCC.

3.22 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:

- 20 no. x One Bed Dwellings
- 38 no. x Two Bed Dwellings
- 65 no. x Three Bed Dwellings
- 27 no. x Four/+ Bed Dwellings

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

- **360 additional residents including:**
- 266 residents aged 20+
- 46 residents aged 65 +
- 30 residents aged 13-19

A legal agreement is therefore required to secure:

- Bicester New Library - £15,858
- Waste Management - £22,500
- Museum Resource Centre - £1,800
- Adult health and wellbeing day care - £21,571
- Central library - £6,174
- Total £67,903

Justification for each of these requirements is provided within the full response.

Administration and Monitoring fee of £10,000

A planning condition is suggested in relation to fire hydrants and the fire and rescue service recommends that new dwellings should be constructed with sprinkler systems.

25 units of specialist housing are required across the NW Bicester site.

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.

An amended request was made within the OCC response of the 22 July 2015:

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

- 15 no. x One Bed Dwellings
- 57 no. x Two Bed Dwellings
- 56 no. x Three Bed Dwellings
- 22 no. x Four/+ Bed Dwellings

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

- **360 additional residents *including*:**
- 266 residents aged 20+
- 46 residents aged 65 +
- 30 residents aged 13-19

A legal agreement is therefore required to secure:

- Bicester New Library - £16,578
- Central Library - £6,775
- Waste Management - £39,000
- Museum Resource Centre - £1,800
- Adult day care - £9,702
- Central library - £6,174
- **Total - £73,855**

Updated justification in relation to the changed request is available within the full response.

3.23 Ecology

Objection on the following grounds:

- It is disappointing that the application does not appear to be following the Masterplan approach for the NW Bicester Ecotown or the Biodiversity Strategy that should apply to the whole Ecotown.
- The plan submitted as a masterplan is for this site only and this is a piecemeal approach that would not deliver what was envisage for the Ecotown. The current application fails to demonstrate that it would be part of the Masterplan approach and deliver a net gain in Biodiversity.
- In order to demonstrate a net gain in biodiversity over the whole NW Bicester Eco town site, a recognised biodiversity metric was used. This relied on

biodiversity mitigation and enhancements over the whole ecotown site.

- This application does not reference the need for offsite farmland bird compensation or contributions towards this from all developments across the site. Each application across the wider site should be providing a proportionate contribution to offsite compensation as part of a Masterplan approach.
- There are discrepancies in the ES in relation to its conclusions on farmland birds compared to the main Eco town work.
- The application fails to include any commitment to the provision of brown and green roofs. These were identified as part of the masterplan on the industrial buildings to contribute to the net gain in biodiversity of the whole site.

Additional Ecologist comments dated 22/07/2015

Previous concerns still remain. The SPD has been approved for development management purposes and this application needs to comply with this. The comments made above are repeated and the following additional comments are made:

- The principle of a net gain in biodiversity is established within the North West Bicester SPD and the Cherwell District Council's Local Plan Inspector's Report, which is being considered for adoption on 20th July 2015. The proposed amendments to the policy in relation to North West Bicester in the Inspector's Report on the Local Plan states: "*Development that respects the landscape setting and that demonstrates enhancement, restoration or creation of wildlife corridors to achieve a net gain in biodiversity*".
- Please note that I have not reviewed the information on Great Crested Newt mitigation or other details of the application. The District Council should ensure that they seek the advice of their in-house ecologist on the details of this application and the further information submitted by the applicant.

Additional Ecology comments dated 15/09/2015

The additional information submitted does not address the previous concerns raised and they remain. A biodiversity metric has been applied to assess the development but it only applies to the application site, not the masterplan area.

3.24 County Councillors Fulljames, Hallchurch, Sibley, Stratford and Waine:

- Strongly object to the B8 Class use proposed
- The South East corner of the site is not the right location for B8 uses as it is predominantly a residential area and on the eco development now in progress.
- The proposals would use large areas of valuable land and space along with the construction of huge buildings which would cause significant ecological damage and a blight on the local landscape.
- B8 use would not help to meet the agreed employment targets for the eco development.
- It is suggested that Graven Hill meets the criteria for B8, benefitting from excellent road and rail links and being a brownfield site and has been used for storage and distribution uses in the past. B8 uses on other commercial units around the town are strongly opposed.
- Warehousing, storage and distribution offers minimum levels of employment opportunities and Officers should delete B8 uses restricting the south east corner of the site to B1 and B2 uses only. This would attract higher skilled and high tech jobs and would be better suited to meeting the greater employment needs and employment target numbers of 1000 jobs for this area of the eco development.
- Strongly object to the plan for the temporary access off Howe's Lane as this would mean a substantial increase in traffic of heavy Goods Vehicles (HGV)

operating 24 hours a day 7 days a week leading to an increase in congestion, noise, vibration and pollution levels on a road which was not built for this capacity of traffic. It is unsustainable now and will be in the foreseeable future. The existing Howe's Lane, especially at peak times, already suffers from an ever increasing volume of traffic which would be further exacerbated by this B8 proposal. We believe that there should be an order excluding HGV vehicle movements on the Middleton Stoney Road/Bicester Road B4030, with a routing agreement that they should use Vendee Drive to the A41/M40.

- The proposed realignment of Howes Lane should be resolved prior to this application being approved.
- It is requested that the CDC Planning Officers and Members recognise the strong and valid objections of local residents and councillors by rejecting the Employment - B8 CLASS USES for the South east corner of Howe's Lane.

Other Consultees

- 3.25 **Environment Agency:** Objection raised as it has not been demonstrated that the development as proposed will not increase flood risk on and off site. This is a requirement of the NPPF.

In relation to flood risk, it is advised that in the absence of an acceptable Flood Risk Assessment (FRA), an objection is raised. It has not been demonstrated that the peak discharge rate for all events up to and including the 1 in 100 chance in any year critical storm event, including an appropriate allowance for climate change, will not exceed that of the existing site. This may increase flood risk on site and to the surrounding area. In particular, queries are raised in relation to how greenfield runoff rates have been calculated taking into account the soil types assessed. Furthermore, the allowance for climate change needs to be 30% in accordance with the guidance in the NPPF (as the development includes proposed residential development with an assumed lifetime of 100 years).

The maintenance of surface water drainage features on the site in perpetuity is critically important to ensure their long term functionality. The preparation of a S106 to establish a Management Company to ensure the long term maintenance, management and adoption of SUDs features is supported.

Oxfordshire County Council as Lead Local Flood Authority must be satisfied with any ground water flood risk issues on this site.

Should the floor risk objection be overcome, it is anticipated that a set of planning conditions would be requested to ensure that the environment is protected and enhanced as required by the NPPF.

It is also highlighted that on its own, the planning application does not meet a number of the PPS1 policy requirements including:

- ET7 Zero Carbon in eco towns - it is not clear if all development will be carbon neutral,
- ET14 GI - it is not clear exactly how the 40% GI will be achieved and what is being included as GI. The provision should be consistent and linked with the rest of the Eco Town site,
- ET16 Biodiversity - there is no information to demonstrate that this development will deliver a net biodiversity gain or how habitats and green space will be monitored and managed and there is no information as to how this application links with the biodiversity strategy for the rest of the Eco Town site including how this will contribute to the site wide mitigation requirements,
- ET17 Water - this application does not commit to delivering homes at Code for Sustainable Homes Level 5 or BREEAM Excellent standard for water efficiency and there is no discussion of how this site will contribute to the

aspiration of water neutrality or wider water supply and disposal strategies for the whole site. There is also limited information around water utilities and infrastructure in terms of water supply and foul water disposal.

- ET18 Flood risk management – it has not been demonstrated that this development will not increase flood risk on and off site.

It is important that the Authority considers whether not achieving these PPS1 standards at this site will compromise the ability for the entire Eco Town site to also meet the PPS1 Standards and if not, whether this is acceptable.

Environment Agency (second response):

A letter received from Bailey Johnson Haynes (dated 8 July 2015) has been reviewed. This contains further explanation including commentary that satisfies us that the calculated greenfield runoff rates are appropriate for the purposes of this Outline application. We are also satisfied that adequate surface water storage provision has been allowed to enable all discharge up the 1 in 100 + 30% storm event to be limited to the Qbar rate of 85l/s. The climate change allowance in the drainage strategy is to be increased from 20% to 30%. We are therefore satisfied that the development will not increase flood risk and **remove our objection** to this application on these grounds. We recommend that your authority apply appropriate conditions to secure detailed assessment, design, implementation and maintenance of the surface water drainage scheme on this site.

Oxfordshire County Council are now the Lead Local Flood Authority and are the statutory consultee in relation to surface water drainage on major development sites. They should be consulted and should input into the wording of any conditions. We also suggest that Oxfordshire County Council seek confirmation of the viability of the proposed discharge point from this site. Information submitted for an adjacent application (planning reference 14/02121/OUT) has raised questions about the capacity of the culverts under the Middleton Stoney Road/ Howes Lane junction.

Maintenance of the surface water drainage features on site is critically important to ensure their long term functionality. Without maintenance in perpetuity, drainage features will not be able to provide the required surface water attenuation and restrict surface water runoff to the Greenfield runoff rate. This will increase the risk of flooding on and off site. We understand that a Management Company will be established through a S106 agreement and notice the inclusion of 'drainage' within the draft Heads of Terms (Framptons, September 2014). We support the preparation of a S106 agreement as it will be critical to ensure flood risk is not increased to the site and third parties. Policy ET 17.4 of the PPS1 makes clear that planning applications for all Eco-towns should include a strategy for the long term maintenance, management and adoption of the SUDS features.

Oxfordshire County Council should therefore be satisfied with any ground water flood risk issues at this site.

The application states that a Contamination Site Investigation will be carried out before development begins. Although there are no known major sources of contamination within the application area, there is always the potential for small unknown sources (e.g. infilled farm pits or historic tanks). Given the scale of the development we agree with the requirement of appropriate detailed phased site investigations. Suggested planning conditions should be used in relation to this matter.

Previous activities at this site may have resulted in contamination. This site is located above a secondary aquifer, and directly adjacent to a watercourse. Groundwater is noted at very shallow depths beneath the site. As such this site is in a sensitive location. There are controlled water receptors which could be impacted by any contamination present on this site. Further investigation is required to determine the

extent of any contamination present and what risks may be posed to controlled waters. Any risk identified would need to be adequately resolved to ensure no impacts to controlled water receptors. This may include remedial works to resolve contamination issues.

Shallow groundwater is present across areas of the site. Surface water drainage from industrial sites, roads and areas associated with lorry and car parking can contain elevated levels of contaminants. Drainage from these areas could contaminate surface and groundwater unless adequate pollution prevention measures are provided. It must be demonstrated that there are adequate pollution prevention measures within the SUDS provision to ensure no risks to groundwater or surface water quality. There must be a sufficient unsaturated zone beneath any infiltration SUDS. As a minimum there should be 1m unsaturated zone between the base of any SUDS feature and winter groundwater levels. There can be some flexibility on the 1m requirement for minor estate roads and very small areas of car parking/driveways. However, some unsaturated zone (c50cm) should always be provided for infiltration SUDS from these areas.

It is also brought to your Authorities attention that on its own, this planning application also does not meet a number of the PPS1 policy requirements or the requirements of the Bicester 1 policy of the Cherwell Local Plan (2006-2031). To interest of the Environment Agency this includes policy:

- **ET7 Zero carbon in Eco Towns** – it is not clear if all development (housing and commercial) will be carbon neutral
- **ET14 Green infrastructure (GI)** - there are a number of statements throughout the application that suggest that this development will achieve 40% GI but it is not clear exactly how this is to be achieved, and also what is being included as GI. The provision of GI should be consistent and linked with the rest of the Eco Town site. Links with the surface water drainage scheme should be clearly made to ensure SUDSs features provide flood risk, GI, biodiversity and water quality benefits
- **ET 16 Biodiversity** – there is no information to demonstrate that this development will deliver a net biodiversity gain or how habitats and green space will be monitored and managed. There is also no discussion of how this planning application links in with the biodiversity strategy for the rest of Eco Town site, including how this planning application will contribute to the site wide mitigation requirements
- **ET17 Water** - this planning application does not commit to delivering homes at Code for Sustainable Homes Level 5 or BREEAM Excellent standard for water efficiency. There is also no discussion of how this site will contribute to the aspiration of water neutrality or wider water supply and disposal strategies for the whole Eco Town site. In addition there is limited information around water utilities and infrastructure in terms of water supply and foul water disposal. Chapter 12 of the Environmental Statement (Framptons, October 2014) only provides assurance that there is adequate water infrastructure for 800-1000 workers for the commercial element of the scheme. There is no discussion about the water supply and disposal demands from the residential element of the scheme and whether there is adequate infrastructure available in line with phasing of the development to ensure the environment is protected

Your Authority should consider whether not achieving these PPS1 standards at this site will compromise the ability for the entire Eco Town site to also meet the PPS1 policy standard requirements, and if not whether this is acceptable.

Environment Agency (third response):

Our following advice will help you decide if this new biodiversity and Green Infrastructure (GI) information meets your Local Plan standards as set out in Policy

Bicester 1: North West Bicester Eco-Town, of the Cherwell Local Plan 2011 – 2031. You need to consider this parcel in conjunction with the wider Master plan when coming to your conclusion. We feel further evidence is required to meet Policy Bicester 1 standards.

We note that Albion have looked further at the Biodiversity impacts, and although their Biodiversity Offsetting Metric Assessment shows an indicative net loss to biodiversity, we understand their subsequent argument that this is because they haven't included in the metrics much of the habitat creation planned, but not yet subject to detail design. However, we would suggest that they should have been able to include in their assessment an indicative estimation of the likely provision of additional habitat, and the likely value of this habitat.

What appears to be missing is a clear statement identifying how the design and the provision of habitats fit in with the overall mitigation and habitat provision identified at the Master plan stage for the whole development. Also whether the net gain that it is suggested will be realised on this site is consistent with the overall target for the Ecotown. Although Albion state that they have worked closely with A2 Dominion on this application, this particular element does not appear to be addressed. We think you should ask for clarity on this issue.

Of direct relevance to the above is the fact that although the arable farmland which dominates this site is considered of low ecological value, the offsetting of impacts of the Ecotown on farmland birds was one that could not be provided on site. Albion should clarify how this development intends to contribute to the offsetting of impacts on farmland birds, in accordance with the agreed biodiversity mitigation strategy for the whole development to which we are party.

Albion have calculated that the GI will constitute 41.3% of the development, and this seems to comprise the areas of open greenspace, SuDS features and residential areas. We have queried the extent to which residential gardens should be included as GI, given the inherent lack of control of how these are managed, and you should satisfy yourselves that this calculation is consistent with approaches on other parts of the Ecotown, or indeed whether discounting residential areas for this application site still leaves the whole development compliant with the 40% GI requirement by virtue of greater provision in the other development parcels. We note there does not seem to be any detail for the design of the business and employment plots, which in themselves could contain areas of further green space.

3.26 **Thames Water:** Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, a Grampian style condition to require a drainage strategy detailing any on and/ or off site drainage works to be submitted and agreed. Thames Water recommends an informative relating to water pressure be included. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

3.27 **Highways Agency:** No objections

The HA will be concerned with proposals that have the potential to impact the safe and efficient operation of the 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.

Second response: We have reviewed the amendments and additional information and offer no additional comments over and above our original response of 28 October 2014.

- 3.28 **Network Rail:** The proposed red line boundary is not directly adjacent to the operational railway. However, the Environmental Statement states that *'Given the current height restriction on the railway bridge to the north of the site and the location of the primary routes of the A41 and the M40 at junction 9, it is likely that the majority, if not all, heavy traffic will enter and leave the site via the south using the new perimeter road to reach the A41.'*

The developer has stated that use of Howes Lane via the railway bridge is 'not likely'. Network Rail is not satisfied by this comment. There is the potential for an increase in both light and heavy vehicles accessing the site via Howes Lane, for residential and business needs and this could impact upon the railway bridge. There is potential for an increase in incidents of vehicles hitting the bridge and resulting in delays to trains or incidents on the railway which could impact upon the safety, operation, integrity or performance of the railway line. The developer may be required to provide and fund mitigation measures at the railway bridge to ensure that the proposal does not impact the railway infrastructure.

Whilst Network Rail is supportive of development – we must assess all planning applications for their potential to impact upon our infrastructure. We cannot support proposals that would impact upon the safety, operation and integrity of the railway.

- 3.29 **Natural England:** No objection – with conditions.

This application has a surface watercourse running along its northern boundary, Chacombe Brook. Downstream of the site the watercourse flows alongside Wendlebury Meads and Mansmoor Closes Site of Special Scientific Interest (SSSI). Natural England is concerned that the contaminated ground and foul water may enter the watercourse and have an impact on the SSSI. It is recommended that the addition of a condition is made to ensure that the development, as submitted, will not impact on the features of special interest for which Wendlebury Meads and Mansmoor Closes SSSI is notified. The condition must require the Sustainable Drainage System as detailed in the Flood Risk Assessment, surface water drainage design and the concept drainage scheme to be implemented in accordance with the approved details before the development is completed.

The Local Planning Authority should assess and consider the other possible impacts resulting from this proposal on local sites (biodiversity and geodiversity), local landscape character and local or national biodiversity priority habitats and species. The 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 application.

Natural England (second response): The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

3.30 **BBOWT:** Objection on the grounds of:

- Lack of compensation for UK priority farmland bird species, so is contrary to paragraphs 117 and 118 of the NPPF;
- The proposal does not demonstrate a net gain in biodiversity, so is contrary to NPPF paragraphs 9 and 109 and Eco Towns PPS1.
- Lack of apparent compliance with measures in the Eco Town Masterplan, including standards for buffering of hedgerows and for biodiversity in the built environment, and for the provision of brown/ green roofs.

The Overall Masterplan site is supported by two key documents relating to biodiversity: the GI Masterplan and Appendix 6J – Biodiversity Strategy. These documents have been used to assess the overall impact of the NW Bicester development and to describe the necessary measures to ensure that adverse biodiversity impact is avoided, mitigated or compensated and that a net gain in biodiversity is achieved. This application has been brought forward without including these two documents and does not appear to be adhering to the commitments made in these documents in terms of – offsite bird compensation for priority farmland bird species, use of an accepted biodiversity impact assessment metric to demonstrate a net gain in biodiversity, standards for buffering of hedgerows and standards for biodiversity in the built environment.

The documents submitted to support this application does not make any provision for offsite compensation for farmland birds. This application should be making a proportionate contribution by area of development towards the proposed sum for offsite compensation so that the masterplan as a whole can compensate for the loss of breeding territories. Some conclusions in the ES are queried in relation to existing records. It is considered that the application is contrary to the NPPF on the grounds of uncompensated adverse impact on UK priority farmland bird species.

It is considered that by not including the calculation of a biodiversity impact assessment metric to demonstrate how net gain will be achieved or by not providing any other form of evidence to show net gain, then this application is not demonstrating a net gain in biodiversity as required by the NPPG and ET6.1 of the PPS1 supplement. Whilst commitments to habitat creation are made and these are welcomed, this is not in itself evidence of a net gain and clear evidence of such net gain must be provided.

It is unclear whether the developers are following the standard for buffering of hedgerows, dark corridors and biodiversity established for the overall Eco Town Masterplan. There is no information as to the width of buffers for existing hedgerows or for dark corridors. The Masterplan documents refer to creating green/ brown roofs. As a key commercial part of the overall Eco Town, then this application would be obvious location for the provision of these green/ brown roofs and yet there is no reference to them. The material specification for the commercial buildings in the DAS makes no mention of green/ brown roofs. It would appear contrary to the aspiration of the eco town for commercial buildings to be constructed without any commitment to green/ brown roofs.

Appropriate management and monitoring of the site is vital to achieving a net gain in biodiversity. Each reserved matters application must be accompanied by a Landscape and Habitat Management Plan (LHMP). 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.

It is noted that every effort should be taken to maximise the species richness of the

ecological and dark corridors and hedgerow buffers through the use of appropriate species rich seed mixes with a combination of wild flowers as well as grasses.

Hedgerow management should consider the differing needs of both black and brown hairstreak butterflies. These rare butterflies are important in the local area so a commitment to consider them in the management of the hedgerows is important. Newly planted hedgerows should include a significant component of blackthorn to support these butterflies. Cutting cycles for hedgerow management to ensure the most value for biodiversity should be provided in a future LHMP.

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, both specifically for biodiversity and for biodiversity combined with public access. The biodiversity value of recreational areas should be maximised, including acknowledgement of their management. Lighting schemes will need careful consideration in terms of their potential impact on retained green corridors across the site.

Biodiversity enhancements should be included in the development design where possible in line with planning policy 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. Suggestions as to enhancement proposals are made.

Green Infrastructure should be designed to provide a network of interconnected habitats enabling dispersal of species across the wider environment. Open spaces 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.

SUDs can provide significant biodiversity value if biodiversity is taken into account in the design, construction and management of SUDs features as well as providing flood control. This should be required of any development and details will be needed at the reserved matters stage.

BBOWT (second response): Objection still stands on the following grounds:

- Lack of compensation for UK priority farmland bird species, so is contrary to paragraphs 117 and 118 of the NPPF, and
- Not demonstrating a net-gain in biodiversity, so is contrary to NPPF paragraphs 9 and 109 and Eco Towns Planning Policy Statement PPS1.
- Lack of apparent compliance with measures in the Eco Town Masterplan, including standards for buffering of hedgerows and for biodiversity in the built environment, and for the provision of brown/green roofs.

Compensation for loss of farmland bird habitat

As outlined in detail in our previous response, the 'Masterplan GI and Landscape Strategy Report' and Biodiversity Strategy identify the need for off-site compensation for farmland birds. The application should be making a proportionate contribution by area of development towards the proposed sum for off-site compensation. No further information has been submitted with regard to this, although I understand that it may be addressed through the Section 106 agreement and this would be welcomed.

Demonstrating a net gain in biodiversity

Policy Bicester 1 North-west Bicester Eco-town in the adopted Cherwell Local Plan states that there is a requirement for:

'Development that respects the landscape setting and that demonstrates

enhancement, restoration or creation of wildlife corridors to achieve a net gain in biodiversity.'

Information has been submitted applying the DEFRA Biodiversity Metric against the proposals. This identifies a biodiversity impact score of -7.44 indicating a net loss in biodiversity. As indicated in our original response, the application needs to demonstrate a net gain in biodiversity in order to comply with the Local Plan policy for North West Bicester.

It is argued within the Biodiversity Offsetting Metric Assessment that the arable habitats should be scored a 0 or 1, however 2 is the lowest distinctiveness band that can be applied to a habitat using the DEFRA Biodiversity Offsetting Metric (Biodiversity Offsetting Pilots Technical Paper: the metric for the biodiversity offsetting pilot in England), and the scoring of arable as 2 is in line with the guideline that this habitat is of 'low distinctiveness' (only areas supporting no habitat at all such as tarmac score 0). The scoring of these habitats as 2 was also used in the application of the biodiversity metric the entire masterplan site (see the Biodiversity Strategy, Appendix 6J to the Environmental Statement for application 14/01641/OUT). The Biodiversity Offsetting Metric Assessment therefore indicates a net loss in habitat and this needs to be addressed.

The Linear Biodiversity Impact Score is 1319.71 indicating a net gain in linear features. (It is worth noting that the DEFRA guidance indicates that the linear and habitat scores from the metric cannot be combined). It would seem this is to be achieved through enhancement of the retained areas of hedgerow rather than new hedgerow creation. The North West Bicester Masterplan GI and Landscape Strategy Report states that:

'New planting of similar species and / or translocations to create new links between hedgerows and to fill gaps in the existing hedgerows will ensure that in the long-term there is no net loss in the length of hedgerows within the Masterplan site. Hedgerow lost will be relocated into areas of green space to create new links between hedgerows that are fragmented by the development and/or to create new links along the development boundary. Translocation on the western boundary of the site will hasten the establishment of corridors of vegetation suitable for use by foraging bats.'

It would appear from the Biodiversity Offsetting Metric Assessment that within the application site, there will be a net loss in the length of hedgerows. Clarification is sought as to whether this loss would be compensated for elsewhere within the Masterplan site to create new links.

Lack of compliance with the Masterplan

Little further information has been submitted to address our concerns about compliance with standards for buffering of habitats and provision for biodiversity within the built environment. The documents for the overall Eco Town Masterplan (e.g. NWB Masterplan GI and Landscape Strategy Report) provided agreed standards for buffering of hedgerows, dark corridors and biodiversity in the built environment; no information has been submitted to indicate that these standards will be met.

The information submitted in the Great Crested Newt technical note sets out how the proposals will be legally compliant with regard to this protected species. However, the standards within the Masterplan set out to achieve more than compliance with the law. The intention of the buffer for GCN ponds shown in the draft SPD and Masterplan is therefore to enhance the habitat, not simply to avoid negative impacts on great crested newts, and should be incorporated into this application in order to contribute towards delivery of strategic biodiversity enhancement and ecological networks across the Masterplan site.

The Draft North West Bicester SPD states:

'Proposals should consider opportunities for biodiversity gains within the built environment for example through planting, bird, bat and insect boxes and the inclusion of green roofs.'

As a key commercial part of the overall Eco Town this application would be the obvious location for the provision of the green/brown roofs, but there has been no information submitted to indicate that they will be provided.

3.31 **Sport England:** Note that the application is not to be considered in isolation and that the submitted plans generally accord with the Masterplan Framework contained within the North West Bicester Supplementary Planning Document. It is noted that no sports facilities are to be provided on this site, but that the submitted draft Heads of Terms deal with contributions towards off site provision. The application does not refer to an up to date Sports Facility Strategy, Playing Pitch Strategy or other relevant needs assessment to justify the amount of provision for sport as part of the wider scheme for North West Bicester. There is a need for football and hockey provision. The Local Planning Authority should make an up to date and robust assessment of needs. Sport England considers it necessary for the Local Planning Authority to secure contributions towards sports pitches and built facilities to meet the increased demand from the additional population. As the development appears to be in accordance with the Draft SPD, Sport England raises no objections subject to the use of a condition to agree details of the phasing of the development to meet sports facility provision.

3.32 **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.

3.33 **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 involved in NW Bicester development plans since 2010, advising both Cherwell DC and A2Dominion on eco-credentials and sustainability. This report outlines Bioregional's key observations on the Albion Land outline application (14/01675/OUT). We have reviewed the application documents against the overall Eco Town aspirations, the PPS1 Supplement on Eco Towns and the Bicester One Shared Vision. 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. In summary, we do not support this application. More detailed comments are provided below.

We are pleased to see the incorporation of the following points within the application:

- Commitment to non-residential buildings to be built to BREEAM Very Good
- Commitment to BREEAM Excellent on Ene 01
- Commitment to Code 5 Energy standard only (no reference to wider code level just energy requirements of code 5)
- The intention for 1,000 jobs to be created throughout this development
- Commitment within the application to use a biomass boiler or Ground Source Heat Pumps for the non-residential buildings (If a heated office but non-heated warehouse then a GSHP will be used. If heated office AND heated warehouse then a biomass boiler will be used - both will meet BREEAM Excellent ENE 1)
- Commitment for residential development (150 units) to connect to the wider heat network –be it the Bicester wide one or using their own plant

This application is located within the eco town boundary of NW Bicester as identified by Cherwell District Council and should comply with the standards within the Planning Policy Statement 1: Supplement Eco towns.

This application does **not** give reference to the PPS in any of the accompanying documents and therefore does not meet a number of the PPS policy requirements. These are listed in more detail below.

a. 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.”

We are pleased to see the recognition of the site wide heat network and the aspiration towards code for Sustainable Homes ENE1; however, it is not clear within the submitted energy strategy if the development will be built to this PPS definition of True Zero carbon.

The Design and Access statement states that the buildings will be “*designed and constructed to be of very high energy efficiency with approaching zero carbon emissions* “. This is not compliant with the Eco towns: PPS and does not align with overarching masterplan zero carbon principles or the other submitted outline applications.

b. Water

The supporting documentation does not commit the planning application to delivering Code 5 (WAT1) as is outlined by Eco-towns PPS ET 17.5 (b). It is acknowledged that the design and access statement does refer to a commitment towards BREEAM Very Good.

In addition, there is no acknowledgement of how the site will contribute to the aspiration towards water neutrality as defined by PPS ET 17.5 (a) or the wider integration of water supply and disposal across the entire masterplan site.

Furthermore, the accompanying Environmental Statement (chapter 12) only focuses upon the associated water infrastructure for the non-residential section of the scheme, there is nothing included for the 150 proposed residential properties.

c. Green Infrastructure

The Design and Access statement refers to a commitment to achieve 40% GI across the development area (as defined by PPS ET14); however there is no further evidence to understand how this will be achieved, what is defined as GI and their respective quantities. It is also unclear how the GI within this application links with the wider Eco town proposals.

d. Biodiversity

As previously mentioned this application forms part of the wider NW Bicester masterplan. This submitted masterplan is supported by two key documents that refer to biodiversity; NWB Green Infrastructure and Landscape strategy and Appendix 6J – Biodiversity Strategy. Neither of these documents are included or referred to within this application.

The omitted documents include commitments to:

- off-site bird compensation for priority farmland bird species
- use of an accepted biodiversity impact assessment metric to demonstrate a net gain in biodiversity
- standards for buffer zones of hedgerows
- biodiversity features in the built environment

Their omission and the lack of any supplementary, specific information on how the application will deliver a net gain in biodiversity mean that the development is not compliant with PPS: ET 16.1 and NPPF paragraph 9 and 109. The accompanying Environmental Statement does not include any provision for the off-site compensation for farmland birds. This application should be looking to contribute towards a compensation scheme to compensate for the loss of breeding habitat for farmland bird species such as the yellowhammer as identified within the baseline habitat surveys that support the NW Bicester Masterplan. Therefore, the application is not compliant with the NPPF (paragraphs 117 and 118) as the development will have an adverse impact on UK priority farmland bird species.

In addition, we would like to see references to the inclusion of green and brown roofs (as included within the NWB Masterplan) to help enforce the eco town aspirations within the development.

e. Transport

As with the other accompanying documents, there is no reference to the Eco Towns PPS, this specifically relates to transport through the following themes:

i. Modal shift

There is no reference to modal shift target as defined by PPS; ET11.2, which states, *“at least 50 per cent of trips originating in eco-towns to be made by non-car means, with the potential for this to increase over time to at least 60 per cent”*. We would like to see how the proposed development will encourage non-car modes such as cycling incentives and promotion of ultra-low vehicles.

ii. Walking and cycling routes

Very little information is included on the internal walking and cycling routes in both the commercial and residential areas. We would like to see proposed locations of these routes as well as indicative cross-section that provide information on differing widths, treatments and potential users. Following on, we would also expect to see information on how the proposed walking and cycling routes link to both routes within the other applications within NW Bicester but also external connections that connect towards the Middleton Stoney Road and Bicester Town Centre (*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*”).

iii. Walkability

The DaS and transport assessment does not consider the walkability for the residential areas to the local centre and the primary school. Bioregional carried out a modal transport assessment for NW Bicester which identified that 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*). It is acknowledged that this application is adjacent to the proposed local centre within A2Dominion outline application; however, we would expect to see how sustainable modes are prioritised and linked to these key neighbourhood services.

f. Urban design and gateway function

The submitted ‘masterplan’ and parameter plans’ broadly align with the layout and land uses included within the wider NW Bicester masterplan, however there is a lack of detail on the development design. Considering the prominent location of this development site as the South-West Gateway to the Eco Town development, it would be beneficial to see the following:

- Proposed footprints for commercial area and proposed layout of the residential area
- Proposed building heights and densities for the commercial and residential areas
- Movement routes through the site (including both the commercial and residential areas) this should include walking and cycling routes
- Location of key gateway areas

It is important for the application to show how the development will act as ‘green gateway’ as defined in the NW Bicester Masterplan and will provide an interesting and welcoming entrance to the wider development. This is currently not shown within any of the submitted information.

4. Summary

We recommend that the following matters be addressed before outline permission is granted:

- References to the eco town aspirations and the requirements within the Eco Towns PPS

- Commitment to true zero carbon across the entire development (as defined by the Eco Towns PPS)
- Inclusion of modal shift targets and a comprehensive green travel plan showing how **MOST** journeys will be quicker and easier by non-car modes
- Creation of a biodiversity strategy that delivers net gain and makes use of the Defra metric, retains hedgerows, creates high-quality hedgerow buffers and protects the Great Crested Newt pond buffer
- A better understanding and description of how the proposal will contribute to the vibrancy of the wider eco town with sight lines the nearby local centre and an approach to attracting greener businesses
- A commitment to ambitious waste targets and services that help support the employment areas
- Commitment to ambitious water targets (non-residential areas are committed to at least BREEAM very Good, but there is no aspiration for residential development)

4. Relevant National and Local Policy and Guidance

4.1 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. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

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

Cherwell Local Plan 1996 (Saved Policies)

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

Other Material Policy and Guidance

4.2 **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 revoked in March 2015.

4.5 **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.

4.6 **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.

4.7 **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.

4.8 **Planning Practice Guidance**

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**

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

5.2 Following this, a site to the North East of the current site (North of the Railway line) 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.

5.3 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.

14/01641/OUT – 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

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 October 2015.

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 which will be the subject of further consultation and following which the application will be reported to the Committee.

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).

The intention is to present this application to committee in February 2016.

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

5.4 In relation to the site itself, two previous applications are recorded on the Planning History:

01/01689/CDC – Permitted – Change of use of agricultural land to sports pitches
This permission was never implemented

12/01153/OUT – Withdrawn – Outline – Erection of up to 70, 767 sqm of floor space to be for B1(b), B1(c), B2 and B8 use; access off the Middleton Stoney road (B4030); internal roads; parking and service areas; landscaping and the provision of

sustainable urban drainage systems incorporating landscaped areas with balancing ponds

This application was withdrawn to enable Albion Land to seek a collaboration agreement with A2 Dominion to ensure that the scheme was fully compatible with the wider master plan.

5.5 Environmental Statement

The Application is accompanied by an Environmental Statement (ES). It covers landscape and visual, ecology, soils and agricultural land, lighting, highways and transportation, air quality, noise and vibration, flood risk, contamination and drainage, utilities, waste and recycling and socio economic matters. The ES identifies significant impacts of the development and mitigation to make the development acceptable.

5.6 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.

5.7 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.

5.8 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.

5.9 Planning Policy and Principle of the Development

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'.

5.10 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.

5.11 Adopted Cherwell Local Plan 2011 – 2031 (ACLP)

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 including employment land. 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.

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

5.13 Adopted Cherwell Local Plan 1996

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 and 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.

5.14 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.

5.15 **Non Statutory Cherwell Local Plan**

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.

5.16 **NW Bicester SPD**

The Eco Towns PPS and the ACLP 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.

5.17 **Eco Towns Supplement to PPS1**

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.

5.18 **NPPF**

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

¹ Unless material considerations indicate otherwise

requirements with an additional buffer (5 or 20%) to ensure choice and competition in the market for land.

5.19 Five Year Housing Land Supply

The Council's most recent Annual Monitoring Report (December 2015) considered by the Council's Executive in January 2016 concludes that the District has a 5.3 year supply for the five year period 2015-2020 which will rise to a 5.6 year supply of deliverable housing sites for the five year period 2016 to 2021 (commencing on the 1st April 2016). 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.

5.20 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 with a 5% buffer and that the relevant policies for the supply of housing in the Local Plan are up to date (paragraph 55 of the appeal decision). This position has also been accepted in relation to recent appeal decisions at Hook Norton and Chesterton.

5.21 Conclusion on the principle of the development

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. The Policy requires the provision of employment land and the Masterplan, which sits within the Interim Draft SPD, allocates a large area for employment land at the South East corner of the site for employment purposes. As such, the general principle of development on this land both in respect to the provision of employment and housing 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.

5.22 Employment

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.

5.23 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). It advises that planning should operate to encourage and not act as an impediment to sustainable growth and significant weight should be placed on the need to support economic growth through the Planning system (para 19). 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. 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.

5.24 The Adopted Cherwell Local Plan makes it clear that the Plan overall aims to support sustainable economic growth and that increasing the economic competitiveness of the District is fundamental to providing employment opportunities to shift towards a more sustainable economy. In order to do this, objectives are set to support the local economy and to foster economic growth. The Plan identifies the type of employment

the District seeks to attract, including that relating to advanced manufacturing/ high performance engineering, the Green Economy, innovation, research and development, retailing and consumer services. It also identifies support for the logistics sector providing a high quality design can be achieved. The plan uses the SHMA Economic Forecasting report to identify the amount of employment land needed and in these terms it identifies that significant employment growth at Bicester will be encouraged.

- 5.25 Policy SLE1 of the Adopted Cherwell Local Plan seeks to protect existing employment land and buildings for employment uses (B class) and allows for an allocation of sites to increase the amount of employment land in the District. It is identified that this is focused mainly at Bicester in order to match the growth in housing and make the town more sustainable. The plan includes a flexible approach to employment with a number of strategic sites allocated for a mix of uses. At Bicester, there are 6 sites where strategic employment uses are identified (Bicester 1: North West Bicester - a minimum of 10ha within use Classes B1, with limited B2 and B8 uses, Bicester 2: Graven Hill - 26ha in mixed use classes B1, B2 and B8, Bicester 4: Bicester Business Park - 29.5ha in use class B1(a), Bicester 10: Bicester Gateway - 18ha in use classes B1 Business Uses, Bicester 11: Employment Land at North East Bicester - 15ha in use classes B1, B2 and B8 and Bicester 12: South East Bicester - approximately 40ha in mixed use classes B1, B2 and B8 - primarily B8 uses). The land has been allocated taking account of the economic evidence base, matching growth in housing and to cater for company demand whilst ensuring a sufficient employment land supply. It emphasises that careful consideration must be given to locating housing and employment in close proximity to avoid harmful impacts upon the residential amenity of neighbouring properties. The identification of sites to meet the anticipated economic needs is in line with the NPPF.
- 5.26 In respect to the above allocated sites, it is noted that applications that include employment development have been made for land at Bicester 2, Bicester 11 and Bicester 12 and with regard to Bicester 4, which provides for B1 (a) office use (and a hotel C1), this site benefits from planning permission granted in 2010 but has not yet commenced albeit the consent is extant, being due to expire in October 2020 (application number 07/01106/OUT). Whilst the permission included conditions to control the phasing of development, partly linked to offsite highway works, no development has occurred to implement the B1 uses on the site, which could indicate a lack of demand for this type of accommodation. As Members will be aware, permission has been granted for a Tesco store on part of this site, and as part of the Officer report relating to the original application for this store (12/01193/OUT), it is stated that the Applicant considered that the proposal would act as a catalyst for the rest for the site for the intended office use due to the extent of the highway works proposed. The report also considered the wider masterplan for the Business Park and considered that the Tesco store would not preclude the development of the rest of that site. This site is therefore available for employment uses within Class B1.
- 5.27 As referred to above, Policy SLE1 requires employment proposals on allocated sites to meet the relevant site specific policy. Policy Bicester 1 specifically seeks with regard to employment (in detail):
- 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)
 - It is anticipated that the business park at the South East corner of the allocation will generate between 700 and 1000 jobs in use classes B1, B2 and B8 early in 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

In finding Policy Bicester 1 of the Local Plan sound, the Inspector commented 'However, in order to respond to market signals and provide some flexibility to encourage new investment and implementation, it would not be reasonable or appropriate to seek to restrict all employment development to B1 uses only'.

- 5.28 The Local Plan is supported by a suite of evidence, including that relating to Economic Development and the Council also has an Economic Development Strategy. The Economic Analysis Study (August 2012) (EAS) identifies the existing baseline conditions within the District which show that the District has high economic activity yet low growth with a relatively resilient economy. In terms of growth, the District appears to be underperforming, particularly in higher value sectors and it is identified that there is scope to improve the economic competitiveness. The document sets aspirations for the type of new development that will be encouraged drawing on the District's advantages of being very accessible and part of the Oxfordshire economy. It also notes the North West Bicester Eco town, which it suggests could act as a catalyst for new inward investment through the development of skills, expertise and innovative 'eco regeneration' in the town and beyond. The EAS also considers the sub-regional context and identifies that office accommodation is concentrated in surrounding areas (London, the Thames Valley, Milton Keynes, Warwick) and it sets out that 'Cherwell could seek to encourage advanced manufacturing and logistics sectors rather than competing with areas for office development'. The assessment goes on to identify the District's four main employment sectors and recognises them for significant future growth. These are advanced manufacturing/ high performance engineering, the logistics sector, the green economy and innovation, research and development.
- 5.29 The Council's most recent Annual Monitoring Report (AMR) December 2015 (reported to the Executive on 04/01/2016) found that there has been an overall net loss of employment land at Bicester of -3,768sqm. The assessment considers the remaining allocated land, which in Bicester represents the allocated sites at Bicester 1, Bicester 4, Bicester 10, Bicester 11 and Bicester 12. It notes the efforts the Council is making to bring forward strategic sites such as at Graven Hill and North West Bicester.
- 5.30 Cherwell sits within two Local Enterprise Partnership areas (Oxfordshire and the South East Midlands), both of which have produced Strategic Economic Plans seeking to support significant increases in employment growth. Furthermore, the Oxford and Oxfordshire City Deal, an agreement with the Government, seeks to support existing and new businesses to grow, whilst investment is made in innovation led growth, by accelerating the delivery of new homes and by increasing investment into the County.
- 5.31 In relation to North West Bicester, a Masterplan has been produced by A2 Dominion to ensure that a comprehensive development over such a large site can be achieved and to spatially plan where land uses across the site would be best placed. In order to achieve this masterplan, a number of studies were undertaken in order to assess what requirements there were and where they were best placed. The Masterplan identifies land to the South East corner of the site for a Business Park and this is reflected in Policy Bicester 1 as set out. The policy acknowledges that this area could generate 700 to 1000 jobs in use classes B1, B2 and B8 early in the plan period and

accepts the site as being suitable as an employment site adjacent to the wider housing area, whilst being adjacent to road infrastructure that would serve it. Additional employment across the rest of the site is identified including within Local Centres, a small site to the west of the Avonbury Business Park and to the north of the railway line west of Lords Farm.

- 5.32 One study undertaken to inform the Masterplan was an Economic Strategy produced by SQW in March 2014. The overall aim for NW Bicester is to stimulate transformational change in Bicester's Economy and a number of objectives are set in order to do this. In doing this, a number of weaknesses in the local economy are proposed to be addressed, including the high level of out commuting, the need for educational qualifications and skill attainment levels to be improved and by securing land and modern business premises to attract new investment. The strategy identifies five broad sectors as the likely future drivers for Bicester's economy. These being eco construction, environmental goods and services, advanced manufacturing, high value logistics and business, financial and professional services.
- 5.33 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 report identified a number of objectives, including to support the creation of at least as many jobs as homes, to ensure as many as possible of those jobs are well paid, in growing sectors and firms, to support the creation of a cluster of firms and skills in Bicester in eco construction, and low carbon environmental goods and services, to encourage home working and other sustainable working practices, to ensure jobs are provided early in the development which match the employment skills available, to work with relevant organisations to promote Bicester and secure new, well-paid jobs for the town and to support skills development to match local employment opportunities. The strategy identified the opportunity for some 4600 jobs on site within a business park in the south west corner of the site, providing a mix of offices, high quality manufacturing and logistics space (approx 2000 jobs), around 1,100 jobs within local centres including 100 within the eco business centre, 200 jobs within the schools across the site, approximately 1,100 jobs created by residents working from home, around 100 jobs in retained farmsteads, and around 140 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 located on other employment sites in the town. It also suggests that if on site employment densities prove to be lower than planned, some of the 4,600 jobs expected to be located on the NW Bicester development will need to be located elsewhere within the town, which should not be problematic given the scale of employment land allocations around the town is well in excess of forecast demand. 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.
- 5.34 The strategy considers how NW Bicester will contribute to the wider economic context by providing an attractive and supportive environment for people to live and work locally, to bring forward, early in the development, employment opportunities to address the shortage of high quality B Use Class accommodation in Bicester and which match existing employment skills, kick start the development of a new eco economy in the town capable of serving a wider area, support a transformation of the image of Bicester and it is identified that NW Bicester should provide a full cross section of job opportunities within Class B. The strategy identifies a number of sectors where there is the opportunity for jobs growth. These include a number of areas including eco construction and broader eco technologies, auto engineering, including motorsport and electric vehicles, opportunities related to the growth of the Oxfordshire high tech cluster, logistics to exploit the excellent strategic location and connectivity of Bicester, regional and local service functions related to population and

economic growth in Bicester and the wider area, other existing and new businesses with growth potential, home based employment and new facilities.

- 5.35 The strategy finds that Local Property Agents report a serious lack of land which is available for business use and of modern flexible business premises and it notes firms that have left Bicester including First Line, a modern logistics company now based in Banbury. It also notes that Bicester is not an established office location and that there is limited interest from major office users in the town, however there is demand from smaller businesses for offices in a modern environment. The strategy therefore identifies that the most appropriate provision for employment on the site would be;
- Those that are a direct result of the development. This includes local services to serve the new population, construction jobs related to building NW Bicester, and jobs which are attracted to Bicester specifically because of NW Bicester
 - Those that are accommodated on NW Bicester because it provides the right type and quality of business accommodation in the right location. This includes some of those sectors identified in as the future drivers of the economy, such as high performance engineering, other advanced manufacturing, high value logistics and financial professional and business services not serving a purely local market
- 5.36 The Economic Strategy cautions about being too restrictive with regard to the type of employment and states;
- 'It is important to ensure that onerous constraints are not imposed upon new businesses which would otherwise provide high quality jobs, but are deterred from investment on account of planning restrictions which do little to support the principles of NW Bicester. Companies will not be forced into locations which do not meet their operational requirements, and they are increasingly footloose. Companies have been lost to Bicester in recent years because the planning process has not been able to deliver suitable sites. The fact that land at NW Bicester may soon be available for development will not necessarily lead to new investment if the use of the land is unduly restricted.'
- 5.37 The overall Masterplan for North West Bicester is to be incorporated into an SPD. This is currently known as The Interim Draft SPD and this 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.
- 5.38 In relation to this particular proposal, a subsequent economic strategy has been submitted forming part of the Planning Statement and which explains the applicant's proposals as well as anticipating the number of jobs that could be achieved. The application seeks flexible employment consent to enable the buildings to be used for employment uses in B1 (ancillary), B2 and B8. It is described that one of the reasons for this is that modern business requirements seek to achieve economies of scale by bringing together all aspects of their business under one roof. The applicant proposes to construct the buildings to meet the requirements of their identified future occupiers, providing flexible employment space that would be adaptable to the local economic environment and which would allow for businesses to centralise their operations and in doing so, increase their productivity. They consider that this would create a range of types of jobs and contribute to the local economy. Furthermore, the applicant has taken advice from Colliers International in relation to the demand for employment land. Their advice is that there is a need along the M40 and particularly North Oxfordshire, which require high quality and purpose built facilities for office, research

and development, manufacturing and distribution purposes. It is found that the size of the facilities proposed to be provided on the large employment plot would reflect market requirements for the area.

- 5.39 The applicant advises that the anticipated number of jobs is currently unknown as it will depend upon the end users. However, the '*Homes and Community Agency standards of employment densities (Employment Densities Guide 2010 – 2nd Edition*)', has been used to make a reasoned estimate for job numbers and types. It is found that the development could generate 800 to 1000 new jobs, which is based on the indicative floor area of 53,000sqm with a maximum of 30% ancillary office element which could change in the future. It is considered that this number of jobs would provide a significant employment development for the town and would provide a significant proportion of the jobs needed by the wider eco town which aims for one job per home.
- 5.40 It is therefore the applicant's view that this proposal would provide a range of flexible, modern and sustainable employment accommodation that would be well located and which has the opportunity to attract companies in the high value engineering, manufacturing, distribution and research and development sectors. This proposal would take advantage of the strategic location of the site with good access to the wider strategic road network. They argue that weight should be given to the deliverability of this site as an employment generating location, adjacent to and complimenting the wider expansion of Bicester, ensuring the current population has access to a range of employment and contributing to meeting the aspirations of the Masterplan in relation to increasing skills and retaining people in the town for work. This would secure sustainable economic growth and meet the requirements of Policy and the Masterplan.
- 5.41 It is clear within responses received from the public, Local Members and Planning Policy Officers that there are concerns over the proposals for B8 uses on this site, particularly in relation to employment numbers. The applicant has provided an additional paper which provides information on the modern logistics sector stating that the UK Logistics Sector is worth around £93 million to the economy. It is argued that the characteristics of storage and distribution providing jobs for few people as unskilled labour with no career paths is now outdated. The modern logistics sector includes firms that support the changing pattern of the economy including the online retailing sector which expect well integrated supply chains that are well located to customers and also respond to the changing nature of manufacturing including the consolidation of items into the finished product. Logistics companies therefore support the overall supply chain and are critical to the competitive performance of firms. This has led to larger buildings required for distribution, the need for these buildings to house sophisticated high technology systems for tracking goods and personnel with sufficient skills to support this process, the changing nature of the type of goods that require distribution quickly and the increasing significance of just in time deliveries and the ability to accept returns. All of these changes have led to changes in the employment profile associated with this sector and it is anticipated that future changes will continue to evolve the sector still further.
- 5.42 The information submitted, sets out the significant percentage of employment provided in the UK by the Logistics sector with it accounting for around 8% of the UKs workforce within a wide range of both skilled and unskilled jobs. This includes the need for greater man power for the handling, dispatching and dealing with the return of goods and more technical staff such as to support IT infrastructure, managerial roles and customer service, sales and engineering roles. This range of roles has resulted in a mixture of employment opportunities (including fulltime, part time, shift work and more casual roles) and that the logistics sector is a major provider of apprenticeship opportunities.

- 5.43 As set out above, evidence to support the Local Plan and the Masterplan, indicate that logistics is a significantly important sector in the UK Economy both financially and by being a major employment sector and it is clear that this sector has a role within Cherwell and Bicester. Recognising this, a recent application to construct a Studio School in Bicester (15/01006/F) has been approved and is now being advertised as specialising in sustainable technologies and logistics (alongside a broad and balanced curriculum). The Studio School will benefit from the support of local employers and industry partners and aims to equip young people with the skills needed to underpin the growth of local industries.
- 5.44 In respect to employment numbers, it is of course relevant to note that the anticipated numbers are currently unknown, however the Applicant's projections would meet the Local Plan projected numbers for the business park in the South East corner of the site that would be delivered early in the Plan period (700-1000). Notwithstanding this number, it is noted that the Masterplan Economic Strategy projects that around 2,000 jobs could be provided within the Business Park and that this, along with the projections for the other employment uses would provide for the 4600 jobs to be provided on site, contributing to the overall number of jobs that are required to be provided. The current proposal includes the whole of the land that is set aside for commercial uses at the south east corner of the masterplan site, therefore the inconsistency with the employment numbers does need consideration. Whilst the difference in employment number is significant, it is not guaranteed that this will be the case given the applicant seeks flexibility in order to be able to market the site and the final occupier is not yet known. The site has the potential to be able to provide a far greater number of jobs and it is possible that this could occur. Additionally, whilst the numbers may be lower than expected, the applicant's argument that significant employment opportunities are provided through Local Plan allocated sites around the town is noted and given some weight given that these would remain accessible by walking and cycling. On balance it is the view of Officers that this proposal would provide a form of employment on this site early which should be given significant weight where the alternative is that there may not be a proposal for an alternative type of development or any such alternative may be either unviable or of a use that would not necessarily provide any significantly greater number of employment opportunities.
- 5.45 The Local Plan policy Bicester 1 suggests employment at NW Bicester should be B1 with limited B2 and B8. The policy does not further advise how this should be applied but the policy does relate to the NW site as a whole. The current application seeks a flexible approach to the use of the buildings and therefore if permitted they could be occupied by companies in different use classes or they may all be in a single use class. The use of the buildings may also change over time. If all the buildings proposed were to be used for B2 and/or B8 use it could be argued that this would not equate to a 'limited' amount of these uses. However the employment proposed elsewhere on the NW site is primarily in local centres and small business units and therefore generally falling with B1, D2 and A1 use classes. In the context of the site as a whole it is therefore considered that the level of employment in use classes other than B1 is acceptable.
- 5.46 Taking into account all evidence, it is considered that the current proposal is an acceptable use of land on this important site. If the use of the large employment site is for logistics this will provide a range of jobs and the second, smaller employment site which is also proposed, will provide opportunities for small units for a range of uses. It is further noted that employment is provided more widely across the site (albeit not on the same scale) and that this is more likely to provide B1 uses due to their scale. The type of commercial uses proposed is supported by Planning Policy including Policy Bicester 1 of the Adopted Cherwell Local Plan and it will contribute to securing economic growth in line with the Government's commitments as set out within the NPPF and the objectives of the local LEPs and the City Deal. The proposal

will deliver jobs early in the development of the NW Bicester site and there is a risk that should this proposal not be supported, the opportunity for employment would be lost taking into account there may not be a provider for an alternative type of employment (such as B1) or it may not be viable. This proposal will provide a significant number of job opportunities for the town on part of a wider site, which is designated for employment purposes within a Masterplan and which sits within proximity to both the existing and new communities therefore providing employment for the overall eco town that is easily reached by walking, cycling and/ or public transport helping to meet the PPS requirements. Overall, whilst concerns relating to the type of employment are noted, Officers conclude that the proposal will represent sustainable economic growth and which is an appropriate and acceptable form of development on this important site therefore complying with the above mentioned Planning Policy and the Masterplan.

5.47 Notwithstanding this view in relation to the principle of the employment proposed on this site, the rest of this appraisal will consider other aspects of this proposal and the more detailed matters to consider the overall impacts and how these need to be appropriately controlled.

5.48 **Housing**

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).

5.49 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.

5.50 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’.

- 5.51 The application provides a residential area which extends to 4.5ha and which sits to the north and east of the proposed employment areas. The proposal seeks to establish the principle for 150 dwellings across this 4.5ha as well as open space provision. Detailed matters in relation to design, environmental standards and the extent of Green Infrastructure across the site are considered elsewhere in this report, however in relation to the land set aside for residential development, this is generally compliant with the Masterplan and so acceptable in principle in the view of Officers. The application commits through the submitted Design and Access Statement to the achievement of Building for Life 12 and 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).
- 5.52 Real time energy monitoring and travel information is a requirement of the PPS and Policy Bicester 1 and is being provided as part of the Exemplar development being constructed through the provision of tablet style information portals in every home. 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.
- 5.53 Affordable Housing
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.
- 5.54 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.
- 5.55 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.'
- 5.56 The provision of 30% affordable housing can be secured by condition and/or S106 agreement provided the scheme is viable. 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.
- 5.57 **Fabric Energy Efficiency**
The PPS sets specific requirements for dwellings in terms of fabric energy efficiency and carbon reduction. In respect to the homes, the DAS suggests that the design of the homes will not rely on 'bolt on' technology to achieve the required level of performance and that carbon emissions will be reduced by minimising energy demand through appropriate orientation, passive solar design and a fabric first approach that maximises the performance of the building and its method of construction. It is also suggested that in time, the homes will be capable of connecting to the District Heating System being delivered as part of the wider eco town. The Exemplar is currently being constructed with increased fabric efficiency and low carbon heating from an energy centre on site and the A2D proposals for the wider site continue with this concept. This matter is considered further below.
- 5.58 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.
- 5.59 **Zero Carbon**
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.
- 5.60 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.'

- 5.61 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.
- 5.62 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.
- 5.63 The Cherwell Local Plan policy Bicester 1 identifies a number of standards relating to the construction of dwellings at NW Bicester reflecting the provisions of the Eco Town PPS. For example the policy seeks homes to be constructed to Code for Sustainable Homes Level 5, meet lifetime homes standards and provide reduced water use. The determination of a planning application should be in accordance with adopted policy unless material considerations indicate otherwise.

The government has undertaken a review of housing standards following which the following documents have been published;

- i. Ministerial Statement: Planning Update March 2015 (“the Planning Update statement”);
- ii. DCLG Policy Paper 2010 to 2015 Government Policy: energy efficiency in buildings (updated 8 May 2015) (“the energy efficiency in buildings policy paper”); and
- iii. Fixing the Foundations: creating a more prosperous nation 10 July 2015 (“the Treasury Statement”).

These documents are material considerations in the determination of the current application. They set out the governments intent to deal with matters relating to housing standards through building regulations rather than through the planning system to reduce the burden on house builders. The NPPF paragraph 95 which says that, “to support the move to a low carbon future, local planning authorities should...when setting any local requirement for a building’s sustainability, do so in a way consistent with the Government’s zero carbon buildings policy and adopt nationally described standards.” The Government has advised that it is no longer intending to implement the requirement for all new dwellings to be zero carbon in 2016 but is to keep the matter under review. The Code for Sustainable Homes has also been withdrawn. The Planning Update advises , “we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above Code level 4 equivalent”.

The Planning Update Statement also sets out that from the 1st October 2015 that additional optional building regulations can be applied in relation to water and access where there is a planning policy to support the need for them. Space standards can be applied where there is a planning policy to reflect the national standards. These changes relate to individual dwellings rather than the specific policy requirement for the development as a whole at NW Bicester to achieve zero carbon development as defined by the Eco Towns PPS and seek to achieve water neutrality. These requirements have been supported by the Inspector in the recent examination of the local plan and were an important rationale for the eco towns, that are to be exemplars of best practice. The work on the Exemplar development at NW Bicester has shown that the delivery of zero carbon development with reduced water use and the achievement of the eco town standards is feasible and achievable.

- 5.64 The application is accompanied by an Energy Strategy, which has been reviewed on behalf of the Council by Bioregional. The response received has raised some concerns with respect to the lack of commitment made within the submitted energy strategy as to whether the development will be built to the PPS definition of True Zero Carbon. It is further noted that the DAS states that the buildings will be design and constructed to be of very high energy efficiency with approaching zero carbon emissions, however this is not compliant with the overarching masterplan zero carbon principles. An objection is therefore raised.
- 5.65 The application documents do however commit to the construction of the non-residential buildings to be to BREEAM 'Very Good' Standards with the opportunity to meet 'Excellent' once end users are identified and in relation to ENE1 (of BREEAM). There is also a commitment to meet the Code 5 Energy standard (albeit there is no reference to meeting this wider code level, just the energy requirements). Albion Land also emphasise that they are not a housing developer and would not be developing the residential zones, therefore would be content to stipulate that the buildings would be constructed to Code for Sustainable Homes Level 4 and be capable of achieving Level 5, once the wider eco town is complete. The Energy strategy also refers to the future potential for the development to connect into the wider District Heating network with the ability to be built to high sustainability standards and to incorporate PV panels. With regard to the commercial land, two options are provided based on the needs of the future end users of the buildings.
- 5.67 Given the concerns raised in relation to the energy strategy and the commitments made, the matter has been raised with the applicant's agent. The response is that the applicant is willing to accept a planning condition requiring the submission of a Carbon Management Plan to achieve zero carbon and to accompany reserved matters applications in line with the requirement of Policy Bicester 1.
- 5.68 Whilst Officers have some concerns regarding the lack of commitments and details made at this outline stage, it is acknowledged that this site has some constraints in relation to the scale of the residential aspect of the scheme (which would be unlikely to justify its own energy centre) as well as the uncertainty over who may ultimately occupy the commercial buildings. It is therefore considered that S106 obligations/conditions are used to carefully control this development such that additional energy information is required to be submitted and considered and the governments direction of travel with regard to housing standards has been reflected. The conditions do not therefore seek compliance with requirements such Code for Sustainable Homes, particularly as the Code for Sustainable Homes has been withdrawn presenting a practical difficulty in seeking compliance. The requirements regarding reduced water use are recommended to reflect the higher building regulation standard now introduced.

The achievement of zero carbon on the North West Bicester site overall is a key aspect of this site having been designated as an Eco Town and via the allocation at Bicester 1. It is critical that this development meets the required standards in order to contribute to the site as a whole meeting the aspirations of the Eco Town.

5.69 **Climate Change Adaptation**

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.

- 5.70 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 new buildings to be designed incorporating best practice in tackling overheating.

- 5.71 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.
- 5.72 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.
- 5.73 The applicant's DAS for both the housing and commercial elements of the scheme refers to the design of the building and how, in particular the commercial buildings, can be designed to provide sun shading, the incorporation of high fabric insulation and air permeability standards to ensure that buildings do not overheat, consideration of orientation to minimise solar gain whilst attempting to maximise natural daylighting (to reduce the need for artificial lighting), the incorporation of natural ventilation and consideration of the thermal mass of the building. The development also designed to ensure that all buildings are located outside of the 1:100 year plus climate change and 1:1000 year flood zones.
- 5.74 **Transport**
- 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.
- 5.75 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;*' 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 limits the need to travel is also identified (para 37 & 38). The PPS 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).

5.76 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. 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.

5.77 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.

'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 supports 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. The SPD also advises 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.

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.

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.

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.

5.78 Application

The application is in outline and all matters except access are reserved. The application includes details of access from Middleton Stoney Road, to serve the

larger employment parcel, and from the existing Howes Lane a temporary link to serve the smaller employment parcel and the residential parcel. The planning statement accompanying the application at 4.40 makes it clear the access from the existing Howes Lane *'will only occur until the Realigned Howes Lane is constructed as part of the wider eco town. At this point it will be closed off in accordance with details to be agreed.'* The highway infrastructure plan also shows a footpath connection along the Howes Lane verge to connect to Wansbeck Drive along the existing path south of Howes Lane and a footway link, which would in due course run along the route of the realigned Howes Lane, to meet Middleton Stoney Road.

The application masterplan, in addition to the proposed access arrangements, shows the line of the proposed realignment of Howes Lane and the sustainable modes link to the land to the west which is the subject of the application 14/02121/OUT. The land shown for the realignment of Howes Lane is consistent with application 14/01968/F for the realignment of the road.

Within the application site part of the realigned Howes Lane and sustainable modes link to the west are to be provided to allow the access to the small business area and the proposed residential development. There is no vehicular access proposed between the large employment parcel and Howes Lane, all access by vehicles to this parcel would be from Middleton Stoney Road.

5.79 Transport Assessment

The application is accompanied by a transport assessment that identifies the impact of traffic from the development and a draft travel plan. The Transport Assessment concludes;

'9.5 The base traffic assessment demonstrates no potential capacity issues in 2019, assuming this to be prior to wider NWB Masterplan highway infrastructure improvements, with the exception of the Howes Lane/Bucknell Road junction to the north of the site prior to the NWB wider highway infrastructure measures.'

'9.6 An assessment of the local network in 2031 shows that the development can be suitably accessed and can be accommodated on the immediate road network. The wider network will be improved as a result of the NWB proposals.'

The impact of the proposal on Howes Lane and the wider network are considered further below.

5.80 Walking and Cycling Layout

The NW Bicester Masterplan has been developed to promote sustainable travel whilst also making provision for vehicular traffic so people have a choice in the way they travel. This application is consistent with the masterplan once the realigned Howes Lane is provided. In advance of that, the footpath connections are proposed to support sustainable travel. The NW Bicester Masterplan also includes local facilities such as shops that will provide for the needs of residents and employees on the development reducing the need to travel beyond the site.

5.81 This application does not include the provision of facilities which the NW Bicester masterplan shows provided elsewhere on the NW masterplan site. The nearest facilities would be located immediately to the North of the current application site in the local centre that is part of application 14/01641/OUT, which is subject of a resolution to grant planning permission subject to the completion of legal agreements. The current application includes proposals to facilitate a pedestrian connection through to Wansbeck Drive to enable access to existing facilities in the town. The nearest existing local centre is situated on Shakespeare Drive just over 510m from the site boundary and the nearest primary school is approximately 800m from the crossing proposed on Howes Lane. The Eco Towns PPS suggests homes should be within 10 minutes walk of facilities and a maximum walking distance of 800m from a primary school to support sustainable travel. In the long term as the masterplan

builds out homes will have convenient access on foot to new facilities including primary schools. If the current application proposals were built out prior to facilities within the wider NW Bicester development being provided they would have access to existing facilities within walking distance, all be it that the access through the existing residential area is not obvious and the nearest primary school would be just beyond 800m from the majority of the residential site. If this interim arrangement did come about improvement of the existing access routes to facilities, including signage, and the promotion of sustainable travel would be necessary to encourage the use of sustainable modes and support the delivery of modal shift required to meet the PPS standards.

5.82 Wider Walking & Cycling Network

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 off 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.

5.83 The pedestrian cycle link under the railway at NW, west of the Howes Lane realigned vehicle tunnel is excluded from the current applications with the Council but is included in the NW Bicester Masterplan. It has been proposed to require its provision through the use of Grampian conditions to restrict the extent of development until the tunnel is in place on application 14/01384/OUT and contributions to the cost secured from other applications.

5.84 The application would provide good walking and cycling provision both within the site and connecting to the existing town and its facilities when adjacent parcels of land are developed. If the site were to be developed in advance of adjacent parcels walking and cycling to local facilities would still be possible, all be it that it would not be as attractive or accessible as the proposed local centre and schools to the north of this application site.

5.85 Public Transport

To provide a choice in ways to travel attractive public transport is necessary. The NW Bicester masterplan included proposals for bus services to be provided through the site in two loops, to the North and the south of the railway line, to provide a regular service to the town centre and stations. This would provide for the majority of properties to be located within 400m of the bus route. To implement this service the parcels of land to the west and north (14/02121/OUT and 14/01641/OUT) would need to be developed.

5.86 The application proposal is accompanied by a Public Transport Note that sets out how the current application could be served by public transport in isolation from the wider development. This highlights that existing bus services in the area are 21, 25 and 25A and bus stops are located on Wansbeck Drive and Shakespeare Drive to the east of the site. Service 25/25A runs between Upper Heyford, Bicester and Oxford and, at the time of the note, was being retendered by OCC. The service is funded through S106 contributions and is proposed to be increased to 2 departures an hour in peak periods prior to 423 units being occupied at Heyford Park. It is not currently clear the standard of service that will be delivered going forward. New bus stops are proposed on Middleton Stoney Road adjacent to the proposed access to the large employment parcel to enable this service to be accessed from the application site.

5.87 The note also advises discussions have been undertaken with Grayline Coaches with regards to the improvement of the existing 21 service and this has indicated that providing additional early morning and late evening and Sunday services would be acceptable subject to a business case. The current service is generally half hourly.

Access to the route along Wansbeck Drive is more than 400m from the residential development and therefore does not provide the level of accessibility to public transport that the proposed NW service would in terms of proximity or frequency. However should the current application site progress prior to adjoining parcels measures could be put in place to improve the service to provide access to public transport from the site. A less accessible bus service early in the development is likely to make it harder to deliver the targets for modal shift and therefore measures to support sustainable travel such as the provision for real time public transport information to each home and business, as supported by the Eco Towns PPS, and active travel planning will be particularly important in these circumstances and the provision of bus services and these measures would need to be secured through planning conditions and legal agreement.

5.88 Rail

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

5.89 Vehicle Movements

A transport assessment (TA) has been submitted and the scope of the assessment was agreed with the highway authority, OCC. The assessment is of the traffic impact on the site accesses and local junctions for the future year 2019. To provide consistency the Eco Town traffic data has been utilised from Hyder consulting who have undertaken the transport assessment work for the wider NW Bicester site. This work also looks at the impact in 2031 with and without the development at NW Bicester.

The transport modelling for the NW Masterplan identified a number of areas where highway mitigation is required. The areas of mitigation agreed with OCC are summarised below;

- the realignment of Howes Lane and new crossing under the railway.
- Improvement of the Vendee Drive/Middleton Stoney Road/Howes Lane roundabout
- Improvement of the Banbury Road/Lords Lane roundabout
- B4100 access improvements
- Village traffic calming
- Walking and cycling improvements

These improvements are necessary to enable development of the NW Bicester masterplan site and are being secured through the legal agreements relating to the applications on the site.

OCC as Highway Authority have commented on the current application raising a number of detailed comments and in particular have advised that the realignment of Howes Lane and new crossing under the railway are required early in the development of the NW masterplan site and that the current application should contribute to these.

5.90 Howes Lane/ Bucknell Road

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. 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 and 14/01641/OUT, (which have resolutions to grant permission) include sections of the realigned road and relate to land either side of the proposed tunnel. The realignment of Howes Lane 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.

- 5.91 Given the constraints of the existing junction OCC have advised that there is a limitation on the number of additional traffic movements through the junction before it fails to function adequately. This has been equated to 507 dwellings (900 in total including the 393 dwellings already permitted on the exemplar site) and 40% of the proposed employment on the NW Bicester site. This capacity was identified through work undertaken by Hyder consulting in relation to application 14/01384/OUT.
- 5.92 The applicant's highway consultant has identified that the traffic equivalent from 40% of the employment of NWB is implicit within the 900 dwelling threshold and this has been accepted by OCC as Highway Authority. Furthermore it is stated that 'the allowance for employment traffic in the Memo significantly over-estimated the traffic levels from the Albion Land site.' As the Hyder memo identifying capacity did not go on to deal with the distribution of the 900 dwellings the applicant's transport consultant states that 'It is therefore appropriate for 40% of the Albion Land residential proposals to form part of the originally envisaged threshold total – 60 dwellings.' OCC's response to these submissions is awaited.
- 5.93 The applicant's have provided additional information to support the application that in summary also suggests that the traffic from the level of development is based on assumptions on the rate of delivery and this rate is now varying with no new employment land being delivered between 2011 -15 and therefore the modelling over states traffic levels and is pessimistic in terms of the impact on the Howes Lane/Bucknell Road junction. It is suggested that the whole of the current application development could therefore be accommodated prior to the new tunnel being provided. Using the previous modelling approach this would increase cues at the junction from 28 vehicles on Howes Lane and 8 vehicles on Bucknell Road in the PM peak to 48 vehicles and 10 vehicles respectively. OCC have advised; *'additional traffic beyond that in the 2024 '900 homes' scenario (which I agree assumes 40% of the employment generation across the NWB site), would present a severe impact in terms of delay to traffic, and could present a severe impact in terms of compounding congestion by blocking the Shakespeare Drive junction'*
The implication of this is that to build out the whole of the current application the tunnel would need to be in place.
- 5.94 The applicant has subsequently proposed that 75% of the commercial land and the housing in the application could be provided prior to the tunnel. This based on 60 dwellings being the pro rata amount for the site and the level of traffic movements from 75% of the commercial site which would only result in 11 additional traffic movements. It is suggested that if OCC do not consider that these trips could be

accommodated that A2D should be allowed less dwellings prior to the tunnel being provided.

- 5.95 A further transport note sets out the impact of the additional development on predicted cue lengths. The cue on Howes Lane increases from 28 vehicles to 34 and this takes the time from 421 to 441 which the applicants do not consider is severe, they do they consider that the cue will interfere with the Shakespeare Drive junction. On Bucknell Road they suggest the cue will increase from 7.6 vehicles to 8.3 and that the roundabout will not be obstructed. This note suggests that development should be allowed as the original modelling allowed for development (900 residential units and 40% of the employment) and in terms of the current proposals the employment use would generate less trips and these could in effect be used by additional residential development thereby resulting in no overall increase in trips through the junction. The views of the highway authority are awaited.
- 5.96 However this reasoning assumes that the capacity through the junction that has been identified should be spread pro rata between A2Dominion and Albion but this overlooks the issue of the need to deliver the tunnel and how junction capacity could contribute to that and other applications on the site.
- 5.97 In considering the applications 14/01384/OUT and 14/01641/OUT, submitted by A2Dominion, it was clear from the highway advice that the proposed tunnel under the railway would be needed before either application could be built out. In considering how the limited capacity should be allocated between all the current applications on the NW Bicester site consideration was given to;
- a) how could the capacity be used to support the delivery of the necessary tunnel, and
 - b) how could a small amount of development be achieved whilst still meet the policy requirements
 - c) is the development deliverable

A2Dominion have sought funding through the Homes and Community Agency (HCA) to deliver the realigned Howes Lane and the tunnel under the railway. The HCA have confirmed they are willing to support the scheme. The funding would be in the form of a loan and A2D would look to share the cost of the provision across all the NW development based on the amount of residential land in each holding. A2Dominion have therefore identified a route by which the tunnel and realigned Howes Lane could be delivered early in the development and all landowners would contribute to the cost as their land came forward for development. A collaboration agreement has been drafted between A2Dominion and the applicant, Albion Land to cover this.

- 5.98 The provision of the tunnel requires technical approval of the proposals by Network Rail, this is known as the GRIP process. This is a staged process through which consent can be achieved for works that affect the railway. A2Dominion have agreed to fund the technical work to progress the GRIP process, to secure technical approval of the tunnel subject to receiving a planning permission that would enable them to construct the 507 dwellings whilst the GRIP process was underway.
- 5.99 In addition to the technical approval, Network Rail are also seeking a shared value (ransom) 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.
- 5.100 The A2Dominion applications include land adjacent to the exemplar development, which is currently under construction, which includes a primary school, local centre, community hall, business centre and energy centre. Development of homes adjacent to the Exemplar will enable residents to have access to facilities such as shops and

primary school as well as support bus service provision and the energy centre that has been provided to enable zero carbon development to be achieved. It is proposed to limit early development to the location adjacent to the exemplar to ensure that isolated development without facilities does not occur and that the development can achieve Eco Town PPS standards.

- 5.101 A2Dominion have an agreement in place to acquire the land adjacent to the Exemplar and could deliver the housing on it taking advantage of some the investment that they have already made in the Exemplar development.
- 5.102 To date no other applicant at NW Bicester has provided details of how they could deliver the rail tunnel that is needed. It is therefore proposed to enable A2D to develop up to 507 dwellings adjacent to the Exemplar development prior to the tunnel, provided that they also pursue the GRIP process during the build out of the dwellings. Base of the highway authority's current advice no further dwellings could be built until the tunnel was provided. This is being secured through the legal agreement related to the application.
- 5.103 As set out above the modelling also assumed some employment development would take place prior to the tunnel being in place. The discussions with A2Dominion have focused on the residential capacity and the area of the site adjacent to the exemplar does not include any additional employment development. It is therefore necessary to also consider how this capacity should be dealt with on the site. In a similar approach to that relating to the residential capacity the following have been considered;
- a) how could the capacity be used to support the delivery of the necessary tunnel, and
 - b) how could a small amount of development be achieved whilst still meet the policy requirements
 - c) is the development deliverable
- 5.104 Both the applicant for this application and application 14/02121/OUT have sought to make the case that their developments should be allowed prior to the tunnel being in place. However to date OCC as the highway authority have not supported this.
- 5.105 In considering the current proposals the applicant's agent draws attention to;
'that it is a fundamental objective of your Authority detailed through the recently adopted Cherwell part one local plan to deliver a significant number of jobs at this site- and for these jobs to be made available early in the development – as well as a significant road infrastructure that is essential to the comprehensive and well planned delivery of North West Bicester.'

'Albion Land have, as encouraged by CDC and OCC, actively participated with A2Dominion in the preparation of the site wide Master Plan. They have collaborated on the preparation and are continuing to collaborate on Section 106 developer contributions and the implementation of infrastructure works that will benefit and enable delivery to not only their application site but to the wider needs of the Master Plan.

In doing so the applicant will be setting aside a substantial area of land for the provision of infrastructure benefitting the wider Master Plan. It will also be implementing direct infrastructure works benefitting the wider Master Plan. The application site will also be making a financial contribution to the wider infrastructure costs being incurred by A2Dominion in securing the strategic highway access and realignment of Howes Lane. These are to be secured through a formal 'Collaboration Agreement' to be entered into by the applicant and A2Dominion'.

The application enables the realignment of Howes lane through the site and as such

facilitates the strategic objective of securing the realignment. It also has been made clear it would make a contribution to the costs to facilitate the infrastructure works including the tunnel.

- 5.106 The facilities necessary to support commercial development are more limited than those required for residential development, for instance education provision is not required. However provision for sustainable transport is necessary and facilities for employees desirable particularly to reduce the need to travel by private car. As set out above the sites location adjacent to the existing built up area of Bicester and the existing facilities does mean that development on the site early in the build out of the NW site would enable access to existing local centres on foot all be it that provision planned on site would be more accessible.
- 5.107 Based on the above considerations the planning judgement of officers is that there is a good case for enabling the employment capacity to be used by the applicant subject to partial development of their proposal being deliverable prior to the tunnel and realigned road being in place and the application securing the realigned Howes Lane and contributions to the tunnel.
- 5.108 The applicant's agent in their letter of 23rd September 2015 states that;
'A critical component is the commercial necessity for the residential component of the scheme (up to 150 units) coming forward early and without being unduly fettered as the housing is needed to act as an essential funding element of the collaboration infrastructure and the employment zone. Put simply, due to its importance as a funding mechanism the housing element cannot be separated from the two employment zones as it is fundamentally linked.'

In an e-mail of the 12th January the following further information is provided;
The residential land identified in Albion Land's application area is necessary to facilitate the delivery of infrastructure much of which is necessary to deliver elements of the wider Eco-Town such as roads and drainage. It is also necessary to bring forward the essential infrastructure and utilities which have to be in place from day one for the site to accommodate any development whatsoever. This is because utilities cannot easily or viably be constructed through phasing.

The types of infrastructure and utilities which are necessary include the following:

- *Gas*
- *Water*
- *Foul Drainage*
- *Electricity*
- *Broadband and telephone*
- *Surface water drainage and SuDs*
- *Roads*
- *Footpaths and Cycle infrastructure*
- *Bus stops*
- *Street lighting*
- *Strategic landscaping*

Any developer will need to make connections to the utilities and provide the infrastructure necessary to open up the site and it will be essential to future proof the infrastructure and utilities to be capable of serving the full development as it will cost far more to phase it as well as cause severe disruption to the locality as a result of digging up roads etc. The site has no existing utilities and therefore making connections for the aforementioned essential utilities will require a significant investment on day one. To this effect Albion Land requires the housing element of their scheme to come forward at the same time as the employment to act as a funding mechanism. The intention is to sell the residential allocation with an outline

planning permission to a housing developer and use the freed up capital to act as a catalyst for the employment; infrastructure and utilities connections.

5.109 The linkage between the employment land and the residential needs to be explored further if it is necessary to limit the extent of development on the site. If it is not possible to separate the employment from the residential, and OCC have already advised that the whole scheme cannot be acceptably accommodated prior to the tunnel being in place there would appear little benefit in allocating the capacity to the application as it would not be implemented. It is hoped through further discussion with the applicant that it would be possible for them to deliver part of the proposed employment land early as set out above.

5.110 It is proposed that legal agreements and/or a Grampian condition are used to prevent development until the tunnel is available for use.

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.

5.111 To complete the Howes Lane realignment land contained within this application is required. The proposals in this application safeguard the route of the proposed realigned road and collaboration agreements between the applicants and A2Dominion have been agreed to allow the delivery of the realigned Howes Lane. In this regard the application supports the delivery of this key infrastructure.

5.112 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 is whether the proposed realigned road will adequately function as a perimeter road to the town. The design of the realigned road has been the subject of extensive discussion with Highway Officers who have not raised objections. Whilst these concerns are recognised it is considered that the realignment of the road offers significant advantages. Many of the representations on this application raise concerns about traffic, particularly in relation to commercial uses. Although the highway authority has not raised objection to the temporary access to the small commercial site and the housing on Howes Lane there is clear benefit for the residents in the existing dwellings in moving these and the existing movements a long Howes Lane further from the rear of residential properties.

5.113 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.

5.114 Considerable local concern has been raised about the potential traffic attracted to

commercial uses on the site particularly with regard to noise, lighting, vibration. The large employment site is to be accessed from Middleton Stoney Road and a routing agreement would be required to control the route of HGV traffic to the site. The location of the access to this part of the development would avoid the need for all the traffic movements on Howes Lane. The smaller commercial site and proposed housing are proposed to be accessed from the existing Howes Lane in advance of the realignment of the road. The ability to develop in advance of the tunnel under the railway is subject to the Howes Lane/ Bucknell Road junction capacity, but if it were to be possible the commercial units accessed are small and residential development is unlikely to attract regular HGV movements. OCC have not raised an objection in principle to either proposed junction and technical consultees have not raised objections on the grounds of noise or environmental nuisance subject to conditions.

5.115 Travel Plans

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 which states that *'this travel plan document focuses on the employment element of the planning application and set out the context for the preparation of individual travel plans by the occupiers of each unit on the site. The level of detail to be provided and objectives to be met by the occupier/occupiers, which will vary depending on a number of factors, such as the number of employees. Measures for the residential element are included within the framework travel plan.'*

5.116 The draft travel plan is disappointing in that it does not identify the targets for modal shift identified in the Cherwell Local Plan para C.39 which sets out the target of at least 50% of trips originating from the site to be by means other than the private car. The framework travel plan suggests the targets should be set for individual occupied units. Whilst each occupier will be different and the detailed travel plans will need to reflect this, the ambition for the site should be clearly identified and measures to support the achievement of it.

5.117 The framework travel plan proposes that a Travel Plan coordinator is appointed by each occupier who would be responsible for the implementation of the plan through marketing of it, statement of support by senior management, issuing of information packs, site specific incentives, yearly monitoring and reporting to OCC. For residential occupiers the measures identified include providing a welcome pack for residents, ensuring that sustainable travel is actively marketed, travel surveys and disseminating results and annual update of travel information.

5.118 The targets for modal shift on the site are ambitious and as such will require active measures to support the modal shift. The framework travel plan represents a 'business as normal' approach and as such it is unclear that it will deliver significant modal shift. This is in contrast to other applications where a greater level of commitment and innovation has been identified such as the provision of car clubs and promotion of electric vehicles. If Members consider this application acceptable it is proposed to seek greater detail in the framework travel plan though the S106 agreement.

5.119 Conclusion

The impacts of development at NW Bicester across the masterplan site have been modelled in combination with other development in the town to identify the transport mitigation required. Each application at NW Bicester is expected to make appropriate contributions to the provision of the necessary improvements. The primary constraint identified in relation to the current application is the junction at Howes Lane/Bucknell Road.

5.120 The resolution of the capacity issues is the construction of a new tunnel under the railway which forms part of the master plan for the development but is outside the

current application site. A2Dominion as applicants for 3500 dwellings have identified a route to deliver the tunnel and OCCs advice is that a maximum of 507 dwellings and 40% of the employment should be delivered. This is being explored further and an update will be provided at the meeting.

5.121 This application, if permitted, facilitates the realignment of Howes Lane, part of which runs through the site. This realignment is a positive benefit of the scheme both in terms of making provision for vehicular traffic, pedestrians and cyclists but also for the existing residents living close to the existing road.

5.122 The achievement of modal shift is a key ambition for the site. The application proposals are situated on the edge of the existing town and therefore if delivered early they could take advantage of access to existing local facilities, all be it that these are less conveniently situated than the proposed new facilities at NW Bicester which would be provided by other developers as they built out. It is also indicated that existing bus services could be enhanced to serve the site. This and securing the routes planned for the site and active promotion of sustainable travel will be key to achieving the reduction in travel from the site by private car.

5.123 **Healthy Lifestyles**

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.

5.124 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.

5.125 The overall site would include a generous provision of open space and in addition, facilities on the wider site include a county park, a community farm and allotments. The application site provides open space as well as walking and cycling routes and play space providing opportunities for residents and to encourage healthy and active lifestyle choices. The site does not provide infrastructure on the site itself but it is adjacent to a local centre just to the north (part of application 14/01641/OUT submitted by A2 Dominion), which includes the secondary school, a primary school, mixed uses including retail, leisure, business and community and a GP practice. Contributions towards these off site infrastructure matters are sought. The application would therefore contribute to supporting local facilities and these would be accessible by sustainable modes of transport including walking and cycling helping to achieve healthy communities. It is considered the proposal would comply with the PPS in this regard.

5.126 **Local Services**

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.

- 5.127 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.
- 5.128 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. As described above, this site does not directly provide infrastructure itself, however given the scale of the residential proposal and its proximity to a local centre with service provision and the need to fit in with the masterplan approach, this is acceptable. This local centre is accessible and alongside other local centres would provide a range of services to support future residents on the application site. The applicant would be expected to contribute to these required services. Furthermore, the site provides the largest employment provision across the site, providing employment opportunities for future residents of the application site and the wider eco town. A cultural strategy has also been developed that would seek to ensure that culture and the arts are incorporated into development proposals. Additionally, 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 as provision for extra care, permanent sports pitches and the country park and again, appropriate financial contributions would be sought.
- 5.129 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.
- 5.130 **Green Infrastructure**
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.
- 5.131 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).
- 5.132 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.
- 5.133 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.

- 5.134 Plans have been submitted with the application to demonstrate the 40% GI requirement. There are two plans, one of which shows the proposal with the temporary access road and the other shows the proposal with the future realigned Howes Lane (separately proposed) in place. In both circumstances, over 40% GI is provided (40.1% when the temporary road is in place and 41.3% when the realigned Howes Lane is in place). There is however a discrepancy between the calculation reached by Officer's based upon whether the existing Howes Lane area outside the boundary is included both within the required and actual GI allocation. Where this area is not included in either (and it is outside the red line boundary), the calculations show that there is 40.2% GI across the site. This is therefore sufficient to meet the policy requirements in principle.
- 5.135 A further discrepancy with the GI calculations as set out relates to the housing area as it is specified that this includes 40% GI, however upon reviewing the parameter plans, it is clear that there is very little GI provided within the housing area unless the applicant has included residential gardens (a point also picked up by the Environment Agency). Advice has consistently been provided that residential gardens should not count towards the total GI requirements as they are private spaces that there would be no control over. This matter has been clarified with the applicant's agent as whilst there may be opportunities across the site to increase the GI outside of the residential area, it is important that this matter is considered. The applicant's agent advises that the application commits to the provision of 40% Green Infrastructure but that at this stage, this is not specifically identified because until a more detailed design stage, it is not possible to accurately calculate the precise final land use. It is considered that it is possible for additional GI to be provided in the employment area and vice versa to deliver an overall 40%. Leaving this matter to a later date is of concern to Officers, however it is clear that this percentage can be accommodated and furthermore additional design work to agree parameters before reserved matters applications would allow this matter to be finalised and controlled through planning conditions.
- 5.136 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. For this application, based on 150 dwellings, this policy seeks around 1.06ha of general amenity space, 0.30ha of play space, 0.44ha of outdoor sport provision and 0.14ha for allotments. Across the application site, the proposal provides sufficient general amenity space and play space to meet the Policy BSC11 requirements. The proposal does not show how it would meet the requirements for allotments, however across the site there is sufficient green space to accommodate the required level of allotment provision. The main areas of amenity space are either side of the proposed realigned Howes Lane and will form an attractive landscaped entrance into the development which will also include sustainable drainage features to control surface water run off. This open space would be open and available for public use and a condition is recommended to secure this.
- 5.137 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. The provision of adequate outdoor sport space is important and it is proposed that contributions to the long term provision should be

made. This would be secured through legal agreements.

The layout of the principle areas of green space either side of the realigned road and providing screening to the proposed commercial development is consistent with the NW Bicester master plan.

- 5.138 Subject to the clarification of the 40% green space within the residential area, the proposal complies with Policy in respect of the extent of GI provision to be no less than 40% of the site area and the requirements of Policy BSC11 as far as it is reasonable to. The proposal is considered to be acceptable in this regard.

5.139 **Landscape and Historic Environment**

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. Measures 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.

- 5.140 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.

- 5.141 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.

‘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.

‘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.

‘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.

- 5.142 The application is accompanied by an LVIA within the Environmental Statement. The assessment finds the site to be within the large scale open farmland landscape type in the Cherwell District Landscape Character assessment and has identified the site

as being located within a restoration landscape. The site also 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

5.143 The LVIA finds that views are restricted to the immediate localised setting of the site and adjoining road corridors and these are only available where gaps exist in the field boundary structure and where hedgerows have been well maintained. Generally, the site is well contained and offers a degree of visual containment from the adjoining areas and road corridors. The western built up edge of Bicester is evident in the localised views and approach from the west, which has an urbanising influence on the site. The conclusions reached are that the significance of impact during the construction phases is limited and at completion and year 10, there is a minor significance of impact on the wider landscape character as the development is closely associated with the urban edge of the town and the significant highway infrastructure close to the site. The mitigation planting has some effect by improving the landscape features within the character area. Longer distance views would view the development in the context of the urban edge although impacts to receptors from Howes Lane and Middleton Stoney Road would be higher. It is considered that with the implementation of a landscape scheme as mitigation for effects, there would be no significant adverse effects on landscape or visual conditions.

5.144 The layout of the site means that the commercial buildings would be set back with sufficient space set aside for landscaping both to the Middleton Stoney Road and Howes Lane (existing and proposed realigned position) and in respect of the residential, a green route would be created along the existing Howes Lane. The creation of a gateway landscaped entrance to the site is suggested as well as the use of a variety of native species as part of the landscape scheme (albeit this would be finalised at the more detailed design stage).

5.145 The applicant advises that the landscaped areas incorporated will act as part of the SuDs infrastructure providing features such as ponds, balancing ponds and swales, which will be designed to form an intrinsic part of the overall landscape/ design approach and a strong visual approach to the site which is prominent from Howes Lane and Middleton Stoney Road. They also consider that the landscape proposals will complement the built form integrating the proposal into the wider setting within the context of the wider urban setting.

5.146 In respect to existing landscape features, the proposal involves the removal of one TPO tree that is required for the realigned road. Other trees and hedgerows are generally proposed to be retained and would need to be appropriately protected including the hedgerow through the centre of the site, which is shown on the submission plans as being removed (as discussed with the applicant's agent).

5.147 The Council's Landscape Officer has raised some concerns with the conclusions of the LIVA as set out within the responses section particularly with regard to the commercial element of the scheme. It is also suggested that a substantial woodland structure is required to screen the employment units from the residential receptors east of Howes Lane and detailed comments are provided in relation to suggested planting, the proximity of development to retained hedgerows and play provision. The application is in outline and detailed design will be required for the buildings and also the landscaping. Cross sections accompanying the application however show the relationship between the maximum building height and potential screening that could

be provided through landscape planting and the view of officers is that these show that the relationship of the site to the surrounding areas is acceptable. As part of the detailed design of development on the site high quality frontage to the realigned Howes Lane and Middleton Stoney Road will be required and landscape planting will need to be designed to complement this albeit Officers consider it would not be necessary to fully 'screen' the building but rather soften its appearance appropriately. These are matters that can be dealt with through reserved matter submissions.

- 5.148 In respect to archaeology, an archaeological investigation has been undertaken and has identified a number of archaeological features. The County Archaeologist has raised no objections to the proposal subject to conditions to require further work and therefore it is considered that the proposal is acceptable in this regard.
- 5.149 The ACLP suggests a soil management plan may be required. The Environmental Statement considers soils and agricultural land and identifies that the land is classified as 3b which does not make it 'best and most versatile'. The ES identifies that there is a likelihood that some damage to soil structure may result, but that measures will be taken to ensure that soil quality is maintained as far as possible. A planning condition is recommended in relation to this matter.
- 5.150 **Environmental Matters**
The proposal has attracted a number of public comments in respect of impacts from the commercial operations upon the residential amenity of nearby residential properties. The assessment therefore would need to take into account both existing and proposed residential properties. The ES has considered various environmental matters in detail.
- 5.151 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 put 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.
- 5.152 With respect to noise and vibration, the ES finds that the noise report submitted adequately addresses the issues of noise and this is accepted by the Council's Environmental Services Team albeit they suggest that conditions are required in order to restrict noise levels from activities on the application site so that they do not exceed the target noise criteria, and for mitigation measures to be used to control noise from the construction of the development. Noise assessments at the reserved matters stage would also be important to relate to individual units to ensure that noise and service yard management adhere to best practice to minimise the environmental impacts.
- 5.153 In relation to air quality and odours, the ES identifies the likely impacts are to be from fugitive dust from construction activities and emissions of nitrogen dioxide and particulate matter from increased road traffic associated with the proposed development upon nearby sensitive receptors. The assessment found that during the construction phase, the risk from construction activities would be high risk in terms of dust soiling and low risk in terms of human health. Site specific mitigation measures for construction activities are therefore suggested. With regard to the operation phase, the long term impacts are considered to be slight adverse to negligible. There is considered to be potential for a 'slight adverse' impact for annual mean Nitrogen Dioxide at the newly declared AQMA, which could potentially interfere with the implementation of a local air quality strategy.

- 5.154 Routing agreements can be used to route HGVs away from the AQMA. The NW Bicester site also has ambitious targets for modal shift and the layout of the masterplan has sought to facilitate sustainable travel, particularly walking and cycling. Sustainable travel has the benefit of having minimal impacts on the environment in comparison with car travel and contributions are sought from this site to the improvement of walking and cycling routes to the town, thereby reducing reliance on the private car, and impact on air quality.
- 5.155 Lighting has also been considered. The ES considers the potential impact of the proposed development from lighting considering lighting for residential roads, car parking and service yard areas upon nearby sensitive receptors. In order to assess the operation phase, lighting modelling has been undertaken and has used an assumed lighting scheme in the absence of a final scheme. Lighting levels were not predicted to exceed the guidance with the development in place and the overall impact is therefore considered to be negligible on the surrounding area. The conclusions overall are accepted, however it is important that any future application includes appropriate planning conditions to seek finalised lighting designs that relate to finalised layouts for the site. It is considered likely that lighting options would allow for a sensitive scheme to be sought.
- 5.156 With respect to all environmental considerations and those that could cause impacts to the amenity of residential properties, it will be necessary to carefully control the proposed development with conditions that control outdoor activities and storage, noise levels and potentially working hours, albeit the applicant seeks 24 hour operations to make the development a viable and marketable proposition. Notwithstanding the applicants wish to achieve 24 hour working, it would be reasonable in the view of Officers to restrict working hours for the small employment area only whilst the temporary access arrangements are in use and until such time that the realigned Howes Lane is in place to reduce the impact upon the existing residential properties as far as possible. A condition is suggested in relation to this matter. During the construction phase a Construction Environment Management Plan will be sought to control working activities to ensure that as far as possible environmental considerations are minimised.
- 5.157 **Net Biodiversity Gain**
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.
- 5.158 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.
- 5.159 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;

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”.

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.

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?

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.

- 5.160 The submission has included an ecological survey as part of the submission, which concludes that there are no designated nature conservation sites that would be directly affected by this proposal and that any such designated sites nearby are sufficiently distant to not be affected. The site is currently arable fields, field margins, hedgerows, trees, ditches and tall ruderal which have been assessed to be of low/negligible ecological value. The habitats of greatest value, including the hedgerows, trees and ditches would largely be retained and protected (the application indicates the loss of one TPO tree, required to be removed to accommodate the realigned road, the loss of hedgerows to accommodate access points and the loss of a hedgerow and trees, including one protected by a TPO through the centre of the site, however the loss of this hedgerow has not been justified and has been discussed with the applicant's agent who considers that a condition can be used to secure the retention of this hedgerow). In respect to protected species, the assessment concludes that there would be limited opportunities for bats, badgers, Great Crested Newts, reptiles and common birds and that appropriate measures to safeguard these species can be implemented. The Environmental Statement concludes that subject to the mitigation identified, ecological destinations, habitats or nature conservation interest or any protected species will be significantly harmed by the proposals. It is

considered that by protecting habitats and protected species sites, section 40 of the NERC act and the requirements of the Habitat Directive are satisfied.

- 5.161 In respect to Great crested newts, there are ponds on the adjacent site, which provide habitats for GCN. The Masterplan for the site identifies 50m buffers around the pond to the north of the site to protect habitats for Great Crested Newts which is considered best practice. The application proposal does not include this buffer and this is justified by the current status of the land being arable which offers a negligible opportunity for GCN and therefore the applicant's Consultants on Ecology do not consider there to be a need for this buffer zone within the application site. They advise that the field margin within the application site adjacent to the pond is to be retained and enhanced and that as enhancements are proposed on the Himley Village side of the site, the two mitigation strategies are compatible. Whilst the proposals would likely be considered legally compliant in terms of their impact upon GCN, there is conflict with the masterplan in this respect, particularly as the identified buffer sought to enhance the habitat and not simply avoid negative impacts only. Never the less ecological consultees have not raised objection to the proposals with regard to GCN, although concerns have been raised with regard to the over all achievement of net bio diversity gain. With regard to hedgerow buffers to be provided to accord with the North West Bicester Masterplan, the applicant's agent has advised that the proposed layout demonstrates that the 10m standard is adhered to and in fact exceeded with landscape buffers of between 12 and 32m to retained hedgerows.
- 5.162 The Masterplan supporting documents identify the impact of the scheme on farmland birds, which cannot be mitigated for onsite. 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. The applicant has agreed to make the relevant financial contribution at the appropriate stage subject to the request being demonstrated as lawful in line with CIL Regulation 122. Officers therefore intend to negotiate this matter through the legal agreement process and this forms part of the Heads of Terms being sought and will form part of those negotiations.
- 5.163 As set out above, Planning Policy seeks to secure a net biodiversity gain and as well as habitat retention to achieve net biodiversity gain, habitat creation and enhancement is required. In respect of North West Bicester, the use of the Defra metric to calculate potential net biodiversity gain has been used. The use of the Defra metric has been sought from the applicant and this has been applied. This has concluded that the proposals would appear to result in a calculated net loss of -7.44 units for 'habitat biodiversity' and a calculated net gain of +1,319.71 units for the 'linear biodiversity' features of the site. The applicant has sought to justify the score for habitat biodiversity which shows an overall loss and emphasises the habitats that are being provided which include species rich wildflower grassland, wetland habitat, new tree and shrub planting and native woodland as well as features such as bat and bird boxes.
- 5.164 It is accepted that the application is to include biodiversity enhancements which is a benefit to the proposal and that there is sufficient opportunity for a net biodiversity gain to be achieved on this site. However taking into account concerns raised by BBOWT and the Environment Agency with regard to how this proposal achieves a net biodiversity gain, it cannot be concluded that the proposal is Policy compliant in this respect. Furthermore, it is unclear as to whether the proposals align with the overall mitigation and habitat provision identified at the masterplan stage for the whole development and whether the net gain that is suggested will be consistent with the overall target for the eco town. In addition, the Masterplan submission documents suggested the use of brown/ green roofs, however there is no indication that this would be incorporated. Notwithstanding this conclusion, Officers are content that the site has the ability to contribute to the net biodiversity gain requirements appropriately

and further information is awaited to demonstrate that this can be achieved. It is considered that 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.

5.165 **Water**

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.

5.166 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.

5.167 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.

5.168 The application has not been submitted with a Water Cycle Study, albeit, water quality, drainage and flood risk are considered within the Environmental Statement. This assessment and no other submission document however commit this proposal to delivering the water consumption requirements to meet the former Level 5 of the Code for Sustainable Homes and there is no acknowledgement of how the site will contribute to the aspiration towards water neutrality or the wider integration of water supply and disposal across the entire masterplan site. The proposal does however commit to the achievement of BREAAAM 'Very Good' for the non-residential aspects of the scheme, with the potential to achieve 'Excellent' once end users are identified in the future. The application documents do make reference to the use of low consumption water appliances to minimise water use and upon requesting additional information, the applicant's agent has advised that the design of future homes will be required to achieve a consumption level of less than 105 litres per person/ per day which will assist in achieving water neutrality. A condition requiring the higher building regulation standard for water efficiency is proposed. The DAS also advises that the overall drainage strategy for the scheme will promote water efficiency and it is possible that at a later stage, other features such as rainwater harvesting could be included. The use of SUDs across the site would contribute to improving water quality whilst managing surface water, ground water and local watercourses to prevent

flooding. In addition, the ES only focusses on the associated water infrastructure for the non-residential part of the scheme and so it is not clear whether there is adequate infrastructure available in line with phasing of the development to ensure the development is protected. On its own merits therefore, the proposal cannot be considered to comply with the PPS and the Draft SPD in respect of water at this stage. A planning condition will be required in order to seek additional information relating to water.

5.169 **Flood Risk**

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.

5.170 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.

5.171 The application is supported by flood risk information, 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). The FRA demonstrates that the risk to flooding on site is minimal and a mitigation strategy is proposed incorporating SUDs in order to restrict the flows to the ditch alongside Howes Lane to Greenfield run-off rates using onsite swales, ponds and retention tanks. Following the receipt of amended information which allows for a 30% climate change allowance (as required by the NPPF) and a clarification of the soil type used, it has been confirmed that the strategy for drainage can continue to be the same form of SUDs and that there is sufficient land to increase the size of any feature to cater for any increased water retention that may be needed.

5.172 The Environment Agency raises no objections on the grounds of flood risk. Oxfordshire County Council, as Lead Local Flood Authority does however query the drainage design, stating that it is unclear what the mode of surface water discharge from the site is. Their assumption is that it will be via a piped system with a limited rate of discharge via a hydro brake or similar and they query the surface water features referred to as swales as the shape and size of these suggest they are more like ponds. It is considered that the applicant has demonstrated through the information provided that the site is unlikely to be at risk of flooding and that a suitable drainage strategy can be achieved. It is therefore considered that with suitable conditions to agree a full drainage strategy, the application can be considered to comply with the PPS, NPPF and the ACLP with regard to flood risk.

5.173 **Waste**

The Eco Towns PPS advises that applications should include a sustainable waste and resources plan which should set targets 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 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

5.174 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.

5.175 The application does not include a specific waste management plan, however waste and recycling are considered within the Environmental Statement. The ES identifies that there would be a small adverse impact on the availability of landfill capacity (a reduction in the total landfill space available for other wastes) as a result of the disposal of non-recyclable waste from the development. A waste strategy has been sought, however the applicant suggests that this can be dealt with via a condition to require a site waste management plan. The Design and Access Statement also considers the materials to be used, such as their ability to be locally sourced, reclaimed, recycled and renewable such that this could assist in reducing waste and the reduction of landfill materials. The applicant does not commit however to waste targets and it is therefore important that a condition is used to require a site waste management plan that sets appropriate targets to ensure that the requirements of the PPS and the Draft SPD can be achieved.

5.176 **Masterplanning**

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.

5.177 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.'

5.178 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.

5.179 The NW Bicester site identified in ACLP 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 application has been submitted with a masterplan that shows how the scheme forms part of the wider eco town area and how it connects and conforms to that wider masterplan. The application also safeguards land for access in the form of the land needed to realign Howes Lane that would be delivered separately by A2 Dominion. The applicant sees the site as being standalone, but it is clear that consideration has been given to ensure that the proposals complement the wider plans for North West Bicester and in the view of Officers, the proposal can be considered to be in compliance with that masterplan. Notwithstanding this, it will be important that appropriate triggers are included within legal agreements to ensure that the development is linked to the provision of infrastructure, including the provision of the re-aligned road and tunnel to ensure that the wider development provides infrastructure at the right time and to support the masterplan approach to delivery.

5.180 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.

5.181 **Transition**

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.

5.182 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 others with regard to establishing a community management organisation (LMO).

- 5.183 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 which was secured through the legal agreement accompanying the application. A similar approach is proposed for the applications proposed by A2 Dominion and Officer's intend to negotiate a similar approach for this application.
- 5.184 The limiting of carbon from construction has been addressed on the Exemplar application by measures such as construction travel plans, work on reducing embodied carbon and meeting CEEQAL (sustainability assessment, rating and awards scheme for civil engineering). It is proposed that this same approach would be taken on subsequent applications for the wider site and so this would be relevant for the current application. Conditions and/ or the legal agreement would seek to address this point.
- 5.185 The requirements for transition arrangements can therefore be met and secured as part of any planning permission that might be granted.
- 5.186 **Community Governance**
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.
- 5.187 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.
- 5.188 Work with a group of local stakeholders has been underway by A2 Dominion 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 Exemplar 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 secured through legal agreements, that could potentially generate an income.
- 5.189 There has been good progress in progressing the LMO through the work on the Exemplar application and to ensure the PPS and ACLP requirements are met, it is intended that 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. The applicant has indicated their acceptance to discussing S106 matters and this would form part of those discussions.
- 5.190 **Design**

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.

- 5.191 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.
- 5.192 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.
- 5.193 The application is an outline proposal, therefore at this stage it is necessary to consider the Design and Access Statement and the principles established for the site to guide development moving forward to the reserved matters stage. The application is also accompanied by parameter plans to establish the parameters for the development to respond to and the application establishes the maximum height of the commercial buildings as 13.7m to eaves with a maximum ridge height of 16.75m. The DAS suggests that a contemporary design approach would be appropriate, to be consistent with the aspirations of the proposed eco town which would incorporate a high quality and sustainable design. The proposal seeks to justify the height of the buildings as being necessary to meet the potential end user requirements, which suggests that in order to be commercially viable, height is required to suit the requirements of modern logistics companies. The application notes the gateway location of the site and considers this an opportunity for future end users therefore setting the intention to create a high quality development that complements the future surrounding development. The DAS explains how the orientation of the employment zones have been carefully considered to maximise passive solar gain and achieve shade contributing to the achievement of high BREEAM ratings.
- 5.194 In respect to the residential zones, these have been designed to deliver up to 150 homes and a separate Design and Access Statement has been submitted to respond to the residential elements of the scheme. This seeks to establish key principles such as outward fronting development, a clear road hierarchy, good legibility and connectivity, access to open space and play equipment, suitable indicative plot depths and have been designed with regard to designing out crime.
- 5.195 With regard to the impact of the proposal upon the visual amenity of the area, the earlier section of this report considering the landscape and visual issues that arose from the ES assessment concludes that this site can accommodate the proposal without serious harm to the landscape. In visual impact terms, the buildings would be

large and prominently situated on this corner of the site, however the site is positioned close to existing and proposed residential development therefore it would not appear isolated, it would be set within a landscaped area and set back from both the Middleton Stoney Road and Howes Lane. Modern buildings to accommodate industrial and logistics operations have the potential to be large and bulky and the applicants have indicated a desire to be able to accommodate modern flexible buildings on this site, all be it limited in height to a maximum of 13.7m to eaves. Given the prominent frontages of the large commercial area, officers consider that there is the need for a high design quality, particularly at the corner of the site between Howes Lane and the Middleton Stoney Road, to ensure any buildings to respond to the prominent location at the entrance to the site. The submitted information and parameter plans provide a sufficient framework for the future development to evolve from to ensure the creation of a high quality business park in this location. Officers consider it very important that any future development on this site reflects that it is part of a wider eco town, recognises its prominent location and responds to its surroundings. Therefore it is recommended that planning conditions are used to seek an urban design framework that will ensure that the detailed designs on this site take account of the emerging proposals on the surrounding sites, including the building designs, linkages and landscaping. This would ensure that suitable design guidance is in place to support future development of detailed proposals and establish the framework for a development of the expected quality on this site.

- 5.196 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.
- 5.197 It is also necessary to consider the potential visual impact upon the residential amenity of neighbouring properties, both existing off site and proposed, both on the current application site and surrounding land as far as is possible at this stage. In response the applicant has submitted a series of section drawings demonstrating the extent of landscaping and open space proposed around the building, which forms a substantial buffer particularly between the site and homes that exist and which currently back onto Howes Lane.
- 5.198 It is clear from these sections that in relation to existing properties, even in the worst possible situation (i.e. with the buildings directly adjacent to the boundary of the employment zone and at the closest point to existing neighbouring properties) there is a considerable distance of around 76m between those homes and any building on the largest employment site. The distance is such that that buildings would not impact upon their residential amenity given these separation distances achieved.

The proposal also facilitates the realignment of Howes Lane as discussed and this also has long term benefits to residents whose rear gardens currently back onto Howes Lane and this proposal is supported by many of them. The design of the relocated Howes Lane includes avenue tree planning which will contribute to the landscaping and screening of new buildings. The impact of the temporary access from Howes Lane to this site is more likely to cause some neighbour impact by way of the increased use of the road by large vehicles and construction traffic. The environmental considerations of this have been discussed elsewhere and can be controlled, most particularly in relation to working hours during this temporary period. Providing these safeguards are in place, it is considered that the proposal could be accommodated in a suitable form. Proposed housing on the site would sit closer to the existing residential properties, however further design work to establish parameters for the residential development, including by applying the Councils space standards, would mean that a suitable scheme could be accommodated.

5.199 Proposed residential development on adjoining sites, specifically to the west would be set at a slightly higher land level than the site (according to the land levels, the land slopes up to the west). Cross sections have been provided to show the relationship between the maximum building height on this site and the neighbouring land. Land to the west is identified for mixed use with a maximum height parameter of 16m. It is considered that with care the design of the site can ensure that there is an acceptable relationship and landscaping between the employment uses and adjacent proposed uses.

5.200 The framework plan provides a sound basis, albeit at a high level, on which further detailed design can be based and the submitted information demonstrates that the proposal can be accommodated without causing serious harm to the residential amenity of neighbouring properties both in respect of existing and proposed residential properties. 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.

5.201 **Planning Conditions and Obligations**

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.

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'.

5.202 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.

5.203 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. This framework element will include the mechanism for ensuring that each part of the site makes appropriate contributions to the realignment of Howes Lane and the tunnel under the railway. 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.

- 5.204 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 identified and raised with the applicant. The applicant has indicated their willingness to enter into discussions in relation to a legal agreement that would meet the tests of Reg 122 and for contributions which can be justified. 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 will need to continue. Whilst Officers cannot confirm the finalised details of the obligations at this stage, work will continue to negotiate the legal agreement. Should there be a change in circumstances in respect to this matter, it may be necessary to return the application to committee for further consideration.
- 5.205 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.
- 5.206 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'. Other conditions are identified throughout this report and a full set of draft conditions will follow the publication of the committee agenda.
- 5.207 **Other matters**
Although the above sections cover most matters, the ES does consider contamination. The conclusion in relation to this matter is that there are no significant contamination sources on the site and that there are no sensitive groundwater issues therefore contamination is unlikely to be a significant matter. In any event however, Officers would suggest the use of planning conditions to deal with this matter and to seek a further detailed assessment.
- 5.208 **Pre application Engagement**
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).
- 5.209 The wider eco town site has been the subject of significant consultation led by A2 Dominion, which has helped shape, inform and refine the masterplan. In respect to the current application, engagement was undertaken in 2012 to support the first application by Albion Land. As part of this engagement process, concerns were raised in relation to the proposed site access off of Howes Lane and to address this, the proposal was amended to provide the main access from the Middleton Stoney Road.
- 5.210 **Financial Implications:**
It is estimated that this development has the potential to attract a Business Rates

Income of £1,110,483 (£444,193 that Cherwell would keep) and New Homes Bonus of £1,519.66 per house per annum (based on an average Band D property) under current arrangements, for the Council. Payments are payable for 6 years with an additional sum paid per affordable home. The Government is top slicing the New Homes Bonus to fund an Economic Growth Fund, which will result in a reduction in bonus paid from 2015/16. Members are advised that this information is provided on an information basis only.

5.211 Engagement

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 continuing work and negotiation with the applicant in relation to the detailed matters raised by this application and the S106 agreement.

5.212 Conclusion

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.

5.213 Policy Bicester 1 and the Eco Towns PPS identify North West Bicester as a location for 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 is due to be incorporated into an SPD for the site. The application proposals have addressed each of the standards set out within the policy documents and the Interim draft SPD or matters can be dealt with by conditions, providing a proposal that will exceed the normal standard of development and with the potential to be a national exemplar of sustainable development.

5.214 The application proposes a significant employment opportunity on a site which is set aside for employment purposes within the NW Masterplan and Policy Bicester 1. The type of employment proposed is, on balance considered to be acceptable in this location. It will provide a significant number of employment opportunities in a range of types and has the potential to accommodate logistics companies which are identified as a key sector for the area. The small employment area provides the potential for accommodation for small businesses and grown on space. The information submitted also demonstrates that the design parameters and principles can accommodate an acceptable form of development in a way that will not cause significant harm.

5.215 The proposal also seeks permission for residential development including affordable housing, some of which may be capable of being delivered within the next five years and in any event will contribute to the rolling requirement to achieve a five year housing land supply and this weighs in favour of the development. The NPPF seeks to support sustainable economic development and both the commercial and residential aspects of this scheme would contribute to the achievement of this aim.

5.216 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 ACLP 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 commits to the achievement of a net biodiversity gain. This weighs in favour of the proposal.

5.217 The residents and employees 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, whilst the policy sets ambitious targets on mode share. The proposals will also make contributions to offsite 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 (subject to confirmation of the need from OCC) 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 offsite impacts weigh in favour of the proposal.

- 5.218 The application sits within proximity to the existing town and the facilities provided there as well as being close to new facilities to be provided as part of the wider North West Bicester site. Contributions towards infrastructure both on and off site are sought through this proposal. The application is currently in outline with all matters reserved but the framework parameter plans will provide the basis for more detailed proposals. The sustainability features of the proposal, which can be secured by way of S106/ condition on this important site would ensure that the proposal exceeds development standards elsewhere and weighs in favour of the proposal.
- 5.219 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. Due to the position of this site adjacent to the built edge of Bicester, as well as its proximity to infrastructure that would be provided elsewhere on site, it is considered that the proposal would provide for a sustainable neighbourhood. Through the use of conditions and agreements, it is considered that a comprehensive approach to development can be secured and as such the harm that would arise from piecemeal development can be addressed.
- 5.220 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.
- 5.221 **Environmental Impact Assessment Determination**
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.
- 5.222 It is therefore **recommended** that this report and the conditions and obligations proposed for the development are the 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:

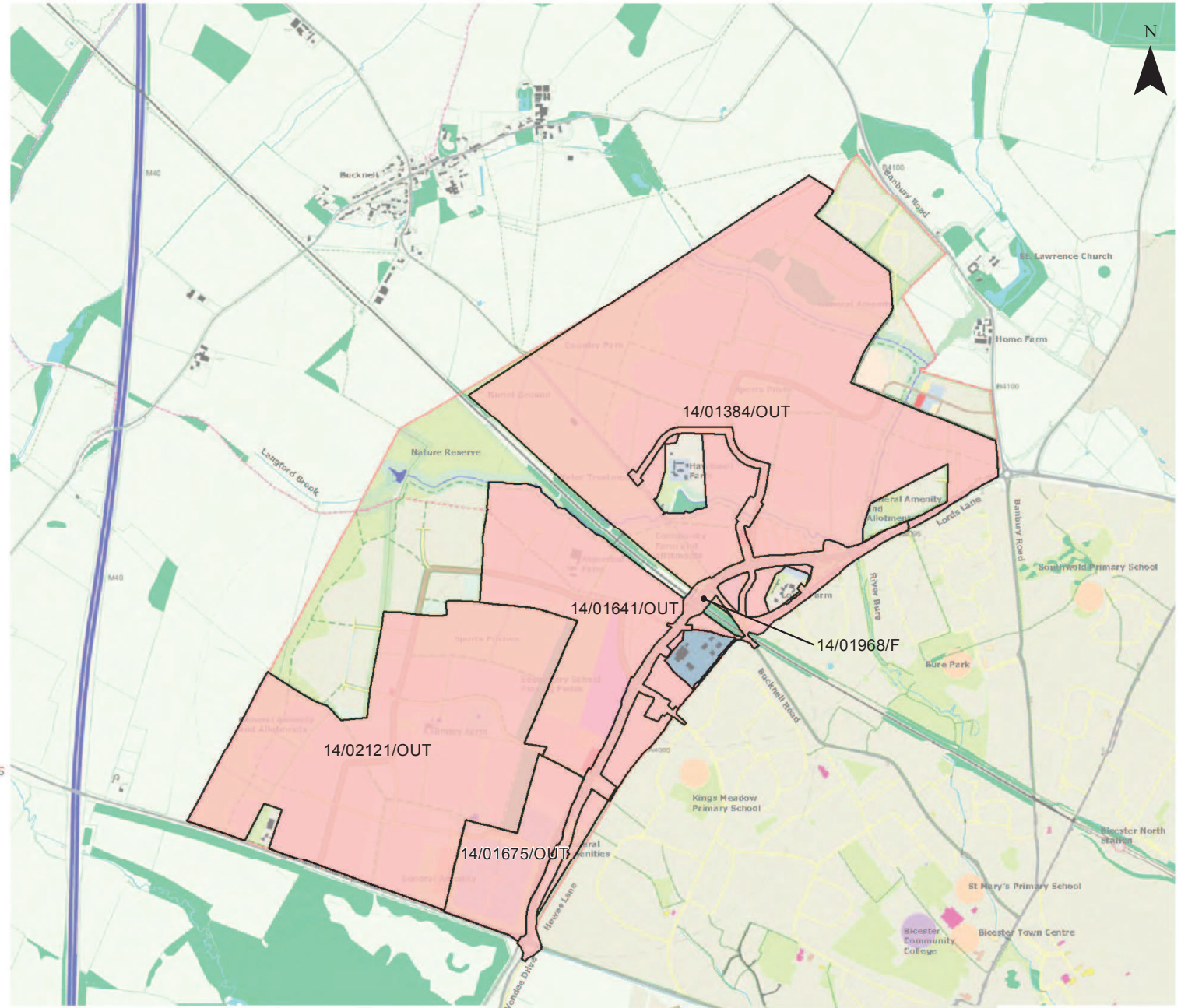
- a) Delegation of the negotiation of the S106 agreement to Officers in accordance with the summary of the Heads of Terms attached at appendix B and subsequent completion of S106 agreements and;
- b) the following conditions with delegation provided to Officers to negotiate final amendments to the wording of 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 to progress this application and to resolve concerns.

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

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Appendix B

SUMMARY HEADS of TERMS

Committee 21 January 2015

Framework S106

1	Eco Town Quality Standards 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: (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 The following site wide infrastructure is required to serve more than one part of the site: (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 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. 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. A2Dominion will use reasonable endeavours to secure the co-ordinated and effective delivery of the site wide infrastructure. Appropriate security provisions will be required in relation to the delivery of the site wide infrastructure.	

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	GP Surgery	
	Provide financial contribution to the provision of a new GP Surgery	
3	Thames Valley Police	
	Provide financial contribution to neighbourhood policing	
4	Community Hall & Sports Pavilion	
	Financial Contributions towards build cost of hall and sports pavilion south of the railway line along with other applicants south of the railway line Contribution towards visitor centre within community hall to the north of the railway line	
5	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.	
6	Community Development Fund	
	Financial contribution to deliver community development	
7	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.	
8	Primary School	
	Financial contribution towards the provision of primary schools	
9	Secondary School	
	Financial contribution towards the provision of secondary schools	
10	SEN	
	Provide contribution for the provision of SEN places	
11	Permanent Sport Pitches	
	Provide contribution for the sports pitches both capital and revenue.	
12	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	
12	Allotments	
	Layout or fund the laying out of the allotments and transfer them to CDC in accordance with an agreed plan and phasing.	
13	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.	
14	Indoor Sport	
	Provide funding for the expansion of the Bicester Sports Centre	
15	Green Space that could be used for a Burial Ground	
	Provide contribution to the provision of a burial ground	
16	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.	
17	Cultural & Wellbeing Strategy	
	Provide a cultural and wellbeing strategy and action plan for delivery across the site	
18	Local Management Organisation	
	Work with CDC to establish the LMO Provide funding for the establishment of the LMO and its activities	
19	Waste Collection & Recycling	
	Provide an action plan to deliver waste reduction Provide funding for the provision of domestic bins for waste and recycling Provide funding for the provision of bring bank sites	
20	Bus Provision	
	Provide funding for the provision of the bus service to serve the site in accordance with agreed phasing	
21	Bus Access Scheme	
	Provide or provide funding for the improvement of Bucknell Road and Field Street to facilitate bus access	
22	Off Site Cycle Way Improvements	
	Provide a contribution towards the following improvements; <ul style="list-style-type: none"> • Off-site cycleway along Middleton Stoney Road between Howes Lane and Oxford Road. • Off-site improvements to cycle route between Bucknell Road, George Street and Queens Avenue • Off site cycleway and traffic calming scheme on Shakespeare Drive 	
23	Field Path Improvements	
	Fund improvements to Bridleway Bicester 9 and Bucknell 4	
24	Highway Works	
	Contribution to Banbury Road B4100 roundabout improvement Highway works to create vehicular access off Middleton Stoney Road and footway/cycleway along frontage of development, plus temporary access off Howes Lane with linking footway and pedestrian crossing of Howes Lane.	
25	Village Traffic Calming	

	Contribution to funding village traffic calming	
26	Travel Plan	
	Provide and agree a travel plan Provide funding for travel plan monitoring	
27	Monitoring	
	Provide scheme of monitoring eco town standards	
28	Bond/Guarantee	
	Provide bond or guarantee for the delivery of the infrastructure	
29	HGV Routing Agreement	
	Agreed routing for construction traffic and commercial traffic serving the proposed business units.	
30	Monitoring fees	
	Provide a fee for monitoring of legal agreements	
31	Drainage	
	SUDs to be provided on site	
32	On site internal roads/ streets	
	Committed sums for road adoption will be applicable Agreement to secure internal roads and vehicular, bus only and pedestrian/cycle linkages to adjacent Northwest Bicester sites.	
33	On-site sustainable transport initiatives	
	Travel Plan co-ordinator Electric Vehicle charging points Car club	

Agenda Item 8

15/01587/F

The Paddock
Main Street
Great Bourton
Banbury
OX17 1QL

The
Paddocks

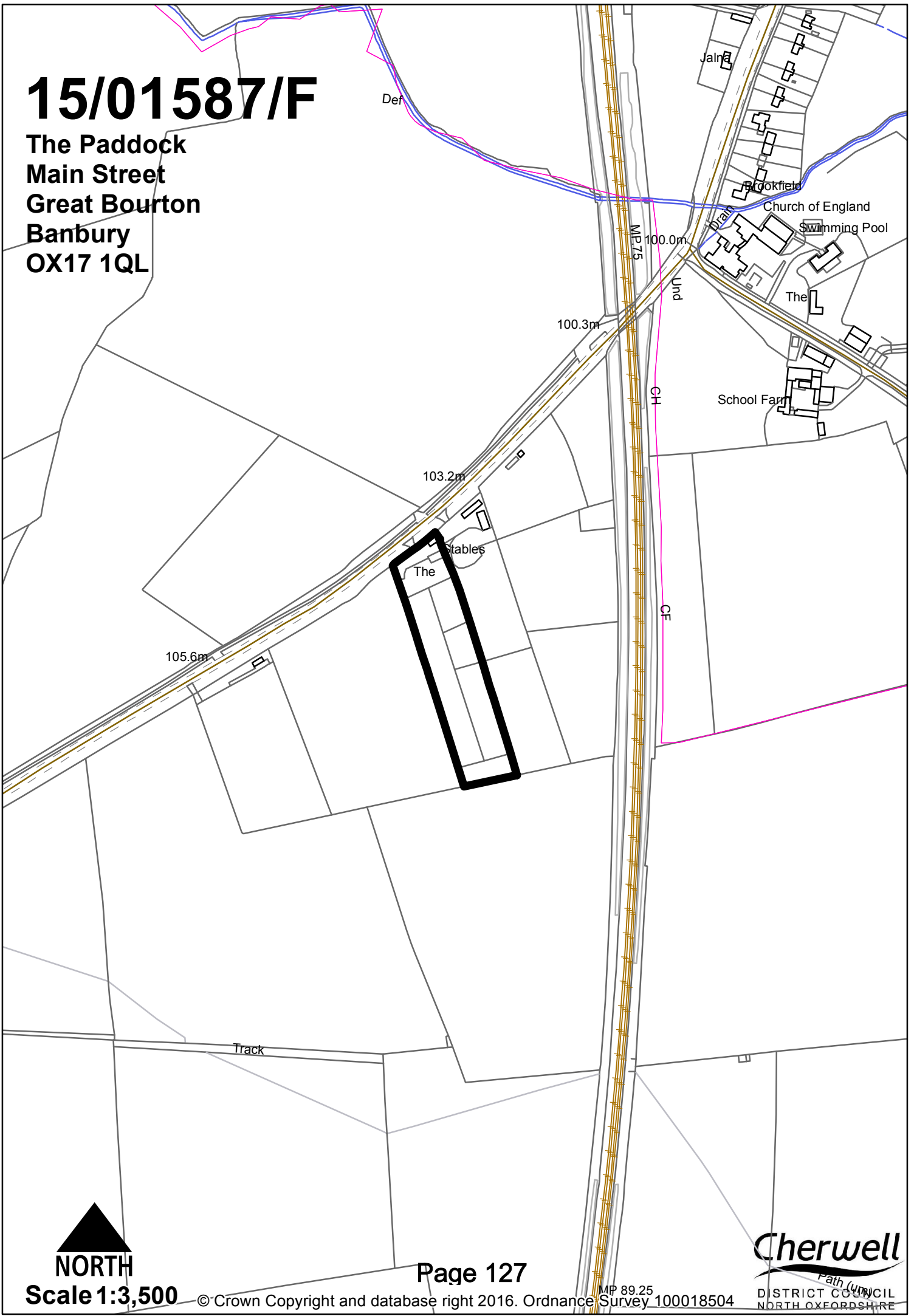
The
Stables



Scale 1:800

15/01587/F

The Paddock
Main Street
Great Bourton
Banbury
OX17 1QL



Scale 1:3,500

**Site Address: The Paddock
Main Street Great Bourton**

15/01587/F

Ward: Cropredy

District Councillor: Ken Attack

Case Officer: Bob Neville

Recommendation: Approval subject to conditions

Applicant: Mr Wayne Walsh

Application Description: Demolition of existing toilet and shower block and construction of stable building with three stables, feed store, tack room for the breeding of foals and also including toilet/shower facilities and restroom for staff use. Change of use from agriculture to agriculture and equestrian (mixed use).

Committee Referral: Member Call-in

Committee Date: 21/01/2015

1. Site Description and Proposed Development

- 1.1 The site is a parcel of land some 500m north-east of the village of Great Bourton. The site is in open countryside and is bounded by hedgerows to the northern and southern boundaries and post and rail fencing to the western and eastern boundaries. Land levels are fairly consistent within the site although the land rises to the south, with Great Bourton looking down toward the site. The site has an existing gated access off the Great Bourton to Cropredy road with an area of hardstanding for the parking and manoeuvring of vehicles within the site.
- 1.2 The site was formerly part of a larger parcel of land which has subsequently been divided into two separate planning units. The current application site is currently used by the applicant as an agricultural small-holding and the applicant also has certification from the Caravan Club to allow for up to five touring caravans to be located on the site. There are a number of structures within the site, some of which do not benefit from planning permission, notably a static caravan; a matter of which has been investigated by the Council's Planning Enforcement as a separate issue details of which have been attached to this report at appendix i.
- 1.3 In terms of constraints, the site is not within a designated Conservation Area and there are no other Heritage Assets within close proximity to the site. There is a Public Rights of Way (footpath 138/8) which crosses the site. The site is within an area of known archaeological interest. There are no other notable site constraints relevant to planning.
- 1.4 The application comes following the withdrawal of a similar scheme for stabling (6 no. stables) which was withdrawn following officers raising concerns with regard to the number of stables and whether there was sufficient land within the site to adequately accommodate the potential number of horses that could be stabled at the site.
- 1.5 The current application seeks planning permission for: the demolition of existing toilet and shower block at the north-western corner of the site; the construction of stable building with three stables, feed store, tack room for the breeding of foals and also including toilet/shower facilities and restroom for staff use in the same area of the site; the erection of a horse walker/exerciser and the change of use land from agriculture to a mixed agricultural and equestrian use. The stable building will be single storey with a footprint of some 143 sq m and is to be timber clad under a slate roof. As part of the proposals the unauthorised static caravan will be removed from site following completion of the stables.
- 1.6 The application has been amended and further information provided during the course of determination, in response to both officer and third party comments, in that staff facilities have been incorporated into the stable block building to negate the need for a separate structure (i.e. static caravan). This has resulted in the

determination period being extended (in agreement with the applicant) to allow for adequate re-consultations and for the application to be presented to planning committee following the application being called-in the Local Ward Member

The application site and neighbouring site has been the subject of various planning enforcement related enquiries and investigations; these are detailed within the Enforcement Case Closure Report attached as Appendix i. All enforcement investigations have been closed on the application site as it is considered that all outstanding issues can be dealt with in the context of this current application. However, should the application not be approved, it considered that a new case would need to be opened relating to the removal of the static mobile home from the site.

2. Application Publicity

2.1 The application has been advertised by way of site notice. The initial final date for comment on this application was 14.10.2015; however, following the submission of revised and additional information received on the 30.11.2015, further consultation exercises were undertaken and the final date for comment was the 31.12.2015. Four letters/emails in objection to the application have been received from the occupants of High Acres Farm in Great Bourton, south-west of the site, as a result of this process.

2.2 Full details of comments made in objection, both on the initial submission and post submission of the revised scheme, are available for public view on the Council's website; however to summarise the issues raised:

- The applicant does not live in Banbury but permanently on The Paddock site in a large static home with no Planning Permission;
- The applicant is running his driveway business from the site;
- Plans do not show full details of structures and hardstanding on site;
- The present Toilet/Shower inside a shed is listed for demolition but has never been granted planning permission;
- Concerns relating to drainage and sewer connection;
- Area of site not sufficient for the horse breeding business proposed;
- An existing building is more than adequate to temporarily house mares and foals;
- There is no identified need for the staff facilities;
- Detrimental impact on the ridge and furrow field;
- Detrimental Impact on the Public Right of Way;
- The application could lead to a need for permanent residential on site and the proposed building could later be converted;
- Outstanding planning enforcement issues.

3. Consultations

3.1 **The Bourtons Parish Council** - Objects to the proposals and as with objector's comments full details, both on the initial submission and post submission of the revised scheme are available for public view on the Council's website; however to summarise the issues raised:

- Over-development of this rural site;
- The 'existing toilet and shower block' stated to be demolished has never been permitted;
- Concerns relating to a connection to the mains sewer and about raw sewage entering the field drainage system and then running down past Cropredy

primary school in the stream, and entering the Oxford canal;

- Incompatibility of operation of both businesses (caravan site and proposed horse rearing business).
- The area of available pasture land is insufficient to accommodate two breeding mares and their foals;
- Comparisons made with a further site to the north (OS parcel3873) which had been granted planning permission for a stable block and the conditions attached to the permission, being for private use and that no manure should accumulate on site. Also commenting that the site currently under consideration does not have a good track record for avoiding nuisance of this nature;
- The applicant already appears to be residing on site and the Design and nature that leads to a suspicion over future re-designation as a domestic dwelling, as happened in School Lane, Cropredy;
- The history of this site carries a number of enforcement issues, some of which remain unresolved. Councillors feel strongly that no further development on this site should be permitted until ALL of the outstanding issues are brought to a satisfactory conclusion.

3.2 **Cherwell District Council Internal Consultee:**

Ecologist: No objections

Environmental Protection Officer (ASB): Having studied the documentation on the portal and visited the site this department has no objections or conditions to recommend with regards to this application.

Landscape Officer: The road frontage hedgerow is to be retained and maintained to a height of 3 m to screen the stable. The eastern application boundary hedgerow is also to be retained for the benefit of users of the PRoW south of the new stables (maintained a 3 m) The proposed new hedge on the western boundary is welcomed; details (plant species, supplied sizes and planting distances) of which are to be forwarded for our consideration.

3.3 **Oxfordshire County Council Consultees:**

Archaeologist: The above proposals would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to these schemes.

Highways Liaison Officer: No objections subject to conditions.

Rights of Way Officer: The proposals will not directly affect the public footpath that crosses the site and I therefore have no comments to make.

4. **Relevant National and Local Policy and Guidance**

4.1 **Development Plan Policy**

The Cherwell Local Plan 2011-2031 - Part 1 (CLP)

ESD 13: Local Landscape Protection and Enhancement

ESD 15: The Character of the built and historic environment

Cherwell Local Plan 1996 (Saved Policies)

AG5: Development involving horses

C28: Layout, design and external appearance of new development

4.2 **Other Material Policy and Guidance**

National Planning Policy Framework (the Framework) - March 2012

Planning Practice Guidance (PPG)

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle
- Visual and Landscape Impact
- Highway Safety and Rights of Way

Relevant Planning History

- 5.2 08/02458/F - Vehicle Access. (Retrospective). Permitted
09/00478/F - Area of hardstanding, extension to existing open fronted barn and installation of below ground sewage tank. Refused on the grounds of detrimental impacts on the openness and character of the rural landscape.
10/00293/F - Installation of a cess pit. The construction of a store to the side of the brick animal shelter. Stoned and grassed drive/vehicle standing area off road access and across the site frontage. Permitted.
10/00211/DISC - Discharge of conditions 1 & 2 of 08/02458/F. Permitted.
10/00225/DISC - Discharge of conditions 2, 3, 7, 8, 9 & 11 of 10/00293/F. Permitted.
15/01159/F - Construction of foaling stables with tack room and wc. Withdrawn following officers raising concerns over the number of the proposed stables.

Principle

- 5.3 The Framework explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are three dimensions to sustainable development. These are environmental, social and economic. The Framework places substantial weight on protecting and supporting a prosperous rural economy and advocates that planning should look to support sustainable rural developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
- 5.4 Saved Policy AG5 of the Adopted Cherwell Local Plan indicates that proposals for horse related development will normally be permitted provided:
- i). The proposal would not have an adverse effect on the character and appearance of the countryside;
 - ii). The proposal would not be detrimental to the amenity of neighbouring properties;
 - iii). The proposal complies with the other policies in the plan.

- 5.5 Whilst there is no direct reference to equestrian uses or equine breeding businesses within the Framework, it does give substantial weight to protecting and supporting a prosperous rural economy. Saved Policy AG5 of the CLP 1996 is a permissive policy, with regards to horse related development, subject to considerations regarding impact on the character and appearance of the countryside. Given that equestrianism and horse related development is a typically found rural locations such as this and that the mixed used of the land allows for a diverse use of the agricultural land, it is considered that in principle the use of the site for both an equine rearing business and agricultural use is acceptable, subject to further considerations discussed below.

Highway Safety and Rights of Way

- 5.6 The Local Highway Authority has assessed the application and raises no objections to the proposals, subject to conditions being applied in relation to the parking and

manoeuvring area being kept free of obstructions at all times and used only for the specified purpose. Officers see no reason not to agree with this opinion.

- 5.7 The site is served by an existing gated access and manoeuvring area within the site which allows for vehicles to pull off the adjacent highway and enter and leave the site in a forward manner. It is considered that the proposed equine breeding business is unlikely to result in any significant increase in the number of vehicular movements to and from the site above levels associated with the current use. The Highways Officer considers that whilst the access is appropriate for the level of usage associated with the proposed use of the site assessed within the application, it may not be for a more intensive use. It is therefore considered appropriate to condition that the building is solely used for the purposes set out and assessed within the application, in the interests of highway safety and as an appropriate use of the site.
- 5.8 A PRoW crosses land at the site. The County's Rights of Way Officer raises no objections to the proposals and officers agree with this stance. The proposed stables and horse-walker would not impact on the right of other than a visual one discussed further below. Comment has been made with regard to the use of the field to graze horses on may put off people wishing to the footpath through the site. It is considered that there would be little difference in allowing use for equestrian purposes than is the current situation where the field could be used for grazing horses or other livestock and therefore it is not a reason to refuse the application on these grounds.

Visual and Landscape Impact

- 5.9 Policy ESD 13 of the CLP seeks to secure the enhancement of the character and appearance of the landscape, through the restoration, management or enhancement of existing landscapes, features or habitats. At the same time, the Policy requires development to respect and enhance local landscape character, stating that proposals will not be permitted if they would cause undue visual intrusion into the open countryside.
- 5.10 The aims of the Framework are also echoed within Policy ESD 15 of the CLP which looks to promote and support development of a high standard which contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 5.11 Saved Policy C28 of the CLP also seeks standards of layout, design and external appearance, including the choice of external finish materials, which are sympathetic to the character of the context of the development.
- 5.12 The proposed stable building is considered to be of a typical design and scale for this type of building, and often seen in rural locations such as this. The building is to be sited at the north-western corner of the site set against an existing mature hedgerow which largely screens the site from the road and is to be constructed and finished in materials, which in officer opinion, subject to approval of specific details, would not appear out-of-place in the rural context. The proposed building would also provide for staff welfare facilities, with a restroom, toilet and a shower, to be used by applicant in connection with the horse-rearing business and small holding. Whilst these are not considered essential elements, they are not considered disproportionate to the activities taking place on site and would be to the benefit of the rural business going forward.
- 5.13 The Council's Landscape Officer raises no objections to the proposals subject to the retention of the existing hedgerow and further details to be submitted and approved in terms of a proposed hedgerow along the western boundary of the site. Officers see no reason no reason not to agree with this opinion. The proposed building will be largely screened to views from the north by the existing hedgerow and whilst views

from the PRow will be had these will be seen in the context of existing buildings on site. A new hedgerow along the western boundary would to some extent screen views from Great Bourton and it is considered that this could be secured through the addition of a suitable landscaping scheme attached to any such permission, should permission be granted.

Neighbour Amenity

- 5.14 Given the context of the site, its remote rural location and the nature of the proposed development, it is considered that there will be no impact on neighbour amenity as a result of the proposed development and is acceptable in this regard.

Other Matters

- 5.15 Comment has been made with regard to the potential for the application leading to approval of residential accommodation on the site. The applicant has confirmed that no permanent residential accommodation is required within these proposals. Any conversion to residential use of any such approved stable building would require planning permission and an assessment of whether a residential dwelling would be appropriate in this location would need to be made at the point of any such application should the situation arise.
- 5.16 Concerns have been raised with regard to drainage and sewer connections. Records show that the site is not in an area considered by the Environment Agency to be at high risk of flooding. The building's footprint is not excessive and is unlikely to significantly exacerbate the likelihood of flooding on site. The applicant has provided confirmation that connection to the existing sewer has been undertaken with Thames Waters' approval. Also in this regard the proposals would also require a separate Buildings Regulations approval in which building standards including adequate drainage will be assessed.
- 5.17 Comment is made with regard to the use of existing structures on site for the horse breeding business. In officer's opinion the buildings that exist are suitable for the business going forward in terms of size or suitability for the proposed use and this option has been discounted.
- 5.18 Comparisons have been made to a further site to the north (OS parcel 3873) which has been granted planning permission for a stable block under permission 10/01292/F and later renewed under 14/01388/F. These comparisons have been considered but it should be noted that each application must be assessed on its own merits.

Engagement

- 5.19 With regard to the duty set out in paragraphs 186 and 187 of the Framework, any problems or issues that have arisen during the application have been dealt with in consultation with the applicant and his agent, and has included the submission of revised plans and information during the course of determining the application. The need to observe statutory consultation periods and for the application to be presented to planning committee, following a member call-in, has resulted in the application going beyond its eight-week determination target date; an extension to the determination date has therefore been agreed with the applicant. It is considered that the duty to be positive and proactive has been discharged through the interaction with the agent and the efficient determination of the application.

Conclusion

- 5.20 The proposed building and use of land for a mixed use of agricultural and equestrian use is in officer's opinion acceptable in this rural context. Officers consider that that

will not unduly impact on the character or openness of the rural landscape, the openness of the countryside, subject to the implementation of a suitable landscaping scheme. As such, it is considered to comply with the above mentioned policies and is recommended for approval as set out below.

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, Typical Horse Walker details, Site Photos Sheets 1 and 2 and drawings numbered: 103 Rev. D, 104 and 105

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 the development hereby approved, a sample of the slate to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - In the interests of visual amenities and to ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, details of the timber cladding to be used on the stable building, including colour, type and finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details so approved.

Reason - In the interests of visual amenities and to ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which 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, pavements and pedestrian areas.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National

Planning Policy Framework.

6. 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 provide an effective screen to the proposed development and to comply with Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Except to reasonably allow for the means of access and vision splays, the existing hedgerow along the northern boundary 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 Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. The access, parking and manoeuvring areas shall be kept free of obstructions at all times and used only for the specified purpose.

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework.

9. Manure and soiled bedding shall not be allowed to accumulate and shall not be burned on the site but shall be removed at frequent intervals for use within the agricultural holding or disposal elsewhere.

Reason – To ensure that proper arrangements are made for the disposal of manure/slurry/waste, to ensure the creation of an environment free from intrusive levels of odour/flies/vermin/smoke/litter and to prevent the pollution of adjacent ditches and watercourses, in accordance with Saved Policies AG5 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. No external lights or floodlights shall be erected on the land without the grant of further specific planning permission from the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area in accordance with Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Within six months of the date of this decision or within one month following the first use of the stable building hereby approved, whichever comes sooner, the unauthorised static caravan, as indicated on drawing 103 Rev. D and shown on 'Site Photos Sheet 2', shall be removed from the site and the land shall be restored to its former condition to the satisfaction of the Local Planning Authority.

Reason - The building, because of its design and siting, is not suitable for permanent retention and to comply with Policy C28 of the Cherwell Local Plan 1996 and

Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

The County Archaeologist has indicated that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact : County Archaeologist, Historic and Natural Environment Team, Infrastructure Planning, Speedwell House, Speedwell Street, Oxford, OX1 1NE (Telephone 01865 328944).

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), any problems or issues that have arisen during the application have been dealt with in consultation with the applicant and his agent, and has included the submission of revised plans and information during the course of determining the application. The need to observe statutory consultation periods and for the application to be presented to planning committee, following a member call-in, has resulted in the application going beyond its eight-week determination target date; an extension to the determination date has therefore been agreed with the applicant. It is considered that the duty to be positive and proactive has been discharged through the interaction with the agent and the efficient determination of the application.

Appendix i - Enforcement Closure Report

The Paddock, Main Street, Great Bourton

15/00001/COU

Enforcement Case Closure Report

Case Officer: Michelle Jarvis

Owner/Tenant: Wayne Walsh

Alleged Breach: The site was being used for permanent residential accommodation and also material being dumped

Relevant Planning History

05/00198/F	Erection of stables	PER	28 January 2005 / 31 March 2005
06/00592/F	Rebuild existing sheep shed (as amended by agents letter dated 02/05/06)	PER	23 March 2006 / 18 May 2006
06/00593/F	Erection of 1 multi-use livestock and hay store building (as amended by plans received 18/05/06)	PER	23 March 2006 / 18 May 2006
06/00599/F	Retrospective. Temporary caravan on site for period of 2 years for use by builders.	WDN	24 March 2006 / 12 June 2006
06/01284/F	Resubmission of 06/00599/F - Retrospective: Temporary caravan on site for a period of 3 months for use by builders	PER	28 June 2006 / 23 August 2006
08/02458/F	Vehicle Access. (Retrospective)(as amended by site location plan received 12/01/09)	PER	27 November 2008 / 6 March 2009
09/00478/F	Area of hardstanding, extension to existing open fronted barn and installation of below ground sewage tank (as amended by plans received 01/06/09)	REF	7 April 2009 / 11 September 2009
10/00293/F	Installation of a cess pit. The construction of a store to the side of the brick animal shelter. Stoned and grassed drive/vehicle standing area off road access and across the site frontage	PER	26 February 2010 / 23 June 2010
10/00211/DISC	Discharge of conditions 1 & 2 of 08/02458/F	PER	6 July 2010 / 22 July 2010
10/00225/DISC	Discharge of conditions 2, 3, 7, 8, 9 & 11 of 10/00293/F	PER	13 July 2010 / 23 July 2010
15/01159/F	Construction of foaling stables with tack room and wc	WDN	22 June 2015 / 7 August 2015
15/01587/F	Demolition of existing toilet and shower block and construction of stable building with three stables, feed store, tack room for the breeding of foals and also including toilet/shower facilities and restroom for staff use. Change of use from agriculture to agriculture and equestrian (mixed use).	PCO	26 August 2015 /

Enforcement History:

08/00746/UNDEV	Formation of access	CLOSED	27.10.2008
08/00809/UNDEV	Formation of access	CLOSED	12.01.2009
08/00819/UNDEV	Possible caravan site	CLOSED	20.11.2008
09/00021/CPLANS	Shipping container on site	CLOSED	15.04.2009
10/00003/UNDEV	Extension to barn no pp	CLOSED	02.03.2010
10/00283/UNDEV	Queries relating to app	CLOSED	12.12.2012
12/00346/EUNDEV	Various breaches of planning (appeal DISMISSED)	CLOSED	22.02.2013
14/00176/COU	Storage of caravans/residential use	CLOSED	07.11.2014
15/00001/COU	Site being used as residential and material being dumped	CLOSED	02.12.2015

Site Visit:

The site is accessed off the Main Road which links Great Bourton with Cropredy. It is set within the open countryside. Following service of an Enforcement Notice which was complied with, the owner sold the site onto Mr Walsh who uses the land as a smallholding. Shortly after an allegation was made regarding the site in terms of permanent occupation and dumping of materials.

Amrik Bilkhu and I first visited the site on 16.03.2015 (with Mr Walsh) and walked the entire site:





Notes of conversations with owner/tenant and complainant:

VISIT	22.01.15	No one on site and no access – make appointment
VISIT	16.03.15	Carried out site visit with Amrik
EVENT	25.03.15	Met with Complainants, Mr Bull (PC), Clerk to PC and Amrik
LETTER	30.03.15	Letter to Complainants following meeting
LETTER	30.03.15	Letter to Walsh following meeting
EMAIL	30.03.15	Email from Great Bourton PC regarding caravan site
EMAIL	06.04.15	Reply from Complainants to earlier letter
LETTER	13.04.15	Letter from Complainants
EVENT	13.04.15	Meeting in office with Mr Walsh to discuss progress
VISIT	17.11.15	Site visit with Paul, Bob Neville, Mr Walsh and agent

Appraisal:

This site is subject to considerable planning and enforcement history.

This case relates to the unauthorised occupation of a touring caravan on site (which was later joined by a static mobile home) and also the storage of items not associated with agriculture. Whilst the complainants have been very vociferous in their objections, these are the only items that are deemed to be breaches of planning control at this time.

The transgressor runs a driveway construction business and it was very apparent that items associated with this use were being stored in the open countryside. I asked him to remove them from site – either to an appropriate storage facility off site or to within one of the three existing barns on site. Following a site visit on 17.11.15 these items had been removed entirely from site.

In terms of the residential occupation, the small touring caravan provided a refuge space for workers (mother predominantly) to make drinks or avoid bad weather. However this was then joined on site by a much larger static mobile home which apparently was for the same reason as well as providing a farm office arrangement.

In my opinion this larger static caravan would require planning permission as it could not be considered to be a chattel on the land as the smaller one had been. I also advised the transgressor that planning permission would not be forthcoming for this proposal due to its impact on the character and appearance of the countryside.

A planning application for the erection of stables was submitted at the same time of these negotiations and this matter was discussed in detail at the site visit of 17.11.15. At this site visit it was noted that the smaller touring caravan had been removed from site and it was

agreed that as part of the planning application for the new stables, an area would be designated within the stable block to become an area for refuge. In addition, a staged removal of the mobile home has been proposed which can then be conditioned into any planning approval.

Overall, I consider that this case has now reached a point where the enforcement team are no longer needed to be involved. I have communicated this to all parties.

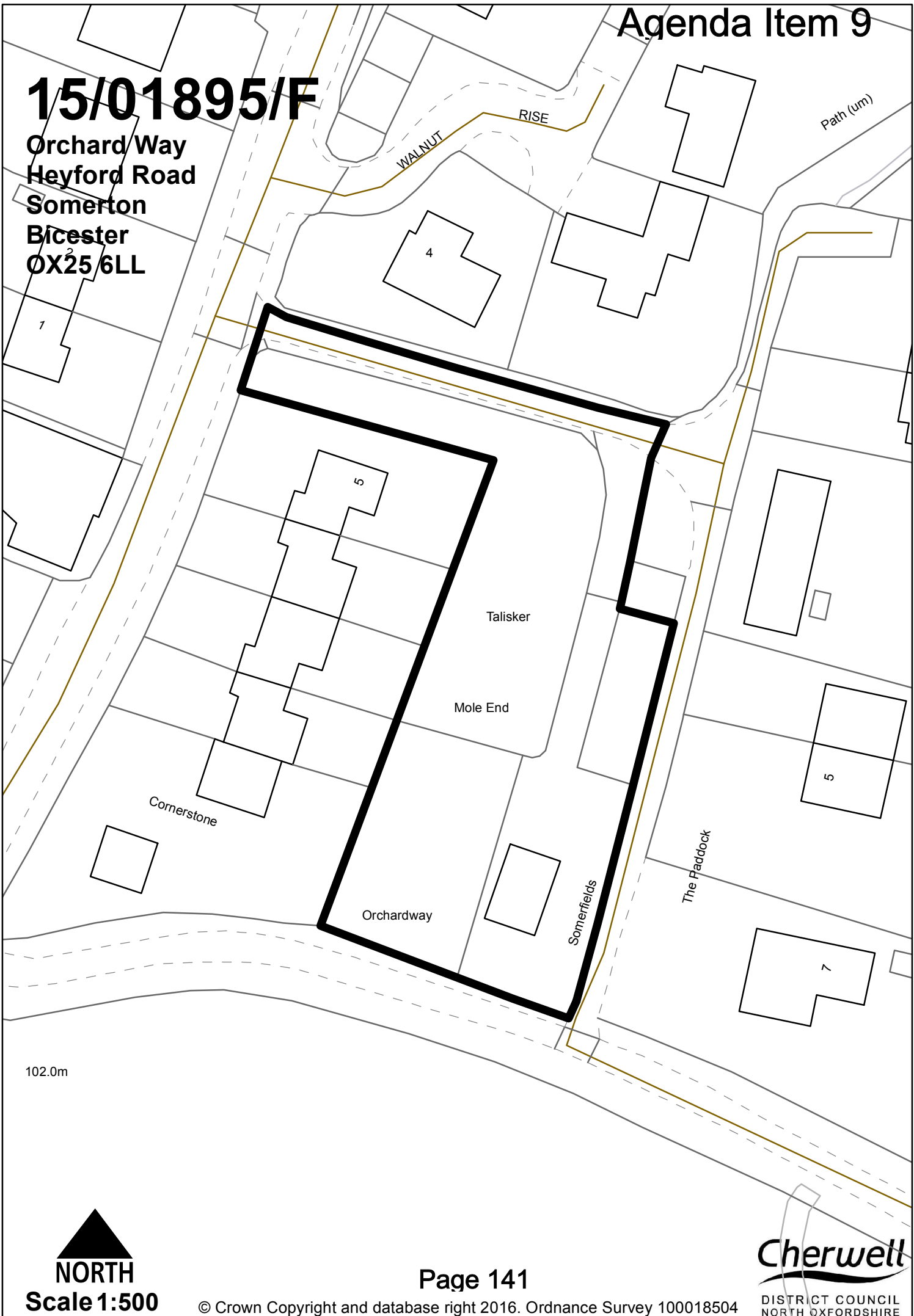
Should the application not be approved, I suggest that a new case be opened relating to the removal of the static mobile home from the site.

Reason for case closure: Planning Application submitted – no breaches to address currently

Significant Dates	
Registered:	07.01.2015
Acknowledgement:	07.01.2015
Site Visit:	22.01.2015
Complainant letter:	30.03.2015
Case Closed:	03.12.2015

15/01895/F

Orchard Way
Heyford Road
Somerton
Bicester
OX25 6LL



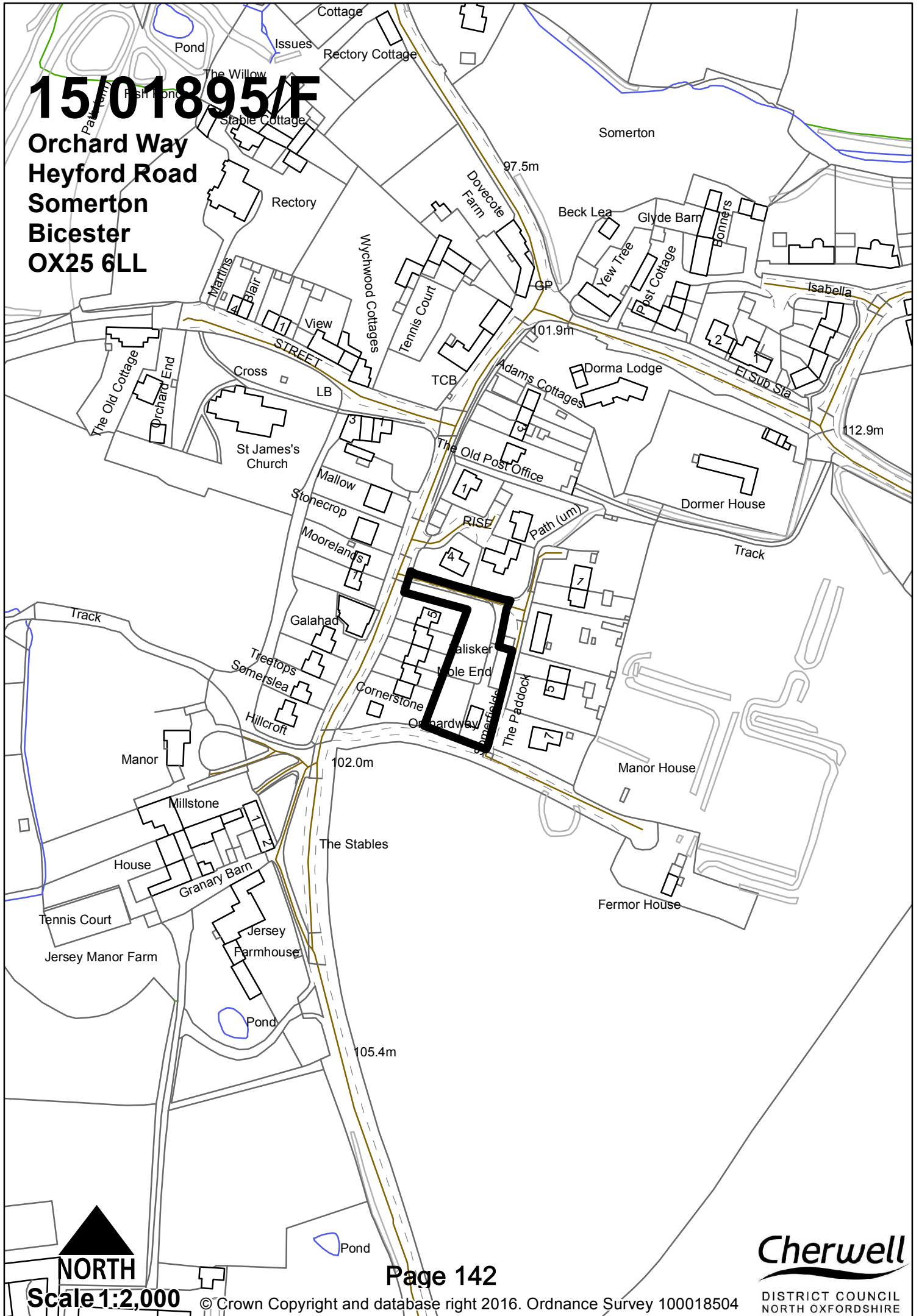
102.0m



NORTH
Scale 1:500

15/01895/F

**Orchard Way
Heyford Road
Somerton
Bicester
OX25 6LL**



Orchard Way
Heyford Road
Somerton
Bicester
OX25 6LL

15/01895/F

Case Officer: Gemma Magnuson **Ward(s):** The Astons And Heyfords

Applicant: Mr D Berlouis

Ward Member(s): Cllr J Macnamara
Cllr M Kerford-Byrnes

Proposal: Alterations and erection of extension.

Committee Date: 21.01.2016 **Recommendation:** Approve

Committee Referral: Called in by Cllr J Macnamara

1. Application Site and Locality

1.1 Orchard Way is a detached one and a half storey building situated central to the village of Somerton. The building sits behind link-terraced properties that front onto Heyford Road, and to the front of properties along The Paddock; a shared access track taken from Heyford Road that is also a Public Footpath (ref: FP/349/10). The access to the site is within the Conservation Area, although the building itself is not in the Conservation Area. The building is not listed and the site does not form part of the setting of any listed buildings. The land may be contaminated by naturally occurring Arsenic. The site is of medium archaeological interest. The Common Swift and Brown Long-eared Bat, Protected and Notable Species, have been identified in close proximity to the site, and the Ardley Cutting and Quarry and Bestmoor SSSI's are within 2km.

1.2 The building was originally constructed as a detached double garage, then home office, serving Somerfields, a property fronting onto Heyford Road. The home office gained retrospective planning permission on 16 February 2007 under reference 06/02348/F that included the following condition:

The building hereby approved for conversion shall be used for purposes ancillary to the residential use of "Somerfields", and/or to conduct office activities related to the business of the applicant and his wife only, namely office uses that support the operation of an after school instruction academy operated elsewhere and for no other use whatsoever and no other persons shall be employed therein.

1.3 Planning permission for the independent use of the building as a self-contained dwelling was granted at Appeal on 12 June 2015 under reference 14/00067/F, subject to pre-commencement conditions that have not yet been discharged. The permitted development rights for extensions to the dwelling were also removed.

1.4 Officers are of the opinion that the use of the building as a self-contained dwelling is not authorised, although the relevant permission does not expire until 12 June 2018, and therefore could still be implemented. For the purposes of the consideration of this application,

both scenarios have been assessed; the extension and alteration of a detached home office to be used ancillary to Somerfields, and the extension and alteration of a self-contained dwelling.

2. Description of Proposed Development

- 2.1 The development would involve the erection of a single storey extension upon the rear of the building with a footprint of 3.45m x 6m, with a log store canopy. The extension would accommodate a shower room and day room. A flue to serve a log burner, and two roof lights in the western facing roof slope, are also proposed. Internally, the existing mezzanine floor would be removed in order provide accommodation on the ground floor only. Construction materials would be stone and slate to match that existing.
- 2.2 The Agent was asked to clarify the intended use of the building and the following response was received:
- 2.3 *My clients are seeking to enhance the existing available space, the upper mezzanine floor has limited headroom, so we suggested its removal and with additional light from the proposed roof lights and the exposing of a truss detail supporting the existing roof the space we feel with take on a more open feeling.*

I have calculated the existing First Floor area to be 18.6 Sq.m (excluding the existing under eaves storage space of a further 15.7 Sq.m) and the new area is 16.5 Sq.m which equates to a reduction of available floor area of approximately - 2 Sq.m(11%) and a reduction of -17.8 Sq.m (48%)

The reduction of floor space is seen as a worthwhile sacrifice for the enhanced room feeling.

We have not sought any alterations to the existing drive / access as part of this application given the 11% (48% in real terms) reduction of floor space.

- 2.4 Whilst the Agent has not specifically stated that the building would be used as a self-contained dwelling, the reference to access implies that this is the intention, since application ref: 14/00067/F also proposed alterations to the access. However, the application has sought consent for an extension and alteration to the building only.
- 2.5 If the applicant does intend to proceed with the change of use to a dwelling they would need to discharge and/or apply to vary or remove conditions from application 14/00067/F that gained planning permission at Appeal for the change of use. As previously stated, it is considered that since pre-commencement conditions from this previous application have not yet been discharged the use of the building as a dwelling is not yet authorised.
- 2.6 Officers consider that the current authorised use of the building is as an ancillary home office as approved under application 06/02348/F.

3. Relevant Planning History

The site has been the subject of lengthy planning history, detailed below:

96/01695/F – Two storey rear extension and extension of garden and new double garage – granted.

NB. The garage was not constructed in accordance with the approved plans.

99/01840/F – Erection of a double detached garage and change of use of adjoining land to form new access from garage to private access drive (Retrospective) – granted.

The application sought to regularise the works undertaken following approval of 96/01695/F.

The application was approved subject to conditions, including condition 5 that removed the permitted development rights for new openings and condition 8 that required the garage to remain ancillary to Somerfields.

02/00497/F – Removal of Condition 8 on 99/01840/F to allow use of garage not in conjunction with or ancillary to 'Somerfields' – refused, on the following grounds:

In the absence of any further information regarding the future use of the garage independently of the property at "Somerfields" the proposed removal of Condition 8 of 99/01840/F would be likely to lead to additional traffic generation using a substandard access which would be detrimental to highway safety and which would have an adverse affect on the residential amenities of neighbouring residents contrary to Policies C31 and TR2 of the adopted Cherwell Local Plan.

The access serving this garage is substandard in vision and geometric terms. Traffic generated as a product of the proposal will result in a detriment to the safety of other road users.

No Appeal was submitted.

06/02348/F – Non-Compliance with condition 5 of 99/01840/F - To change the use from double garage to study, store and loft and insert windows and door (RETROSPECTIVE) with pitched roof over utility room – Granted

The application was approved subject to conditions, including condition 1 that restricted the use of the outbuilding as follows:

The building hereby approved for conversion shall be used for purposes ancillary to the residential use of "Somerfields", and/or to conduct office activities related to the business of the applicant and his wife only, namely office uses that support the operation of an after school instruction academy operated elsewhere and for no other use whatsoever and no other persons shall be employed therein.

10/01719/F – Detached garage/store/log hovel and drive with associated landscaping and external works – refused. *No Appeal was submitted*

The application sought consent for a garage to be positioned forward of the building that is the subject of the current application. The application was refused on the following grounds:

The proposed garage/store and access route, by reason of siting, design, materials and scale will result in an unsympathetic and incongruous addition on an undeveloped and elevated important gap of land which forms part of the character

of this loose knit settlement and further, the development would fail to preserve, enhance or better reveal the significance of the setting of the Somerton Conservation Area heritage asset as it would be visually prominent and intrusive along a public footpath route no. FP349/10. The development would therefore be contrary to policies BE1, BE6, CC6 of the South East Plan 2009, Policies C28 and C33 of the adopted Cherwell Local Plan and Government advice contained in PPS1 (Delivering Sustainable Development) and PPS5 (Planning for the Historic Environment).

The access from which it is proposed to serve the development is substandard in vision terms and movements generated as a product of the proposal will be of detriment to the safety and convenience of other road users, contrary to Policy T1 of the South East Plan and Government advice contained in PPG13 (Transport).

11/00448/F – Erection of detached garage, store, log hovel and drive with associated landscaping and external works - resubmission of 10/01719/F – refused. *No Appeal was submitted*

The application sought to address the reasons for refusal of 10/01719/F through rotating the garage by 90 degrees, although still sitting to the front of the building that is the subject of the current application.

The application was refused on the following grounds:

The proposed garage/store and access route, by reason of siting, design, materials and scale will result in an unsympathetic and incongruous addition on an undeveloped and elevated important gap of land which forms part of the character of this loose knit settlement and further, the development would fail to preserve, enhance or better reveal the significance of the setting of the Somerton Conservation Area heritage asset as it would be visually prominent and intrusive along a public footpath route no. FP349/10. The development would therefore be contrary to policies BE1, BE6 and CC6 of the South East Plan 2009, Policies C28 and C33 of the adopted Cherwell Local Plan and Government advice contained in PPS1 (Delivering Sustainable Development) and PPS5 (Planning for the Historic Environment).

The access from which it is proposed to serve the development is substandard in vision terms and movements generated as a product of the proposal will be of detriment to the safety and convenience of other road users, contrary to Policy T1 of the South East Plan and Government advice contained in PPG13 (Transport).

11/01805/F – Erection of detached garage, store and log hovel – granted

The application sought to address the reasons for refusal of 10/01719/F and 11/00448/F by positioning the garage adjacent to the building that is the subject of the current application.

The application was approved. The Case Officer for the current application visited the site on 17 November 2015 and the base for the garage was in place.

13/00894/F – Extension to existing outbuilding and conversion to single dwelling house – refused. No appeal submitted

The application sought consent to join the garage approved under reference 11/01805/F and the building that is the subject of the current application to form a self-contained dwelling. The application was refused on the following grounds:

Somerton is a Category 2 settlement as defined in the Adopted Cherwell Local Plan 1996. Within such settlements, new residential development is restricted to conversions, infilling and small-scale development which can be shown to secure significant environmental improvements. It is the opinion of the Local Planning Authority that the proposed development does not accord with these provisions as it will erode an established gap to the significant harm to the setting of the adjacent Somerton Conservation Area and to the established settlement pattern of the village. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework and saved policies H14, C23, C27, C28 and C33 of the adopted Cherwell Local Plan 1996.

The access from which it is proposed to serve the development is substandard in vision and geometric terms and movements generated as a product of this proposal will result in a detriment to the safety and convenience of other road users contrary to central Government guidance contained within the National Planning Policy Framework

14/00067/F – Conversion of existing building into a self-contained dwelling with associated Highway Safety access improvement works (re-submission of 13/00894/F) – refused; allowed at appeal 12.06.15.

The application sought to change the use of the existing building to a self-contained dwelling, to include works to access in order to overcome the previous reasons for refusal on the grounds of highway safety. Officer's recommended that the application was approved, although this was overturned by Members at Planning Committee on 07 August 2014 and the application was refused on the following ground:

The proposed development of a new unit of accommodation in this backland location would erode the established settlement pattern of the village, and with the introduction of a domestic curtilage with all the paraphernalia associated with it, the character and setting of the Conservation Area and the character and amenity of the immediately surrounding area would be detrimentally affected contrary to Policy C27 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

An Appeal was submitted and the proposal was subsequently approved on 12 June 2015 subject to conditions under reference: APP/C3105/W/15/3008323. Some conditions were pre-commencement and these have not yet been discharged. The permitted development rights for extensions were removed.

15/00005/DISC – Discharge of Condition 3 of 11/01805/F – granted

The application related to the approved detached garage to the west of the building that is the subject of the current application. The application form confirmed that works had started on site on 01 December 2014.

The application was approved on 24 February 2015

4. Response to Publicity

- 4.1 The application has been publicised via neighbour letter, press notice and site notice. The final date for comment was 03 December 2015. One response was received offering support to the application.

5. Response to Consultation

Somerton Parish Council: no comments received at time of writing.

Cherwell District Council Arboricultural Officer: There isn't a BS5837 Survey contained with the application. It will be difficult to make further comments without one being provided.

Oxfordshire County Council Rights of Way: no comments received at time of writing.

Oxfordshire County Council Highway Authority: The agents letter indicates a very small increase in floor space and on that basis it may be considered unreasonable to offer a refusal recommendation. I would suggest the reaffirmation that the use be as they have consent for only. As for the development of a house here this has been the subject of a previous application as you mention and the highways response to that including relevant detailed drawings is well documented. I am not aware of any changes to this and H.A. response would be the as recommended.

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

ESD13 – Local Landscape Protection and Enhancement
ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

C23 - Retention of features contributing to character or appearance of a conservation area
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.

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:

- Principle of Development;
- Design, Layout and Appearance;
- Impact on Heritage Assets;
- Landscape and Visual Impact;
- Trees and Landscaping;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;

Principle of Development

7.2 The application seeks consent to extend an existing building that is used as a home office ancillary to Somerfields, and that benefits from planning permission to be converted to a self-contained dwelling. In either case, Officers do not consider that there are any site constraints which should restrict the principle of the erection of an extension to a domestic building in this location.

Design, Layout and Appearance

7.3 Government guidance contained within The Framework attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

7.4 Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.

7.5 Saved Policies C28 and C30 of the Cherwell Local Plan 1996 seek to control new development to ensure that it is sympathetic to the character of its context, and that any proposal to extend an existing dwelling is compatible with the scale of the existing dwelling, its curtilage and the character of the streetscene.

7.6 The proposed extension would be single storey and have a footprint which is less than half of that existing. The ridge of the extension would sit at a slightly lower height than the ridge of the existing building and the gabled design would be replicated. Externally facing materials are proposed to match those existing. Officers consider that the extension would represent a subservient addition to the building, with a design and appearance that is sympathetic to its host.

Impact on Heritage Assets

- 7.7 Government guidance contained within The Framework states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.8 Officers consider that, due to the position of the extension to the rear of the building, and surrounding boundary treatments, the development would not result in any harm to the setting of the Conservation Area.

Landscape and Visual Impact

- 7.9 Policy ESD 13 of the adopted Cherwell Local Plan 2011-2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 7.10 The proposed extension would be positioned to the rear of the existing building. Due to site sitting at a lower level than the public footpath, the development would be largely screened from view of the public domain by the existing close boarded fence, although the roof of the extension and flue would be visible. Despite the visibility of the roof, Officers consider that the development would not appear overly prominent or detract from the visual amenities of the area.
- 7.11 The flue would exceed the height of the roof by 60cm, and would be positioned upon the least prominent western roof slope, along with the proposed rooflights. Given the proximity to the Conservation Area boundary, Officers consider it reasonable to impose a condition requiring the flue to be of matt black appearance. Subject to this condition, it is considered that these elements of the proposal would not cause harm to the amenities of the area.

Trees and Landscaping

- 7.12 The southern (rear) boundary of the site is currently marked by a hedgerow and some trees, both within and beyond the site. Condition 5 of approved application 11/01805/F relating to the detached garage to the west requires the hedgerow and trees to be maintained at a height not less than 4 metres, and that any hedgerow or tree that should die within 5 years of completion of development be replaced and maintained in accordance with the condition. The reason for the imposition of this condition was in the interests of visual amenity and to provide an effective screen of the development.
- 7.13 An area of earth would need to be removed in order to construct the extension as the hedgerow and trees sit at a higher level than the existing building. The Arboricultural Officer has advised that a Tree Survey is required before comments can be made. Conditions have been recommended requiring a Tree Survey and Arboricultural Method Statement in order to safeguard their health and longevity. In addition, Officers consider that a condition similar to that found on 11/01805/F would ensure the replacement of the hedgerow and trees if the development resulted in their loss.

Accessibility, Highway Safety and Parking

- 7.14 Government guidance contained within The Framework seeks developments that are located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. The proposed development would not affect

existing parking arrangements. The Highway Authority have raised no objection to the application.

Effect on Neighbouring Amenity

- 7.15 Government guidance contained within The Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 that states that development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Saved Policy C30 of the Cherwell Local Plan 1996 seeks standards of amenity and privacy acceptable to the LPA.
- 7.16 Officers consider that the extension is a sufficient distance from all neighbouring properties in order to avoid any harm in terms of a loss of amenity. Two rooflights are proposed, although as the mezzanine floor would be removed these would be high level and no outlook would be obtained. Further, the openings are over 22 metres from the rear elevations of dwellings fronting onto Heyford Road. Officers do not consider that the development would result in an undue or demonstrably harmful loss of privacy.

8. Conclusion

- 8.1 It is the opinion of Officers' that the principle of the proposed extension and alteration of the building in this location is acceptable. The development would not harm the setting of the Somerton Conservation Area, the visual amenities of the locality, highway safety or the amenity and privacy currently enjoyed by neighbouring properties, and accords with Government guidance contained within The Framework, Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policies C28 and C30 of the Cherwell Local Plan 1996.

9. Recommendation

Approve, subject to 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 conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, Drawing No's: P/15/159/001 and P/15/159/002 dated September 2015

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

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 on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within The Framework.

4. The slate 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 – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within The Framework.

5. The rooflights shall be conservation grade and must sit flush within the roofslope to which they are inserted.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within The Framework.

6. The flue shall be painted black with a matt finish.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within The Framework.

7. 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 saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. 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 saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. The existing hedgerow/trees along the southern boundary of the site shall be retained and properly maintained at a height of not less than 4 metres, and that any hedgerow/trees which may die within five years from the completion of the development shall be replaced and thereafter properly maintained in accordance with this condition.

Reason – In the interests of the visual amenities of the area and to comply with Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within The Framework.

NOTES

1. This permission shall not imply or be deemed to imply approval for details required in order to discharge conditions from application ref: 14/00067/F, the use of the extension as part of an independent self-contained dwelling, or the retention, or alteration, of the existing access serving the site. The above matters will need to be considered as part of an application to discharge conditions, or to vary, or remove, relevant conditions.
2. It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council's Environmental Protection Officer.

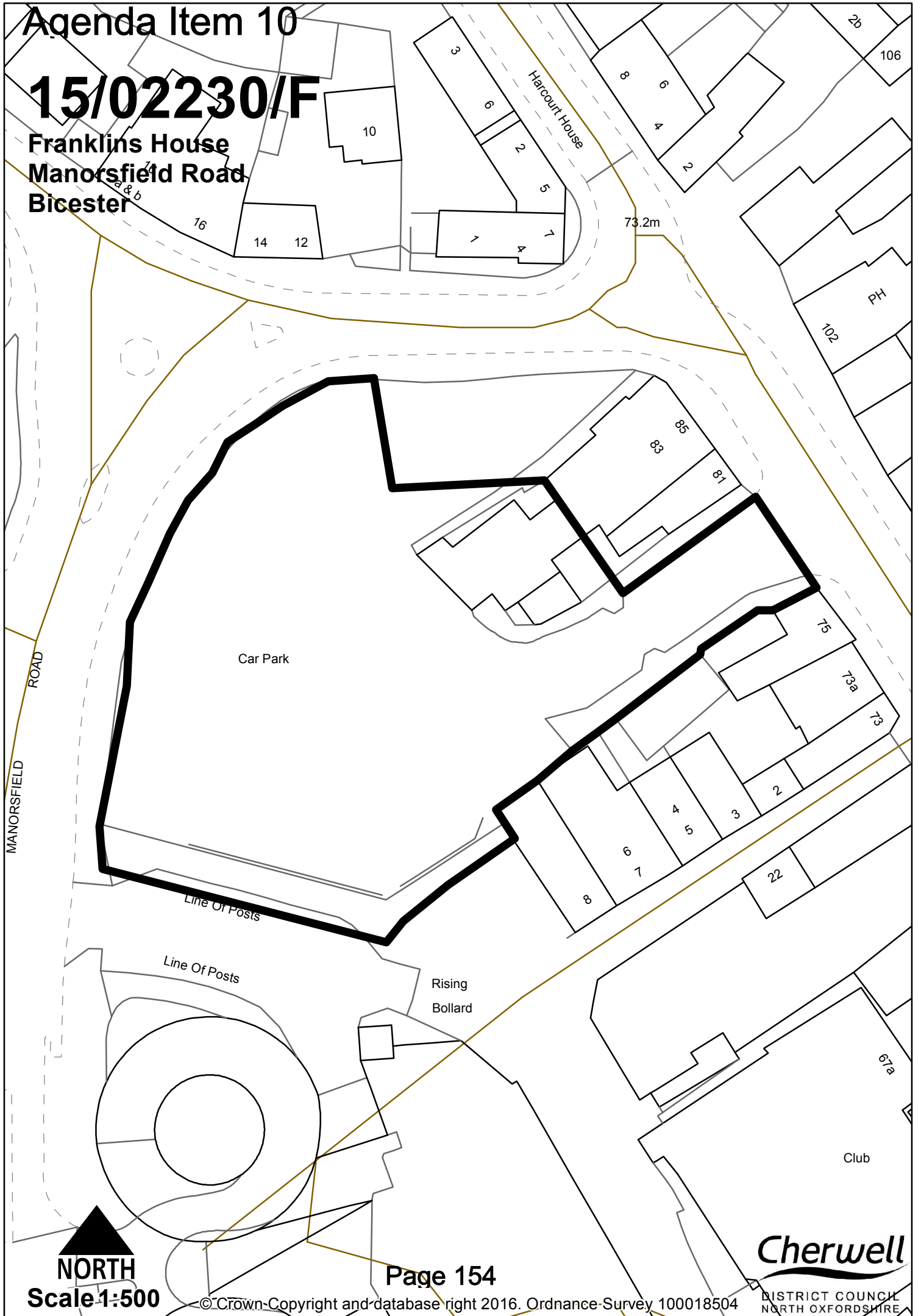
STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) 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 additional information was sought.

Agenda Item 10

15/02230/F

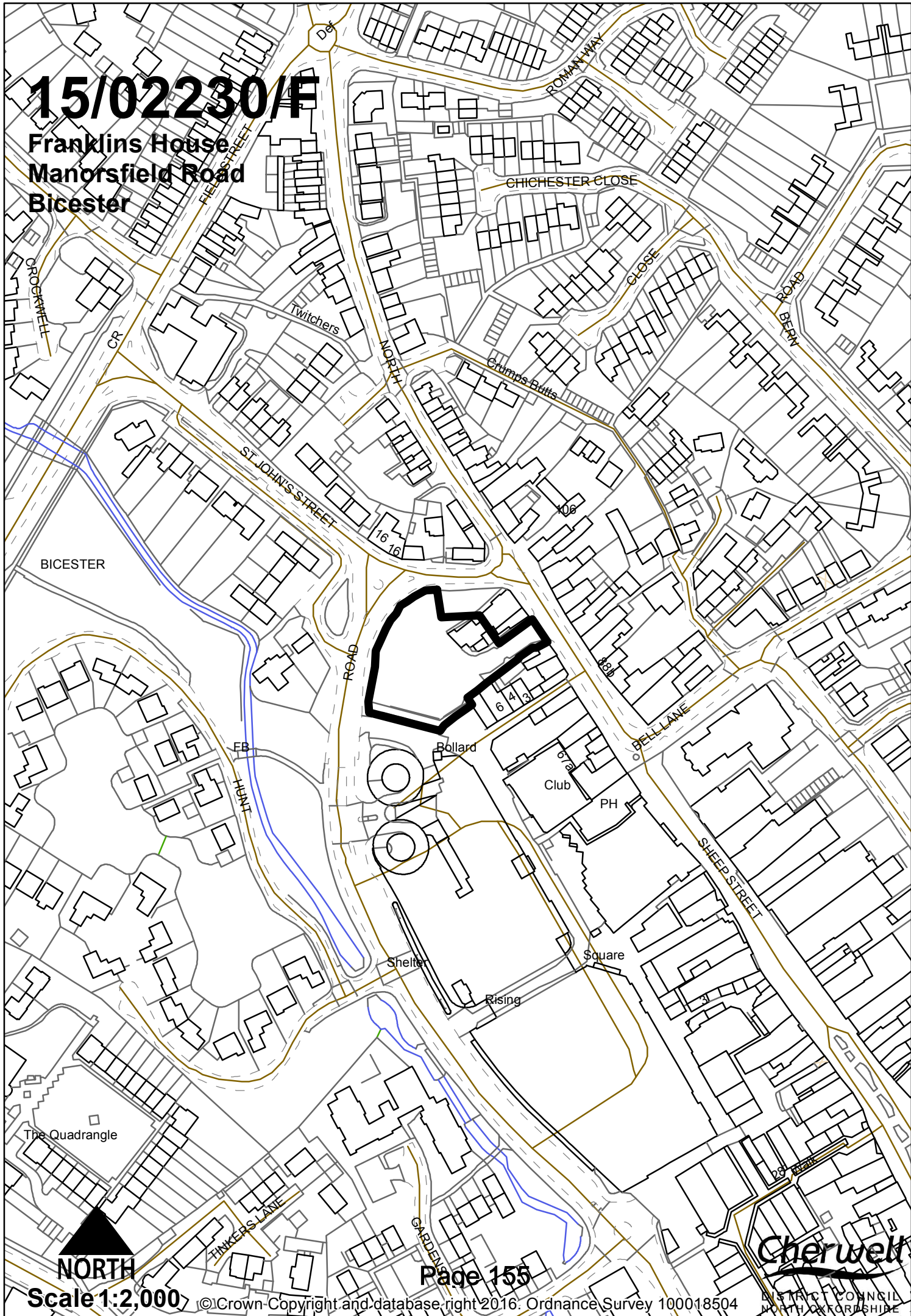
Franklins House
Manorsfield Road
Bicester



NORTH
Scale 1:500

15/02230/F

Franklins House
Manorsfield Road
Bicester



NORTH

Scale 1:2,000

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Gemma Magnuson **Ward(s):** Bicester Town

Applicant: Morgan Sindall Plc

Ward Member(s): Cllr D M Pickford, Cllr Richard Mould

Proposal: Variation of Conditions 2 and 18 of 14/00403/F

Committee Date: 21.01.2016 **Recommendation:** Approve

Committee Referral: Cherwell District Council interest

1. Application Site and Locality

- 1.1 The site is located in Bicester town centre and forms one of the later phases of the redevelopment scheme. It lies between Manorsfield Road, St.John's Street and Sheep Street. The former use of the site was for car parking. Planning permission was granted for the erection of a five storey building comprising community and town centre uses together with servicing and alterations to the vehicle access on 31 December 2014. Development has since commenced on site and the five storey building is currently under construction.
- 1.2 Whilst the site is in the town centre, the northern boundary of the site faces towards mostly residential properties, typically 2 - 3 storeys in height, and are a mix of bungalows, detached and attached properties, and residential blocks. The River Bure lies to the west of the site beyond Manorsfield Road. Two storey housing at Hunts Close lies further west with a further set back from the edge of Manorsfield Road beyond intervening landscaping.
- 1.3 The approved building would comprise the Council's Bicester Link Point accommodation, Oxfordshire County Council library, two units for use as Class A1, A3, A4 and/or A5 retail or food and drink uses, Class A2/B1 financial and professional services/office accommodation, Class B1 offices, hotel and servicing. The footprint of the building occupies a sizable portion of the site as it fronts onto Manorsfield Road and the new Pioneer Square. The existing access is retained for the proposed service yard.
- 1.4 A small part of the northern section of the site lies within the designated Bicester Conservation Area and the building is situated immediately adjacent to the access at 75 Sheep Street is Grade II listed. The site is not in a flood risk area.

2. Description of Proposed Development

- 2.1 The application seeks consent to vary Conditions 2 and 18 from the original consent (ref: 14/00403/F). Both conditions have previously been varied by application 15/00180/F that was approved on 20 March 2015, and the current application seeks to vary these again (albeit with different amended plans, see below). The Conditions relate to the approved plans (Condition 2) and the requirement to achieve Secured by Design accreditation (Condition 18).
- 2.2 More specifically, the application seeks to remove/reduce the extent of ventilation louvres, remove cladding, alter configuration of powder coated aluminium panels, subdivide glazed panels above openings and replace glazing with white/grey coloured powder coated aluminium, incorporate louvre panels in glazing frames, subdivide columns, alter service door sizes and positioning fronting onto service yard.

2.3 The explanation for the above changes is as follows:

- The plant to serve the Travelodge Hotel has been relocated to the second floor of the building, allowing the removal of the approved louvre panel and horizontal boarding which stretches over the third and fourth floor levels. The panels are to be replaced with rainscreen cladding to match that previously approved.
- During design development the requirement for ventilation louvres to the second floor plans room has been reduced. The louvres are replaced by polyester powder coated aluminium panels to match the adjacent obscured panels.
- The obscured panels over the ground and first floor windows on the east, north and west elevations have been changed from glass to polyester powder coated aluminium, coloured white. The obscured glazing panels at second floor level have been changed to polyester powder coated aluminium, coloured grey to match the glazing frames. The glass panels within the rainscreen cladding have been changed to polyester powder coated aluminium panels, coloured grey.
- The design of the ground and first floor glazing frames on the east, north and west elevations has been revised through dividing the obscured over panel into three in order to provide a more efficient glazing solution.
- To facilitate the installation of efficient ventilation systems within the building, louvre panels for air supply and extract have been incorporated within the glazing frames in place of the obscured panels in four glazing frames on the east elevation, and in one glazing frame on the west elevation. The louvre panels would be powder coated white to match the adjacent obscured panels.
- The subdivision of the reconstituted stone columns on the south elevation have been reduced in order to reduce their weight and to assist buildability.

2.4 Condition 18, as varied by application 15/00180/F, reads as follows:

Prior to the first occupation of the development hereby approved, details of the measures to be incorporated into the development to demonstrate how "Secured by Design" (SBD) accreditation will be achieved will be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing. The development shall be carried out in accordance with the approved details, and shall not be occupied until confirmation has been sent in writing to the Local Planning Authority the SBD accreditation has been received, unless otherwise agreed in writing.

Reason - To reduce crime and to accord with Government guidance contained within the National Planning Policy Framework.

- 2.5 It is understood that application to discharge the first part of the condition relating to the details of the measures to be incorporated into the development to demonstrate how Secured By Design (SBD) accreditation will be achieved will be submitted shortly.
- 2.6 However, given the amount of construction work taking place, and due to take place, in close proximity to the site, and the lack of open space available in the area to accommodate construction site space, it is anticipated that part of the service yard will be required for construction site purposes in the near future.
- 2.7 As a consequence, the completion of the service yard development, including the required SBD measures, will follow occupation of the building. It is anticipated that the building will be occupied by mid-March 2016. A change to the wording of Condition 18 is therefore suggested in order to enable the building to be occupied, with confirmation of achievement of SBD

accreditation to follow once the service yard is no longer required for the purposes of construction site space and can be completed.

Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
09/01686/F	Variation of condition nos. 2, 3, 27 & 57 of permission 07/00422/F to allow phase 1 enabling works to start on site to the west of Manorsfield Road	PER
11/01132/CDC	Demolish sheds and outbuildings to the rear of 81-85 Sheep Street, make good the new boundary wall in brickwork and change of use to public car park.	PER
11/01133/CDC	Demolish sheds and outbuildings to the rear of 81-85 Sheep Street, make good the new boundary wall in brickwork, resurface the land in tarmac for use as public car parking	PER
11/01178/F	Variation of condition no. 34 of 07/00422/F	PER
13/00138/F	Variation of Condition 36 of 11/01178/F - To extend the use of Units A1 and A2 from A1 Retail to include all A1-A5 Retail Uses	PER
13/00854/F	Erection of new 3.1m boundary wall, formation of covered yard and repositioning of existing metal fire escape	PER
14/00403/F	Erection of a five storey building comprising community and town centre uses together with servicing and alterations to the vehicle access	PER
15/00180/F	Variation of Conditions 2, 3, 15 and 18 of 14/00403/F	PER
15/00771/ADV	Installation of 5 No. illuminated fascia signs	PER
15/00124/NMA	Amendments to the elevation treatment (proposed non-material amendments to 14/00403/F as varied by 15/00180/F)	REF
15/02230/F	Variation of Conditions 2 and 18 of 14/00403/F	PDE
15/02245/ADV	Internally halo illuminated and non-illuminated signs of built-up letters and	PCO

symbols

3. Response to Publicity

The application has been publicised via neighbour letter, press notice and site notice. The final date for comment was 14 January 2016. No comments have been received at the time of writing.

4. Response to Consultation

Bicester Town Council: no objection.

Cherwell District Council Conservation Officer: no comments received at time of writing.

Cherwell District Council Anti-Social Behaviour: no comments received at time of writing.

Oxfordshire County Council Highway Authority: no comments received at time of writing.

Oxfordshire County Council Drainage: no comments received at time of writing.

5. Relevant National and Local Planning Policy and Guidance

5.1 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

ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development

C31 – Compatibility of proposals in residential areas

ENV1 - Development likely to cause detrimental levels of pollution

5.2 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.

6. Appraisal

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

- Principle of Development;
- Design, Layout and Appearance;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Other matters

Principle of Development

6.2 The principle of the development has already been established as acceptable through the approval of the core application (ref: 14/00403/F), granted on the 31 December 2014. The current application seeks amendments to the appearance of the exterior of the building, the location of ventilation louvres and the wording of Condition 18 to enable occupation of the building prior to achievement of SBD accreditation.

6.3 The Framework directs that planning conditions should only be imposed where they are:

- necessary,
- relevant to planning and to the development to be permitted
- enforceable,
- precise and
- reasonable in all other respects.

Design, Layout and Appearance

6.4 The proposed variation to Condition 2 seeks to replace the approved elevation plans (300B, 301B, 302B) with the now proposed elevation plans (P-310, P-311, P-312), to include the proposed changes to the ventilation louvres, panelling, glazing and openings. No changes are proposed to the layout of the building.

6.5 Officers consider that the external changes are minor in nature, and that they would be in keeping with the contemporary design and choice of construction materials for the remainder of the building. The design and appearance would also be in keeping with the contemporary structures in close proximity to the site that form a part of the wider town centre redevelopment scheme. It is considered that the changes would not detract from the visual amenities of the locality, in accordance with Government guidance contained within The Framework that attaches great importance to the design of the built environment.

6.6 Further, the changes are considered to accord with Policy ESD 15 of the Cherwell Local Plan 2011-2031 that requires new development to complement and enhance the character of its context through high quality design, and saved Policy C28 of the Cherwell Local Plan 1996 that seeks to control new development to ensure that it is sympathetic to the character of its context.

Accessibility, Highway Safety and Parking

6.7 The proposed external changes would not impact upon current access or parking arrangements. Comments are awaited from the Highway Authority with regard to the timing of the completion of the service yard in order to achieve SBD accreditation post-occupation of the building.

Effect on Neighbouring Amenity

- 6.8 Government guidance contained within the Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 states that development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. This is reflective of saved Policy C31 of the Cherwell Local Plan 1996. Saved Policy ENV1 of the Cherwell Local Plan 1996 seeks to resist development that would result in materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution.
- 6.9 The proposed changes to the elevations would involve the relocation of ventilation louvres and comments from the Anti-Social Behaviour Team are awaited. The remainder of changes are not considered to result in harm to the amenity or privacy enjoyed by neighbouring properties, in accordance with the above Policies.

Other Matters

- 6.10 Government guidance contained within the Framework requires planning decisions to aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Condition 18 (as amended by 15/00180/F) requires details of the measures to be incorporated into the development to demonstrate how SBD accreditation will be achieved to be submitted prior to the first occupation of the development. Following implementation of the scheme, the development should not be occupied until SBD accreditation has been received.
- 6.11 However, due to the requirement to use the service yard for construction site purposes during the construction of other nearby developments, this element of the proposal will not be completed at the present time and the required accreditation will not, therefore, be achieved. In order to prevent delay in occupation of the building, the application seeks consent to allow the SBD accreditation to be submitted post-occupation of the building.
- 6.12 To clarify, the refuse bin storage area and cycle parking facilities will still need to be provided prior to first occupation, as required by Conditions 4 and 14.
- 6.13 Officers consider it reasonable to allow the building to be occupied prior to completion of all SBD measures, although a time limit of 2 years has been suggested with the opportunity to extend this if required, in order to secure the desired SBD accreditation.
- 6.14 The Framework states that the Government is committed to securing economic growth, and to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth, and significant weight should be placed on the need to support economic growth through the planning system. It is considered that supporting the flexibility of timings for the submission of details accords with the general thrust of Government guidance with regard to economic growth.

7. Conclusion

- 7.1 It is considered that the proposed amendments to the approved elevation plans are acceptable, as they would not detract from the setting of the designated heritage assets, the visual amenities of the locality or residential amenity and privacy. Further, the proposed amendment to the wording of Condition 18 relating to the timing of occupation of the building,

and the requirement for SBD accreditation, would not result in significant or permanent harm to the levels of crime, or fear of crime, in the area, in accordance with Government guidance contained within The Framework, Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policies C28, C31 and ENV1 of the Cherwell Local Plan 1996.

9. Recommendation

Approve, subject to conditions,

Note that the suggested conditions incorporate those from the original consent 14/00403/F, the variation of condition application 15/00180/F and the details submitted in order to discharge relevant conditions from both applications.

1. 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: Drawing nos. P-001, P-303B received 04 January 2016, and nos. 003C, 100B, 101B, 102B, 103B, 104B, 105B, 200B, 201B, P-310, P-311, P-312 and 304C received on 12th November 2014 and the amended Mayer Brown drawings LSHBICESTER.1/05 Rev B & TCRBICESTER2.2/04 Rev M.

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

2. Prior to the first occupation 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.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

3. Prior to the first occupation of the development, the refuse bin storage area shall be provided in accordance with Drg. No. P-501 approved as part of 15/00016/DISC unless otherwise approved in writing by the Local Planning Authority, and retained unobstructed except for the storage of refuse bins at all times thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. The development shall be landscaped fully in accordance with Hyland Edgar Driver letter dated 22 May 2015 and Drawing Number: HED.1087.200 Rev. D received 22 May 2015

approved as part of 15/00016/DISC unless otherwise approved in writing by the Local Planning Authority.

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 ESD 15 of the Cherwell Local Plan 2011-2031, saved 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 ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6 The development shall be implemented fully in accordance with the approved biodiversity plan for the site, that is the Biodiversity Enhancement Report Ref: RP-HED-004 dated November 2014 approved as part of 15/00016/DISC, unless otherwise approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD 10 of the Cherwell Local Plan 2011-2031, saved Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7 The development will be conducted fully in accordance with the submitted Site Investigation Report by RSK, February 2015 approved as part of 15/00044/DISC unless otherwise approved in writing by the Local Planning Authority.

Reason - To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters in accordance with Policy ENV7 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason - To ensure that any unexpected contamination encountered during development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water in accordance with Policy ENV7 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

9 The development shall be implemented and maintained fully in accordance with the approved Surface Water Disposal scheme that is the Flood Risk and Drainage Statement by Curtins dated 8th October 2014 approved as part of 15/00028/DISC unless otherwise approved in writing by the Local Planning Authority.

Reason - To ensure that any unexpected contamination encountered during development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water in accordance with Policy ENV7 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

10 The drainage works for the development shall be carried out and completed in accordance with the Flood Risk and Drainage Statement by Curtins dated 8th October 2014 approved as part of 15/00028/DISC unless otherwise approved in writing by the Local Planning Authority, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework.

11 The development shall be carried out fully in accordance with the Construction Traffic Management Plan Morgan Sindall report ref: SH PLN1 Rev. 3 dated March 2013 approved as part of 15/00016/DISC unless otherwise approved in writing by the Local Planning Authority.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

12 Prior to the first use or occupation of the development hereby permitted, cycle parking facilities shall be provided on the site in accordance with drawing number 09059 / P-502 Rev. C approved as part of 15/00281/DISC unless otherwise approved in writing by the Local Planning Authority. Thereafter, the cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

13 Prior to the first use of the development hereby approved, full design and operational details of the method of the air conditioning, extract ventilation and refrigeration systems shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the building, the systems shall be installed, brought into use and retained

and maintained in accordance with the approved details.

Reason - To ensure and retain the satisfactory appearance of the completed development, in order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Policies C28 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14 Prior to the first occupation of the development the scheme of public art shall be completed and thereafter retained in accordance with Crows of Bicester Phase II by Philip Bews Diane Gorvin dated February 2014 approved as part of 15/00016/DISC unless otherwise approved in writing by the Local Planning Authority.

Reason - In the interests of public amenity and in accordance with Government guidance contained within the National Planning Policy Framework.

15 No external lights shall be erected on the land without the grant of further specific planning permission from the Local Planning Authority.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16 Prior to the first occupation of the development hereby approved, details of the measures to be incorporated into the development to demonstrate how "Secured by Design" (SBD) accreditation will be achieved must be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing. The development shall be carried out and maintained fully in accordance with the approved details.

Reason - To reduce crime and to accord with Government guidance contained within the National Planning Policy Framework.

17 No later than two years from the date of this planning permission, unless a different time limit for this condition has been agreed in writing by the Local Planning Authority, confirmation shall be sent in writing to the Local Planning Authority that the "Secured by Design" accreditation has been received.

Reason - To reduce crime and to accord with Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

2. Attention is drawn to a Legal Agreement related to this development or land which

has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.

3. The County Archaeologist has indicated that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact : County Archaeologist, Department of Leisure and Arts, Oxfordshire County Council, Central Library, Westgate, Oxford, OX1 1DJ (Telephone 01865 815749).

4. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.

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 the decision has been made in an efficient and timely way.

Cherwell District Council

Planning Committee

21 January 2016

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. 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 (11.7.13)	Land at Whitelands Farm, Middleton Stoney Road, Bicester 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 legal agreement re affordable housing completed 14.12.15
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
14/00962/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) And 14/01641/OUT (29.10.15)	Bicester Eco-Town Subject to legal agreementS for affordable housing, and on-site provision and off-site infrastructure contributions ETC
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
14/02067/OUT (17.12.15)	Land E Evenlode Crescent, Kidlington Subject to legal agreement re off-site infrastructure

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
15/00760/F (26.11.15)	Local centre, Bicester Eco Town Subject to legal agreement to link in earlier main agreement
15/00822/F (17.12.15)	Land at Lince Lane, Enslow, Bletchingtondon Subject to legal agreement concerning on-site infrastructure delivery
15/00831/F (26.11.15)	Land at JDE, Southam Road, Banbury Subject to legal agreement with OCC re transportation infrastructure
15/01024/F (1.10.15)	OCVC College, Banbury Subject to legal agreement re contributions to off-site infrastructure
15/01165/F (26.11.15)	Land at Vespesian Way, Chesterton Subject to legal agreement re affordable housing, on-site open space (variation of previous agreement) and OCC infrastructure (if deemed appropriate)

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: Denise Taylor, Group Accountant, 01327 322188, Denise.taylor@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	
None	
Report Author	Bob Duxbury, Development Control Team Leader
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Agenda Item 12

Cherwell District Council

Planning Committee

21 January 2016

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 **15/00949/F – Model Farm, 19 Bletchingdon Road, Hampton Poyle, OX5 2QG** – Appeal by Mr J Brewer against the refusal of planning permission for alteration and extension of Model Farm House and alterations to existing farm buildings to facilitate conversion to ancillary residential use; landscaping and relocation of modern agricultural building - re-submission of 14/01711/F.

15/00950/LB - Model Farm, 19 Bletchingdon Road, Hampton Poyle, OX5 2QG – Appeal by Mr J Brewer against the refusal of listed building consent for alteration and extension of Model Farm House and alterations to existing farm buildings to facilitate conversion to ancillary residential use - re-submission of 14/01712/LB.

15/01144/F – Garage Block Adjacent 29 Westbeech Court, Banbury – Appeal by Mr N White against refusal of planning permission for construction of 3 new houses and associated parking with access from Westbeech Court - Re-submission of 15/00300/F.

15/01289/OUT - Le Wannik, Harrisville, Steeple Aston, OX25 4RP – Appeal by Mr & Mrs R Needle against the refusal of planning permission for erection of single storey dwelling.

15/01425/F – 17 and 18 East Street, Banbury, OX16 3LL – Appeal by Mr J Kent-Baguley against refusal of planning permission for proposed second floor extension with associated internal and external works.

15/01639/F – The Bungalow, 52A Mill Street, Kidlington, OX5 2EF – Appeal by Mr G & Mrs J Moss against the refusal of planning permission for conversion and extension of outbuilding to form annexe.

15/01683/F – Land to the Rear of 62 High Street, Kidlington – Appeal by Mr Mark Hardy against refusal of planning permission for the erection of one dwelling.

15/01741/F – 12 South Street, Banbury, OX16 3LB – Appeal by Mr J Kent-Baguley against the refusal of planning permission for alterations and erection of second floor extension (Dual Application).

15/01742/F – 12A South Street, Banbury, OX16 3LB – Appeal by Mr J Kent-Baguley against the refusal of planning permission for Alterations and erection of second floor extension above first floor and rear two storey extension (Dual Application).

15/01782/F - 10 Marlborough Avenue, Kidlington, OX5 2AN – Appeal by Ms C Worth against the refusal of planning permission for two storey side extension and part two storey rear extension.

2.2 **Forthcoming Public Inquires and Hearings between and January 21 and February 18 2016**

Public Hearing commencing Tuesday 2nd February 2016 at 10am in the River Cherwell Meeting Room at Bodicote House, White Post Road, Bodicote. Appeal by Mr J Brewer against refusal of Planning and Listed Building Consent (14/01711/F + 14/01712/LB for Alteration and extension of Model Farm House to incorporate the change of use of existing farm buildings into ancillary residential use. Landscaping and relocation of modern agricultural building

Public Hearing commencing Tuesday 2nd February 2016 at 10am at Kirtlington Village Hall, South Green, Kirtlington. Appeal by Gladman Developments Ltd against refusal of Planning permission (14/02139/OUT) for outline - Demolition of existing bungalow and agricultural buildings and residential development of up to 75 dwellings including highway works, landscaping and public open space, at Land West of Oxford Close and North of Corner Farm, Station Road, Kirtlington

2.3 **Results**

Inspectors appointed by the Secretary of State have:

- 1) **Allowed the appeal by Gladman Developments Ltd against the refusal of planning permission for the erection of 54 dwellings, landscape, public open space and associated works – Land at Sibford Road, Hook Norton, Banbury – 14/00844/OUT (Committee).**

The Inquiry Inspector recommended that the appeal be allowed and Planning Permission granted subject to conditions and a planning obligation. At the time of the Inquiry the Council could not demonstrate a 5 year housing land supply. In the absence of a 5 year supply of residential land, significant weight was given to the benefit of additional housing within this sustainable location. It was concluded that the adverse impacts of granting planning permission (future occupants would be subjected to odour from the adjacent farm) are insufficient to significantly and demonstrably outweigh the benefit identified.

Following the Inquiry, the Cherwell Local Plan 2011-2031 (Part 1) was adopted and a revised Annual Monitoring Report (AMR) was published which concluded that the Council had a 5.1 year housing land supply.

The Secretary of State recovered the appeal. The Inspector's decision was upheld and the appeal was allowed. In making his decision, he did not question the Council's 5 year housing land supply figure and consider that the proposal for 54 dwellings was contrary to Policy Village 2, as that policy does not restrict the percentage of the 750 dwellings identified in this policy that may be built in any one village. He also attached significant weight to the fact that the appellant committed to providing 35% affordable housing, when undertaking the planning balance. In respect of the Hook Norton Neighbourhood Plan, the Secretary of State gave no more than moderate weight to the conflict with Policy HN-H1.

The Council are in the process of challenging the Secretary of State's decision.

2) Dismissed the appeal by Kestrel Ridge LLP against refusal of planning permission for conversion of the existing building to form a single dwelling with associated works – The Old Generator Building, Kestrel Ridge, Hill Farm, Shennington – 14/01946/F (Delegated).

The proposals were found to result in the creation of a new dwelling in an unsustainable rural location. No special circumstances applied to outweigh the harm due to the fact that the proposed conversion of the building would cause harm to the intrinsic landscape value of the Cotswolds AONB and the immediate countryside setting. The proposals were therefore found to be contrary to the development plan and inherently unsustainable when considered against the definition of sustainability in the NPPF.

3) Dismissed the appeal by Mr and Mrs Sporn against the refusal of planning permission for the erection of 1 no. dwelling – Land off Rectory Close, Bicester Road, Middleton Stoney – 15/00372/F (Delegated).

The Inspector agreed with the Council's assessment that, although not in an isolated location, the appeal site lies in the open countryside beyond the settlement boundary of Middleton Stoney. Notwithstanding this assessment, the Inspector only attributed limited weight to Policy H18 (new houses in the countryside) of the Cherwell Local Plan 1996 as it is more restrictive than Government guidance set out in the NPPF.

As Middleton Stoney is identified as a Category C settlement (i.e. one of the smaller less sustainable villages) this form of development does not accord with Policy Villages 1 of the Cherwell Local Plan 2011-2031 as it does not constitute

infilling or a conversion. Indeed, the Inspector ultimately concluded that any benefits relating to the scheme did not overcome the site's poor sustainability credentials and the identified landscape harm.

4) Dismissed the appeal by Hill Residential against the refusal of planning permission for erection of 10 no. dwellings with associated means of access, car parking and landscaping – Land to the South of Green Lane, Chesterton – 14/01899/F (Committee).

The Inspector resolved that as the Local Plan has only recently been endorsed and adopted there is insufficient evidence to demonstrate that the Council does not have a five year housing land supply and therefore paragraph 14 of the Framework should not be engaged. On the issue of landscape impact he noted that as part of the earlier planning permission, the appeal site would have been informal open space with opportunities for planting to soften and filter views of the permitted residential development from the surrounding countryside. In dismissing the appeal the Inspector concluded that the dwellings would consolidate housing on the edge of the settlement for the reasons stated and would thereby adversely and visually intrude into its local landscape setting at a major entry point into the village.

5) Allowed the appeal by Mr and Mrs Gooch against the refusal of planning permission for a front extension – 2 Lincraft Close, Kidlington – 15/01084/F (Delegated)

The only issue in this case related to harm the proposed development would have upon the visual amenities of the locality. The Council concluded that the proposal would be an incongruous form of development that would be out of keeping with the appeal property and that it would be visually intrusive in the streetscene, contrary to Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. Whilst, the Inspector stated that there would be some conflict with the Development Plan due to the prominent position of the extension on the front of the dwelling and due to there being no other similar extensions within the locality, the Inspector noted that they were not persuaded that the character and appearance of the area is of such significance as to justify the preclusion of front extensions and that the proposed extension would not detract from the appearance of the existing dwelling. The Inspector therefore concluded that the proposal would not adversely affect the appearance of the existing bungalow or the streetscene.

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: Denise Taylor, Group Accountant, 01295 221982,
Denise.Taylor@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.

Comments checked by: Nigel Bell, Team Leader – Planning, 01295 221687,
nigel.bell@cherwellandsouthnorthants.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	
No	
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Contact Information	01295 221811 tom.plant@cherwell-dc.gov.uk