

Public Document Pack



Committee: Planning Committee
Date: Thursday 18 February 2016
Time: 2.00 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 - 9)

To confirm as a correct record the Minutes of the meeting of the Committee held on 21 January 2016.

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

7. **Twenty Ha Of Land Proposal Of New Highway Aligned With Howes Lane, Bicester (Pages 12 - 46)** **14/01968/F**
8. **Proposed Himley Village North West Bicester Middleton Stoney Road Bicester Oxfordshire (Pages 47 - 121)** **14/02121/OUT**
9. **Muddle Barn Farm, Colony Road, Sibford Gower, Banbury, OX15 5RY (Pages 122 - 140)** **15/01693/F**
10. **Land North Of Southfield Farm North Lane Weston On The Green (Pages 141 - 171)** **15/01953/OUT**
11. **Proposed Equestrian West Of Homestead Church Lane Epwell (Pages 172 - 186)** **15/02033/F**
12. **Land North of The Green and adj. Oak Farm Drive, Milcombe (Pages 187 - 210)** **15/02068/OUT**
13. **Former Lear Corporation, Bessemer Close, Bicester (Pages 211 - 236)** **15/02074/OUT**
14. **The Oxfordshire Inn, Heathfield, Kidlington, OX5 3DX (Pages 237 - 249)** **15/02077/F**
15. **By Ingleby, Station Road, Bletchingdon, Kidlington, OX5 3AX (Pages 250 - 272)** **15/02264/OUT**

Review and Monitoring Reports

16. Draft Local Enforcement Plan (Pages 273 - 296)

Report of Head of Development Management

Purpose of report

To notify members of the Draft Local Enforcement Plan (LEP), prior to it being reported to the Council's Executive on 7 March 2016 for adoption.

Recommendations

The meeting is recommended to:

- 1.1 Note the Draft Local Enforcement Plan (LEP).

17. Decisions Subject to Various Requirements (Pages 297 - 300)

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.

18. Appeals Progress Report (Pages 301 - 303)

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 Lesley Farrell / Natasha Clark, Democratic and Elections
lesley.farrell@cherwellandsouthnorthants.gov.uk, 01295 221591 / 01295 221589

Sue Smith
Chief Executive

Published on Wednesday 10 February 2016

Agenda Item 5

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 21 January 2016 at 4.00 pm

- Present: Councillor Colin Clarke (Chairman)
Councillor Fred Blackwell (Vice-Chairman)
- Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
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
- Substitute Members: Councillor Ken Atack (In place of Councillor Russell Hurle)
Councillor Nicholas Turner (In place of Councillor Rose Stratford)
Councillor Barry Wood (In place of Councillor Lawrie Stratford)
- Also Present: Councillor Lynn Pratt, Ward Member for Ambrosden and Chesterton, for agenda item 7
- Apologies for absence: Councillor Andrew Beere
Councillor Russell Hurle
Councillor Lawrie Stratford
Councillor Rose Stratford
Councillor Sean Woodcock
- Officers: Jon Westerman, Development Services Manager
Bob Duxbury, Development Control Team Leader
Jenny Barker, Bicester Delivery Manager
Caroline Ford, Principal Planning Officer
Gemma Magnuson, Senior Planning Officer
Bob Neville, Planning Officer
Aaron Hetherington, Democratic and Elections Officer

153 **Declarations of Interest**

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

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

10. Franklins House, Manorsfield Road, Bicester.

Councillor Barry Wood, Declaration, as a member of Executive and would leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of Executive and would leave the chamber for the duration of the item.

Councillor Ken Atack, Declaration, as he was on the Franklins House Phase 2 Project Board which was overseeing the development site. Subsequently he would stay in the meeting but would not take part in the vote

Councillor Michael Gibbard, Declaration, as a member of Executive and would leave the chamber for the duration of the item.

Councillor Nicholas Turner, Declaration, as a member of Executive and would leave the chamber for the duration of the item.

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

154 **Requests to Address the Meeting**

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

155 **Urgent Business**

There were no items of urgent business.

156 **Minutes**

The Minutes of the meeting held on 17 December 2015 were agreed as a correct record and signed by the Chairman.

157 **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 February may need to start at 2pm. The Development Services Manager would update members prior to the meeting.

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

The Committee considered application 14/01675/OUT, an outline application, for the 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 and associated utilities and infrastructure at OS Parcel 4200 Adjoining And North East Of A4095 And Adjoining And South West Of Howes Lane, Bicester for Albion Land Ltd.

Councillor Lynn Pratt addressed the committee as Ward member.

Councillor Norman Bolster and Councillor Les Sibley addressed the committee in objection to the application as members of the public as the application was outside their ward.

Peter Frampton, agent for the applicant, addressed the committee in support of the application.

Councillor Mould proposed that application 14/01675/OUT be deferred in order to allow further negotiations with the agent to discuss the proportion of B uses across the application site. Councillor Heath seconded the proposal.

Resolved

That consideration of application 14/01675/OUT be deferred in order to allow further negotiations with the agent to discuss the proportion of B uses across the application site.

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The Paddock, Main Street Great Bourton

The Committee considered application 15/01587/F, a change of use application from agriculture to agriculture and equestrian (mixed use) which sought approval for the demolition of an existing toilet and shower block and the construction of a 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 at The Paddock, Main Street, Great Bourton for Mr Wayne Walsh

Roger Cumming, 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 15/01587/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, Typical Horse Walker details, Site Photos Sheets 1 and 2 and drawings numbered: 103 Rev. D, 104 and 105
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.
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.
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.
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.

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

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

The Committee considered application 15/01895/F for alterations and the erection of extension at Orchard Way, Heyford Road, Somerton, Bicester, OX25 6LL for Mr D Berlouis.

Neil Good, Somerton Parish Council, addressed the committee in objection 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 15/01895/F be approved subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by 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

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.
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.
5. The rooflights shall be conservation grade and must sit flush within the roof slope to which they are inserted.
6. The flue shall be painted black with a matt finish.
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.
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.
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.

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Franklins House, Manorsfield Road, Bicester

The Committee considered application 15/02230/F which sought consent to vary Conditions 2 and 18 from the original consent (ref: 14/00403/F). Both conditions had previously been varied by application 15/00180/F that was approved on 20 March 2015, and the current application sought to vary these again (albeit with different amended plans).

The Committee was advised 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.

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

Resolved

That application 15/02230/F be approved, subject to the following conditions:

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.
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.
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.
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.
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.
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.
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.

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

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.

162 **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.
- (2) That with regards to the previously approved application 14/01737/OUT, the agreement be completed without the former contribution sought by Thames Valley Police

163 **Appeals Progress Report**

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

Resolved

- (1) That the position statement be accepted.

The meeting ended at 6.08 pm

Chairman:

Date:

PLANNING COMMITTEE

18 February 2016

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.

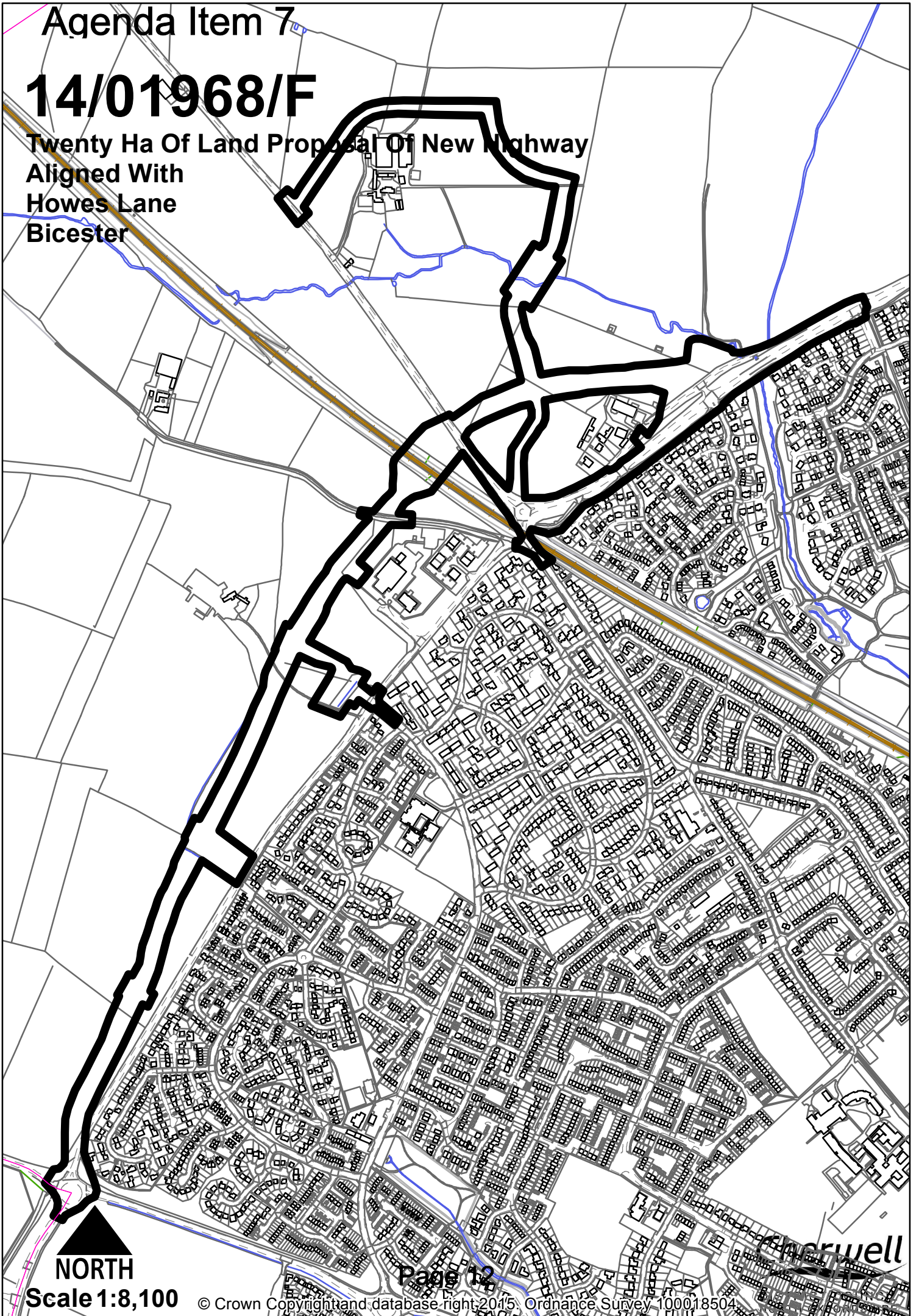
Background Papers

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	Twenty Ha Of Land, Proposal Of New Highway, Aligned With Howes Lane, Bicester	14/01968/F	Bicester West	Approval	Caroline Ford
8	Proposed Himley Village North West Bicester, Middleton Stoney Road, Bicester, Oxfordshire	14/02121/OUT	Caversfield	Approval	Caroline Ford
9	Muddle Barn Farm Colony Road Sibford Gower Banbury OX15 5RY	15/01693/F	Sibford	Refusal	Nathanael Stock
10	Land North Of Southfield Farm North Lane Weston On The Green	15/01953/OUT	Kirtlington	Approval subject to further negotiations to agree appropriate S106	Emily Shaw
11	Proposed Equestrian West Of Homestead Church Lane Epwell	15/02033/F	Sibford	Refusal	Shona King
12	Land North of The Green and adj. Oak Farm Drive, Milcombe	15/02068/OUT	Bloxham and Bodicote	Approval	Bob Duxbury
13	Former Lear Corporation, Bessemer Close, Bicester	15/02074/OUT	Bicester Town	Refusal	Linda Griffiths
14	The Oxfordshire Inn Heathfield Kidlington OX5 3DX	15/02077/F	Kirtlington	Approval	James Kirkham
15	By Ingleby Station Road Bletchington Kidlington OX5 3AX	15/02264/OUT	Kirtlington	Refusal	Matthew Parry

14/01968/F

Twenty Ha Of Land Proposal Of New Highway
Aligned With
Howes Lane
Bicester

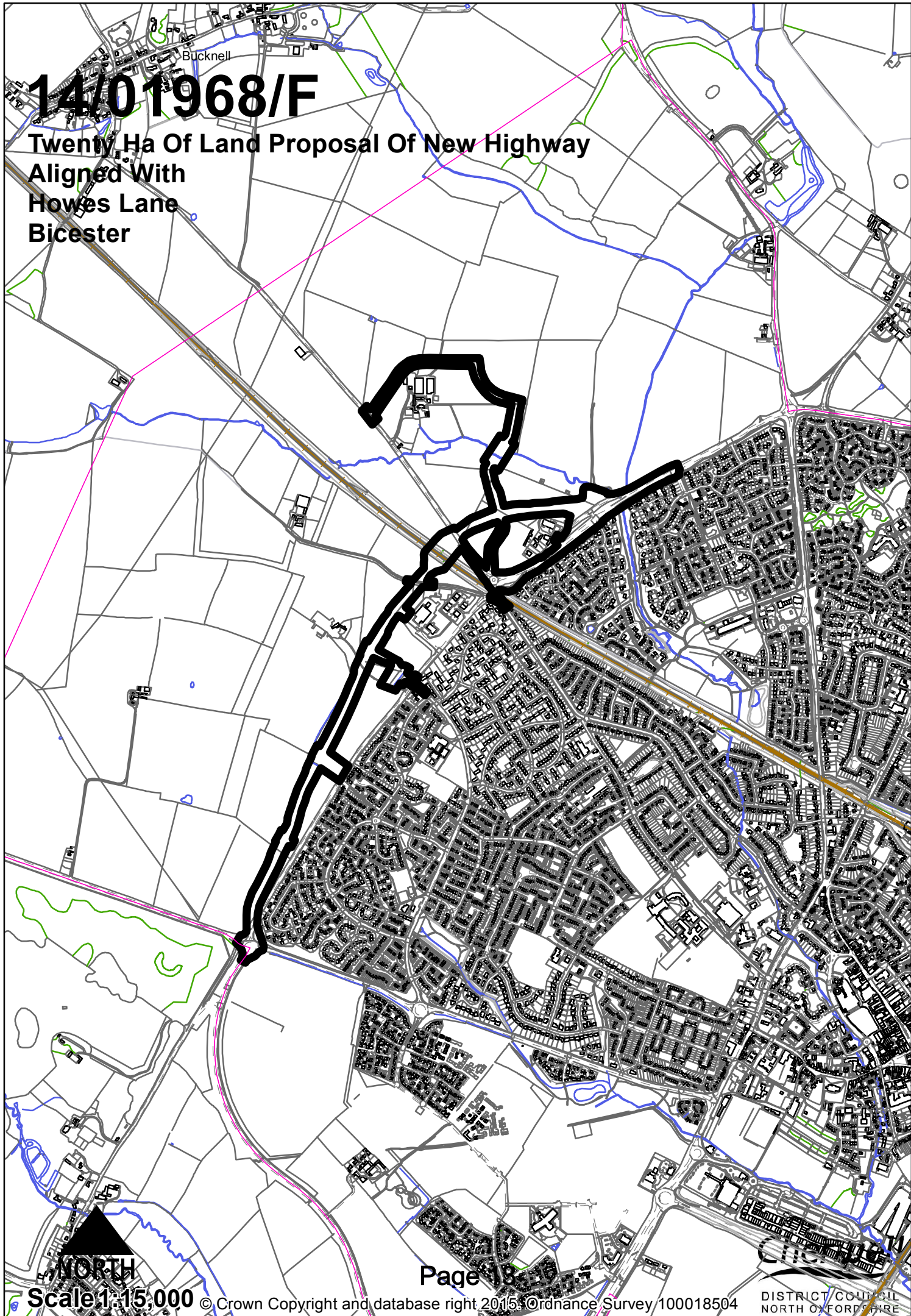


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Scale 1:8,100

14/01968/F

**Twenty Ha Of Land Proposal Of New Highway
Aligned With
Howes Lane
Bicester**



NORTH
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DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Twenty Ha Of Land Proposal Of New
Highway Aligned With
Howes Lane
Bicester**

14/01968/F

Case Officer: Caroline Ford **Ward(s):** Bicester West

Applicant: A2 Dominion South Ltd

Ward Member(s): Cllr Bolster, Cllr Hurle, Cllr Sibley

Proposal: 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.

Committee Date: 18.02.2016 **Recommendation:** Application Permitted

Committee Referral: Major

1. Site Description and Proposed Development

- 1.1 The site covers 18.2ha and lies to the west of the existing Howes Lane and the town of Bicester. The land extends from the B4030 Middleton Stoney Road Roundabout to the A4095, Lords Lane, Hawkwell Farm and Bucknell Road, and a parcel of land east of Aldershot Farm. The land is currently predominantly agricultural land and also includes some areas of adopted highway. The site also includes a section of land beneath the railway line immediately north of the Avonbury Business Park. The land surrounding the site to the north and west is largely agricultural land but within the site allocated by Policy Bicester 1 and to the east is the existing town of Bicester. There are a number of farms located within proximity to the application site. The River Bure runs through the Eastern part of the site on a north-south axis and the railway line also cuts through the application site. There are a number of trees and hedgerows across the site, primarily forming the boundary of agricultural fields and/ or located adjacent to the watercourses.
- 1.2 In terms of recorded site constraints, a public right of way runs on an east – west axis from the Bucknell Road junction, along a track leading to Aldershot Farm and beyond. A SSSI is within proximity and the site has the potential for archaeological interest, to be contaminated and part of the site is within flood zones 2 and 3. There are a number of trees protected by a Preservation Order, to the south of the site.
- 1.3 The proposals seek to provide a new road in the form described above to address existing deficiencies in the railway crossing and provide enhanced capacity to meet the transport generated by the planned growth of Bicester. The proposed road would incorporate footways/ cycleways along its length as well as SUDs features, trees and lighting. The proposal has been amended through the processing of the application in order to address comments provided through the first round of consultation.

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 will be the 18th February 2016.

4 letters have been received. The following points were raised:

- Concerns over the volume of traffic and hence noise the new road will create and the relationship with their property.
- Concern regarding the proposals flooding reports which suggest that this proposal makes residential areas "more vulnerable" to flooding but add that "no specific flood protection or mitigation measures will be necessary". Assurances that adequate drainage mechanisms are both put in place and well maintained, to ensure we will not fall victim to flooding as a direct result of the new road layout are sought.
- One comment received to keep the direct access from Bicester through to Bucknell along the Bucknell Road rather than routing it on a tortuous route through the new development which would not be pleasant for residents there.
- Strong support for the proposal due to the following summarised responses/reasons:
 - Additional traffic that the new development would bring would be set back into the new development and away from homes whose gardens back onto the existing Howes Lane,
 - The proposed road would be contained within the new development,
 - The new road would be fit for purpose as Howes Lane is not as it has never been upgraded from a lane,
 - Howes Lane could not cope with additional traffic and residents would be subject to increased traffic noise, vibration and pollution,
 - There are no barriers to the adjoined rear gardens for protection, noise or pollution and these problems are currently experienced.
 - Closing Howes Lane to make walkways and cycleways joining the Ecotown with the existing estate would comply with the Ecotown principles.

3. Consultations

- 3.1 **Bicester Town Council:** have the following concerns on this application, detailed below:

- The one-way section out of Shakespeare Drive will cause traffic wishing to return to Greenwood area to take short cuts through the Kingsmeadow Estate and potentially Highfield. These roads were not built for such a high ratio of traffic. Shakespeare Drive is a main artery and will be diminished by the building of a 3 metre wide cyclepath taking up a significant area of roadway and seems unnecessary especially as there will be a cycleway along the new Howes Lane.

- 3.2 **Middleton Stoney Parish Council:** object to this application as the application fails to provide the strategic link road which is required to bypass Bicester to the West, further reasoning summarised as follows:

- The concept of a 30mph road enforced by a series of traffic calming measures is fundamentally flawed. The road proposed will be virtually useless for traffic wishing to bypass Bicester to the West, especially the significant amount of HGV

traffic which currently uses Howes Lane/Lords Lane.

- There seems little point in motorists using the new Vendee Drive only to face a slow and tortuous route through the development after crossing the Middleton Stoney Road junction. The result will be traffic chaos.
- What is required is a semi-fast perimeter or orbital road with a speed limit of 40/50 mph. Alternatively, rather than re-aligning Howes Lane, serious consideration should be given to widening it.
- It is noted that robust conditions should be in place for developers to build roads to the appropriate highway standard and this applies particularly to the Howes Lane realignment.

3.3 **Chesterton Parish Council:** object to this application on the following planning grounds:

- The proposed road does not address future capacity issues. The A4095 through Chesterton will see an inevitable increase in vehicular traffic due to the proposals.
- The downgrading from 50mph to 30mph will create further hold-ups and is a backward step since this road will be used by many drivers as a 'northern ring road'.
- The new road will have adjoining retail outlets, education facilities and businesses which will add to usage and further slow movements.
- It is noted that a northern ring road is desperately needed and should be part of this proposal.
- A point of clarification is made with regard to the correctness of a plan submitted.

3.4 **Bucknell Parish Council:** made comments regarding this application and two other outline applications. The following issues are raised relating to this application, summarised as follows:

- The residents of Bucknell still require access to Bicester and the proposed road structure needs to support this.
- The proposed reduction of the speed limit on Howes Lane will result in an increase in through-traffic to Bucknell. It is suggested to keep the 50 mph limit but introduce service roads similar to those in Kidlington, which would stop traffic detouring on minor roads, both in Bucknell and Bicester.
- It is suggested that the Ardley to Bicester road become a 40mph limit and the village as a whole become a 20mph zone.
- As the proposed development is within 300 metres of Bucknell and the village's direct access to Bicester is to be restricted by it, it is considered reasonable that any bus route serving the development be extended to include the village. This will reduce car journeys through the development.

Cherwell District Council Consultees

3.5 **Arboricultural Officer:** No specific issues.

- The majority of selected trees are acceptable along with proposed locations and planting distances. The only amendment sought would be to the proposed line of Sorbus Aria (shown on drawing ref. 3005 5 of 5). To improve diversity, it is recommended that this line is mixed with a low percentage (10%) of Prunus Padus 'Albertii' which would provide greater diversity as well as an interesting visual feature by breaking up the uniform tree line of the Sorbus Aria.
- It is good to see the proximity of street lighting columns, however there are no details regarding above or below ground service routes which may have an influence upon the positioning of trees.
- T2 of TPO 13/2001 is identified as being retained adjacent to junction 1 and should therefore be included within an AMS to ensure that it is afforded appropriate protective measures.

- To reduce the risk of direct damage, it will be necessary to install root barriers between built features such as footpaths/ cycleways, below ground services, boundary walls etc and any tree located within a 2m distance.
- Once the details of the landscaping scheme have been agreed, in order to reduce the risks of 'unforeseen conflicts' during the construction phase, it would be advisable for combined drawings showing both the landscape features (including root barriers) and engineering features such as service routes and utility lines to be provided.

3.6 **Landscape Officer:**

With consideration of the above application in respect of the tree/landscape proposals.

1. Trees are to be planted in accordance with *BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations*.
2. Landscaping operations and aftercare and to be in accordance with *BS 4428: 1989 Code of practice for general landscape operations (excluding hard surfaces)*
3. The tree pit areas/trenches abut kerbs to footway, etc, resulting in large areas of tree soil displacement due to extensive concrete haunching. Can the tree alignments be further away from the kerb to maximise the amount of tree soil and prevent future structural damage to kerb/paving.
4. Each tree will require 10 cubic metres of 'Amsterdam', or equivalent tree soil to establish a healthy rootball in what will be a heavily compacted clay soil due to constructor traffic (consider the tree failures to the Oak avenue, SW Bicester!). All clay spoil from tree pit excavations to be removed off site.
5. The compacted clay soil must be de-compacted before planting operations (de-compaction method to be indicated).
6. The tree pit detailed drawings do not appear to indicate sufficient width of tree pit to accommodate tree soil – developer to clarify/confirm.
7. The tree pit detailed drawings must indicate the scarification of smeared sides of tree pits before tree planted to facilitate aeration and root development.
8. The nursery-supplied tree sizes are to be indicated in a tree schedule – not available on Iclipse.
9. Root flare to be indicated on drawing with instructions to landscape contractor to ensure finished tree soil levels cover entire rootball (as per soil level at nursery) but root flare to remain above finished soil level.
10. In consideration of General Arrangement drawing 5 of 5 in order to enhance visual diversity and amenity light the dense canopies with 10% *Prunus padus* 'Albertii'

- 3.7 **Anti Social Behaviour Officer:** The applicant's have demonstrated through their EIA submission that the proposed development will have a range of adverse noise effects on existing properties during the construction phase of the project. In their submission it is indicated that these effects can be mitigated by the preparation and implementation of a Code of Construction Practice. This approach is an accepted solution to the problems of noise presented by major projects and the submission, approval and implementation of the measures contained in such a document should be conditional to any planning approval granted. Suggestions as to what sections this document should contain are given. The EIA concludes that there should be no long term adverse noise effects from the road once in operation. Any planning approval given must contain a condition requiring the developers to undertake a post completion survey to confirm this premise and should any dwelling or business be found to be adversely effected by noise following this survey, remediation must be carried out.

Second response received agreed with the comments already made and did not add anything further.

3.8 **Strategic Comments:**

OCC support the principles of the North West Bicester site which has been the subject of on-going joint working between OCC, CDC and the Eco Bicester Strategic Delivery Board. OCC has no objection in principle to this application but further information is required to confirm the technical details as set out in the transport response. Notwithstanding this, there are concerns from Local Members and it should be noted that there would be an impact on local traffic movements from the redesigned road and increased trips from the development.

The Main benefits of the proposal are as follows:

- The proposals aim to balance the integration of the site with existing Bicester and the needs for access for through traffic.
- The road is designed to accommodate a significant volume of traffic to enable it to continue to perform a strategic function as identified within the area transport strategy
- A new tunnel under the railway line which is a key scheme identified by OCC prior to the North West Bicester development proposals
- The road is expected to be deliverable and adoptable
- Improved conditions for existing residents that back on to Howes Lane
- Provision of an environment that encourages sustainable travel for new and existing residents in the future, for example new bus routes, footpaths and cycle ways.

OCC Local Members have the following concerns:

- The proposed speed limit of 30mph is too slow for a key peripheral through route
- All options need to be kept open in respect of decisions on the status of this vital link/ perimeter road
- Dissatisfaction with the proposed 'urbanisation' of a strategic rural route
- Possible limiting of Bicester wide route options - if there are issues with the eastern routes in the town as a result of traffic accidents etc there be no viable western route alternative
- Perceived change in direction for the Bicester Strategy approach for the development of strategic routes
- Proposals for cycle paths along Shakespeare Drive will result in reduced carriage widths and push traffic onto even more unsuitable roads. Cycle paths would be more appropriate along Middleton Stoney Road
- The Bucknell Road loop/ realignment will prevent residents of Bucknell and surrounding villages using their preferred route into Bicester
- People living within the Shakespeare Drive area of the town will use side streets to access northwards rather than Howes Lane and Lords Lane.
- Difficulties in establishing an effective bus priority route into the town centre
- The temporary use of the existing Howes Lane by HGV traffic serving the Albion Land employment site unacceptable and should be prevented by a routing agreement.
- Environmental impacts such as noise, light pollution, flood risk, increased vehicle emissions caused by additional junctions.

The following represents summarised detailed Officer advice:

3.9 **Transport:** Recommendation is that further detail is required.

The current Howes Lane is substandard and would need redesigning as part of the development. Increasing capacity at the Howes Lane/ Bucknell Road junction and its approaches is a policy within the current Local Transport Plan Area Strategy. A new tunnel under the railway to provide additional capacity compared with the current skewed bridge at Howes Lane/ Bucknell Road/ Lords Lane is required to be delivered

by the North West Bicester Masterplan developments and is triggered by the 900th dwelling (including the Exemplar site).

The submitted Transport Assessment provides a fair appraisal of the various options for the improvement of Howes Lane. Junctions along the proposed link road have been analysed robustly and would operate within theoretical capacity.

The submission provides limited detail in terms of phasing and treatment of Howes Lane as the new route becomes available. This should be provided.

The submission also does not show the accesses into the school or the local centre, which need to be considered at this stage. Likewise, no laybys associated with the school are shown.

The proposals provide pedestrian and cycle connectivity across the road at formal crossing points and junctions. Between these points, crossing opportunities would be limited due to the swale and grass verge. There are some identified crossing movements that the design does not address well. Proposals to address these movements for the safety and convenience of non-motorised users will be required.

The proposals are considered to be acceptable in principle subject to considerations of the detailed comments made the detailed design will be required prior to any development commencing on site. A list of items where detailed design is required is set out.

3.10 Structures:

Full outline details of any proposed highway structures (including retaining walls, culverts, bridges and footbridges) must be submitted to the County Bridges Team to determine the extent of approvals required. Guidance is provided where any structures are proposed for adoption and the technical approvals that will be required.

3.11 Drainage: A full surface water drainage design with full calculations must be submitted and approved by the Lead Flood Authority (OCC) prior to the development commencing on site. There is history of flooding to properties to the south east of Howes Lane and therefore it is essential that the development does not increase the flow to the existing culverts under Howes Lane going towards the existing housing estate.

3.12 CTMP - Construction will see a significant level of activity and therefore appropriate measures will need to be in place for routing, access, servicing and parking, which would be subject to an approved Construction Traffic Management Plan.

3.13 Transport Strategy:

The tunnel under the railway is required by the County Council and to get an optimum design for this, Lords Lane needs realigning at its Western end and Howes Lane needs realigning at its eastern end. However, the complete realignment of Howes Lane is not required for transport reasons.

County Council policy within the Local Transport Plan (LTP3) Area Strategy is to 'seek opportunities to improve access and connections between key employment and residential sites and the strategic transport system' and one of the schemes identified to achieve this is 'increasing capacity at the Howes Lane/ Bucknell Road junction and approaches'. This is part of the overall strategy to maximise the use of the peripheral routes around the town by cars so that within the central areas of the town, the balance is in favour of sustainable modes whilst not excluding the car.

The proposed design for the realigned road link would deliver an appropriate standard single carriageway and the junctions at both ends and the tunnel under the railway would play a significant part in maximising the use of the corridor. However, the modelling does suggest that the combination of the lower speed, an increase in the number of junctions and the vehicular trips generated by the 6000 houses, employment and other uses on the NW Bicester site, would make the route less attractive to some of the people who currently drive along it. The modelling particularly suggests that people

that live within Shakespeare Drive would use side streets and the Banbury or Buckingham Roads to access northwards rather than Howes Lane and Lords Lane. The proposed one way access is aimed at addressing this issue.

The current Howes Lane would be sub standard as a strategic link with increased traffic along it. Before the NW Bicester development was approved, the County Council was considering whether to realign the road slightly westwards or simply widen the existing route as part of plans to deliver a new tunnel under the railway close to its current position.

The TA shows how the current road arrangements on the western side of the town would not cope with the increased traffic impact as a result of the proposed development growth within Bicester even without NW Bicester development and the realigned road proposals in place. It also demonstrates that the design of the proposed road would deliver a good standard single carriageway with adequate capacity, such that even if the road flows did get back to the flows shown in the 'Do Minimum' model, the road would be able to cope with these. The TA also sets out how the North West Strategic link road is expected to operate under capacity with the future year traffic including North West Bicester development traffic, although this is in part due to the fact that local vehicles that currently use the Howes Lane/ Lords Land corridor find alternative connections. Nevertheless, where possible and appropriate, the detailed design should give due consideration to future proofing to allow for the possible future requirement to increase capacity at the junctions.

In summary, the provision of the tunnel under the railway is crucial for Bicester's transport strategy and whilst the realignment of Howes Lane is led by planning reasons, the proposed design would provide the capacity required to keep this as a strategic link road. However, the impact of the development is such that some trips that currently use Howes Lane and Lord's Lane are likely to divert and impact on Banbury and Buckingham Roads. The developments that make up the NW Bicester masterplan area need to contribute proportionately towards the transport strategy that aims to improve the northern and eastern peripheral routes and schemes to improve the function of the central corridor.

3.14 **Public Transport:**

The proposed carriageway width of 7.3m is adequate for the function of the realigned Howes Lane, however localised widening will be required at bus stops. The proposed width of 6.75m on the Bucknell Road link road appears to be adequate and again, localised widening may be required at bus stops. Bus stopping places need to be clearly defined and should be adjacent to the main pedestrian routes into the main development area to minimise walking distances. The proposed swale arrangement between the main highway and the footpath/ cyclepath causes some concern for the provision of bus stops and pedestrian crossing arrangements and this emphasises the urgent requirement to agree bus stop locations early. The developer will be required to provide an effective design solution for the bus only section of Bucknell Road. Some concern is raised in relation to the proposed narrow section of Bucknell Road to the north as it is necessary to provide a reasonably congestion free route for buses. Advice is provided as to the number of stops and the location as well as the infrastructure required to facilitate the currently proposed bus services as well as other commercial bus services that may well be attracted to NW Bicester. The developer needs to consider options for the ongoing maintenance of bus shelters.

3.15 **Public Rights of Way:**

The application needs to provide a Pegasus or similar user controlled signalised crossing point where the new road crosses the bridleway to Aldershot Farm. This is a key connecting link and ease of passage/ NMU priority is necessary to encourage modal shift. The railway underpass near Aldershot Farm needs to provide for walkers, cyclists and possibly equestrians. The junction of Howes Lane, A4095, Lords Lane and

Bucknell Road needs to include provision for walkers, cyclists and equestrians so that they can safely travel to wider urban and rural networks.

3.16 Archaeology:

No objection subject to conditions. The site is located in an area of archaeological interest as identified by a desk based assessment, a geophysical survey and a trenched evaluation. A further programme of archaeological investigation and mitigation will need to be undertaken ahead of any development. This can be secured through a condition on any resultant planning permission.

3.17 Ecology:

- The applicant has used a recognised biodiversity metric which demonstrates how the combined development over the whole NW Bicester Eco Town Masterplan site should deliver a net gain in biodiversity.
- However, in order to achieve a net gain in biodiversity, this application and the other applications at NW Bicester rely on the delivery of the Nature Reserve and other biodiverse green spaces proposed in the masterplan, which have not yet been included in other planning applications. This is acceptable providing there is certainty that the nature reserve and other biodiverse green spaces will be delivered.
- Provided that the nature reserve and other biodiverse green spaces are delivered as proposed in the masterplan, then the appropriate management and monitoring of the whole NW Bicester site could be crucial to whether the proposed development would be able to deliver a net gain in biodiversity. The applicant proposes that a Landscape and Habitat Management Plan would be produced for each reserved matters application. These would contain both management and monitoring proposals. Details in relation to this have been provided in comments to other applications on the wider NW site.
- The principle of offsite mitigation for farmland birds is supported, however some comments and suggestions on the details of the method of achieving this have been provided in comments related to other recent applications on the wider NW site.

3.18 Road Agreements Team:

General advice provided in relation to the information required to go through the adoptions process by the Road Agreements Team and the technical standards that would be required.

Other Consultees

3.19 Environment Agency: Object to this proposal 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 and Policy ET18 of PPS1. The submitted FRA is not acceptable as it fails to demonstrate:

- Why development of the A4095 Strategic Link Road is unavoidable in Flood Zones 2 and 3 near the confluence of the Langford Brook and River Bure.
- If development in Flood Zones 2 and 3 is unavoidable, there has been no assessment of the volume of floodplain that will be lost, how much floodplain compensation is needed and whether delivery of the required compensation is achievable. It is therefore not clear if flood risk will be increased.
- That the surface water drainage system has sufficient capacity to convey and attenuate run off from both the proposed hardstanding and green areas.

The objection can be overcome by submitting an FRA that covers the deficiencies highlighted above and demonstrates that the development will not increase flood risk elsewhere and where possible reduces flood risk overall.

Further advice:

- The importance of the maintenance of the surface water drainage features on site to ensure their long term functionality is highlighted.
- Erection of flow control structures or any culverting or the ordinary watercourses on site require consent from OCC as the Lead Local Flood Authority.
- OCC should be satisfied with the approach suggested to dealing with the potential risk to the site from groundwater flooding.
- Should the objection be overcome, it is likely a number of conditions covering a number of environmental constraints would be recommended.

3.20 **Thames Water:** The application does not affect Thames Water and as such they have no comments to make.

Second response provided the same advice.

3.21 **Highways Agency:** No objections

3.22 **Network Rail:** make comments on future discussions and agreements, summarised as follows:

- The proposal includes a proposed new road underbridge and pedestrian/cycle underpass which will affect Network Rail's operational railway line between Bicester North and Banbury.
- Further discussions will be necessary over the design and implementation of the proposed two new underbridges as they will have a material impact on Network Rail's operational railway.
- In addition there will be the need for completion of a Works Agreement relating to the construction and future maintenance of the underbridge and the adoption of the roadway there under.

Second response provided the same advice.

3.23 **Berkshire, Buckinghamshire, Oxfordshire Wildlife Trust (BBOWT):**

- The submission of various documents are welcomed including significant detail of wildflower species for the swales and of tree planting. These proposed habitats will contribute to the net gain requirement for the Masterplan and therefore in the event of the approval of the application, it is important that the following are ensured by the use of planning conditions:
 - The use of a wildflower species rich mix in the swales and combined verge/ swales as indicated and that swale management is then carried out so as to encourage the wildflowers to flourish.
 - It is not clear if it is proposed for the verges to be planted with wildflower seed mix but it is suggested that they should be as part of the overall contribution of this application to net gain for the entire masterplan. Wildflower rich verges and swales should be included in a Landscape and Habitats Management Plan which could be ensured by condition.
 - The provision of a range of tree species including native species.
 - Appropriate management and monitoring of the site.
- Net Gain in Biodiversity - the applicant has used a recognised biodiversity metric in the Biodiversity Strategy document which demonstrates how the combination of developments across the entire masterplan site, with offsite compensation for farmland birds in addition, should deliver a net gain in biodiversity. There is no individual calculation of net gain for this individual application and therefore it is not clear if this application relies on the delivery of other areas of GI across the wider site (such as the nature reserve). Bearing in mind that this application may not, in itself may not be providing a net biodiversity gain in biodiversity, then some form of guarantee needs to be provided that the nature reserve and the other significant biodiversity rich green space indicated in the southern half of the masterplan will be taken forward before 14/01968/F can be approved.
- Off site farmland bird compensation - Welcome the submission of the proposal

and the recognition that off site mitigation for farmland birds will be needed. Progress has been made, particularly in the assessment of the mitigation required, however there are a number of areas of concern with what is proposed to achieve the compensation and alternative approaches are therefore suggested.

3.24 **Natural England:**

- It is noted that detailed SUDs techniques in line with the Masterplan Surface Water Drainage Strategy have been incorporated into the application for the onsite management of surface water. These measures are necessary for appropriate drainage management, particularly in relation to potential effects on downstream SSSIs.
- The proposed development is within an area that Natural England considers could benefit from enhanced Green Infrastructure provision. The incorporation of GI into this project would be encouraged.
- Natural England have not assessed this application and associated documents for impacts on protected species and their Standing Advice should be used to assess this application.
- If the proposal is on or adjacent to a local wildlife site, the Authority should ensure that it has sufficient information to fully understand the impact of the proposal.
- 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.
- Support to the measures outlined by BBOWT in their response to the application is given.
- The application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature.

3.25 **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.

- The application is consistent with A2 Dominions earlier outline application and with the submitted NW Bicester Masterplan. It provides the key road infrastructure for the entire development and addresses a number of key issues:
 - It meets OCC Policy to increase capacity of the Howes Lane/ Lords Lane junction
 - Realises the strategic importance of this corridor for movement across the town
 - Integrate the NW Bicester development into the existing town without the new road acting as a barrier to permeability for pedestrians and cyclists
 - Address the constraints on the existing Howes/ Lords Lane corridor, in particular the rural nature of Howes Lane and the complicated and dangerous underpass of the railway with junctions on either site.
- Supportive of the application but has some observations that ought to be resolved before this scheme is given approval to move forward, particularly as this is a full application:
 - There is a current connection onto Howes Lane from Wansbeck Drive - will this route be retained and enhanced to the new boulevard?
 - Junction 1 in the application connects to the bus only link through the proposed business park (to the north) but it is unclear where this connects to the south?
 - Junction 2 on the new boulevard joins with the green link from Dryden

Avenue. It is unclear how these old and new routes will connect. This will become an important route into the existing town as NW Bicester builds out.

- How will the one way link to Shakespeare Drive from the realigned Howes Lane be enforced?
- Detailed designs of the new railway underpass should be sought. Particular interest is how pedestrians and cyclists will be incorporated into these designs.
- Limited information in relation to how new homes to the north of Lords Lane would connect to the Bure Park local nature reserve.
- The application proposes to close part of Bucknell Road to vehicles and create a cycle path from the existing Howes Lane and Lords Lane junction. This path will cross the new boulevard and then re-join with new road infrastructure a few hundred metres north west into the development. Further information should be sought

3.26 **Thames Valley Police:**

- Concern that there would be less direct access from the TVP premises such that this could affect emergency response times
- Concern regarding site security for the TVP premises that are currently away from the public domain.

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:

4.2 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

4.3 Cherwell Local Plan 1996 (Saved Policies)

TR1: Transportation funding
TR10: Heavy Goods Vehicles
C8: Sporadic development in the open countryside
C28: Layout, design and external appearance of new development
C30: Design Control

4.4 Other Material Policy and Guidance

4.5 **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

4.6 **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 under pin 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.

4.7 **Eco Towns Supplement to PPS1**

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

4.8 **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 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 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. Following the adoption of the Cherwell Local Plan and further consultation, the document was approved by the Council's Executive and will be reported to Full Council for adoption in March 2016. The document is therefore at an advanced stage but does not yet carry full weight until such time that it is adopted. The SPD is therefore a material consideration.

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.

4.9 **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.

4.10 **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.

4.11 **Planning Practice Guidance**

4.12 **Oxfordshire County Council – Connecting Oxfordshire: Local Transport Plan 2015-2031**

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of the development
- Transport
- Environmental Matters
- Employment
- Healthy lifestyles
- Green Infrastructure
- Landscape and historic environment
- Proposed Landscaping
- Biodiversity
- Flood risk management
- Waste
- Masterplanning
- Transition
- Conditions/ S106

Relevant Planning History

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

5.3 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.

5.4 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.

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

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).

This application appears elsewhere on the agenda.

- 5.5 Applications 14/01384/OUT and 14/01641/OUT have partially established the principle of the realigned road and application 14/01675/OUT also includes within the red line the rest of the land required for the realignment of the road.

Environmental Statement

- 5.6 The Application is accompanied by an Environmental Statement (ES). It covers landscape and visual impact, ecology, flood risk and hydrology, air quality, noise and vibration, cultural heritage, contaminated land, agriculture and land use, human health, socio economics and community, waste and cumulative impacts. The ES identifies significant impacts of the development and mitigation to make the development acceptable.
- 5.7 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.
- 5.8 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.

- 5.9 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.

Planning Policy and Principle of the Development

- 5.10 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'.

- 5.11 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.

Adopted Cherwell Local Plan 2011 – 2031 (ACLP)

- 5.12 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.

- 5.13 Specifically in relation to the current proposal, Policy Bicester 1 identifies infrastructure needs, including access and movement - 'proposals to include appropriate crossings of the railway line to provide access and integration across the North West Bicester site. Changes and improvements to Howes Lane and Lords Lane to facilitate integration of new development with the town'.

Adopted Cherwell Local Plan 1996

- 5.14 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 policies of the adopted Cherwell Local Plan will be considered in further detail below.

- 5.15 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.

Non Statutory Cherwell Local Plan

- 5.16 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.

NW Bicester SPD

- 5.17 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 was reported to the Council's Executive in June 2015 and approved for use on an interim basis for Development Management purposes.

Following a further round of consultation, the SPD was been reported to the Council's Executive on the 01 February 2016 and has been approved for recommendation to the Full Council that the document be approved. The does not yet carry full weight until such time that it is adopted however it is a material consideration. The SPD and Masterplan identify the realignment of Howes Lane as part of the development of the site.

Eco Towns Supplement to PPS1

- 5.18 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.

NPPF

- 5.19 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.

Transport

- 5.20 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.
- 5.21 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 uses that limit the need to travel are identified (para 37 & 38). It also advises that account should be taken of improvements that can be undertaken within the transport network that cost effectively limit the significant impacts of the development and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (para 32).

- 5.22 The Adopted Cherwell Local Plan policy SLE4 requires all development to 'facilitate the

¹ Unless material considerations indicate otherwise

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.

5.23 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.

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

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.

Strategic need for the road

5.25 The A4095 has been a key matter of policy and strategy for the town of Bicester since 2000. The Howes Lane/ Lords Lane/ Bucknell Road junction was confirmed as a pinchpoint in the existing highway network in the Bicester Integrated Transport and Land Use Study from March 2000. Paragraph 2.14 of this report stated this to be 'substantially limiting the potential of the Western perimeter route for through traffic'. The Core Transport Strategy at that time was to remove through traffic from the centre

of Bicester. This was to be achieved by 'selective enhancements to highway (link and junction) capacity on the perimeter routes to carry through traffic away from the town...'. It was concluded that there may be a case for a high quality western distributor route, to include the upgrading of Howes Lane and the junctions at Howes Lane/ Lords Lane/ Bucknell Road. The Transport and Land Use strategy was updated in 2009 and this identified the Howes Lane/ Lords Lane scheme as a strategic scheme due to its impact on the performance on the overall highway network in the town. The strategy stated that the scheme was intended to 'address capacity issues at the junction and improve the journey time reliability of the route'.

- 5.26 The Oxfordshire Local Transport Plan (2015-2031) has a Bicester Area Strategy sitting alongside it which aims to support the Local Plan and the significant growth identified at Bicester. The priority for Bicester is to provide the transport infrastructure which supports the aspirations set out in the Local Plan and the initiatives for their implementation in the forthcoming Bicester Masterplan. This includes tackling the challenges identified in the Bicester Movement Study and the further technical reports completed to support the Main Modifications to the Local Plan. The strategy identifies a series of improvements to support the overall capacity of transport networks and systems within the locality; enabling them to accommodate the additional trips generated by development; to adapt to their cumulative impact and to mitigate the local environmental impact of increased travel. It is also identified that there is a need for a significant increase in the proportion of trips to be made by public transport, cycling and walking. BIC 1 of the Local Transport Plan identifies improved access and connections between key employment and residential sites and the strategic transport system will be supported including 'delivering effective peripheral routes around the town to enable the delivery of the sustainable transport strategy within the central area by providing a local distributor function as well as offering effective connections to strategic corridors for new residential and employment sites'. To the Western peripheral corridor, the following improvements are identified:
- Increasing capacity at the Howes Lane/ Bucknell Road junction and approaches to maintain this as part of the strategic peripheral route corridor and to accommodate the increase in traffic using this route, further enabling development in the area, including the North West Bicester development
 - Realigning A4095 Howes Lane as part of improving the strategic western peripheral route for Bicester.
 - Improvements to the Lords Lane/ B4100 roundabout to enable this junction to cope with future growth at an important radial route into/ out of the town.
- 5.27 In 2014, modelling work prepared for the Local Plan Modifications Examination highlighted the Howes Lane/ Bucknell Road/ Lords Lane junction as one of the principal traffic issues for the town wide transport network.
- 5.28 In terms of timing for delivery of the road and tunnel infrastructure, and 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.
- 5.29 Howes Lane (A4095) is currently a rural road, 6.1m in width with no footway or cycleway for most of its length and it is located within close proximity to residential properties creating an unpleasant, intrusive environment for existing residents. The Howes Lane/ Bucknell Road junction is a priority junction located in proximity to the roundabout junction for Bucknell Road and Lords Lane. The junctions are linked by a short section of road under a skewed railway bridge. The current highway layout is considered to be a significant constraint to traffic improvements and a barrier to future growth.

- 5.30 This proposal is accompanied by a Transport Assessment, which again confirms that the Howes Lane/ Bucknell Road junction is currently operating near capacity. The TA describes the proposal in that it seeks to address a key constraint in the road network whilst integrating the new development with the existing town, with a reduced speed limit and high quality walking, cycling and public transport routes. The junctions along the road are to be signalised, allowing pedestrians, cyclists and equestrians the ability to cross easily (for equestrians a 'pegasus' crossing is proposed at the junction where the bridleway crosses the road). In terms of capacity, it is confirmed that with NW Bicester and other planned growth in place, the link road and all junctions along it would operate within and provide sufficient capacity for forecast traffic flows. The plans have been amended through the processing of the application and an Addendum Transport Assessment has been submitted, which finds that the overall impact of the amendments would not have a material impact upon the TA with the proposed changes having beneficial impacts overall.
- 5.31 The work identifying that there is a capacity problem at the Howes Lane/ Bucknell Road/ Lords Lane junction led to the incorporation of the requirements for a new junction and road to be instilled within policy and SPD. This recognised the opportunities that arise out of such a scheme including that the road would be moved away from the rear gardens of existing residential properties that back onto Howes Lane, that infrastructure for sustainable modes of transport (including dedicated cycling and walking routes) could be planned in from the start and that the link road could become a fundamental part of the site at North West Bicester recognising its role as a part of the strategic network.
- 5.32 It is therefore considered that there is significant justification for the proposal to realign Howes Lane, the provision of a new tunnel and the work to the Bucknell Road. It has been demonstrated that this scheme will provide the required capacity and this will have significant wider benefits. Officers are content that the principle of this proposal is therefore acceptable.
- 5.33 The existing Howes Lane is proposed to be closed from the south of Shakespeare Drive to the Middleton Stoney Road. However the closure of the road requires the completion of a traffic regulation order and such orders have to be the subject of consultation. The existing road is therefore excluded from the current application however it is considered that through a legal agreement, a mechanism to secure the closure of Howes Lane should be sought.

Walking and cycling

- 5.34 The PPS requires that Eco Towns should be designed so that access to it and through it gives priority to options such as walking, cycling and public transport and other sustainable options to reduce residents reliance on the private car. There are also ambitious targets with regard to modal shift, including that 50% of trips originating from the eco town should be made by non car means. Similarly, The Bicester One Shared Vision encourages walking and cycling to be the first choice of travel within the town. This approach is further supported within the NW Bicester SPD, encouraging the provision of walking and cycling networks and linking them into the existing network. In relation to the proposed Howes Lane realignment, the SPD specifically states 'the vision is to maintain the strategic route to accommodate the predicted volumes of traffic while providing an environment that is safe and attractive to pedestrians, cyclists and any person that is using the services and facilities proposed'. The SPD confirms that the intention is for off road footways and cycleways and that 'joint footways and cycleways should be at least 4m wide and segregated routes to provide attractive routes for pedestrians and cyclists'. The detailed design of the application will be considered in more detail below, however the proposal takes the opportunities to provide enhanced walking and cycling routes as well as signalised crossings to ensure that pedestrians and cyclists can use the site with some priority.

Detailed design

- 5.35 The Strategic road is proposed to be positioned approximately 80m north of the existing road and is to be a 7.3m carriageway with a shared cycleway/ footway and a combined verge and swale on one side of the road and on the other segregated walking and cycling routes are proposed separated from the carriageway by a swale/ verge. This results in a straight railway crossing. The road would be set to a 30mph speed limit and there would be no frontage access and limited access points. The road would be designed to be a 'boulevard' with trees lining it. The application also includes part of a primary street (the Bucknell Road element of the scheme), which is to be a 6.75m carriageway with a verge/ swale and segregated cycleway and footways on one side and on the other a swale, shared cycleway/ footway and a separate verge. There is also part of a secondary street included within the scheme, which is to be a 6m carriageway, with a shared cycleway/ footway and verge on one side of the road and a swale and footway on the other.
- 5.36 The application includes details of the bridge over the stream, details of the tunnel under the railway, positions of bus stops, landscaping details (including landscaping to the rail cutting) and street furniture (including cycle parking close to bus stops and benches). The application also shows how the site would connect in terms of a link between the site and Bure Park and it demonstrates that different surfacing would be used for footways/ cycleways and the roads. There are a number of junctions along the strategic road, which would be signalised but which have been amended through the consideration of the application to give some priority and make sure that routes for pedestrians and cyclists are clear rather than being too much of an engineered highway layout. This is important given the support for clear and accessible routes for pedestrians and cyclists to enhance the provision for sustainable modes of transport. The junctions have been designed to have some interest within the 'ellipses' which propose a material such that road naming could be included and a concrete feature separating the road and the pedestrian area.
- 5.37 In looking at the transport implications of the site alongside the options for addressing the capacity concerns, the route of the Bucknell Road has also been looked at to reduce the attractiveness of the existing route for through traffic. The scheme therefore proposes a change to the Bucknell Road, which will mean that users of that road would be diverted along the route of the existing Lords Lane before entering the Masterplan site east of the existing Lords Lane, before crossing the boulevard and wrapping round to join the existing Bucknell Road north of Hawkwell Farm. This proposal also gives the opportunity to improve Bucknell Road and address issues of road safety. Part of the existing Bucknell Road would become a bus only link with pedestrian and cycle infrastructure along it to allow a rapid bus link into the town centre.
- 5.38 The amendments to the scheme in terms of layout, include a movement of the road at junction 3 to enable the revised access to the secondary school and results in a straighter road, the change to the access arrangements to create a staggered junction to connect to Shakespeare Drive, the change in position of the bridge over the stream to reduce the impact on the stream corridor and flood attenuation, a change to the alignment of the road through the local centre within application 14/01384/OUT and changes to SUDs.
- 5.39 In the view of Officers, the design of the scheme has progressed from that originally submitted. In terms of the positioning of the road and junctions, these changes have been made to align the scheme with what has evolved through the consideration of the outline applications 14/01384/OUT and 14/01641/OUT. The detailed design itself generally reflects the requirements in terms of road widths for the road hierarchy and the details of footway/ cycleways. The junction design has also positively progressed such that the legibility of them for cyclists/ pedestrians is improved and ensures some priority for them. The updated information demonstrates that these amendments

continue to ensure that the proposal provides the necessary capacity for the strategic network. Notwithstanding this view, advice from the County Council as Highway Authority is still awaited and, should there be further detailed points that require additional consideration, these would need to be addressed given this is a detailed application. In particular, Officers are aware of some concern in relation to the detail of the ellipses, which would result in these features potentially not being adoptable, which would be undesirable and so further work on these may be needed. The support of the Highway Authority to the principle of the proposal as a whole is however noted.

Conclusion on the principle of the development

- 5.40 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. In this case the benefits of this proposal are far wider than only providing benefits to the development at the NW Bicester site. Providing acceptable highway infrastructure is key to support sustainable development therefore the principle of this proposal is considered to be acceptable. The NPPF advises that development proposals that comply with the Development Plan should be approved without delay. In this case, it is necessary to consider the other Eco Town principles and other detailed considerations.

Environmental Matters

- 5.41 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 saved policy 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.

Air Quality

- 5.42 The Environmental statement considers air quality and notes that the development has the potential to cause air quality impacts during the construction phase as a result of dust emissions from earthworks, construction and trackout activities. The Assessment concludes that there is a risk of dust generation during certain activities but that suitable mitigation measures would control emissions, resulting in overall impacts of neutral significance. A number of dust mitigation measures are detailed in the report and it is suggested that these be incorporated into a Construction Environmental Management Plan. In the absence of technical objection to this proposal on the grounds of air quality, Officers are satisfied that subject to mitigation measures during the construction process, the proposal would be acceptable.

Noise and Vibration

- 5.43 The Environmental Statement also considers noise and vibration. It is identified that the noise impacts are mostly related to noise generated during construction and the change in road traffic noise due to the realignment of the road. It is identified that there are likely to be some significantly adverse noise effects during construction upon receptors within 200m of the site based on worst case scenarios. However, a number of mitigation measures are suggested and taking these into account as well as the fact that construction noise impacts are temporary in nature, there are unlikely to be residual impacts. The report also concludes there are unlikely to be vibration impacts. In terms of operational impacts, the ES finds that the realignment of the road is likely to lead to substantial decreases in noise levels at a number of receptor locations, most particularly for those properties directly adjacent to the current Howes Lane. It is recommended that the identified mitigation measures be incorporated into a Construction Code of Practice to ensure that any impacts are kept to a minimum. The assessment does refer to the potential need for potential works to the bridge replacement to be outside of normal working hours and that any such working hours

and the associated noise limits would need to be agreed with the Council. It is suggested that the Construction Code of Practice could include the mechanism for this. The Council's Anti Social Behaviour Manager accepted the conclusions of the assessment and recommends that conditions be used in relation to securing the mitigation measures during construction and to carry out a post construction survey to consider whether any further mitigation is required.

Contaminated Land

- 5.44 The Environmental Statement assesses the likely environmental effects of the development in relation to contamination. The assessment uses a Phase 1 Desk Based Study and laboratory testing results obtained from a follow up preliminary intrusive ground investigation and a further follow up investigation which concentrated on an area of land which has been identified as part of a landfill. In those areas covered by the intrusive investigation, no significant contaminated soil or groundwater was discovered. It is considered that mitigation measures would significantly reduce or completely mitigate any potential effects and no residual effects are identified. Construction impacts will need to be mitigated through the use of appropriate personal protective equipment and site management practices and would need to be covered within a Construction Environment Management Plan. It is therefore considered that the risks arising from this particular development would be low, however appropriate conditions are recommended.

Zero Carbon

- 5.45 The development at North West Bicester is expected to meet very high environmental standards, including that it reaches Zero Carbon Standards. The PPS is clear that the zero carbon standards excludes emissions from transport and but includes all buildings on the site. Given the current proposal seeks permission for the road infrastructure only, it is not necessary to consider this proposal in terms of the need to achieve zero carbon across the site any further.

Climate Change

- 5.46 The requirements around climate change relate to the development being designed to be resilient to the future effects of climate change. A study into the effect of future climate identified the potential for more frequent storm events and the road has been designed to include sustainable drainage to take surface water from the road and pavements and ensure that there is no increase in surface water run off from the site. The crossings of the stream have also been designed to ensure that there is no restriction of the floodplain. These are discussed further below.

Employment

- 5.47 The PPS requirement sets out the need for an economic strategy that should 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. The Masterplan Economic Strategy considers the number of jobs that need to be provided on site and identifies construction jobs as contributing to ensuring the site can meet the PPS standards. There will be job opportunities in the construction of the road which will contribute to this PPS standard being achieved. The Masterplan Economic Strategy also includes an Action Plan which includes ways to support job creation (e.g. through apprenticeship schemes). It has been identified that the construction of the infrastructure proposed under this application could support 6 apprenticeships. This would also be a benefit of this proposal as well as again contributing to the PPS and the SPD standards being met.

Healthy Lifestyles

- 5.48 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.

- 5.49 Whilst this proposal seeks permission for the strategic road infrastructure only, as explained above, the road is planned to include dedicated footways and cycleways on both sides of the road as well as green infrastructure in the form of SUDs and green verges. This is an enhanced provision compared to the existing layout (particularly along Howes Lane where there is no footway/ cycleway provision). The application would therefore provide enhanced infrastructure allowing this main route to 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.

Green Infrastructure

- 5.50 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.
- 5.51 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).
- 5.52 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.
- 5.53 The NW Bicester 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.
- 5.54 As this application proposes the strategic road infrastructure, the ability to provide Green Infrastructure is limited. However, GI within the proposals for the Link Road comprises street trees, soft landscape swales and verges. These would perform beneficial functions within the road corridor linking into the GI strategy across the rest of the site. Across the site, the Masterplan Green Infrastructure and Landscape Strategy demonstrates how 40% GI will be provided across the site furthermore, each application across the site has been considered as to how GI is provided and how much to ensure it is policy compliant. In this case, Officers are satisfied that this proposal provides as much GI as possible in terms of ensuring that the design of the road incorporates green areas including trees and verges (within the constraints of needing to make sure that the road provides sufficient vision splays and is adoptable). It is therefore considered that the proposal is acceptable in this regard.

Landscape and Historic Environment

- 5.55 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.

- 5.56 Adopted Cherwell Local Plan Policy Bicester 1 requires 'a well-designed approach to the urban edge which relates 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.
- 5.57 The NW Bicester 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.
- 5.58 The application is accompanied by an LVIA within the Environmental Statement. The assessment finds that the site is not within any landscape designation, however it forms part of the 'Oxfordshire Estate Farmlands' Character area in the Cherwell District Landscape Assessment and the more recent Oxfordshire Wildlife and Landscape Study places the site within the 'Woodland Estatelands' Character area. Specifically for North West Bicester and as part of the landscape impact assessment process, landscape character areas have been identified across the site and are called: Caversfield Valleys and Ridges, Bucknell Ridge, Bucknell Valley Corridor and Himley Farmland slopes. As this application stretches across the site, all of these character areas have been considered further. At the construction stage, best practice would be employed in order to minimise landscape and visual disruption including locating construction compounds sensitively and protecting retained trees and hedgerows. In terms of operational impacts, the scheme has been designed to minimise vegetation removal and incorporate roadside verges including tree planting in order to help integrate the proposals within the wider landscape. In relation to each of the landscape character types across the site, the impact has been assessed to be slight adverse, other than the Caversfield Valleys and Ridges, which is assessed as a neutral impact. In relation to the assessed viewpoints, the significance of visual effect is assessed to be 'slight adverse' other than viewpoint 4 which is assessed to be 'moderate adverse'. The reason for this low impact overall is due to the proposal being a relatively minor alteration to farmland overall and that views would generally be buffered by existing vegetation and landscape structure/ enclosure as well as proposed tree planting. It is further accepted that in time, this proposal would be surrounded by development forming part of the wider Masterplan site. In landscape and visual impact terms, it is considered that the proposal can be accommodated within the landscape.
- 5.59 The proposal involves the removal of a number of trees and hedgerows, however the extent of these has been minimised to ensure the impact is as limited as possible. It is proposed to translocate areas of hedgerow to be removed and the Arboricultural Report proposes the protection of retained trees and hedgerows, which would need to be secured by way of a planning condition. The amended scheme has changed the trees/hedges affected in certain areas of the site and this has positive and negative effects on certain trees where they will be or won't be affected. The tree report notes that the impact would remain acceptable overall.
- 5.60 In relation to the historic environment, the ES finds that there are no listed buildings within the study area. There are however farm buildings at Aldershot Farm and Gowell

Farm, which may experience impacts upon their setting. The ES finds that the historic landscape resource within the study area is primarily the agricultural landscape, which includes the historic field boundaries and field patterns. This has been assessed to be of low value. Design mitigation measures to preserve as many of the historic field boundaries to allow some legibility of the historic landscape to remain has been included. Overall, it is considered that the historic landscape will experience slight adverse impacts. In the context of the development as a whole and taking into account the significant benefits that will arise as a result of this scheme in highway capacity terms, it is considered that the impact upon the historic environment is low and therefore is acceptable.

- 5.61 The site has been assessed for archaeology and these investigations have indicated four areas of archaeological activities within the site. A programme of mitigation measures have been designed for the areas of archaeological activity comprising archaeological excavation and recording. The County Archaeologist has advised that subject to conditions to require additional archaeological work, no objections are raised and the proposal is also considered to be acceptable in this regard.

Proposed Landscaping

- 5.62 The proposal includes landscaping proposals given this is a detailed application. As explained above, the intention is for a 'tree lined boulevard' to be created, which would include trees provided at approximately 30m intervals and taking into account the position of street lighting. These trees would be accommodated in tree pits as well as swales and verges to continue the regular positioning. There would be no trees within proximity to the tunnel under the railway which would interrupt this regular positioning. This is unfortunate but justifiable given the treatment that would need to occur at the railway cutting and there needing to be an offset to the railway to suit Network Rail requirements. The opportunity has however been taken to include a wildflower landscape turf around the railway cutting to ensure that landscaping continues within this area and to soften the approaches to the tunnel. The Council's Landscape Officer has made a number of comments in relation to the proposed landscaping, particularly detailed comments with regard to the proposed tree pits (which Officers consider could be dealt with by condition), however there is also a suggestion with regard to the inclusion of a different tree species to enhance visual diversity and amenity light in the area of the realigned Bucknell Road. This suggested species is used in one area already and this road will expand given the current proposal forms one part of it, therefore Officers are not convinced that this particular concern requires further amendment at this stage.

Biodiversity

- 5.63 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.
- 5.64 The NW Bicester 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.

- 5.65 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.

- 5.66 The application is accompanied by ecology surveys. The existing site contains arable fields and improved grassland habitats with watercourses and hedgerows. It has been found that bats forage over and commute along the watercourse and hedgerows support brown hairstreak butterflies. Small numbers of common lizards and grass snake were recorded and hedgehogs may also use the field boundaries. The fields and hedgerows support nesting and wintering birds. There are ponds close by and it is possible that amphibians may forage and shelter at the bases of the hedgerows and along the watercourses.
- 5.67 The proposal for the strategic infrastructure would mainly affected hedgerows therefore the impact upon the recorded species must be considered. The ES advises that the development has been designed to reduce impacts on wildlife and habitats as far as possible and to produce a design that incorporates measures to ensure that the development will result in a net gain in biodiversity as a part of the wider masterplan. The proposal suggests a number of mitigation measures to reduce impacts during construction, including proposals to translocate hedgerows, careful timing of works and the provision of ecologists to oversee the works. Careful design of the scheme including

the landscape planting, the lighting scheme, the SUDs and the bridge design can ensure that the effects on wildlife are reduced. Only one watercourse crossing is required and this ensures that the natural wildlife crossings are retained. Sensitive lighting would be required on the bridges to ensure that dark corridors are retained and to avoid disturbance to nocturnal species. Biodiversity enhancements in the form of bird nest boxes to be provided on trees are proposed. A Landscape and Habitat Management Plan is also proposed to ensure that the long term management and monitoring occurs.

- 5.68 The PPS requirement is that there should be a net gain in biodiversity and in this case, the proposal for the strategic infrastructure includes proposals for landscaping, swales and verges as well as nesting boxes are proposed. The proposal involves minimising the number of hedgerows to be disturbed by the road and translocating hedgerows where possible. Overall, this proposal would contribute to the achievement of a net gain in biodiversity, particularly when considered alongside the rest of the site and the current outline applications which include greater opportunities within areas of public open space and features such as a nature reserve and country park.
- 5.69 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. Officers are currently considering the need to secure a contribution towards this matter via the application for the strategic road infrastructure.
- 5.70 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.

Flood Risk Management

- 5.71 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.
- 5.72 The NW Bicester 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.
- 5.73 The site is predominantly within Flood Zone 1. However there are areas of Flood Zone 2 and 3 within the site which are predominantly free from development other than one clear span bridge crossing (which would be designed such that the soffit would be 600mm above the modelled 1% AEP plus climate change water level) and green buffers associated within the wider Masterplan as well as the proposed road tie in with Howes Lane near the confluence of Langford Brook and River Bure. The FRA advises that the small amount of impacted floodplain volume will be compensated on a level for

level basis on the right bank of Langford Brook. The Masterplan drainage strategy seeks to minimise the impact of new development on flood risk and the principle across the site is to attenuate any post development runoff to equivalent greenfield rates. A series of SUDs features across the site are proposed and within the extent of this application area, such features include swales and attenuation ponds sized with an allowance for climate change. The FRA also identifies a need for mitigation taking into account existing overland flow routes.

- 5.74 As set out above, the Environment Agency objected to this proposal advising that the FRA does not demonstrate that the development proposed would not increase flood risk on and off site. This includes explaining why development in flood zone 2 and 3 is proposed, what volume of floodplain is lost and therefore what compensation is needed and whether this is achievable. It is also unclear whether the surface water drainage system has sufficient capacity to convey and attenuate run off from both the proposed hardstanding and green areas.
- 5.75 The applicant has submitted an addendum flood risk assessment and surface water drainage strategy. This addendum considers the amendments made to the application since original submission. The document also explores why the development is proposed within part of the flood plain, explaining that it would be impractical from a road geometry perspective to move the affected section of road further downstream because it is not possible to move the road alignment further south of its current position to a point where it is entirely outside of the flood extents. The proposed road is constrained by the tie in to the existing A4095 to the east and the existing River Bure crossing to the south, the proposed rail underbridge crossing alignment to the west allowing for safe visibility and the new side road junction linkages. The FRA therefore considers the exception test and suitable flood mitigation proposals. The proposed strategic link road is concluded to be essential infrastructure and this benefit is weighed against the minor floodplain encroachment. The document considers the volume of floodplain lost and the explains how sufficient floodplain compensation is to be provided therefore satisfying the sequential and exception test requirements of the NPPF. At the time of writing, no further response has been received from Oxfordshire County Council as the Lead Local Flood Authority or the Environment Agency.
- 5.76 It is unfortunate that this proposal includes development within Flood Zones 2 and 3, taking into account the PPS requirement that there should be no development within flood zone 3. This follows the NPPF's Sequential test, which requires that development be directed to areas with the lowest risk of flooding. In this case, the wider NW Bicester site is allocated for development and predominantly sits within flood zone 1 overall which follows the sequential approach. It is not therefore necessary to apply the sequential test in relation to this particular proposal, however as this proposal is essential infrastructure and includes a small area of development within flood zone 3a, it is necessary to apply the exception test. The NPPF at para 102 advises that 'for the exception test to be passed:
- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk informed by a Strategic Flood Risk Assessment where one has been prepared and;
 - a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere and where possible will reduce flood risk overall'.

In this case, Officers are satisfied that the information provided to date demonstrates that options have been assessed in terms of the position of the junction as to where the proposed tie-in with the A4095 can occur and taking into account the strategic need in relation to highway capacity that this road will contribute to. The addendum to the ES also assesses drainage capacity that firstly would be affected by the slight encroachment into flood zones 2/3 and secondly that sufficient alternative capacity would be provided. SUDs are a key feature of the road by way of the swales provided

along the link and primary roads as well as the use of attenuation/ balancing ponds. Subject to the receipt of comments from the Drainage Authority, it is considered that conditions can be used to require a detailed drainage design and strategy building on the information provided thus far. The proposal therefore is acceptable in flood risk terms and in compliance with policy.

Waste

- 5.77 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
- 5.78 The NW Bicester 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.
- 5.79 In this case, the consideration of waste is only at the construction, demolition and excavation stage. The application is accompanied by a Site Waste Management Plan (SWMP) and Waste is assessed in the Environmental Statement. The SWMP targets sending no waste to landfill with it being identified that what cannot be re-used on site, will be sent to recycling facilities where possible. The ES considers that the design of the road has been considered in order to minimise excavation volumes, allowing flexibility in the landscaped areas to accommodate the changes in soil volumes and careful management and monitoring can ensure that impacts of waste are minimised. It is noted that there may be a slight adverse effect on local waste management infrastructure from construction waste but the SWMP will be further developed to manage, monitor and audit the construction waste generated. It is considered that the proposal is acceptable in this regard. A planning condition can be used to require an updated SWMP to take into account the finalised scheme to ensure that the target to ensure that no construction, demolition and excavation waste is sent to landfill, except for those types of waste where landfill is the least environmentally damaging option can be met.
- Master planning**
- 5.80 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.
- 5.81 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.’

5.82 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.

5.83 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 current proposal for the road infrastructure complies with the Masterplan in terms of its position and form. It is therefore acceptable in this regard. The infrastructure that this proposal provides is key to the delivery of the wider site and the other applications across the site need to be linked to the timing of the delivery of this to support the masterplan approach to delivery.

Transition

5.84 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.

5.85 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.

5.86 In these terms, it has been identified that the tunnel is required at an early stage of the development to relieve the capacity issues currently identified at the Howes Lane/ Bucknell Road/ Lords Lane junction and is needed to mitigate the impact of the wider development at NW Bicester. This along with the fact that it complies with the

Masterplan leads to Officers concluding that this proposal is critical to resolve the capacity issues and lead to wider delivery across the site. This proposal will also allow infrastructure to be in place for sustainable transport modes such as the proposed bus services and providing walking and cycling infrastructure.

Conditions and Obligations

- 5.87 A number of conditions are required covering issues such as highways, construction, ecology, landscaping, contaminated land and archaeology amongst others in order to secure acceptable development. These are identified through the report and a full set of conditions will follow the publication of the committee agenda. 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 CEEQUAL (sustainability assessment, rating and awards scheme for civil engineering). It is considered necessary for this application to meet the CEEQUAL standards.
- 5.88 It is considered necessary to secure a legal agreement to secure the identified apprenticeships, to secure farmland bird mitigation in the situation that this is not secured through applications surrounding the road and to secure the closure of Howes Lane through the necessary traffic regulation orders and to make the route available for pedestrian and cyclists. This legal agreement could be in the form of a unilateral undertaking.

Engagement

- 5.89 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 negotiations relating to the details of the scheme through the processing of the application.

Conclusion

- 5.90 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.
- 5.91 Policy Bicester 1 and the Eco Towns PPS identify North West Bicester as a location of an Eco Town. The NW Bicester SPD and Policy Bicester 1 identify the need for there to be highway improvements including measures to address movement across Howes Lane and Lords Lane and to increase capacity at the junction of Howes Lane/ Bucknell Road and Lords Lane. This junction has been identified over a number of years as being a constraint to the town wide transport network and improvements to it are necessary.
- 5.92 This proposal seeks to provide a tunnel under the railway and taking the opportunity to also realign Howes Lane. This results in a number of benefits including providing the required capacity within the strategic highway network for all planned growth as well as moving the road away from the existing residents that back onto Howes Lane currently thereby improving their living conditions and embedding the highway infrastructure as an integral part of the wider masterplanned site. The proposal is therefore considered to be acceptable in principle.
- 5.93 Other detailed matters have been considered throughout this report and subject to the receipt of comments to the amended scheme, as well as the use of conditions, it is considered that there would be no other significant impacts from this scheme that would outweigh the benefits of the proposal as a whole.
- 5.94 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.

Environmental Impact Assessment Determination

- 5.95 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.
- 5.96 It is therefore **recommended** that this report and the conditions and obligations proposed for the development are treated as the statement required by Reg 24 C (i) - (iii). The information required by Reg 24 C (iv) will be set out on the planning decision notice.

6. Recommendation

Approval, subject to:

- a) The end of the 21 day consultation period;
- b) The resolution of any further objections received to the satisfaction of the Development Services Manager;
- c) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure apprenticeships, the closure of Howes Lane and to make the route available for pedestrians and cyclists and to secure a contribution towards offsite farmland bird mitigation if this not secured through other means and delegation to Officers to finalise this;
- d) the following conditions:

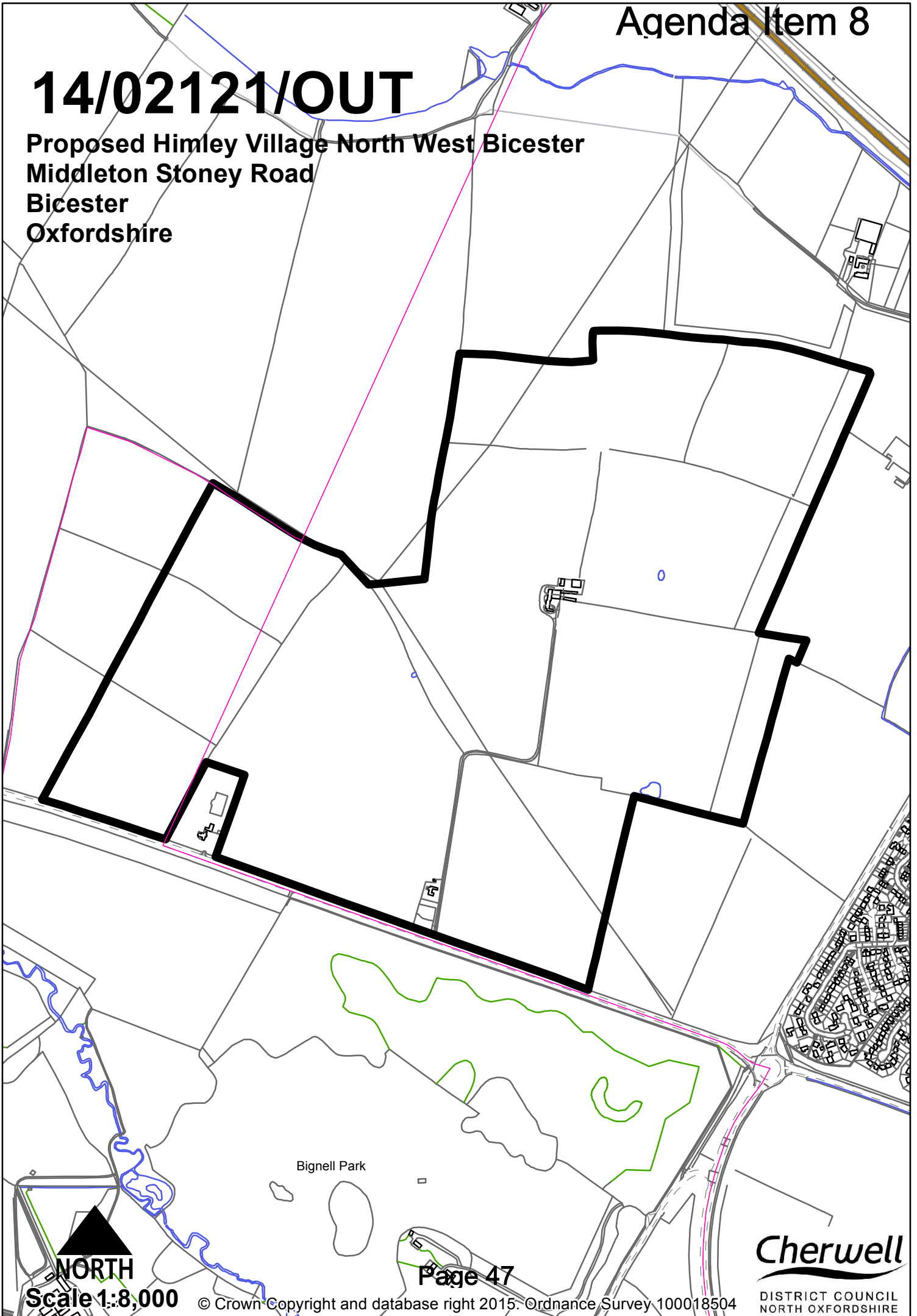
TO FOLLOW IN FULL

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 through negotiations relating to the details of the scheme through the processing of the application.

14/02121/OUT

Proposed Himley Village North West Bicester
Middleton Stoney Road
Bicester
Oxfordshire



Bignell Park

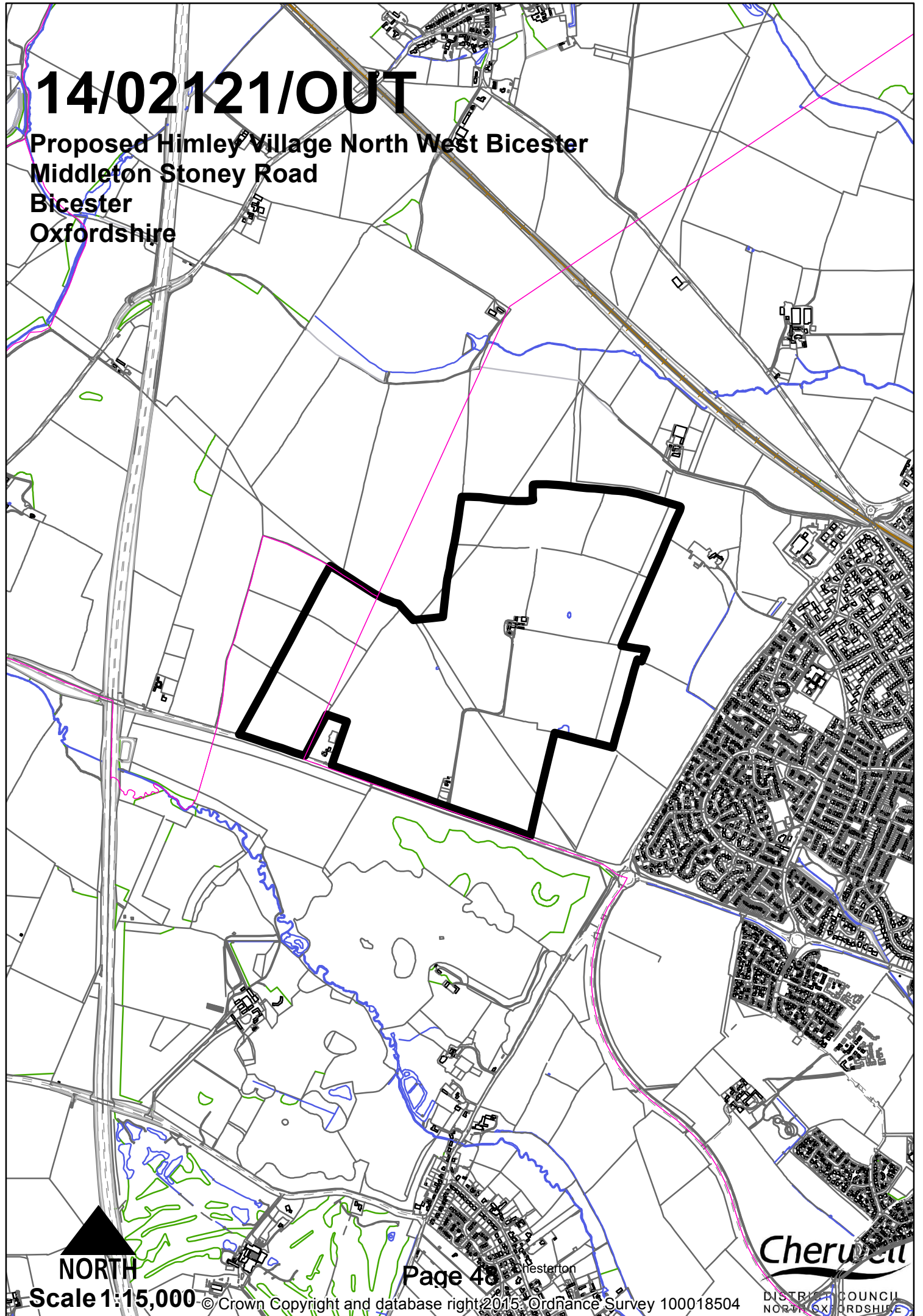
Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

NORTH
Scale 1:8,000

14/02121/OUT

Proposed Himley Village North West Bicester
Middleton Stoney Road
Bicester
Oxfordshire




NORTH

Scale 1:15,000

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Bicester

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Proposed Himley Village North West Bicester
Middleton Stoney Road
Bicester
Oxfordshire**

14/02121/OUT

Case Officer: Caroline Ford **Ward(s):** Caversfield

Applicant: Portfolio Property Partners Ltd

Ward Member(s): Councillor Ian Corkin

Proposal: 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)

Committee Date: 18.02.2016 **Recommendation:** Approval

Committee Referral: Major

1. Site Description and Proposed Development

- 1.1 The land sits to the north west of Bicester, north of Middleton Stoney Road and west of Howes Lane and which forms part of the wider NW Bicester Eco Town area within the extent of the site allocated by Policy Bicester 1. The land sits detached from the existing western extent of the town and is separated from it by Howes Lane as well as an area of land which forms part of the allocated site and which is subject to an application which appears elsewhere on the agenda. To the south of the site is the Middleton Stoney Road and a property called Lovelynych House, which sits outside the site boundary but within the overall allocated site and is a private residence.
- 1.2 The land extends to approximately 90.3ha and is currently agricultural land divided by field hedgerows. There are also blocks of woodland to the east of the site as well as two ponds on site. Agricultural land forming part of the wider Eco Town surrounds the site to the north and west. The site includes Himley Farm and Himley Farm House within it. Two buildings at Himley Farm are designated as Grade II listed and are to be retained. The majority of hedgerows and woodland located within the site area are proposed to be retained. The land slopes with approximately an 11m fall from North West to South East across the site.
- 1.3 The site has the following recorded constraints. There are listed buildings present on the site, a public bridleway runs to the north of the site, a SSSI site is within proximity and protected/ notable species have been recorded within proximity, the site has some archeological interest and it has the potential to be contaminated.
- 1.4 The proposals seek outline planning permission with all matters reserved for the provision of up to 1,700 homes (including affordable), up to 100 retirement units (within use class C2), land for commercial and community uses including a new local centre, land for a two form entry primary school, the retention of the majority of

existing trees and hedgerows and the provision of strategic landscaping, open space (including a central village green, informal pitches and play areas), a network of Green Infrastructure and new footpaths and cycle routes. The proposed homes are to be constructed to high environmental standards, to meet Lifetime Homes Standards and commercial buildings are proposed to be constructed to achieve BREEAM Excellent. The development is proposed to be constructed to be zero carbon and there is also land proposed to accommodate an energy centre. The applicant aspires to water neutrality, including the provision of land for a waste water treatment plant. The existing buildings at Himley Farm are proposed to be retained and incorporated into the wider development. The provision of land for commercial and community uses is proposed to be to a maximum area of up to 8,000sqm (falling within the land use classes proposed and within the areas of the site indicated on the parameter plans centrally and close to Himley Farm and along the Middleton Stoney Road).

- 1.5 The application is accompanied by a set of parameter plans and sets some development principles in relation to how the site could develop whilst allowing flexibility. Access is proposed to be taken from the Middleton Stoney Road.

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 12th October 2015.

6 letters have been received. The following issues were raised

- S106 must secure the delivery of streets in a timely manner to allow for wider development (such as secondary school)
- RE 'Development Principles for Approval' 40% GI: CDC will need to ensure that each phase of the development makes adequate contribution to the overall quantum and types of green infrastructure without undermining the viability and deliverability of later phases of the site.
- Land Use Parameter Plan is unclear in its intent to be either proposed amounts or maximum parameters
- The number of residential units per each parcel at this and other parcels submitted for outline consent is queried in relation to the overall amount of development across the site. Each land parcel needs to deliver a sufficient level of uses to be viable.
- The site is significant both locally and nationally and the Council should be encouraging the development to come forward comprehensively to equalise the opportunity over the total development area and avoid the possibility of ransom. The developers will need to be obligated to deliver the roads and infrastructure in a timely manner to enable the wider area to be developed successfully.
- Social disruption to existing residents in terms of the following:
 - Location of large play area directly opposite the junction of Shakespeare Drive and Howes Lane
 - A series of allotments and public foot/cycle path on the parts of the Howes Lane that is proposed to be closed.
 - Possible increase in traffic in either direction on Shakespeare Drive once Howes Lane is closed
 - Multi-year building and phases of the overall plan, meaning residents will face significant long running disruption (road vibration, noise and air pollution) along Howes Lane
- Concerns if adjacent applications (Howes Lane re-alignment and Distribution Centre) are granted, as it will cause subsequent traffic.
- Concerns regarding the suitability of development types adjacent to each other

The following detailed comments were received on behalf of the owner of Lovelynch House on 26/01/15:

- Parameter Plan 3 'Landscape; and other plans within the Design and Access Statement, show only a slim hedgerow corridor / landscaping buffer to the north east and east of Lovelynch House. Request that an amended Parameter Plan is submitted that provides a substantial landscape buffer, comparable to that proposed along the western boundary.
- Parameter Plan 4 'Land use' suggests that there will be flexibility in the mix of uses. The flexibility of land use is of great concern, especially given the limited landscape buffer, and the potential for certain uses to adversely impact on the owners enjoyment at Lovelynch House. The landscape buffer should be widened along the eastern boundary of Lovelynch House, and the land use in the vicinity of Lovelynch House limited to compatible residential development.
- Parameter Plan 5 'Building Heights' suggests that building heights surrounding Lovelynch House could be developed with a maximum height of 13m and 16m. Such buildings would be wholly unacceptable on land immediately adjoining Lovelynch House, particularly to the east. There would be significant overlooking and overshadowing and would adversely impact on the amount of sustainable energy generated via the ground based photovoltaic generation plant located 5m of the eastern boundary. Request for an amended plan to show a maximum building height of 10m in the vicinity of Lovelynch House.
- Parameter 6 'Density' suggests a range of development densities surrounding Lovelynch House. Request for an amended plan to show lower densities in the vicinity of Lovelynch House (i.e. 20 to 35 dwellings per hectare)
- Take into account the two existing access from Lovelynch House when considering the primary street junction. Support would be given to move the junction further east.
- The Masterplan includes a proposed link road running up to the boundary of Lovelynch House. The Council should seek to ensure that provision is made for the future integration of any development on the Lovelynch House land.
- It is essential to ensure that the infrastructure to be provided at Himley Village has sufficient capacity and connection opportunities to service any further possible development within the grounds of Lovelynch House.

Additional comments made on behalf of the owner of Lovelynch House 22/11/15: to confirm that the above detailed previous objections to application 14/02121/OUT are withdrawn – but on the proviso that the following parameters, as agreed with Turley and P3Eco, are explicitly conditioned (rather than simply relying upon the relevant submitted parameter plans):

Western Boundary to Lovelynch House

- In accordance with the intention of amended Parameter Plan 3 'Landscape' (Dwg no. 592-PL-106C) a 20m Green Infrastructure strip (hedgerow / hedgerow buffer) must be provided to the west of the Lovelynch House boundary.
- Turley have confirmed that this Green Infrastructure strip cannot be used for gardens and therefore any built development to the west of Lovelynch House would need to be set back more than 20m from the Lovelynch House boundary. Beyond the 20m buffer, there would then be back gardens (most likely), or an access and front amenity space (less likely) before any built development (that must be of no more than 10m in height, as confirmed in the amended Parameter Plan 5 'Building Heights' (Dwg no. 592-PL-104D)).

Northern Boundary to Lovelynch House

- In accordance with the intention of amended Parameter Plan 3 'Landscape'

(Dwg no. 592-PL-106C) and Parameter Plan 5 'Building Heights' (Dwg no. 592-PL-104D) a 20m 'no build' buffer must be provided to the north of the Lovelynych House boundary. This is to comprise a 10m hedgerow and a further 10m of soft/hard landscaping.

- Turley have confirmed that there is also a need to make provision for a SUDS corridor (in the form of a primary swale) to the north of Lovelynych House, which is secured by amended Parameter Plan 3 'SUDS' (Dwg no. 1665/75/05). Further, Turley have confirmed that the primary swale to the north of Lovelynych House would be logically located within the 10m 'no-build' zone, and would form part of the aforementioned landscape corridor.
- Beyond the 20m 'no build' buffer, any immediate built development would need to be no more than 13m in height, as confirmed in the amended Parameter Plan 5 'Building Heights' (Dwg no. 592-PL-104D).

Eastern Boundary to Lovelynych House:

- In accordance with the intention of amended Parameter Plan 3 'Landscape' (Dwg no. 592-PL-106C) a 10m hedgerow buffer must be provided along the full extent of the eastern boundary of Lovelynych House. Beyond this, in accordance with the intentions of Parameter Plan 5 'Building Heights' (Dwg no. 592-PL-104D) a 20m 'no build' zone must be provided, narrowing to a 10m 'no-build' zone along the northern section of the eastern boundary to Lovelynych House.
- For complete clarity, the 'no build' zone to the east of Lovelynych House will be 30m in total (hedgerow buffer and 'no build' zone), narrowing to 20m, along the northern section of the eastern boundary to Lovelynych House.
- Beyond the 30m/ 20m 'no build' zone, any immediate built development would need to be no more than 13m in height, as confirmed in the amended Parameter Plan 5 'Building Heights' (Dwg no. 592-PL-104D).

Access into Lovelynych House:

- We believe it is imperative that in moving forward, the proposals for Himley Village should allow for the future development and integration of new housing on the Lovelynych House site. This is particularly relevant in terms of pedestrian, cyclist and vehicular access.
- In accordance with the wider masterplan for the NW Bicester area, we believe it is essential to ensure that the new infrastructure delivered as part of Himley Village has sufficient capacity (and connection opportunities) to service any possible future development within the grounds of Lovelynych House.

3. Consultations

3.1 **Bicester Town Council (21/01/15):** Generally welcomes this application but has concerns regarding access on to the Middleton Stoney Road as there appears to be no access point from Himley Village on to the Middleton Stoney Road plus traffic build up in the area causing a lot of pressure on the roundabout at Vendee Drive and Howes Lane.

Bicester Town Council's Second response (23/09/15): Same comments as above, plus the additional point that they welcome the various classes of commercial units but it must be ensured that there will be no B8 buildings.

3.2 **Middleton Stoney Parish Council (22/01/15):** Have concerns regarding the traffic implications for the village of Middleton Stoney, summarised as follows:

- Appears to be no viable transport route to bypass Bicester to the west. The current Howes Lane/ Lords Lane route is an important strategic route which accomplishes this at present. Reducing the speed and capacity of this route will have serious consequences.

- The proposed tree lined boulevard through the site at 30mph and presumably with traffic calming is flawed. The road proposed at Howes Lane will be virtually useless for traffic wishing to bypass Bicester to the west, especially the significant amount of HGV traffic which currently uses Howes Lane/Lords Lane. It is suggested that a semi-fast perimeter or orbital road with a speed limit of 40/50 mph should be required. Alternatively, rather than re-aligning Howes Lane, serious consideration should be given to widening it.
- With many new developments in and around Bicester the Oxfordshire County Council and Cherwell District need to ensure that there are robust conditions in place for developers to build roads to the appropriate highway standard and this applies particularly to the Howes Lane realignment.
- There is concern that the main access to the Himley Village site is on the Middleton Stoney Road and this is bound to adversely affect the village of Middleton Stoney. Within the NWB Supplementary Planning documents (Para 2.4 – Site context) it states *“Middleton Stoney Road is a fast rural road linking Bicester and Middleton Stoney and the M40 J10 via B430”*. There appears to be a supposition therefore that the main access to M40 should be along the B4030 to the crossroads at Middleton Stoney village centre and thence via B430 north through Ardley (another small village) to J10 of M40. Accommodating further west bound traffic as well encouraging M40 bound traffic from NWB to access M40 via J10 is wholly inappropriate.
- When the expected increase in traffic from the current and proposed developments at Heyford Park to the west of Middleton Stoney is taken into consideration then the crossroads at Middleton Stoney, which already operate at capacity at peak times, will come under further pressure. Accommodating further west bound traffic at these crossroads will be extremely difficult without adding to the problems by encouraging M40 bound traffic from NWB to access M40 via J10. There should be a clear statement of intent that traffic from the NWB site must access M40 via J9 using Vendee Drive.
- It is suggested that a robust and enforceable routing agreement is agreed to ensure that HGV traffic (including all construction and delivery vehicles) to and from NWB (including this application site) does not use the B430/B4030 junction in the village of Middleton Stoney.

3.3 **Middleton Stoney Parish Council second response (09/10/15):** Overall view has not changed but have added the following comments:

- It is now time for Oxfordshire County Council and Cherwell District Council to ensure that there are robust infrastructure plans and conditions in place for developers to build roads to the appropriate highway standard and this applies particularly to the Howes Lane realignment.
- The Cherwell Local Plan 2011 – 2031 now proposes that a new settlement at Heyford Park will be built which will ultimately provide for 2600 residential properties and also attendant commercial infrastructure. This will see significantly increased traffic West/East and East/West through the village of Middleton Stoney with little prospect of any meaningful ‘mitigation’ measures to alleviate the pressure on the crossroads which already operate at or beyond capacity at peak times.
- The statement in the NWB Supplementary Planning document demonstrates a total lack of awareness of the wider picture and especially the traffic implications for the expanding Bicester. There should be a clear statement of intent that traffic from the NWB site must access M40 via J9 using Vendee Drive.

3.4 **Caversfield Parish Council (22/01/15):** No comments for current application. However, as with the A2 Dominion application (reference 14/01384/OUT), the Councillors did request that the plans for the Howes Lane re-alignment be finalised before any further work is agreed on the development. The Parish Council has concerns about the impact that the current road proposals will have on villagers

travelling to Chesterton and beyond.

- 3.5 **Bucknell Parish Council (15/10/15):** Make the following comments:
The impact of the development in terms of visual amenity, light and noise pollution, and traffic does not appear to be in relation to the surrounding countryside or Bucknell.
- 3.6 **Chesterton Parish Council:** Object to this development going forward at this time due to poor road infrastructure.

Cherwell District Council Consultees

- 3.7 **Planning Policy Officer:** No comments received.
- 3.8 **Urban Design:** A substantial amount of work has gone into understanding the site and developing an appropriate masterplan and design response. Whilst there are some reservations about key principles which are being applied to areas of residential development, it is clear that the brief for the site is appropriate in terms of the proposed amounts and uses and that the masterplan framework is, for the most part, robust.

The outline proposals have taken into account the character of the existing landscape and setting and how these elements can be used to enrich the quality of the urban environment. In particular, the following areas have been particularly well considered:

- The integration and enhancement of existing hedgerow and green structures
- The development of SUDs which responds to the topography and hierarchy of place
- The role in landscape features in providing a solid focus to the character of different areas across the site.
- The strong emphasis on green routes, to encourage walking and cycling across the site
- The concept of integrating the listed barns that form part of Himley Farm close to the school site and central green.

Whilst the foundations to the site design are strong, there are a number of design principles which are unlikely to produce a high quality environment and if pursued are likely to undermine the quality of the scheme. In particular, the combination of green routeways/ communal gardens are of particular concern in some areas. This conceptual approach creates two public faces to residential development, limiting privacy and duplicating the investment in the public realm. While there are examples on the continent where this concept has been successful, it has predominantly been in high density areas, apartment development, where the development intensity can fund long term management of public spaces and residents of apartments make good use of semi private communal spaces. Examples of Radburn layouts closer to home in Bicester have been less successful. Many of these places have confusing access arrangements where finding the front door of a property is difficult and what should be public streets have become low quality access routes defined by close boarded fencing, creating an unattractive, insecure and poorly defined public realm in many areas. This approach may be viable in a couple of high density spaces, the majority of the site is proposed at traditional suburban densities making the successful long term implementation of this approach challenging.

Whilst the concept of green routes for pedestrians and cyclists are good, there are a number of locations where the priority of these areas over streets has led to situations where opportunities for the most direct connects for cyclists and pedestrians has been lost and detours of over 100m will often need to be made.

Concern is expressed in relation to the building heights being proposed to the north of

the site. Buildings of 19m are of a far higher scale than most buildings in Bicester, including the town centre. Whilst there is a role for higher density development on this site, this should be limited to 4-5 storey rather than potentially 7-8 storeys high and located along main routes and around local centres.

It is crucial that detailed design parameters are established in relation to the grade II listed buildings in order for surrounding development to positively address the heritage asset of Himley Barns rather than just to rely on a green buffer. The boundary treatment and landscaping of the barns will need careful consideration. The balance will need to be struck between mitigating the impact of the new development and providing privacy to the owners, whilst still allowing positive sight lines to be provided to the barns allowing them to function as a positive asset within the development.

North West Bicester is an area where positive innovation is important and encouraged. The outline application demonstrates that the site brief and strategic masterplan for the area are robust. Whilst there are reservations about some design principles being applied to the housing layout, it is possible for this and other issues to be amended/ resolved at a later reserved matters stage.

3.9 **Housing Officer:** This outline application for up to 1700 homes falls within the NW Bicester emerging SPD boundary and therefore should confirm to the principles outlined within this document. As such there is a requirement that 30% of the residential units should be secured as affordable housing, having a required tenure split of 70% Affordable Rent and 30% shared ownership or other low cost home ownership product to be agreed with the local authority. The unit types should follow those identified in the masterplanning process which provides for a range of house types from 1 beds to 4 bed properties. The affordable housing will also need to provide 50% of the affordable rented to lifetime homes standards with 2% meeting full wheelchair standard. The properties should meet the HCA's Design and Quality Standards including the necessary HQI requirements. There is an overall environmental standard across the whole masterplan area and therefore the affordable housing should adhere to these standards as well. There will be a requirement for some elderly housing provision although this will be in the form of non-specialist and rather will be age restricted with some form of support unit. This is to ensure that there is a provision for a mixed and sustainable community as well as, catering for the increase in demand for affordable housing for the elderly. There is also a requirement across NW Bicester for the provision of specialist housing which the Council will work with the County Council over, this site should look to provide a proportional number of these specialist housing units. The affordable housing should be transferred to an RP that must be agreed with the local authority. The affordable housing should be dispersed throughout the application area in clusters of no more than 15 units. The detail of the unit types provided will be agreed at reserved matters application stage. The affordable properties should be indistinguishable as far as reasonably possible.

3.10 **Anti Social Behaviour Manager:**
The EIA correctly identifies that noise and vibration arising from construction activities will have the potential to impact on existing noise sensitive receptors. The nature of these impacts are classified as temporary as once the project has been completed they will no longer be present and will cease to have an effect. A range of mitigation techniques are proposed that would mitigate these effects and it is further proposed that these issues will be addressed through the development of a Construction Environmental Management Plan (CEMP). The preparation and submission for approval of such a plan must be a condition of any planning approval which may be granted. Mention is made of vibration and the existing farm steads of Himley Farm and Lovelynych House are considered sensitive receivers for this factor during the execution phase of the proposed construction. Monitoring at these locations is

recommended and this is another issue that must be included in the CEMP. The potential for construction traffic to cause adverse effects to existing receptors should also be addressed through the CEMP.

The EIA indicates that in terms of general environmental noise impact the area of land is considered suitable for the proposed mainly residential use however it suggests that dwellings on the south, east and western boundaries of the site may require some mitigation. It is proposed that these matters are dealt with at the detailed design stage of the development. This approach is reasonable and accordingly the identification of those properties at risk and the specification of the mitigation required can remain a matter reserved for the detailed submission.

Other potential sources of noise likely to affect the proposed dwellings on the site are considered. These include the proposed sports pitches and noise from fixed plant or equipment associated with other features of the development such as the energy centre. Again it is proposed that these measures be dealt with through reserved matters and I would agree with that approach. Beyond the general observations in relation to environmental noise no further observations are made. Of concern would be the proposed B1/B2/B8 development to be located at the SE corner of the site. This particular feature, in my view, requires including in the assessment but provided it is recognised at this stage detailed mitigation can follow. The issue of during construction dust generation is addressed in the air quality section of the EIA. It is proposed to include the mitigation and control strategies within the CEMP. I would find this proposal acceptable.

3.11 **Environmental Protection Officer:** No objection subject to conditions to ensure contaminated land and air quality are adequately considered and impacts mitigated. The conditions would be in relation to:

- Air Quality: submitting a Construction Environment Management Plan (to mitigate impact to air quality through construction), a Low Emission Strategy (to compliment the travel plan and ensure this development facilitates meeting the improvements in vehicle emissions and mitigating any potential adverse impacts); and
- Ground Conditions and Contamination: submitting a comprehensive intrusive investigation report (in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals), and land contamination remediation scheme and a verification report (that demonstrates the effectiveness of the remediation carried out).

3.12 **Environmental Protection Officer second response:** No further comments, earlier comments still apply

3.13 **Landscape Officer:** Generally agrees with the results of the LVIA, however raises the following issues:

- Implications of Bignall Park Historic landscape receptor has not been addressed in the LVIA.
- In visual terms the dense tree line to Middleton Stoney Road completely screens the park from this road, but in terms of construction it impacts on the tranquillity of the park and this is an important issue. The 'other uses' need to be clarified in this regard.
- Agree that the highest sensitivity for visual receptors is shown on the bridleway viewpoints 5, 6 and 7, but intervening housing applicable to Application 2 will present an even greater impact and effect on the receptor. The Himley Village development will actually be hidden by this development. This does not appear to be mentioned in the LVIA.
- Concerned around the proposal to limit the planting pallet.
- The implications of trees (light reduction and shade issues) and structural

damage should be considered in the woodland/building integrated areas.

- The illustrated Masterplan is encouraging in terms of landscape/GI quality. It appears the proposed woodland buffer indicated west of Himley Farm, originally shown on the Farrells NW Bicester Masterplan – Green Infrastructure, no longer exists.
- The standard landscape, landscape maintenance and management planning conditions apply, along with the usual tree and hedgerow retention, POS and play areas.
- The eastern boundary to the Warehousing business should really have a wider woodland buffer than shown. It is recommended that a depth of 20m is required, in order to visually mitigate the huge warehouse unit adjacent to this boundary.
- Orchard planting with localised shelterbelts of native species where flowering will encourage insects for pollination of orchard trees, is welcomed. However it is questioned whether or not the extensive orchard planting is feasible in terms of the extensive management implications i.e. pruning twice a year.

3.14 **Landscape Officer second response:** Comments have been made on the amended plans, summarised as follows:

- Concern over the removal of residential parkland corridors and housing in woodland setting. Although potential issues (shade, light reduction, leaf litter, etc...) were initially highlighted; these problems can be minimised through design. An integration of housing and parkland/woodland is a greatly improved environment. (Although contradicting this, the Illustrative Masterplan shows the residential parkland corridors and housing in woodland setting retained)
- An arboricultural consultant's response is required for the additional breaks in hedgerows to reflect proposed network of routes.
- Use of land to west of Lovelynych House modified 'Housing/Other Uses' to 'Residential' (C3) should ideally be residential parkland corridors and housing in woodland setting, however is not clear with the cross hatch band.
- Question over if the LVIA results are to be revised in respect of density?

3.15 **Arboricultural Officer:** Raises a few comments regarding the high percentage of orchard areas throughout the site, essentially that the fruit trees selected are grown and managed to produce a regular healthy and accessible crop until they reach the end of their productive and safe useful life expectancy. In order to achieve this, regular annual maintenance will be required in order to ensure that the various types of fruit trees achieve their potential for benefit of the community.

More details include:

- A number of the orchard areas will be in areas prone to soil compaction due to maintenance vehicles or pedestrian usage. To prevent soil compaction and maintain a healthy soil, it will be necessary to provide mulch beds beneath and around fruit trees.
- Where possible orchard areas should be integrated into stormwater management systems or water sensitive design schemes to maintain levels of irrigation and reduce such maintenance costs.
- When appropriate, it would be beneficial to have the maintenance regimes and costs identified for the various fruit types / orchard trees clearly specified within an agreed 'Orchard Management Plan'.
- Aside from the desire to produce and manage an annual fruit crop of apples (dessert and cookers), plums, pears, damsons, mulberries etc I would like to see the list of crop species expanded to include long-term crops; walnut for example, planted in designated 'orchard areas' not only managed to reap the rewards of an annual crop of walnuts but with additional consideration toward developing a long-term financial return through timber sales. A potentially small but nonetheless useful source of on-site income to be returned back to the community.

- The green-routes and buffer zones proposed throughout the site are very welcome. Obvious consideration must be shown regarding species diversity of not only native species but non-native plantings in preparation of the potential influences of climate change. Consideration regarding the positioning and proximity of tree planting including potential influences on adjacent dwellings, buildings, footpaths, lighting, CCTV operations, allotments etc must be shown.
- Highway and footpath verge widths must provide ample allocation of space sufficient to allow the full crown and root development of tree species selected for their significant contribution for biodiversity, air quality and aesthetics.

3.16 **Ecology Officer:** In a broad agreement with comments made by BBOWT dated 27/03/15 and suggests that further evidence is submitted to address the summarised points below:

- Net gain for biodiversity has not been clearly evidenced
- Without off site compensation for farmland birds it is unlikely that an overall net gain for biodiversity could be said to be possible
- There is little cross reference to the overall Biodiversity Strategy throughout
- No mention is yet made of biodiversity within the built environment (except for green roofs being considered). Provision within the built environment is vital for ensuring opportunities for wildlife are maximised and helping to achieve a net gain for local biodiversity. Bird, bat, invertebrate bricks and boxes, green roofs and green walls should all be included.

In general the illustrative layout shows reasonable connectivity with the wider landscape and across the site with proposals for green space, orchards, green corridors.

As long as surveys are carried out sufficiently in advance of any demolition or site clearance to allow adjustment of mitigation and plans as needed then it is considered that no issues with the level of current ecological information provided for the site at this stage. Some surveys will need updating however to inform layouts as well as for the CEMP.

3.17 **Waste and Recycling Manager:** The waste and recycling manager neither objects nor supports the planning application. It is commented that waste storage and collection needs to be addressed before permission is granted. Furthermore a Section 106 contribution of £67.50 per property is required, which makes £114,750 for 1700 dwellings.

Oxfordshire County Council Consultees

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

3.18 **Strategic Comments/ Overall View**
20/05/15

- No transport objection subject to conditions, as well as further mitigation at certain junctions and roads
- Bicester members have concerns over the accesses onto Middleton Stoney road but Transport Development Control consider there is no technical reason to object to this.
- Ecology objection based on failing to demonstrate a net gain in biodiversity and on inconsistency with the off-site compensation agreed as part of the masterplan.
- Have 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 and are implemented. 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 that 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.

16/10/15

- Drainage team has no objection to the proposed swale layout changes
- Bicester Members maintain concerns over the accesses onto Middleton Stoney road
- The additional information does not address OCC ecology objection
- Concerns are still raised in relation to how infrastructure will be delivered across the masterplan site.

3.19 **Transport 20/05/15:** No objection subject to conditions and the completion of a satisfactory S106 Agreement applicable to the application site and broader North West Bicester site, Local Plan Allocation Bicester 1. Conditions are requested in relation to full details of the means of vehicular accesses between the land and highway, full details of the means of footway and cycleway links between the land and the local highway network, drainage design and a Construction Traffic Management Plan. In addition, legal requirements are required to secure Section 278 Highways Act - Works in the Highway and Section 38 Highways Act - Highway Adoption.

Key issues:

- The development must support, through financial contributions and highway works, the provision of high quality sustainable travel infrastructure and travel planning measures to promote sustainable travel that will ensure achievement of relevant targets of the PPS1 Supplement. This includes direct mitigation specific to this site and wider schemes associated with the development of North West Bicester. Whilst many of these issues are discussed within the submitted Transport Assessment detailed schemes and the mechanism for delivery have not been determined.
- Further investigation and proposals for mitigation are required at, inter alia, Shakespeare Drive, Field Street/Bucknell Road junction, Middleton Stoney Village and cycle scheme along Middleton Stoney Road.
- Traffic Impact - due to the impact on the current Howes Lane / Bucknell Road junction, the strategic link road is required by the 900 homes (across entire allocation site and including Exemplar)
- The proposed vehicular accesses include two junctions to Middleton Stoney Road which subject to detailed design would not lead to any significant delay or harm to highway safety.
- Three other points of vehicular access link to new highway infrastructure beyond the application site boundary and will be reliant upon 'third party' provision.

It is imperative that the site contributes towards provision of essential highway infrastructure, including the new vehicular tunnel under the railway at Bucknell Road and a proportional amount towards other peripheral route schemes within the town where there is a level of impact. While such mitigation measures are discussed within Transport Assessment, details are inadequate and will be required within the Heads of Terms. Due to the expected congestion, this key piece of infrastructure is required prior to the 900th residential occupation of the allocation site. (NB this figure includes those dwellings constructed at the Exemplar site). In addition the realigned Howes Lane will provide access to the secondary school, which I understand is required at a similar stage in the development.

Given the distance from the Town Centre and transport hubs, the provision of

attractive pedestrian and cycle routes will be essential and again greater detail will be required within the Heads of Terms. Mixed land uses will aid containment of trips and further reduce the need to travel, especially by private motor car.

Public transport routes and stops have been identified within the site; however the delivery of a commercially sustainable bus service to this development is a more complex matter due to a number of factors. The severance of the allocation site by the Birmingham-London railway results in a two-route solution, with consequent operational inefficiencies and cost implications for service delivery. The initial bus service from the first completion would commence with a single vehicle and then the frequency of the service would be increased at agreed trigger-points, to a two-bus service and so on.

Use of sustainable transport modes will be encouraged through travel planning. The target for the allocation site is that 50% of all trips originating from the site will be made by non-car modes. As it is a stretching target, the developer will need to monitor and provide relevant surveys, typically bi-annually, to show that the travel plan objectives are being achieved and that the actions have been updated to take in to account the survey results.

The proposals include two new vehicular accesses to Middleton Stoney Road, classified route B4030, facilitated by priority junctions with separate right turning provision. The submitted plans and junction analysis provide sufficient confidence that these junctions could operate in a safe and convenient manner without causing undue delay along the important arterial route. Consideration is needed for pedestrian and cycle provision along Middleton Stoney Road, and links to the proposed realigned Howes Lane beyond the development boundary.

The illustrative layout of the site displays an appropriate street hierarchy with a high level of permeability for those on foot or cycle, through attractive lit and overlooked routes. Bus services are an essential element of sustainable merits of the site and it is imperative they are not delayed through the site. Appropriate consideration to the movement of buses must be included within the detailed design of the street and junction layouts.

A full surface water drainage design with full calculations needs to be submitted and approved by the Lead Flood Authority (Oxfordshire County Council) prior to the development commencing on site. It is noted that in recent years there has been some flooding near to this site and therefore run-off rates must be minimised to an appropriate level.

Additional Transport comments of the 16/10/15

The CC drainage team has no objection to the proposed changes to the swale layout.

- 3.20 **Archaeology 20/05/15:** 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.
- 3.21 **Property 20/05/15:** No objection subject to conditions.

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:

- 168 no. x One Bed Dwellings

- 680 no. x Two Bed Dwellings
- 568 no. x Three Bed Dwellings
- 284 no. x Four/+ Bed Dwellings

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

- **4080 additional residents including:**
- 3011 residents aged 20+
- 518 residents aged 65 +
- 339 residents aged 13-19

A legal agreement is therefore required to secure:

- Bicester New Library - £187,884
- Central library - £76,786
- Waste Management - £442,000
- Adult health and wellbeing day care - £109,956
 - Total £816,626

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

Administration and Monitoring fee of £20,000

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.

Primary schools

Guidance is provided in relation to the design and requirements of school sites.

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.

Property second response 16/10/15: Same as previous comments except change in waste management cost, plus additional comments:

A change in the Waste management cost – see bold

A legal agreement is therefore required to secure:

- Bicester New Library - £187,884
- Central library - £76,786
- Waste Management - £261,120
- Adult health and wellbeing day care - £109,956
 - Total £635,746

Justification for each of these requirements is provided within the full response and further advice in relation to the school site is provided.

The school location has changed from that demonstrated in the original overall ecotown masterplan and the layout presented at this stage does not comply with the basic school dimension/ shape requirements for a primary school site. The site shape and dimensions demonstrated will not be conducive to an economical layout or a best value solution to meet OCCs educational, safeguarding and management

requirements. The concern relates to the school site not being rectangular in shape and with the main frontage of the school not less than 110m long to enable the school site to be laid out to meet requirements, the building height parameters set out and the location of swales around the school site.

Comments in relation to specialist housing, the changing places toilet and highways depots are repeated.

- 3.22 **Education 20/05/15:** Approval subject to conditions, related to a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This section of the eco-town development is estimated to generate 405 primary school pupils, 328 secondary school pupils, and 8.2 pupils attending special educational needs provision (SEN).

Furthermore, this section of the eco-town development is to include a primary school, and to contribute towards the cost of primary, secondary and SEN school provision. The mechanism for apportioning costs towards these services between the separate applications which comprise the eco-town development is to be agreed.

A new secondary school and a further three primary schools are proposed across the wider site. In relation to this application an acceptable site area for a 2 form entry primary school is suggested of 2.22ha. The education specification for this school has not yet been consulted on or finalised and the exact nature of the school will depend upon the academy sponsor selected. A proportionate share of the cost of secondary school provision would be £7,765,400, calculated from 328 pupils. 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 £863,624 by a total of 8.2 pupil places (@1Q14).

- 3.23 **Minerals and Waste 16/10/15:** No objection subject to conditions

The energy centre does not specify the fuel to be used, therefore it would be advisable to include a condition to prevent waste being brought to the proposed energy centre – to ensure that the energy centre cannot become a waste management facility without proper consideration being sought.

- 3.24 **Ecology 20/05/15:** Objection on the following grounds:

- Application does not appear to be following the Masterplan approach for the NW Bicester Eco Town site or the Biodiversity Strategy.
- Application fails to demonstrate that it would deliver a net gain in biodiversity (in line with the NPPF para. 9, 109 & 118 as well as follow the NW Bicester Masterplan approach). This proposal does not use the recognised biodiversity metric to demonstrate net biodiversity gain.
- Application does not reference to the need for off-site farmland bird compensation or for contributions to this for all developments on the NW Bicester ecotown. I consider that each application within the NW Bicester Ecotown should be providing a proportionate contribution by area for off-site compensation as part of the Masterplan approach. The work for the Eco Town concluded that the impact on farmland birds could not be mitigated on the Eco Town and that therefore offsite compensation was necessary.

Ecology 16/10/15

Objection still applies and the comments made on 19th January 2015 are repeated.

- 3.25 **Waste Management 20/05/15:** No objection

Reference made to waste management facilities and the need for contributions which

are identified and justified within the Property response.

The provision of a heat network for the development is supported and essential to enable connection to the Ardley ERF in the future if this is demonstrated to be feasible. The energy strategy for the proposed development states that a site wider district heating network will be installed served by an on site energy centre. This also refers to the possibility of connection to the Ardley ERF for the supply of heat should this be feasible. This is supported and implementation of the development should be carried out in a way that keeps this possibility open should this be demonstrated to be technically and financially feasible in the future.

Waste Management 16/10/15

No objection still remains.

- 3.26 **County Councillor Catherine Fulljames:** Objects to the application due to the volume of traffic that will be accessing/egressing on to the Middleton Stoney Road.

Other Consultees

- 3.27 **English Heritage:** Offer general observations, rather than a detailed response: At the heart of the proposed development is Himley Farm. The farm is comprised of two late 18th/ early 19th century Grade II listed barns along with other associated outbuildings. Surrounding two Grade II listed barns with extensive development would cause some harm to the significance of both buildings. It would no longer be possible to fully appreciate the way in which the barns functioned as buildings at the heart of an agricultural holding due to urbanisation.

That said the harm entailed by the proposal is mitigated to an extent by planning for large areas of open space to the north and north-west of the buildings and by providing a small green buffer around the site as a whole. It is suggested that at reserved matters comments above are taken into account for the landscaping and detailed design of buildings around the Grade II listed buildings.

- 3.28 **Historic England second response:** Offer general observations, rather than a detailed response: Historic England welcomes the decision to provide additional green space around the Grade II listed barns at Himley Farm (shown in amended Parameter Plan 3) as this would help reinforce an understanding of the buildings historic relationship to the surrounding agricultural field system.

However, this amendment would not and cannot hope to completely offset the residual harm that will inevitably arise from the loss of the wider agricultural landscape setting currently afforded to the buildings at Himley Farm. That said the impact of the new development could be mitigated (as highlighted by Paragraph 129 of the NPPF) through the detailed design of landscaping close to the listed barns. This should reference the character of the existing landscape (as an agricultural holding) as far as possible. We would also suggest the scale of new development close to the barns should be kept to the minimum necessary to avoid the possibility of large buildings overwhelming the more diminutive scale of the barns.

It is suggested that at reserved matters comments above are taken into account for the landscaping and detailed design of buildings around the Grade II listed buildings.

- 3.29 **Environment Agency:** Object to this planning application 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 (paragraph 103) and policy ET18 of PPS1.

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission.

The FRA submitted with this application (Surface Water Drainage Strategy and Flood Risk Assessment, Alan Baxter, December 2014), does not comply with the requirements set out in paragraph 9 of the Technical Guide to the NPPF. The FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to satisfactorily demonstrate that there are viable outfall locations for surface water discharging from the site. The FRA states that culverts under the A4095 and B4030 have been identified as probable points of discharge from the site to nearby watercourses, but states that the capacity, condition and ownership of these culverts is unknown. Prior to determination of this application we recommend further work is completed to confirm that surface water can be drained via these culverts.

Further information is required to be provided on how and where the required 27,000m³ of surface water attenuation will be provided on the site. The outline drainage strategy based around a network of swales and a range of other sustainable drainage techniques, including source control measures is welcomed. However, it is not clear from the plans that sufficient storage is being provided within the indicative layout, especially during early phases of the development.

It is advised to submit a FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall.

The use of SUDS is not only critical to ensure flood risk is not increased on or off-site. SUDS are needed to protect water quality and associated biodiversity. This is particularly important to protect the features of special interest for which Wendlebury Meads and Mansmoor Closes SSSI and Otmoor SSSI are notified. The SUDS on site are also needed to contribute to the sites green infrastructure, biodiversity gain and to meet Water Framework Directive (WFD) requirements.

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 flood 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.

We also bring to your Authorities attention that on its own, this planning application does not meet a number of the PPS1 policy requirements. Within the remit of the Environment Agency this includes policy:

- ET14 Green infrastructure (GI) and ET 16 Biodiversity – no reference to the concept of delivering a net biodiversity gain or the use of biodiversity offsetting metrics as a way of assessing the impacts on ecology, and therefore demonstrating that ecological objectives are achieved. A long-term management of this application is also absent.
- ET17 Water- appraised upon Thames Water Ltd consultation response (19/01/15) and the application documents:
 - There is an inability in the existing waste water infrastructure to accommodate the needs of the development which may lead to sewage flooding and adverse impacts to the community and

environment. They also state that the receiving sewer in Bicester may not have capacity to accommodate foul flow increases proposed from the development and that there is the potential for overloading of the existing infrastructure. There is no discussion of the options given in relation to accommodating this constraint.

- Also the existing water supply infrastructure has insufficient capacity to meet the additional demands of the proposed development and that upgrades are needed.
- The Masterplan WCS appraises a number of water resource and waste water disposal options and concludes that there are feasible options available. However, there is no commitment to which option or strategy will be taken forward at this site. Your Authority will need to have confidence at this Outline planning application stage that the options being discussed can be delivered and we recommend that the detailed strategies for water supply and disposal are agreed before development begins.
- The timely provision of new water infrastructure, or upgrades to existing water infrastructure is of vital importance in order to protect the environment and meet the requirements of PPS1 Policy ET17 and the NPPF.
- In relation to water efficiency, it is pleasing to see the commitment at Section 3.11 of the Sustainability and Energy Statement that the detail of residential and non residential properties within the Himley Village application will conform to the design standards discussed in the Masterplan WCS. It is essential that a detailed strategy to achieve the 80l/p/d potable water per capita consumption design standard in homes and non-residential buildings on the Himley Village site is agreed before development on site begins. This is to ensure that the design standard is understood ahead of construction, especially if achieving the required standard relies on the provision of property level or neighbourhood solutions.
- More details to ensure there are no risks to surface water and groundwater quality are required.
- Although the 80l/p/d potable water per capita consumption design standard if delivered in homes and non-residential development is considered a high water efficiency standard, it does not constitute water neutrality. A strategy to achieve water neutrality at the Himley Village and the wider North Water Bicester site should be in place before detailed design begins. If water neutrality is achieved this would be the first development in the Country to meet such high standards in water demand management on such a large scale, putting Himley Village and the North West Bicester Eco Town site at the forefront of high sustainability standards.
- ET18 Flood risk management - It has not been demonstrated that this development will not increase flood risk on and off site as detailed above.
- ET7 - Zero carbon - We fully support the proposal of future proofing of the energy strategy to incorporate advances in technology. This includes the potential connection to waste heat from the Ardley energy from waste facility and the wider energy centres proposed at the North West Bicester site.

3.30 **Environment Agency second response (12/10/15)**

Based on the additional drainage information provided, the previous flood risk objection has been removed. The information provided in relation to the culverts suggests that these are viable discharge points and the SUDs parameter plan shows the extent of proposed swales across the site and the associated table shows that the volume of surface water can be contained within the proposed swales. This is based on discharge rates to be limited to below 2l/s/ha.

It is suggested to attach conditions in relation to contamination and pollution prevention (including a pollution prevention scheme, verification report and other risk assessments and site investigation schemes).

It is also noted that the applicant investigates and consults OCC regarding the spring and pond as these areas may be very shallow and therefore may mean that infiltration drainage is not feasible across the whole site.

Conditions in terms of GI and Biodiversity are advised to ensure the policy requirements of Local Plan Policy Bicester 1 standards are met across the whole North West Bicester site.

The applicant have concluded that the biodiversity assets are neutral, however it is recommended to show how this site contributes to the overall achievement of the Biodiversity Strategy for the entire North West Bicester site.

Views on PPS policy requirements highlighted in the response dated 02/02/15 still remain and it is advised that adequate planning controls are in place to deliver required standards. Furthermore, planning controls should be consistent across all North West Bicester planning applications.

- 3.31 **Thames Water (19/01/15):** 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.

The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend a condition be imposed to require an impact study of the existing water supply infrastructure, prior to commencement.

The receiving sewer may not have sufficient spare capacity to accommodate the calculated net foul flow increase from the proposed development. Thames Water request that an impact study be undertaken to ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing infrastructure, and, if required, recommend network upgrades.

Thames Waters Second response: same comments as those outlined above.

- 3.32 **Natural England:** Natural England would encourage the incorporation of 40% GI into the development. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.

The application has designated a total of 1.5ha to allotments and the incorporation of orchards. Given that the application site is designated as moderate (20-60%) likelihood of best and most versatile agricultural land (BMV), Natural England supports the inclusion of allotments and productive sites within the application.

Given the size of the proposal, and the inability of existing infrastructure to incorporate the associated increased water demands, Natural England considers that the application should specify how greywater and blackwater are to be treated and disposed of, and if this is to be onsite, paying particular attention to any potential effects on downstream Sites of Special Scientific Interest (SSSI's).

It is noted that detailed Sustainable Urban Drainage System (SuDS) techniques have been incorporated into the application for the onsite management of stormwater.

Natural England recommends that the maintenance of SuDS infrastructure should be addressed to ensure that it remains efficient in future.

With regard to protected species, you should apply the Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

3.33 **BBOWT:** Objection on grounds as follows:

1. Lack of compensation for impacts on UK priority farmland bird species, contrary to paragraphs 117 and 118 of the NPPF
2. Failure to demonstrate a net-gain in biodiversity, contrary to NPPF paragraphs 9 and 109 and Eco Towns Planning Policy Statement PPS1.
3. Lack of apparent compliance with measures in the Eco Town Masterplan, including standards for buffering of hedgerows and for biodiversity in the built environment.

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.

Documents submitted with this application do not make any provision for off-site compensation for farmland birds. This application should be making a proportionate contribution by area of development towards the proposed sum for off-site compensation so that the masterplan as a whole can compensate for the loss of breeding territories for linnet, skylark and yellow hammer and other farmland bird species as detailed in the masterplan.

The ES plans to reverse the loss of breeding habitat by planting new hedgerows and gardens, however such measures are not suitable for farmland species which require open habitats for foraging, and undisturbed areas for breeding. Off-site compensation for farmland birds, as outlined in the Biodiversity Strategy, is the only effective way to address the loss of habitat and impact of domestic pets.

There are discrepancies between the assessments provided to support this application and those conducted in relation to the Masterplan area.

As it stands this application is contrary to the NPPF (paragraphs 117 and 118) on the grounds of uncompensated adverse impact on UK priority farmland bird species. The applicant must commit to a proportionate contribution by area to the off-site compensation for farmland bird species for the whole masterplan area, prior to approval of this application.

The Biodiversity Strategy and 'NW Bicester Masterplan GI and Landscape Strategy Report' details a commitment to achieving a net gain in biodiversity, and includes the calculation of a Biodiversity Impact Assessment metric to demonstrate how this net gain in biodiversity is to be achieved. By not including the Biodiversity Strategy in the application, and not providing any other form of evidence to show net gain, this application is not demonstrating a net gain in biodiversity, as required by the NPPF (paragraphs 9 and 109) and ET16.1 of PPS1 Eco Towns Planning Policy Statement.

The ES makes a brief reference to the expansion and maturation of the network of gardens, hedgerows, creation of species-rich grasslands and the creation of swales resulting in a minor beneficial effect (paragraph 7.107 Conclusion, on page 28 of the Ecology section of the ES). Clear evidence of a net gain in biodiversity needs to be submitted prior to any approval of this application.

It is unclear in this application if the developers are following the standards set out in the Biodiversity Strategy and masterplan for buffering of hedgerows, woodlands, dark corridors and ponds, and provision of biodiversity in the built environment. The Himley Village application site includes the Great Crested Newt ponds, for which the Biodiversity Strategy states a 50m boundary is required, as well as linkage between the ponds and culverts under roads. It is not clear if the standards are being met. Therefore prior to any approval it is suggested that developers provide evidence of following the standards of these two documents. As part of the Bicester Eco Town development this application should adhere to the masterplan commitments.

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

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.

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

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

BBOWT second response 01/10/15: Maintains an objection due to a failure to demonstrate a net-gain in biodiversity, contrary to NPPF paragraphs 9 and 109 and Eco Towns Planning Policy Statement PPS1, and also a lack of apparent compliance with the Masterplan standards for buffering great crested newt breeding ponds.

Whilst the Defra metric has been applied, it has not been applied to demonstrate that the site will achieve a net gain in biodiversity overall. Furthermore, no reference is made within the documents for the need for a 50m buffer for the newt ponds.

However due to the additional documents (addendum to the Environmental Statement), removes objections in relation to:

- Lack of compensation for the impacts on UK priority farmland bird species, contrary to paragraphs 117 and 118 of the NPPF
- Lack of apparent compliance with Masterplan standards for buffering of hedgerows

Planning conditions are suggested to ensure the specified buffer and dark corridor standards are secured.

At this stage, a planning application for the land to the west of the application site has not been made; it is within this area of the Masterplan that space has been set aside to provide a nature reserve. The nature reserve will make a significant contribution to the achievement of a net gain in biodiversity across the Masterplan area and assurance is sought to demonstrate that delivery of the nature reserve will be secured to support the applications currently coming forward within the Masterplan site.

3.34 **Thames Valley Police, Property Services (12/01/15):** Thames Valley Police request developer contributions, due to the overall impact of the proposed development upon policing in Bicester. To that end it is request that this proposed development of 1700 units should contribute a total of **£266,900** towards the provision of Police Infrastructure.

3.35 **Crime Prevention Design Advisor, Thames Valley Police:** Objects to this application as elements proposed within it are of fundamental concern and based upon independent research will give rise to crime and disorder opportunity.

- From the illustrative plan there appears to be excessive permeability on this development. Reduction in the amount of pathways which are not overlooked leading through the development would reduce the risk of crime and antisocial behaviour.
- There are concerns regarding the number of plots with exposed rear boundaries into the public realm. Properties should have a secure boundary treatment provided. There are concerns that if no fence is installed then residents will remove or cut back hedging to increase the size of their garden and fit their own fence for privacy retrospectively.
- It is unclear from the illustrative masterplan whether properties have defensible space and it should be provided for each plot in some form.
- Provision of lighting is an area that is often overlooked, however, can have a dramatic effect in reducing crime, the fear of crime and anti-social behaviour. There are concerns that the application does not seem to provide any details as to how the development, communal areas, parking courtyards areas and any other non-adopted public realm will be lit. If planning approval is given, it is requested that a condition is imposed on the applicant to ensure that the

parking areas and non-adopted areas of public realm are lit to the BS5489 standard.

- The Design and Access statement states that 'Physical protection measures will be incorporated into the scheme through the detailed design development.' However it does not provide any information as to how this will be done and whether SBD is looking to be achieved. Therefore it is suggested that a condition is imposed on this application to ensure the Secured by Design accreditation standards are achieved.
- The use of active windows has also been noted and requests that the applicant at the reserve matters stage provides house types and where active rooms will be positioned to allow further comment.

3.36 **Thames Valley Police (CPDA):** Continues to raise concerns in relation to the layout and design proposed for this development may unduly impact on the crime, anti social behaviour and fear of crime within this location due to rear accesses backing onto publicly accessible open spaces/ footpaths, the excessive permeability of the site with narrow through routes and alleys and the need for the development to meet the principles and physical security standards of Secured by Design.

3.37 **Highways Agency:** Offers no objection for this application

3.38 **Network Rail:** Our present concern will be how the developer proposes to construct the underpasses without disturbing our support embankment or track and associated assets/materials. We therefore would state that the developer should continue to consult with the Network Rail Asset Protection Engineer and provide said (below) information to them.

Conditions have been suggested in relation to submitting a risk assessment and method statement (RAMS); submitting full details of ground levels, earthworks and excavations to be carried out near to the railway boundary; a method statement and details of the use of any vibro-compaction machinery / piling machinery or piling and ground treatment works which are to be undertaken as part of the development; details of proposed scaffolding works to the Network Rail Asset Protection Engineer for review and approval.

Network Rail provide advice in relation to the need for the future proposal both during construction, and after completion of works on site, should not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures. They provide advice to the applicant on what would be required during construction work.

Network Rail advises that there is a potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway. Therefore it is strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise and vibration. Network Rail will not be held liable for any noise and vibration from the railway. As the applicant has chosen to develop a proposal adjacent to the railway then they must provide funding for all noise and vibration mitigation measures.

If not already in place, the Developer must provide, at their own expense, a suitable trespass proof steel palisade fence of at least 1.8m in height adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon or over-sailing of Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or

compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment. If acoustic fencing was chosen, this would raise concern for Network Rail and any acoustic fencing should be set back from the boundary with Network Rail by 1m.

Network Rail would request that no trees are planted next to the boundary with our land and the operational railway. Furthermore, Network Rail would request that only evergreen shrubs are planted and we would request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.

No works on site should commence until they have been approved by the Network Rail Asset Protection Team. A BAPA may be required in order to facilitate the works. Network Rail requests that the developer ensures there is a minimum 2 metres gap between the buildings and structures on site and our boundary fencing.

Network Rail Second response: Nothing further to add to the comments above.

3.39 **Sport England 03/03/15:** 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 unclear what is meant by the term "informal pitches". Playing pitches need to be properly constructed and formally laid out in order to be fit for purpose for sport. The time that the sports facilities will be delivered, in relation to a specific phase of the development, is not stated. However, a potential phasing scenario is set out in the Design and Access Statement (p.190) indicating that the community playing fields will be provided in the first phase of the development. 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 conditions to agree details of the phasing of the development to meet sports facility provision and to secure details of design and layout are to be submitted prior to commencement.

3.40 **Sport England second response:** No further comments as the revised information appears to contain no changes in respect of either playing pitches or built sports facilities.

3.41 **NHS England:** Regarding the health 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.

3.42 **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. They have been involved in NW Bicester development plans since 2010, advising both Cherwell DC and A2Dominion on eco-credentials and sustainability.

Bioregional comment that there is not enough information provided in the application to support it, particularly around GI, biodiversity and the energy strategy.

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

- Overarching awareness and commitment to the Eco towns PPS principles
- Commitment to 'True Zero Carbon target' as defined by the ET PPS
- All homes to achieve Code 5 of the Code for Sustainable Homes
- Employment areas to achieve BREEAM Excellent
- Connection to site-wide district heating network and an understanding of the future potential to connect to Ardley ERF Facility
- Inclusion of sustainable transport solutions such as electric vehicle charging points, car club and employment of a travel plan coordinator
- Details of a proposed community governance model to establish a Community Land Trust (referred to as the Himley Farm Land Trust) to take on the long-term operation of the landscape and community assets.
- Significant work and detail on creating a 'productive landscape' and encouraging local food growing

Energy

Additional information is required to explain the energy baselines within the Sustainability and Energy Statement. The baseline energy demand appears to be too

low and the baseline heat demand appears to be quite high. The energy reduction targets for 'lean' improvements would appear to be hard to achieve. The predicted heat demand is significantly higher than the standard on the Exemplar and so additional information is sought in relation to these predicted demands and the FEES level that is being targeted.

Concerns that the energy generation solution seems oversized in comparison to the total heat demand. It is queried whether this is to meet heat demands from other parts of the masterplan site or whether alternatively, this is indicating large distribution losses, very low efficiencies from the biomass and gas plants or simply too much heat in the system. Details are sought to address these queries. The energy statement is unclear in relation to the timing and phasing of zero carbon for this phase and for the entirety of the development. We would expect zero carbon to be achieved before the 200th home is built and on an ongoing basis. Information is also needed in relation to the indicative roof areas for the installation of PV to ensure there is sufficient area around the edge of the roofs.

Transport

The modal shift ambitions within the TA do not currently meet the PPS requirements. Further information should be provided in relation to which offsite connections will be provided and the timescale for this. The lower standard for car parking is welcomed but further details should be provided in relation to how unallocated parking would be managed. The commitments in relation to cycle parking is also welcomed but this should be at the front of all properties to ensure convenience.

Urban design

The landscape led approach is welcomed, but there are concerns in relation to the safety of green routes where homes back onto them. Further information as part of design codes in relation to the character areas would be welcomed.

At the detailed design stage, proposals should look to mitigate impacts upon Himley Farm and the listed buildings there by considering the detailing and scale of dwellings closest.

Landscape and Green Infrastructure

The application does not include a land use schedule that confirms how 40% of the site will be Green Infrastructure.

The provision of allotments and at a higher level than is sought by Policy is welcomed. Could this be higher still in line with that provided at the Exemplar, which would be of benefit given demand for allotments and that they contribute to a sustainable food strategy. It would be beneficial to understand the reasons for the placement of the allotments.

A clear rationale for the positioning of play space should be provided in the DAS. It is not currently clear why play areas are positioned where they are.

Biodiversity

A site-specific biodiversity strategy has not been submitted and there is no reference within the Design and Access Statement to a Biodiversity Net Gain target. A Defra metric calculation should be carried out in line with the NW Bicester masterplan.

The application does not include any reference to an offset/compensation scheme for farmland birds. The 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.

There is a commitment on page 109 of the Design and Access Statement that existing hedgerows will be enhanced with a 10m wide buffer. However, we could not find detail of the creation and protection of dark corridors.

Additionally, there is no mention of how the Great Crested Newt Ponds will be protected and enhanced.

We would welcome the inclusion of a 'hedgerow removal and break' map to understand the amount of hedgerow to be removed and how this will be mitigated. In particular, can these breaks be minimised by narrowing and arches and will hedgerow loss be compensated by translocation or new planting?

Water

Policy ET 17.5 of the ET: PPS1 states that areas of serious water stress (such as Bicester) should aspire to achieve water neutrality. The 80l/p/d target for residential and non-residential set out within the Energy and Sustainability Statement is a positive step towards this. However, nothing further is provided within the environmental statement or within the NW Bicester Masterplan Water Cycle Study on how ultimately water neutrality can be achieved on this site but also across the entirety of NW Bicester.

It is recommended that the following matters be addressed before outline permission is granted:

1. Justification for the assumed energy demands in the energy strategy
2. Indicative performance specification and efficiency data for the CHP plant, biomass boiler and back up boilers
3. A detailed carbon balance for the overall energy solution and for the final and interim phases
4. Achievement of the biodiversity net gain target through the DEFRA metric
5. A robustly planned offset scheme for farmland bird habitat
6. Options for more ambitious modal shift targets
7. Commitments around the delivery of offsite walking and cycling connections
8. Full land use schedule to understand the mix of green spaces and compliance with the 40% GI standard
9. A discussion around the principles of how green space is used on the front and back of homes
10. More detailed brief for the different buffer zones and location of hedgerow breaks
11. An understanding for the inclusion of commercial uses along Middleton Stoney Road which could threaten the viability of local centres on NW Bicester

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:

4.2 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

4.3 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

4.4 **Other Material Policy and Guidance**

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

H19: New Dwellings in the Countryside
H3: Density
H4: Types of Housing
H5: Housing for people with disabilities and older people
H7: affordable housing
TR3: A Transport Assessment and Travel Plan must accompany development proposals likely to generate significant levels of traffic
TR4: Mitigation Measures
R4: Rights of Way and Access to the Countryside

EN16: Development of Greenfield, including Best and Most Versatile Agricultural Land
EN22: Nature Conservation
EN28: Ecological Value, Biodiversity and Rural Character
EN30: Sporadic Development Countryside
EN32: Coalescence of Settlements
D9: Energy Efficient Design

4.5 **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.

4.6 **Eco Towns Supplement to PPS1**

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

4.7 **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 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 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. Following the adoption of the Cherwell Local Plan and further consultation, the document was approved by the Council's Executive and will be reported to Full Council for adoption in March 2016. The document is therefore at an advanced stage but does not yet carry full weight until such time that it is adopted. The SPD is therefore a material consideration.

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.

4.8 **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.

4.9 **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.

4.10 **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

Relevant Planning History

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

5.2 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.

This application appears elsewhere on the agenda.

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

This application appears elsewhere on this agenda.

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

Environmental Statement

- 5.4 The Application is accompanied by an Environmental Statement (ES). It covers landscape and visual, ecology, transport, air quality, noise and vibration, water management, ground conditions and contamination, agriculture and soils, built heritage, archaeology, socio economics, human health, waste and cumulative effects. The ES identifies significant impacts of the development and mitigation to make the development acceptable. An Addendum to the ES was submitted for landscape and visual impacts, ecology, socio economics and waste.
- 5.5 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.
- 5.6 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.
- 5.7 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.

Planning Policy and Principle of the Development

- 5.8 Section 38(6) 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’.
- 5.9 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.

Adopted Cherwell Local Plan 2011 – 2031 (ACLPL)

- 5.10 The newly Adopted Cherwell Local Plan 2011-2031 includes Strategic Allocation Policy Bicester 1, which identifies land at NW Bicester for a new zero carbon mixed use development including 6,000 homes and a range of supporting infrastructure. The current application site forms part of the strategic allocation in the local plan. The

policy is comprehensive in its requirements and the consideration of this proposal against the requirements of Policy Bicester 1 will be carried out through the assessment of this application.

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

Adopted Cherwell Local Plan 1996

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

- 5.13 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.

Non Statutory Cherwell Local Plan

- 5.14 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.

NW Bicester SPD

- 5.15 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 was reported to the Council's Executive in June 2015 and approved for use on an interim basis for Development Management purposes. Following a further round of consultation, the SPD was been reported to the Council's Executive on the 01 February 2016 and has been approved for recommendation to the Full Council that the document be approved. The does not yet carry full weight until such time that it is adopted however it is a material consideration.

Eco Towns Supplement to PPS1

- 5.16 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.

NPPF

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

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

Five Year Housing Land Supply

5.18 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.

5.19 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.

Conclusion on the principle of the development

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

Zero Carbon

5.21 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.

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

¹ Unless material considerations indicate otherwise

- 5.23 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 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.'
- 5.24 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.
- 5.25 The NW Bicester 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.
- 5.26 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").
- 5.27 These documents are material considerations in the determination of the current application. They set out the government's 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".
- 5.28 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.

- 5.29 The application is accompanied by an energy statement, which explains that the development of the site will embody the eco town principles and adhere to the minimum standards set out within the PPS1 supplement, the NW Bicester masterplan and the emerging SPD for NW Bicester. It is set out that the proposal is to follow the energy hierarchy of be lean, be clean and be green and details are provided of this. Essentially, the proposal includes the provision of a site wide District Heating Network providing low temperature heating and hot water to all homes and the majority of non-domestic buildings within the Development. At this stage the application anticipates that this would require the construction of a single on-site Energy Centre with gas fired Combined Heat and Power (CHP) engine within the Development boundary. This Energy Centre would be able to function independently as a standalone system for Himley Village or could form part of the wider NW Bicester decentralised energy strategy through connection to other Energy Centres proposed within the wider NW Bicester eco-town area. It is anticipated that the remaining carbon reductions required to achieve the target Zero Carbon standard in accordance with the PPS1 Supplement will be achieved through the installation of roof mounted renewable Solar Photovoltaic (PV). Furthermore, design will contribute to optimising energy efficiency including that all homes will be designed with a fabric first approach, consideration of orientation to optimise daylight, consideration of materials, the incorporation of Real Time display energy monitors and to build to high standards of air tightness.
- 5.30 The commitments made in relation to meeting the zero carbon targets are very positive and the approach proposed is considered to be a viable way in meeting these ambitious targets. The specific detailed elements of the energy baseline and the sizing of the heat solution have been queried by Bioregional and in response, the applicant's Sustainability Consultants have provided an additional paper responding to each point albeit also confirming that as this is an outline application, with the applicant having made the commitment to zero carbon. In the view of Officers, whilst there are outstanding matters in relation to the detailed considerations, the applicant's commitment to meeting zero carbon is positive and 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 government's direction of travel with regard to housing standards has been reflected. The conditions do not therefore seek compliance with requirements such as 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.

Climate Change Adaptation

- 5.31 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.
- 5.32 ACLP policy ESD1 seeks the incorporation of suitable adaptation measures in new development to make it more resilient to climate change. Policy Bicester 1 requires all

buildings requires all new buildings to be designed incorporating best practice in tackling overheating.

5.33 The NW Bicester 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.

5.34 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.

5.35 The application addresses this issue in that there is a commitment to support long term resilience to climate change including:

- Incorporating best practice on tackling overheating and the impacts of climate change on the built and natural environment including through the inclusion of SUDs, urban cooling through green infrastructure (at least 40%) and through passive design principles.
- Locating development outside of the 1:100 year plus climate change and 1:1000 year flood zones.
- Retention of existing hedgerows and woodland plus the creation of interconnecting green and blue corridors east to west and opportunities to provide shade and shelter, manage water.
- Incorporating design led adaptive features to ensure the resilience of homes, the landscape and biodiversity to climate change.
- Commitment to zero carbon development making a positive contribution to mitigating future climate change.

5.36 At the detailed design stage it will be necessary for the design to show that it has addressed the issue of climate change and the potential for overheating.

Homes

5.37 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).

- 5.38 The NW Bicester 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.
- 5.39 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'.
- 5.40 The proposal seeks to establish the principle of residential development across this part of the masterplan and the parcels identified for this use broadly accord with the overall Masterplan for North West Bicester. Officers are satisfied that the principle of residential development on the parcels identified is acceptable all be it there is some discrepancy between the western boundary of the application site and that shown in the local plan allocation, however the application boundary is consistent with the masterplan boundary. The applicant seeks to provide a range of dwelling types and forms appropriate to the location and market demand and seeks to establish neighbourhoods within the site. Over all the level of residential development proposed on this site exceeds that anticipated through the masterplan which took a standard site coverage and density to establish the likely number of dwellings. However it has been demonstrated that the site will still deliver 40% green space and sufficient information has been provided to indicate that the site could accommodate the number of dwellings proposed. Consideration has also been given to the impact on proposed infrastructure. Sufficient land has been identified for schools to accommodate the population that is likely to arise from the site and no objection has been raised with regard to the provision of other infrastructure such as the road capacity. Given the need to deliver housing there is not considered an objection in principal to the provision of additional dwellings within the site provided other standards are met and a satisfactory design is achieved.
- 5.41 The application commits to achieving Code for Sustainable Homes level 5 (the use of this target is addressed above), Building for Life 12 and Lifetime Homes standards. 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).

- 5.42 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. The applicant for Himley Village has also committed to the installation of real time display energy monitors for each home and non domestic building. 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 therefore proposed to ensure future detailed proposals address this requirement.

Affordable Housing

- 5.43 Not only does the eco town PPS set out a requirement for affordable housing but Policy BSC3 of the ACLP sets out a requirement for 30% affordable housing for sites in Bicester (expected to provide 70% as affordable/ social rented dwellings and 30% as other forms of intermediate affordable homes) 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. Policy BSC3 emphasises that Cherwell has a high level of need for affordable housing and confirms that the Council's Housing Strategy seeks to increase the supply of and access to affordable rented housing. Securing new affordable housing on site as part of larger developments is the most significant way in which homes can be provided and policy BSC3 therefore seeks to achieve this so that the supply of new homes reflects the high level of need.

- 5.44 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.'

- 5.45 The provision of 30% affordable housing can be secured by condition and/or S106 agreement provided the scheme is viable and the provision of affordable housing is a significant benefit of the scheme. 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.

- 5.46 In this case, the applicant has proposed affordable housing provision by way of an early phase of the development that would be essentially the whole of the affordable housing provision in two or three 'villages' as an offer by Rent Plus, a provider of 'rent to buy' housing. The applicant considers this to be a huge opportunity with Rent Plus being a model which provides an affordable model for households who aspire to home ownership within a period of 20 years and which is a privately funded alternative to the private rented sector. Housing Officers have considered the Rent Plus model and have expressed concerns about this model for the whole of the affordable housing provision. These concerns relate to the long term ability to retain the units as affordable and their accessibility to people on the housing register.
- 5.47 The Rent Plus model is based on all the homes being sold in 5 year tranches with all reverting to market dwellings within 20 years, unless purchased by a registered provider. This would leave no long term Affordable Housing on the site if Rent Plus deliver the whole of the affordable housing element of the scheme. Rent Plus would intend to enter into a Memorandum of Understanding to provide a 1 for 1 replacement for every unit sold, however this would potentially mean the need to secure additional sites for this product and would not see a net increase in the number of affordable housing. This may also lead to procurement issues for the Council. The government are currently consulting on changes to the definition of affordable housing to provide further support for home ownership, however at this point there have been no changes to the affordable housing as defined by the NPPF.
- 5.48 Concerns are also raised in relation to the affordability of this product. Due to the criteria for being eligible to be on the Cherwell Housing Register for the Affordable rented housing, virtually no one on the register would be in a position to buy a home through this type of scheme and many require some form of subsidy for rented accommodation. It has been indicated that people in receipt of housing benefits would be unlikely to be able to access a Rent Plus Home and as such this product would not meet the Council's Statutory requirement to provide affordable housing to meet local need. It has been suggested that tenants of some existing affordable housing may wish to move to the site freeing up their existing properties for those on the housing waiting list but it is not known the extent to which such an opportunity would be attractive to people who might also be able to purchase their existing properties under right to buy. Never the less it is recognised that the product could assist some people into home ownership and therefore it is seen as a suitable route to deliver the 30% intermediate housing which is more normally provided through shared ownership.
- 5.49 A further concern with the proposal is the scale of the proposed villages such that this would be contrary to the Council's clustering policy and furthermore the untested nature of a Rent to Buy Village (Rent Plus have not delivered affordable housing on this scale elsewhere to date). This proposal would be a significant variation to the usual affordable housing provision that this Council seeks and Officers have concerns about how this model would comply with the Council's newly adopted policies or the NPPF in relation to meeting the whole affordable housing provision and create a mixed community across the Himley Village site. The applicant has submitted justification for the proposal, which Housing Officers are currently considering and are taking legal advice in relation to. Officers hope to be able to more firmly confirm their recommendation in relation to this matter at committee.

Fabric energy efficiency and carbon reduction

- 5.50 The PPS sets specific requirements for dwellings in terms of fabric energy efficiency and carbon reduction. The zero carbon energy strategy confirms the proposed

approach to be taken with regard to energy efficiency and carbon reduction. This will ensure low carbon and energy efficient homes are delivered through a fabric first approach to design and construction in combination with connection to a low carbon district heating network to meet all the Development's heating and hot water needs and the provision of roof mounted Solar PV to generate on-site renewable energy.

- 5.51 The application makes provision for market housing and the detail of this 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. The application also seeks to make provision for affordable housing, however in a way that is of concern to Officers currently. Negotiations will continue in relation to this matter and it is likely that Officers will recommend that Members reconsider this proposal at a later date.

Employment

- 5.52 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.

- 5.53 The NPPF identifies a strong, responsive and competitive economy as a key strand of sustainable development (para 7) and outlines the Government's commitment to securing economic growth (para 18). The NPPF identifies offices, commercial and leisure development as town centre uses and advises a sequential test to such uses that are not in a town centre (para 24) and where they are not in accordance with an adopted plan. This policy is designed to protect the vitality of town centres and this has been an important consideration in developing the proposals for NW Bicester. Local retail, leisure and employment provision is sought to serve the needs of the new development and reduce the need to travel but the scale and mix of uses is such that they will not compete with the town centre so for example the proposals do not include large scale supermarkets or retail provision. The benefit of mixed use development for large scale residential development is recognised, and a core principle of the NPPF is to promote mixed use development and in other paragraphs such as para 38 the benefit of mixed use for large scale residential development is recognised.

- 5.54 The Adopted Cherwell Local Plan makes it clear that there is an aim to support sustainable economic growth and Policy SLE1 requires employment proposals on allocated sites to meet the relevant site specific policy. Policy Bicester 1 seeks:

- a minimum of 10 ha, comprising business premises focused at Howes Lane and Middleton Stoney Road
- employment space in local centres
- employment space as part of mixed use centres
- 3000 jobs, approx. 1000 B class jobs on the site (within the plan period)
- A carbon management plan produced to support applications for employment developments
- An economic strategy demonstrating how access to work will be achieved and to deliver a minimum of 1 employment opportunity per dwelling easily reached by walking, cycling or public transport
- Mixed use local centre hubs to include employment
- Non-residential buildings to be BREEAM very good and capable of achieving excellent

- 5.55 The NW Bicester SPD includes 'Development Principle 5 - Employment'. This

principle requires employment proposals to address a number of factors and for planning applications to be supported by an economic strategy, which is consistent with the masterplan economic strategy and to demonstrate access to one new employment opportunity per new home on site and within Bicester. Each application should also include an action plan to deliver jobs and homeworking, skills and training objectives and support local apprenticeship and training initiatives.

- 5.56 An Economic Strategy was prepared to inform the Masterplan for the site and a subsequent strategy for the current application has been submitted. The Masterplan Economic Strategy looked at the opportunities for employment on the NW site in the context of Bicester and the employment allocations elsewhere in the town. The strategy identified the opportunity for some 4600 jobs on site within B1 business park, B2/B8 business park, an eco-business centre, local centre employment, education and employment in retained farmsteads, homeworking and long term construction jobs. Around 1000 local service jobs would also be created in Bicester to serve the demands of residents of the development and many of these would be in the town centre and 400 jobs in firms in the target sectors of the development but location on other employment sites in the town. The economic strategy is supported by an action plan to include ways to support job creation (e.g. through apprenticeships schemes), in addition to the provision of employment land, which will support wide employment growth in the town.
- 5.57 The current application provides an economic statement as part of the Planning Statement. This estimates that 2,847 jobs from the Himley Village development are expected to be generated comprising approximately 66 office jobs, 122 commercial and community based jobs, 30 jobs at the proposed retirement village, 75 jobs from the proposed school and nursery, 304 jobs from those working from home and 2,250 construction jobs throughout the construction period. The proposal makes provision for a range of non-residential uses including a primary school, local shopping and community facilities and a range of commercial uses and the parameter plans suggest these will be provided centrally within the site close to Himley Farm and adjacent to the Middleton Stoney Road. Provision is also made to facilitate home working and the provision of superfast broadband to all dwellings will support this. Off site jobs would also be created as a result of the proposed development primarily as a result of the extra demand for local services by virtue of the increase in population and because of employment generated by other businesses attracted to the eco town ethos and Bicester Garden City.
- 5.58 Officers are concerned in relation to the number of construction jobs predicted on this site compared to those predicted in the Masterplan for the whole development, however notwithstanding this, it is clear that the development would make a contribution to the total employment numbers across the site and therefore contribute to the adopted Cherwell Local Plan requirements. In addition, the Council is currently considering an application for the main employment site, which was deferred from the last committee meeting. It is therefore part of the recommendation that an economic strategy action plan is required to further refine the job numbers, through a legal agreement, to be submitted and implemented for this application to support job creation to meet the PPS standard.
- 5.59 It is considered that the NW development as a whole will meet the local plan target for jobs and is capable of meeting the PPS standard. It is appropriate for this standard to be met across the site to ensure appropriate distribution of uses including viable local centres. For this application it is important that it contributes as set out in the strategy and through proactive work on the action plan not just by the applicants but by other organisations with a stake and role to play such as Cherwell through its economic development work, Oxfordshire County Council through its work on skills, Bicester Vision and Chamber through their work to promote opportunity in the town and businesses as well as education providers around skills and training.

Transport and Highway Safety

- 5.60 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.
- 5.61 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).
- 5.62 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.
- 5.63 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.
- 5.64 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.
- 5.65 '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.

Application

- 5.66 The application is in outline and all matters are reserved. The application is accompanied by a movement and access parameter plan for the application site and this shows a principle access to the site from Middleton Stoney Road which would then join up with the internal spine road that runs to the realigned Howes Lane through land in other ownerships. A secondary access is also shown on to Middleton Stoney road and two further links to the development to the east and the realigned Howes Lane. The Design and Access statement, in addition provides indicative cross sections and illustrations of the road types, traffic calming and parking provision.

Transport Assessment

- 5.67 The application is accompanied by a transport assessment and framework travel plan. The transport assessment concludes;
'The provision of mitigation measures and/or contribution to measures will address the impacts of NW Bicester on the road network as well as support improvements to the town's infrastructure. The Himley Village development will support the measures in proportion to the scale and traffic impact of the development as part of the NW Bicester masterplan. The measures supported will assist the County Council in addressing a range of town wide transport issues which are identified in the LTP3. The provision of high quality sustainable travel infrastructure, together with the travel planning measures to promote sustainable travel will ensure that the PPS1 Supplement targets are met. This will help make NW Bicester a reality.'

- 5.68 OCC as highway authority have not raised an objection subject to further details of the mitigation and that no more than 900 homes are built prior to the tunnel being provided under the railway to address the impact on the existing Howes Lane/Bucknell Road junction. Bicester Members have expressed concern over additional accesses on to Middleton Stoney Road and the response advises;
'Whilst the County Council would prefer not to see further accesses onto this arterial route, Transport Development Control consider there is no technical reason to object to this.'

- 5.69 A Transport Technical Note was also provided in June 2015 a Technical Note 1 in December 2015 and an addendum in February 2016. These address the impact of the proposals on the Howes Lane/Bucknell Road junction and the phasing of

development.

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

Walking and Cycling

5.70

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 broadly consistent with the masterplan in that it provides for the primary road connections that will link to other parts of the NW Bicester site. A second access to Middleton Stoney Road is proposed that is not part of the NW Masterplan proposals. The Masterplan shows footpath/cyclepath links, including one running along the western perimeter landscape buffer and the others connecting east west and north south through the site. A further route for pedestrians and cyclists along the Middleton Stoney Road frontage has also been identified. The application parameter plans do not specifically identify the walking and cycling routes but the transport assessment identifies that provision will be a combination of segregated and unsegregated routes. The unsegregated routes will be along the green corridors crossing the site.

5.71

The NW Bicester Masterplan also includes local facilities such as schools, shops and community halls that will provide for the needs of residents and employees on the development, reducing the need to travel beyond the site. The masterplan identifies the provision of a primary school and sports pitches on this application site together with an area in the south east corner for care home/hotel/other use. Local retail facilities are proposed to the east of the application site within the application 14/01641/OUT which is the subject of a resolution to grant planning permission. The application includes the primary school and sports pitches generally as per the masterplan, but also includes the opportunity for other uses on the Middleton Stoney Road frontage including hotel, veterinary surgery, nursing home, pub, community facility, retail, office, nursery, health facility. If these facilities are provided they will provide a further opportunity to access local services for residents through walking and cycling.

Wider Walking & Cycling Network

5.72

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 existing bridleway where it runs beyond the site.

5.73

The pedestrian cycle link under the railway at NW, west of the Howes Lane realigned 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.

5.74

The application would provide good walking and cycling provision both within the site, secured as part of detailed applications, 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 land to the east, walking and cycling to local facilities would not be possible except along the Middleton Stoney Road. The phasing of development can be controlled by planning conditions and legal agreements.

Public Transport

- 5.75 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 east and north (14/01675/OUT and 14/01641/OUT) would need to be developed.
- 5.76 The transport assessment outlines the proposed loop for buses through the development south of the railway line. The transport assessment advises;
'In the early phases of development it is proposed that the frequency of buses is proposed every 15 minutes from the occupation of an agreed number of units. Once the 15 minute service is commercially viable, frequencies may increase to every 10 minutes'. When the proposed road structure is in place south of the railway line the envisaged service can be run, although it may require subsidy initially and this would be secured through the legal agreement.
- 5.77 In a letter from the applicant's agent of 3rd February 2016 it is stated that funding towards an interim bus service to ensure new communities are suitably-served by local facilities and capable of adopting sustainable travel patterns from the outset would be provided. The Transport Assessment identifies that a 15 minute service would be run from the end of phase 2 of the development (490 dwellings) with access from Middleton Stoney Road. It is not clear what provision could be provided to serve any earlier development.

Rail

- 5.78 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.

Vehicle Movements

- 5.79 The scope of the transport assessment has been agreed with OCC as highway authority. Although there are ambitious modal shift targets for the site the transport assessment has been carried out using standard trip rates for the whole of the masterplan and therefore assuming a worst case scenario. The assessment is of the traffic impact agreed to be based on the full development at NW Bicester at 2031.

The Transport Assessment identifies the following mitigation for the NW Bicester development;

- Signalisation of the Exemplar southern access
- Replacement of the B4100 Banbury Road/A4095 roundabout with traffic signals
- Traffic management measures on the B4100 Banbury Road/Caversfield unnamed road to reduce traffic levels and accident issues
- Traffic calming in Bucknell and Caversfield to reduce through traffic
- Measures to further reduce traffic and assist walkers and cyclists in the Shakespeare Drive area

- 5.80 In addition contributions to wider transport improvements in Bicester were anticipated. 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. In addition the County Council has identified the need for traffic calming at Middleton Stoney and is seeking contributions to such works from the applications south of the railway.

Howes Lane/ Bucknell Road

- 5.81 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 (14/01968/F) which appears elsewhere on the agenda. 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 remainder of the realignment is within the application 14/01675/OUT which was deferred at the last meeting of the planning committee. 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.
- 5.82 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.
- 5.83 Through the transport technical notes supporting the application the case that the original assessment to identify the capacity of the Howes Lane Bucknell Road junction assumed an even distribution of development and therefore it assumed approximately half the development would be south of the railway line. Furthermore development south of the railway line results in less impact through the junction and the development of 1700 dwellings at the application site would have a similar impact to 900 dwellings north of the railway line. They therefore argue that early development should be on the Himley Village site. The comments of Oxfordshire County Council on the latest technical note are awaited and will be reported at the meeting.
- 5.84 In considering the applications 14/01384/OUT and 14/01641/OUT, which are subject to resolutions to grant, 2 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 by development best able to deliver the necessary tunnel, and
 - b) what development could be achieved whilst still meeting the policy requirements for being sustainable
 - c) is the development deliverable
- 5.85 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 also confirmed that they would pursue the technical approval of the tunnel design through the GRIP process with Network Rail. A2Dominion have therefore identified a route by which the tunnel and realigned Howes Lane could be delivered early in the development and are willing to forward fund the costs of doing so.

- 5.86 In the light of arguments being made by other applicants on the NW Bicester site each was asked to identify how development on their site could meet the objectives identified above. The applicants (letter 3rd February 16) have indicated that they would provide a proportionate contribution to the provision of the tunnel and the link road. They do own or have control over land required for the road or tunnel, although they would expect to be able to work with adjoining land owners to ensure the land was brought forward and they are willing and able to commission and project manage the GRIP process. They note that the HCA is making a loan available and assume that is not being made exclusively available for A2Dominion's use. Whilst the applicants have shown a willingness to support the delivery of the road and the tunnel our view is that the delivery of the infrastructure through this application is less certain and less advanced than the proposals by A2Dominion.
- 5.87 With regard to how an early phase of development could be delivered in a sustainable form the applicant's identify that development could commence on the southern fields, adjacent to Middleton Stoney Road and that alongside residential development it is proposed to bring forward supporting uses and infrastructure. Phasing has been indicated but it is unclear the timing of facilities beyond the primary school which would be available by completion of 680 dwellings. The application site is divorced from the existing built up limits of the town and the application 14/01675/OUT (Albion Land) occupies land between the site and the town. If development commenced in isolation at the Himley Village site, with access from Middleton Stoney Road, it would not benefit from any existing facilities within walking distance and as such it is likely to encourage journeys by private car as opposed to reducing them. Development north of the railway line adjacent to the Elmsbrook site in contrast could take advantage of the primary school under construction, bus service that has been commissioned and local centre facilities that have detailed planning permission as well as connections to the existing town.
- 5.88 The letter indicates that development on the application site could commence and a first phase be substantially complete within 2 years of receiving an unfettered planning consent.
- 5.89 Careful consideration has been given to enabling development on the NW site as a means for securing the road and tunnel that are necessary for the build out of the site. Based on the current advice of the Highway Authority with regard to capacity it is proposed that the 507 dwellings are permitted north of the railway line adjacent to the Elmsbrook development. Development elsewhere would be controlled by a Grampian conditions and/or legal agreements provided that the Highway Authority consider it necessary.
- 5.90 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.'

- 5.91 In this case Network Rail have raised no technical objection to the proposed work and negotiations are underway. On the evidence that we have seen to date A2D appear committed to deliver the infrastructure and negotiations are taking place that makes sure that they are bound to an appropriate programme. The provision of funding for the works from the HCA is available and therefore it is considered reasonable to use a Grampian approach in these circumstances.
- 5.92 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. 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.

Travel Plans

- 5.93 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 identifies the target of 50% of all trips originating from Himley Village will be non car modes. The Eco Towns PPS sets this target but suggests it should rise to 60% where the development is adjacent to a higher order settlement. The travel plan identifies further targets that show a commitment to sustainable travel. The travel plan identifies how sustainable travel will be achieved including through the range of uses within the site and homeworking, marketing and branding, travel planning, parking strategy, car club, electric vehicles, public transport, walking and cycling routes, cycle parking and facilities.
- 5.94 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 reflects the PPS target for modal shift and outlines a range of measures to achieve targets.

Conclusion

- 5.95 The application is supported by information that shows that the travel and transport aspects of the proposal have been assessed and that with mitigation the proposed development would be acceptable. The primary constraint identified in relation to the current application is the junction at Howes Lane/Bucknell Road. 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. As explained above it is proposed that capacity for development prior to the tunnel is used north of the railway line, with commitments to deliver the tunnel, and further development is restricted until the tunnel is in place provided that the Highway Authority consider it necessary to do so.

Healthy Lifestyles

- 5.96 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.

- 5.97 The NW Bicester SPD includes 'Development Principle 7 – Healthy Lifestyles', which requires health and wellbeing to be considered in the design of proposals. Facilities should be provided which contribute to the wellbeing, 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.
- 5.98 The overall site would include a generous provision of open space (36.1ha) in different forms 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 (in formal and informal opportunities) providing opportunities for residents and to encourage healthy and active lifestyle choices. The site would also include the provision of a range of amenities, social and community buildings within close walking distance of the homes to be provided, as well as being close to employment opportunities on the large employment site to the south east of the site and to the amenities provided elsewhere on the site including the secondary school and GP practice. The proposal also seeks to provide a network of private and public allotments enabling local food production. These are located along the main movement corridors and within ease of access from residential areas and in combination with private gardens will encourage local food production. It is considered the proposal would comply with the PPS in this regard.

Local Services

- 5.99 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.
- 5.100 The NW Bicester 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.
- 5.101 This development includes proposals for a number of local services including local shops, a school, a public house, a health centre, an extra care facility and other community and commercial services. The site also includes sports pitches which are provided for the benefit of the whole Masterplan site and, other facilities such as a GP practice are provided on other parts of the Masterplan site but still within an accessible location. A cultural strategy has also been developed that would seek to ensure that culture and the arts are incorporated into development proposals and some infrastructure 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.
- 5.102 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.

Green Infrastructure

- 5.103 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.
- 5.104 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).
- 5.105 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.
- 5.106 The NW Bicester 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.
- 5.107 The application proposes green infrastructure in a range of forms including woodlands, public green space, playing fields, SUDs, school playing fields, newt protection areas, allotments and hedgerow buffers. The applicant has submitted a table showing that based upon existing green infrastructure to be retained as well as that proposed, the total green infrastructure across the site amounts to 40.2% of the site area. Much of this area would be publicly accessible although the land for the school playing fields may not be. The application complies with Policy in this regard.
- 5.108 The applicant proposes Green Infrastructure in a number of ways through the site, including by way of a village green at the heart of the development, a network of swales and attenuation ponds, high quality interconnected green spaces linked to the wider ecotown area and surrounding countryside, the protection of hedgerows and the inclusion of 10m landscape buffers on either site, the retention and enhancement of the broadleaved woodland to the east of the site and the planting of new woodland. A range of climate change adaptation measures are also supported through new GI including the creation of suitable green buffers to increase flood resilience, street trees and shading with vegetation.
- 5.109 The application has also been considered against 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, the policy seeks around 12.1ha of general amenity space, 3.45ha of play space, 4.99ha of outdoor sport provision and 1.6ha for allotments. The application indicates a greater area of allotments and outdoor sport provision than required by the Policy, which is a significant benefit to the scheme. The outdoor sport pitches in

particular serve the wider masterplan site and are in one position (on this site) in order to enable higher standard provision and to facilitate long term management and maintenance. This element of the proposal therefore has wider benefits than just the Himley Village scheme. A total of 3.17ha of play provision is provided and it would appear from the calculations that sufficient general amenity space would be provided. Sufficient space is available for the proposal to comply with Policy BSC11 in this regard.

Landscape and Historic Environment

- 5.110 The Eco Town PPS advises that planning applications should demonstrate that they have adequately considered the implications for the local landscape and historic environment to ensure that development compliments and enhances the existing landscape character. Measure should be included to conserve heritage assets and their settings. The NPPF recognises the intrinsic character and beauty of the countryside (para 17). The NPPF advises that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.
- 5.111 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.
- 5.112 The NW Bicester 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.

- 5.113 The Environmental Statement for the application assesses the landscape and visual effects of the proposal. The assessment finds that the site is not within any specific landscape designation but that in terms of local character assessments, the site sits within the Wooded Estatelands’ Landscape Character Type as set out within the Oxfordshire Wildlife and Landscape Study 2004. This character type has the following key characteristics:

- Rolling topography with localised steep slopes
- Large blocks of ancient woodland and mixed plantations of variable sizes
- Large parklands and mansion houses
- A regularly shaped field pattern dominated by arable fields.
- Small villages with strong vernacular character

Within the Cherwell District Landscape Assessment, the site forms part of the Oxfordshire Estate Farmlands character area and within the local landscape character areas of the NW Bicester Masterplan, the site is characterised as Himley Farm Slopes, characterised by a grid of existing hedgerows. The ES finds that the site includes landscape elements and features that are of value to local distinctiveness and that the site has been developed to respond to this context. During the construction phase of development, the likely effects range from negligible to moderately adverse. Once complete, the assessment finds a permanent, minor adverse residual effect on the setting of Himley Farm due to the change in landscape character. All other effects are likely to be negligible to moderately beneficial once the development is completed. Similarly, the completed development is likely to have a permanent negligible to moderately adverse residual visual effect.

- 5.114 The assessment finds that the development of Himley Village has taken into account potential landscape effects and aims to wholly incorporate and maintain landscape elements and features to improve the local landscape character, quality and sense of place. The parameter plans and development principles seek to set the basis for a development that responds directly to the surrounding site context to minimise the adverse effects. The proposal seeks to retain, protect and enhance the majority of hedgerows and trees across the site and incorporate these into the development.
- 5.115 The Landscape Officer generally agrees with the conclusions of the LVIA raising a number of comments. Taking into account changes made to the plans through the processing of the application, including the building heights parameter plans, an addendum to the ES was submitted which also assessed Bignell Park and Lovelynych House receptors. This addendum found that there would be no change in effects previously identified during the construction phase. Once complete, the assessment found a minor adverse residual effect on the setting of Bignell Park Historic Landscape and a negligible to minor adverse effect on the residential setting of Lovelynych House. There were no other changes identified to other assessed landscape receptors and no change to the assessment of effects on visual amenity.
- 5.116 It is considered that the proposals to integrate the development into the landscape including the protection and incorporation of landscape features is acceptable and appropriate. Care will need to be taken at the reserved matters stage in relation to the detailed design, particularly close to sensitive receptors and in relation to building heights taking into account the established parameters and detailed planning conditions. Trees and hedgerows would require adequate protection where they are to be retained.
- 5.117 The assessment also considers the historic landscape and it is identified that the key features are the hedgerow boundaries. It is found that 26 of the 39 hedgerows on site are considered 'important' in line with the hedgerow regulations. The hedgerows serve as a visual reminder of the character of the historic landscape and the proposals have been developed to respect the landscape and includes the retention of historic field boundaries, watercourses and woodland.
- 5.118 The Environmental Statement considers built heritage and in particular the two barns at Himley Farm, which are grade II listed. The ES identifies that the barns have architectural importance as an example of hand threshing barns, archaeological importance as evidence of historic farming processes and historical importance

because they demonstrate the continuation of agricultural traditions in the area. The residual construction stage impact is considered to be negligible as the barns would be protected. Once complete, the significance of effect is considered to be moderate/minor adverse due to the setting of the barns changing from fields to suburban development.

- 5.119 In this context, it is necessary to consider S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is clear that some harm would be caused to the setting of the listed buildings due to the change in the setting of the buildings that would be caused by the change from agricultural land to a suburban extension. In the context of the Framework, this harm is judged to be less than substantial and the test to be applied by para 134 is that this harm should be weighed against the public benefits of the proposal. As is identified by Historic England, the proposal seeks to mitigate the harm to the setting of the listed buildings by way of the design parameters set (including in their amended form) which seeks to establish landscape buffers around the farm and areas of open space nearby. It is considered that in this context and considering the wider public benefit of this proposal, which forms part of a large allocated site, providing housing in a highly sustainable form, the harm to the significance of the listed buildings can be carefully controlled. It will be important that future design documents and detailed design considerations consider issues such as building heights and ensuring the incorporation of the open space to ensure the harm to the buildings is limited and mitigated in line with the ES as far as possible.
- 5.120 With regard to archaeology, the County Archaeologist has identified some potential and so recommends planning conditions to require further work before development commences. These are considered reasonable and will be recommended.
- 5.121 The ACLP suggests a soil management plan may be required. The ES covers agriculture, soils and land use. The land has been identified as grade 3 agricultural land with most of the land falling within grade 3b. The ES suggests the adoption of a soil management plan and the incorporation of green open space or woodland buffers between new urban development and remaining surrounding areas of agricultural land to minimise the potential adverse effects of the construction and operation of this development.

Biodiversity

- 5.122 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.
- 5.123 The NW Bicester 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.

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.

- 5.124 The application is accompanied by a ‘Note of a Phase 1 Survey for Himley Farm’. The purpose of this was to update the earlier surveys undertaken by Hyder for the wider Masterplan. The note identifies the habitats present including arable fields, improved grassland, hedgerows, native broadleaved plantation woodland, ponds, mature trees and a list of species are noted. Otherwise, the applicant relies on the earlier surveys from 2010 and 2011 and the conclusions reached including the species likely to be present and affected by the site wide development. In particular, these surveys found two ponds within the southern half of the site which supported a medium population of Great Crested Newts, bats and breeding and overwintering birds. The Environmental Statement further considers the impact upon ecology and suggests mitigation measures. The ES generally finds the ecological impact of the development would be negligible with some limited minor adverse impacts but that with mitigation, the overall impacts would be acceptable. The ES suggests that

updated surveys would be required prior to any work commencing to enable mitigation strategies for protected species to be prepared.

- 5.125 In terms of enhancements, the proposal will include the provision of 40% green space, native planting, artificial nest boxes, street trees, new hedgerows, trees and ponds, SUDs which would have beneficial impacts on biodiversity and the provision of a new protection area between the two ponds known to accommodate GCN as well as features such as green roofs and walls.
- 5.126 The Ecology section of the ES has been updated as part of an addendum, which considered the proposed amendments. These changes would result in modest increases in the areas of hedgerows, woodland and swales but overall the ES addendum did not consider that the proposed amendments would have any greater significant impact than that assessed and it did not identify any need for additional mitigation.
- 5.127 The ES addendum further confirms that dark corridors will be provided in line with the Eco Town Masterplan (40m) and that hedgerows would be buffered by 10m either side of the existing hedges. The applicant further submitted a calculation using the Defra metric to consider and demonstrate net biodiversity gain. Some concerns have been raised with regard to whether this site would achieve a net gain in bio diversity. It is considered that the extent of green infrastructure provides an opportunity to deliver a net gain in bio diversity and that this can be secured through the use of suitable conditions.
- 5.128 Although most bio diversity is proposed to be mitigated on site farmland birds cannot be as there will not be the scale of open fields that they require and similarly brown hare, although it is not evident that the site is currently of importance for this species. As a result it has been accepted that these species will need to be mitigated off site. The ES addendum acknowledges this matter and confirms that off site mitigation is required and which would need to be part of an agreement with the Local Planning Authority. An approach has been agreed that would allow either a farm scheme or the funding to be used for the purchase of land to secure mitigation for farmland birds. This would be secured through a legal agreement.
- 5.129 Subject to securing the protection of habitats and the achievement of net bio diversity gain through conditions or legal agreements the application proposals will achieve a net gain in bio diversity meeting the requirement of the PPS, NPPF and ACLP. In protecting habitats and protected species sites section 40 of the NERC act and the requirements of the Habitat Directive are satisfied.

Water

- 5.130 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.
- 5.131 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.

- 5.132 The NW Bicester 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.
- 5.133 The applicant has submitted the overall site wide Masterplan Water Cycle Study, which shows that there will be an increase in demand for drinking water as a result of the development. The application advises that the proposed water demand will be sought to be reduced through the use of water efficient fittings within all properties on the site and that rainwater and grey water recycling is proposed to further reduce water requirements. The application confirms that the minimum design standard for all new dwellings will be that water efficient fixtures and fittings are specified to reduce average per capita consumption to at least 105l/p/d and that non-residential buildings will be designed with water efficient fixtures and fittings so as to reduce whole building potable water use by at least 55% from the baseline demand in accordance with BREEAM Excellent rating. Furthermore, on-site water recycling technologies including rainwater and grey water recycling will also be used locally to supplement domestic supplies, and reduce demand for potable water further to less than 80 l/p/d and meet Code for Sustainable Homes Level 5 mandatory water standards.
- 5.134 The submission further emphasises that the SUDs that will be incorporated within the scheme will enhance water quality with them being sized to provide the required attenuation storage for the 1% AEP plus a 30% allowance for climate change. With regard to waste water arising from the development, the considerations are currently that the will connect directly into the existing Bicester Waste Water Treatment Works (albeit upgrades may be required as per the advice received from Thames Water). Alternatively, the applicant is considered the use of an onsite water treatment works to treat foul effluent in a local treatment plant located within the development. This potential on site treatment works does not form part of the scope of the current application and would require a separate application in the future should this proposal be progressed.
- 5.135 It is positive that the applicant is aspiring to high water efficiency targets; however these targets do not confirm how the target of water neutrality can be achieved on this site. It is considered that a condition requiring the higher building regulation standards for water efficiency is required. Subject to conditions, it is considered that the proposal can comply with the PPS and SPD.

Flood Risk Management

- 5.136 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.

- 5.137 The NW Bicester 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.
- 5.138 The FRA shows that the site falls within flood zone 1 and is consequently at low risk of flooding. The FRA considers existing conditions, including details of the existing drainage features, which are formed from drainage ditches connecting to existing watercourses. The surface water drainage strategy for the site is to manage surface water runoff and to include a network of above ground attenuation incorporated within the green infrastructure across the Development. Surface water is to be managed through a Sustainable Drainage System which will achieve greenfield run off rates from the Site. This will include swales located within the green corridors which will act as key pathways for surface water to flow through the site and will also act to attenuate water by using a series of check dams and detention basins integrated in to the landscape where the natural topography can provide additional storage.
- 5.139 The Environment Agency originally objected to the scheme on the basis that the FRA failed to satisfactorily demonstrate that there are viable outfall locations for surface water discharging from the site (in particular that further work was required to confirm that surface water can be drained via identified culverts) and how and where the required 27,000sqm³ of surface water attenuation will be provided on the site (it was considered unclear that sufficient storage is being provided within the indicative layout, especially during early phases of the development). Additional information has been submitted in relation to swale volumes and drainage layouts as well as the existing outfalls and this has been reconsidered by the Environment Agency and The Oxfordshire County Council drainage team. Both parties have removed their objection on flood risk grounds. In the view of Officers, sufficient information has been provided at this stage to demonstrate that the risk from flooding is limited and that a scheme to deal with surface water can be reached. 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.

Waste

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

waste

- ensuring that their collections of household and similar waste are organised so as to help towards achieving the higher levels of the waste hierarchy

- 5.141 The NW Bicester 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.
- 5.142 The application is accompanied by a Sustainable Waste and Resources Plan, which sets targets for residual waste and recycling along with mechanisms for monitoring and achieving these targets. This provides details of the areas existing waste management systems and the anticipated waste streams from the development. Targets are set for the reduction of residual waste (diversion of 95% waste from landfill) and for 70% of the total waste collected to be reused, recycled or composted and includes details for how this level of performance can be realistically achieved. The Environmental Statement assesses that there would be a negligible impact upon waste both at the construction stage and once the development is occupied given the targets set for diverting waste from landfill and for recycling, reuse and composting. Conditions and/ or legal agreements will be used to ensure measures to achieve the targets will be put in place.

Master Planning

- 5.143 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.
- 5.144 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.'
- 5.145 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 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.
- 5.146 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 and parameter plans, which demonstrate that the proposals for Himley Village has been prepared having regard to the submitted masterplan and generally accord with it in relation to the overall proposal for the site. Whilst there are minor variations from the masterplan, which are considered elsewhere in this report, these are generally considered to be acceptable and are

justified and Officers are content that critical access points can be negotiated to ensure the site is a comprehensive development. 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.

- 5.147 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.

Transition

- 5.148 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.
- 5.149 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. The application is accompanied by a phasing plan demonstrating the delivery of the proposed land uses. It is considered that the timing of the provision of infrastructure can be negotiated through the S106 process in order to meet the needs at the correct time.
- 5.150 The monitoring of the development is important and will allow the success of the higher sustainability standards to be assessed and inform future decision making. A monitoring schedule has been developed for the Exemplar development that is currently under construction. This was secured through the legal agreement accompanying the application and a similar approach is proposed for the current application.
- 5.151 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.

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

Community and Governance

- 5.153 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.

- 5.154 The NW Bicester 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.

- 5.155 The applicant has submitted details of a proposed Land Trust model (to be known as Himley Farm Land Trust) within their design and access statement. Their intention would be that this would take on the long term operation of the landscape and community assets within the proposed development and they see the potential to extend this role to the wider NW Bicester Eco Town.

- 5.156 Officers have raised concern with the principle of such an approach, given the work that has been ongoing with a group of local stakeholders, A2 Dominion and CDC officers in relation to the setting up of a LMO. This work 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. The LMO model has therefore progressed and it is hoped that this model would be embraced across the site. It would be of concern to have different models being established and utilising different management practices across this site and so this has been raised with the applicant and their Agent has confirmed that the applicant would be happy to progress with the LMO approach rather than the CLT at this stage. It should be noted that currently the LMO has not identified a desire to manage large areas of open space.

- 5.157 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. Given the applicants current intention in relation to progressing with the LMO route, 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 and this matter would therefore form part of the S106 discussions moving forward.

Design

- 5.158 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.

- 5.159 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.
- 5.160 The NW Bicester 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.
- 5.161 The application is accompanied by a set of parameter plans and a design and access statement, both of which have been updated and clarified since submission to respond to Officer comment. This amendment has related to the extent of the area set aside for mixed uses along the Middleton Stoney Road (essentially to contain it such that the impact can be assessed and controlled). This area of the site sits adjacent to the Albion Land site and extends to the main site access just to the east of Lovelynych House (albeit up to a maximum floor area of 8,000sqm, which can be controlled by condition). The overall height parameter in this area demonstrates a maximum height of 16m adjacent to the land part of application 14/01675/OUT. The amendments have also considered further the parameters close to Lovelynych House (and it is clear that the amendments have generally overcome the concerns of the owner of the property subject to suggested conditions, which Officers consider would be appropriate in establishing the parameters to that property). The applicant has also sought to overcome and justify concerns relating to rear gardens onto public spaces. It will be important that these parameter plans are secured by way of condition and they generally accord with the Masterplan framework including the connections that are provided, the positioning of the sports pitches and the primary school. The maximum height of the development adjacent to the pitches has resulted in some concern (up to 19m) and the applicant's agent has indicated that a condition restricting this height to 17m and Officers consider a condition is necessary here. The applicant's intention is to embed the PPS1/ eco town principles into the design of the site to seek to arrange the development around green infrastructure (including the existing hedgerows) and walking and cycling routes to give these priority with vehicular routes having a secondary role.
- 5.162 It is clear from the view of the Council's Urban Designer that the proposal has been considered and that the parameter plans provided set an appropriate baseline for further design work. It is envisaged that this will involve the production of design documents such as an Urban Design Framework and then Design Codes to set the overall design principles that reserved matter applications would follow. There are a number of design intentions set out within the DAS that have raised some concern by both the Urban Designer and the Thames Valley Police Crime Prevention Advisor and these concerns are appreciated notwithstanding the additional justification provided by the applicant. Given this is an outline application however, it is considered that future design work can address these detailed points.

Notwithstanding the view above, Officers have raised some concern with the parameter plan relating to height and particularly where the maximum height of 19m is proposed around the sports pitches. An amended parameter plan has not been received but it is considered that a condition could adequately deal with this matter.

- 5.163 The school location is broadly compliant with the Masterplan, albeit it has moved slightly south with the associated movement of a road, which means that it is not proposed close to the side of Himley Farm. OCC Education Officers have raised concern that the resulting site does not meet their requirements with particular regard to its shape. Whilst Officers note the concern, the overall design approach, including the position of the school is considered to be on balance the most appropriate place for it taking into account wider design considerations as well as the fact that the shape of the site is not obscure; rather it is a 'L' shape rather than a rectangle. Officers are therefore minded to accept the position of the school, albeit detailed consideration of the school site will be undertaken by OCC Officers as part of the S106 negotiations.
- 5.164 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.
- 5.165 The framework plan provides a sound basis, all be it at a high level, on which further detailed design can be based. Design will need to be developed and this can be secured through the imposition of conditions to fulfil the requirements of the policies in the ACLP.
- 5.166 A further comment from the owner of Lovelynych House requested a planning condition to safeguard the access and land for future development. Officers are not convinced that planning conditions would be reasonable in this case, but would intend to recommend a planning note to ensure that this point is noted by the Applicant.

Conditions and Planning Obligations

- 5.167 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 203). 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'.

- 5.168 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) limits 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.

- 5.169 This large scale development proposal will require a legal agreement to secure the mitigation and infrastructure necessary to make the development acceptable. The planning obligation is proposed in two parts, the first to seek to ensure those elements required to secure a high quality of design and sustainability and that the scheme contributes to securing a comprehensive development of the NW site. The second will deal with the site specific requirements, as with other developments, including schools, highway mitigation, affordable housing, open space laying out and maintenance, community halls and community development, public transport and contributions for a doctors surgery, Thames Valley police and other matters.
- 5.170 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 by CDC and OCC with the relevant Heads of Terms provided to the applicant. The applicant has indicated their acceptance to meeting any reasonable S106 contribution required to secure satisfactory mitigation for the Himley Village development including a contribution to site-wide infrastructure. As discussed earlier, the applicant has committed to an early provision of affordable housing through the rent plus model, although concerns have been raised by the Council's Housing Investment and Growth Manager, and it has been confirmed that a S106 would hope to be finalised as soon as possible following a positive resolution so that development can commence at the earliest opportunity. Notwithstanding this commitment, Officers have not been provided with any viability work to demonstrate that the financial obligations requested can be met and so Officers are not in a position to confirm to Members that the mitigation required by this development can be provided. Never the less additional 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 and the overarching Framework agreement for the site wide infrastructure and discussions on these matters will continue. Whilst Officers would have preferred to have gained greater certainty prior to reporting this proposal to committee, it is common for work to negotiate a S106 to continue following a positive resolution including an assessment of viability and it is Officers intention to continue with this work. Should Officers not be able to negotiate an appropriate package to meet the identified mitigation following more detailed work, it would be necessary to report the application back to committee for further consideration.
- 5.171 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 this also may mean it is necessary to return the application to the committee for further consideration in the light of changed circumstances.
- 5.172 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.

Other matters

- 5.173 Although the above sections cover most matters, the ES does include the following matters; air quality, noise, and contamination.
- 5.174 The NPPF at para 109 identifies one of the roles of the planning system is 'preventing new or existing development from contributing to or being out at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. The CLP ENV12 requires adequate measures to deal with any contaminated land whilst the NSCLP Policy EN5 advises that regard will be had to air quality, Policy EN6 seeks to avoid light pollution whilst Policy EN7 looks to avoid sensitive development in locations affected by high levels of road noise and Policy EN17 deals with contaminated land. CDC has identified that Kings End/ Queens Avenue in Bicester should be declared an Air Quality Management Area.
- 5.175 With regard to air quality, the ES identifies the potential for dust impacts during construction and identifies that these are only likely to be experienced within 200m of the site. In order to minimise or prevent dust, it is suggested that a range of measures would be set out within a CEMP. Consideration has been given to air pollutant emissions and the likely effect of future road traffic and heating plant emissions associated with the site. The results find that the proposal would not have any significant impact on local air quality.
- 5.176 In relation to noise and vibration, the ES finds there is potential for noise and vibration nuisance to be caused to the closest sensitive receptors whilst works are undertaken close by and it suggests a number of measures to minimise the effects and which would be included within an agreed CEMP. Should any piling be required, it is recommended that monitoring be undertaken to identify any necessary mitigation. Additional vehicles on the road network may give rise to some moderate adverse effects on receptors and a traffic management scheme is recommended as part of the CEMP. Once complete, the assessment finds that the majority of the site can achieve the recommended internal and external noise levels, however should properties be identified as being subjected to greater noise levels then suitable insulation, glazing and ventilation can be implemented to achieve the required noise levels. There is unlikely to be a significant effect from the playing fields to be provided upon existing sensitive receptors, however there could be some minor adverse impacts upon any future property situated within 35m of any pitch. This will be a consideration at the detailed design stage. Items of fixed mechanical and building services plant, including the proposed energy centre have the potential to cause noise and suitable noise level limits are proposed to ensure that noise does not cause future disturbance. Non residential uses can be controlled through facade design in order to reduce noise impacts and implementing management measures to control the timing of deliveries to these uses can be implemented.
- 5.177 Ground conditions and contamination have been assessed and has identified some potentially contaminative uses. A preliminary site investigation has been undertaken and further assessment work would be undertaken prior to any demolition and construction works commencing with any necessary mitigation being implemented. Additional best practice measures would be implemented within the CEMP to protect construction workers and to ensure that contamination risks to underlying soils and groundwater would be reduced as far as possible. On completion, there would be limited risks posed by contamination to future residents.
- 5.178 In relation to each of these considered environmental matters and subject to the inclusion of suitable conditions to secure mitigation, the proposals would comply with the NPPF and ACLP policies. This approach is accepted by the Council's

Environmental Protection and Anti Social Behaviour Officers as well as the Environment Agency who suggest conditions relating to these particular matters.

Pre-application community consultation and engagement

- 5.179 The NPPF advises that 'early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre application discussion enables better coordination between public and private resources and improved outcomes for the community' (para 188). The applicant carried out pre-application engagement with Officers as well as carrying out a public exhibition. The application has been informed and reinforced by engagement with the local community, the council and other relevant stakeholders.

Engagement

- 5.180 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 as Officers have worked with the applicant to negotiate the application and progress it in order for it to be reported to Members.

Conclusion

- 5.181 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.

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

- 5.183 The application proposes a significant amount of housing, including affordable housing albeit as set out there are some Officer concerns with the current proposal, however Officers would continue to negotiate a suitable affordable housing proposal in line with the usual requirements. This housing will contribute to the rolling requirement to achieve a five year housing land supply and this weighs in favour of the proposal. In addition the scheme would deliver employment and sports pitches, which are critical for the overall site. The NPPF seeks to support sustainable economic development and the mixed use nature of this proposal weighs in its favour.

- 5.184 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 Adopted Cherwell Local Plan identifies the site for development having considered how best to meet the growth needs of the district and therefore accepts as necessary the loss of the countryside. The application proposals incorporate areas of green space, incorporate and maintain features of bio diversity value and show how they can achieve a net biodiversity gain. This weighs in favour of the proposal. Whilst the loss of countryside weighs against the proposal the protection of bio diversity and the proposals for a net gain weigh in its favour.

- 5.185 The residents of this large scale proposal will need to travel and the TA has assessed the impact of the proposals. The application proposes measures to encourage and

support the use of sustainable modes as well as setting ambitious targets on mode share. The proposals also would need to contribute 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 and is required at an early stage. To prevent congestion that could occur if this provision was not made a Grampian condition is proposed to limit the extent of development that could be undertaken prior to the underpass being in place. The measures relating to sustainable transport and mitigation of the off site impacts weigh in favour of the proposal.

- 5.186 The application proposals include a range of community infrastructure to support the establishment of a sustainable place, including a school, sports pitches and play and sport provision. The proposal will also support off site provision, primarily within the town, such as the expansion of the sports centre and new library provision. The application is currently in outline with all matters reserved but the framework parameter plan will provide the basis for more detailed proposals. The application provides the basis for an exemplar sustainable development, continuing the approach of the Exemplar development that is currently under construction. The sustainability features of the proposal, which go beyond what is commonly provided and which can be secured by condition, weigh in favour of the proposal.
- 5.187 The current application does not cover the whole of the NW site and as such it is necessary to consider whether it is capable of delivering comprehensive development. Given the size of the application it is able to provide for a sustainable neighbourhood on site and in an appropriate way. The only areas where this is not the case, is with regard to the secondary school. Separate applications that have been submitted do include this provision. This applicant would be required to provide a proportionate contribute to the secondary school and would be negotiated through the S106 process. Through the use of conditions and agreements it is considered that a comprehensive approach to development can be secured in this case and as such the harm that would arise from piecemeal development can be addressed.
- 5.188 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.

Environmental Impact Assessment Determination

- 5.189 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.
- 5.190 It is therefore **recommended** that this report and the conditions and obligations proposed for the development are treated as the statement required by Reg 24 C (i) - (iii). The information required by Reg 24 C (iv) will be set out on the planning decision notice.

6. Recommendation

Approval, subject to:

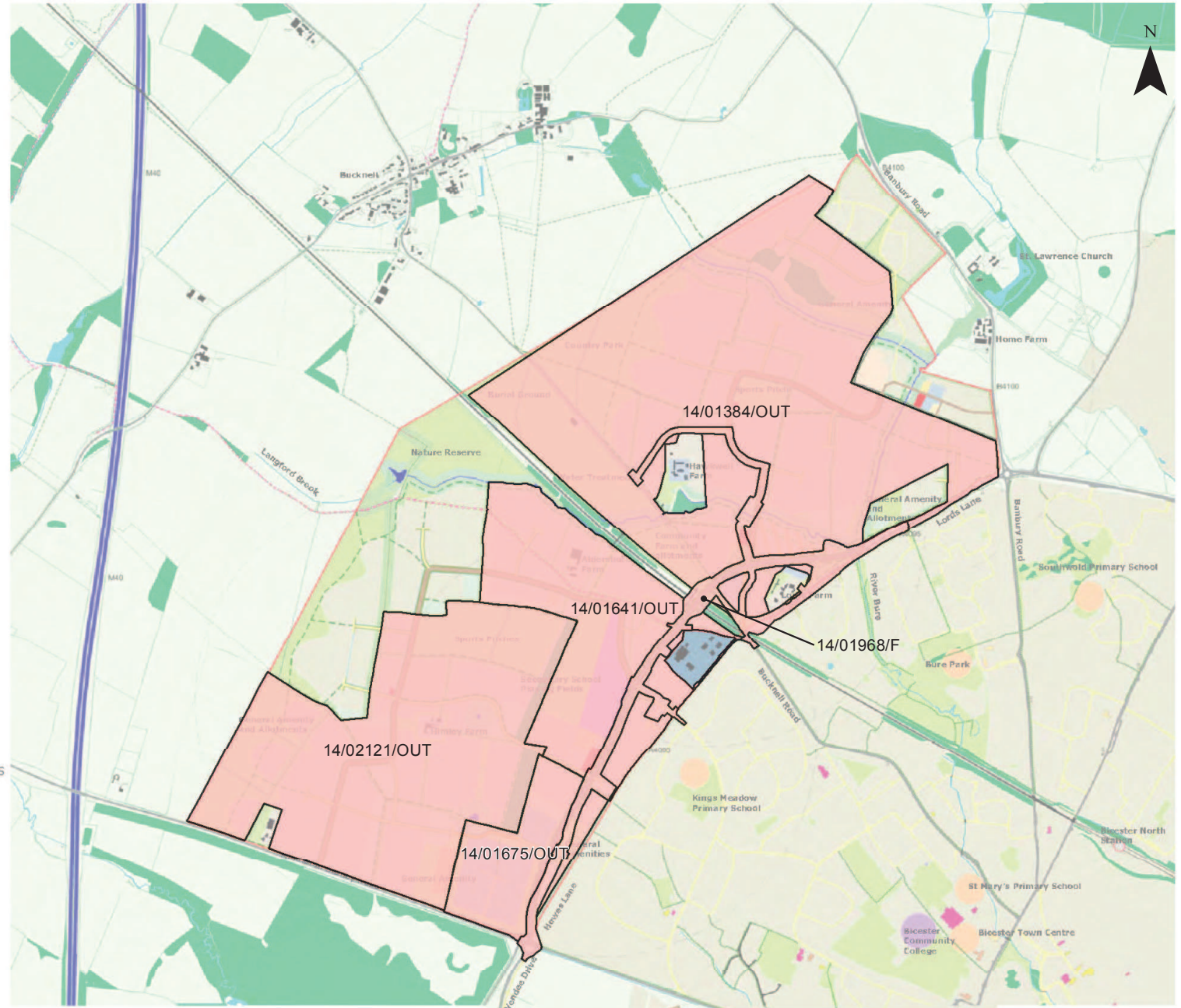
- a) Delegation of the negotiation of the S106 agreement to Officers in accordance with the summary of the Heads of Terms attached at appendix B and subsequent completion of S106 agreements and;
- b) the following conditions with delegation provided to the Development Services Manager to negotiate any reasonable alterations to the conditions to reflect the finalised proposal:

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 the 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

Appendix B

SUMMARY HEADS of TERMS 14/02121/OUT

Committee 18 February 2015

Framework S106

1	<p>Eco Town Quality Standards</p> <p>That development will be to eco town standards or other higher standards, relevant at the time, and the "quality" of the development shall be supported through assessments of schemes by an independent expert panel which shall consider the schemes approach and compliance with:</p> <ul style="list-style-type: none"> (a) the proposed Masterplan; (b) the design standards; (c) the sustainability standards; (d) the proposed governance arrangements; (e) the proposed maintenance arrangements; (f) the proposed "Panel" arrangement for resolving issues and dealing with changes in standard; (g) measures to ensure delivery of panel decisions
2	<p>Site Wide Infrastructure Provision and Connections</p> <p>The following site wide infrastructure is required to serve more than one part of the site the masterplan area, which includes the site:</p> <ul style="list-style-type: none"> (a) Primary Road Infrastructure; (b) Rail Tunnels; (c) Primary School sites; (d) Secondary School site; (e) Water Treatment (on site solution); (f) GP's surgery site; (g) Sports Fields & Changing Pavilion; (h) Community Halls (i) Heat network <p>Those parts of the site wide infrastructure provision in control of the developer/landowner shall be provided to an agreed programme and agreed standard of construction. Once provided it 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 such infrastructure.</p> <p>The Developer/Landowner will be required to sign up to the Framework Agreement which will secure the delivery of the site wide 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 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 first been paid.</p> <p>Portfolio Property Partners Ltd will use reasonable endeavours to secure the co-ordinated and effective delivery of the site wide infrastructure.</p>

	<p>Appropriate security provisions will be required in relation to the delivery of the site wide infrastructure.</p> <p>Development will be restricted until the rail tunnel has been constructed to an agreed standard, such restriction is in accordance with the advice of the Highway Authority, to ensure that the Howes Lane/Bucknell Road junction continues to function without severe impact.</p>	
3	Comprehensive Development	
	As each site comes forward the Councils will seek agreement with each landowner/developer to enter into the framework agreement	

Application Phase S106

1	Affordable Housing	
	<p>Provide 30% affordable housing in accordance with an agreed phasing and mix. Affordable housing to be provided by a Registered Provider.</p> <p>Affordable Housing scheme to be submitted and approved prior to submission of first residential reserved matter submission identifying the distribution of the affordable housing.</p> <p>Affordable housing to be delivered in clusters of no more than 15 affordable housing units unless agreed .</p> <p>Nomination agreement</p>	
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	
	<p>Financial Contributions towards build cost of hall and sports pavilion south of the railway line along with other applicants south of the railway line</p> <p>Contribution towards visitor centre within community hall to the north of the railway line</p>	
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	
	<p>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.</p> <p>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.</p>	
8	Primary School	

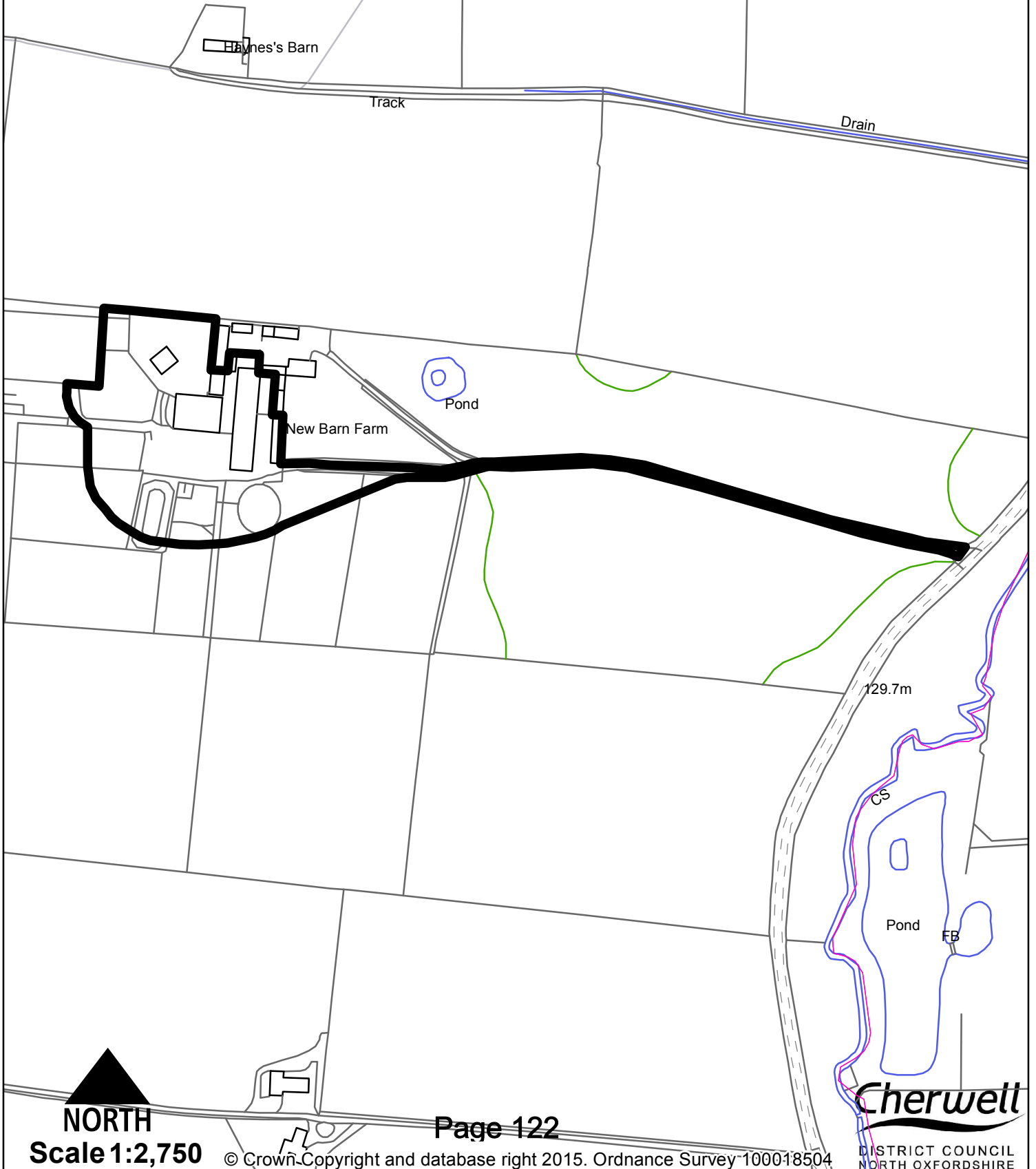
	2.22ha of land at nil cost and provide school or financial contribution sufficient to provide a 1FE Primary School and funding to provide extra accommodation corresponding to the pupil generation (up to a 2 FE School)	
9	Secondary School	
	Financial contribution towards the provision of secondary schools	
10	SEN	
	Provide contribution for the provision of SEN places	
11	Library	
	Contributions to the new Bicester library plus contribution towards core book stock.	
12	Permanent Sport Pitches	
	Provide land to accommodate the required sports pitches south of the railway line and make a proportionate contribution towards the capital and revenue costs of the pitches.	
13	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	
14	Other Amenity space	
	Maintenance sums towards woodland, hedges, swales, orchards and paths	
15	Allotments	
	Layout or fund the laying out of the allotments and transfer them to CDC in accordance with an agreed plan and phasing.	
16	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.	
17	Indoor Sport	
	Provide funding for the expansion of the Bicester Sports Centre	
18	Green Space that could be used for a Burial Ground	
	Provide contribution to the provision of a burial ground	
19	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.	
20	Cultural & Wellbeing Strategy	
	Provide a cultural and wellbeing strategy and action plan for delivery across the site	
21	Local Management Organisation	
	Work with CDC to establish the LMO Provide funding for the establishment of the LMO and its activities	
22	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	
23	Strategic Waste Management	
	Provide a financial contribution towards strategic waste management	
24	Bus Provision	
	Provide funding for the provision of the bus service to serve the site in accordance with agreed phasing	
25	Bus Access Scheme	

	Provide or provide funding for the improvement of Bucknell Road and Field Street to facilitate bus access	
26	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 	
27	Field Path Improvements	
	Fund improvements to Bridleway Bicester 9 and Bucknell 4	
28	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.	
29	Village Traffic Calming	
	Contribution to funding village traffic calming	
30	Travel Plan	
	Provide and agree a travel plan Provide funding for travel plan monitoring	
31	Monitoring	
	Provide scheme of monitoring eco town standards	
32	Bond/Guarantee	
	Provide bond or guarantee for the delivery of the infrastructure	
33	Monitoring fees	
	Provide a fee for monitoring of legal agreements	
34	Drainage	
	SUDs to be provided on site	
35	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.	
36	On-site sustainable transport initiatives	
	Travel Plan co-ordinator Electric Vehicle charging points Car club	
37	Zero Carbon	

Agenda Item 9

15/01693/F

Muddle Barn Farm
Colony Road
Sibford Gower
Banbury
OX15 5RY

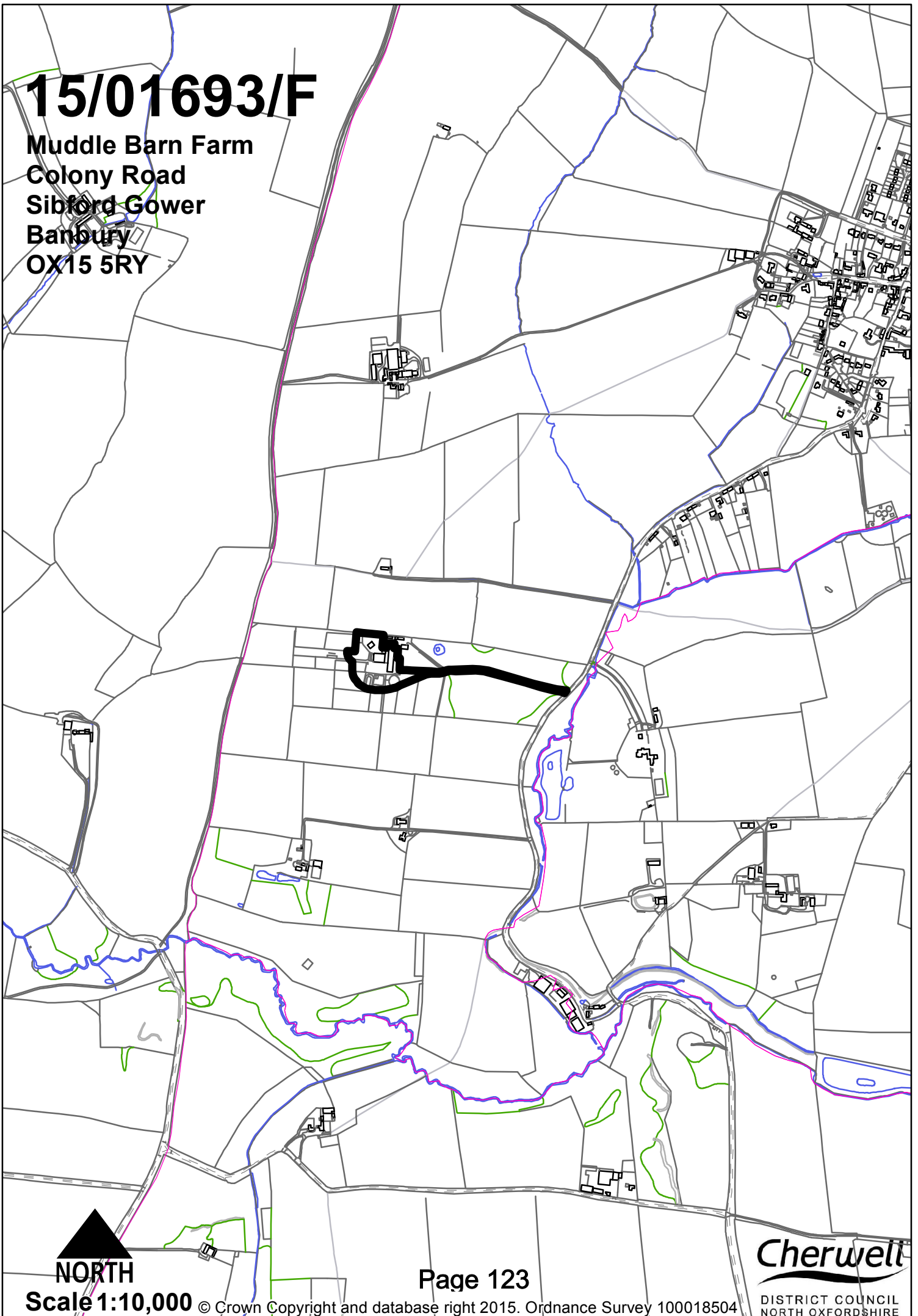


NORTH

Scale 1:2,750

15/01693/F

Muddle Barn Farm
Colony Road
Sibford Gower
Banbury
OX15 5RY



Scale 1:10,000

Case Officer: Nathanael Stock **Ward(s):** Sibford

Applicant: Mr & Mrs G Besterman

Ward Member(s): Cllr George Reynolds

Proposal: Demolition of an existing dwelling and a range of large scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping (revised scheme of 14/02157/F)

Committee Date:
18th February 2016

Recommendation: Refuse

1. Application Site and Locality

1.1 The application site is comprised of a single, detached dwelling, four large agricultural buildings (two detached, the other two linked to a neighbour's outbuildings) and other smaller structures, a horse walking area enclosed by hedges, and other hardstanding, as well as a manege to the west of the dwelling. A large area of agricultural land is also included within the blue line, i.e. the applicant's ownership, covering broadly 440 metres in a west-east direction and 290 metres in a north-south direction and bounded to the west by the county boundary between Oxfordshire and Warwickshire. This boundary also marks the eastern edge of the Cotswolds Area of Outstanding Natural Beauty. The site is accessed from Colony Road, a classified road, to the east. There are records of bats in the area. There are no other site specific constraints.

2. Description of Proposed Development

2.1 Planning permission is sought for the demolition of the existing dwelling and all but one of the outbuildings, the erection of a replacement dwelling, and associated soft and hard landscaping.

2.2 The main part of the proposed dwelling would feature sitting room, dining room and two living rooms at ground floor level, with seven en suite bedrooms and a laundry room at upper levels. An orangery serving as kitchen/breakfast room would extend at ground floor level from the dwelling's north-east elevation, and from the kitchen a largely single storey, L-shaped wing would proceed in a south-east direction, providing pantry, utility, plant room, garages, a studio and home office. The far end of the L-shape would be two storey in height, and would feature workshop and gym at ground floor level with play room, bathroom and a second laundry room above.

2.3 The proposal also includes the formation of hardstanding to form a new access drive, brick wall and piers to form a new stable yard between the proposed dwelling and the existing barn to be retained, alterations to that barn and its use for equestrian purposes, the planting of

numerous trees and alterations to ground levels to form a landscaped terrace to the west of the dwelling.

- 2.4 The application relates to amended plans received 15.01.2016. The amendments include a re-orientation of the dwelling, a reduction in its scale and changes to its architectural design.
- 2.5 The application is a revised scheme of 14/02157/F which was previously withdrawn, for a similar proposal but, under the amended plans, of a substantially different design. The proposals originally submitted with this application were very similar to the previous application.

3. Relevant Planning History

14/01100/CLUE – Certificate of Lawfulness of Existing Use for the use of the dwelling in breach of Condition 5 (Agricultural Occupancy) CHN600/85 – granted

14/02157/F – Demolition of an existing dwelling and a range of large scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping – withdrawn pending refusal

4. Response to Publicity

Eight letters of objection and three letters of support have been received. One of the letters of support is from the neighbour at New Barn Farm and relates to the amended plans received.

The issues raised in the letters of objection include:

(1) Visual impact – Proposed dwelling, as a large, three storey Georgian mansion style house, would be totally out of scale and character for this village and its immediate environment; this is an area of working family farms, with farmhouses and farm buildings, which nestle into the valleys and against the hillsides in this lovely / peaceful / beautiful, unspoilt countryside; the proposal appears to be completely out of character with the area; so much of our countryside these days seems to be given over to allowing the building of large individual dwellings thereby taking away amenity for the many of us who appreciate our landscape and choose to live in the country; A house the size of that in the application needs to be set in the middle of 600 acres not on the edge of 30 acres within metres of the original New Barn Farm House.

(2) Landscape impact – Proposal would be a 'blot on the landscape'

(3) Impact on the character of Colony Road – The entry of any property into Colony Lane would spoil the very nature of this country lane with its farm field entrances and small cottages.

(4) Impact on highway safety - the Temple Mill road itself is very small and not suitable for any higher scale usage. My children and many others walk to school on that road and as it is without pavements, any higher level of traffic would be unsafe.

(5) Additional traffic and light pollution; Proposal would bring extra people and traffic through the village and light pollution in the countryside

(6) Impact on local footpath – The well-used footpath from Haynes Barn to Colony Lane would also be affected.

(7) Precedent - Approval would set a dangerous precedent for further developments in the area

Non-material considerations raised include:

(1) Applications for a re-made driveway and gates (and possibly lighting) on to Temple Mill road would follow; these would be out of character in this unspoilt part of rural North Oxfordshire, where family run farms dominate the countryside.

The issues raised in the letter of support include:

(1) Benefits to visual amenity – the existing buildings are an ugly / rambling redundant range of non-descript barns and a 1960s Scandinavian style house which was permitted with an agricultural tie which has now been lifted. By no means do these buildings "blend in to the rolling countryside etc". They are an eyesore.

(2) Proposal more in keeping than existing buildings – Would be a sympathetically built stone house

(3) Benefits to landscape – Proposed dwelling designed to fit into the profile of the hillside in order to maximise the view whilst minimising its impact on the landscape. It is a delight to see a new country house in a mix of eclectic period designs being built in the countryside.

(4) The amended plans are a great improvement over the original proposals – Visually the house looks a great deal more suitable for the site. The roof line is lower, less and smaller chimneys, and the removal of the parapet, makes the whole scale of the property appear smaller. We will also feel less overlooked, now that the number of dormer windows has been halved from eight to four. We also like the fact that the orientation of the house is now east-west, parallel to the local field boundaries and to New Barn Farm. We are happy that this has reduced the impact on ourselves and the surrounding area. Far less in fact than the ugly and large farm buildings, currently on the site. We would therefore like to give our full support to this application and hope that a positive decision can be made without any further delay.

5. Response to Consultation

Parish/Town Council:

Sibford Gower Parish Council – Objects to the original submission as follows:

Relation to New Barn Farm: The development is immediately adjacent to New Barn Farm, and would appear to dominate it and to represent over-development at a specific site. *[Officer comment: Other points raised in relation to New Barn Farm are not material planning considerations.]*

Size: Despite their utilitarian nature, the present buildings are low and well shielded; they make little impact on the surrounding landscape. The proposal is to create a replacement dwelling five times the size of the original, erecting a four bedroom three storey house in place of a small three bedroom chalet type dwelling, together with a separate dwelling of two storeys which is approx. the same size as the original dwelling.

The Design and Access Statement makes much of the fact that because the new development is placed at a lower level on the site, its height above sea level will be identical with the old, at a building height of 177.58m. But that does not alter the fact that the ground floor to roof elevation of the new building is approx. one third greater than the old, and that the size and shape of the main house is much greater than the original.

Nor does it address the surrounding locality. The proposed development is situated on high land with magnificent views in every direction. These views extend as far as the Sibfords to the north (1 mile), Hook Norton to the east (3 miles), the Rollright Stones, Whichford Wood and Oatley Hill to the south (5-8 miles) and Broadway Tower to the west (13 miles). It will be prominently visible across a wide area.

The overall bulk and particularly the increased overall height of the development will also create an unacceptable impact on the immediate vicinity, dominating the valley. Whatever planting mitigation is proposed, any view of the building will stand out like a sore thumb across a landscape characterised by traditional and modest farm buildings, and the planting will change the nature of the valley and its landscape irrevocably in summer, while having no screening effect in winter. Some of this impact can be assessed by comparison with two nearby properties. New Barn Farm itself is very visible in the valley from surrounding hill paths; the new building will be in the same position, and approx. three times the size. The proposal is comparable in size to the dominant Gauthern's Barn on the other side of the valley (built before existing regulations were in place), but that at least is partially hidden from many angles by the bend in the valley.

Design: The proposal is to replace an admittedly undistinguished modest 60s chalet-type building with a mock Georgian mansion, or as the application calls it a 'finely designed Georgian house' (7.12) of 'country house character' or 'late Georgian Regency property' with 'later' Victorian additions. That may be appropriate for the deep Cotswolds, but is completely out of keeping with the traditional vernacular architecture of the Banbury ironstone area, and in particular the Sib Valley. The new proposal will permanently alter the landscape.

Paragraphs 59-60 of the Framework do not permit prescription on style but do suggest concentrating on 'overall scale, density, massing, height, landscape, layout... in relation to neighbouring buildings and the local area more generally', and state that 'it is proper to seek to promote or reinforce local distinctiveness'.

Local Plan H17 (retained) permits replacement of a dwelling outside the limits of an existing settlement provided that 'the proposed replacement is similar in scale and within the same curtilage'. This proposal is of a quite different scale, and is stated by the applicants to be in terms of floor area approx.. five times the size of the original dwelling. The claim that this discrepancy can be mitigated by invoking permitted development guidelines seems to us irrelevant, and still leaves a shortfall of over 1,000 sq feet.

Local Plan C30 (retained) requires compatibility with appearance, character, layout, scale and density of existing dwellings in the vicinity. This has not been demonstrated in relation especially to New Barn Farm.

Local Plan Policy ESD13 – The valley in which the property stands is open farmland designated as an Area of High Landscape Value. While this designation does not itself affect

permitted development rights it must be asked whether the development is at all compatible with the aim of the Council as expressed in the Cherwell Local Plan 2011-2031.

Local Plan Policy ESD15 requires justification in terms of complementing and enhancing the context and an explanation of the design rationale. This has not been provided.

In short we believe that this proposal contravenes all the cited policies, especially Local Plan Policies H17 and C30, and ESD13, and is an inappropriate development in open countryside in an Area of High Landscape Value.

Comments on the amended plans – Objects: Re. the apparent slight adjustment of the angle of the proposed buildings, we are not clear what effect this might have, but it could reduce the impact on the adjacent New Barn Farm a little. There still seems no serious discussion of the effect on New Barn Farm. Section 6 discusses the impact of the new buildings viewed from footpaths 348/2, 348/7 and 347, and concludes that the impact is ‘substantial’. The proposal is that this should be mitigated by new tree planting.

The survey divides the Sib Valley into two contrasting area types ‘Rolling Village Pasture’ and ‘Wooded pasture Valley and Slopes’. We can see no reason for this division, since the landscape on both sides of the Colony Road is identical, and in our view is correctly categorised as ‘Rolling Village Pasture’. However, the proposed new division might appear to justify extensive garden landscaping and planting around the house, which would indeed change the landscape nature of the valley as a whole. We are unhappy with this change in an area of High Landscape Value.

In other respects we wish to repeat our previous

Sibford Ferris Parish Council – Objects to the original submission: As this property sits close to the border with the parish of Sibford Ferris and the proposed dwelling will be highly visible, the councillors would like to make comment on the application.

The councillors support the comments made by Sibford Gower Parish Council in relation to the size and style of the proposed dwelling, which in their view would be inappropriate for its setting, both in terms of the landscape and the neighbouring properties.

In the view of the councillors, the proposed design does not fit with planning policies as stated in the Cherwell Local Plan:

Local Plan C30: the new dwelling should be compatible with those around it in terms of appearance, character, layout, scale and density;

Local Plan H17: the scale of the new dwelling should not be significantly different to the one it is replacing.

No comments yet received to the amended plans

Cherwell District Council:

Landscape – No objection. I have considered this application in terms of LVIA and proposed landscape mitigation again, and think my comments of 16 February are still relevant.

I mostly agree with the results in the landscape and visual effects in the LVIA and cannot justify a refusal on landscape and visual grounds. However, the receptor location 6 should be weighted higher than low because of the magnitude of change is quite noticeable for walker receptors where experience of the view is probably anticipated because it is hidden by the hill and woodland as one approaches northwards on Traitor's Ford Road. I would therefore score the sensitivity as high, magnitude of change is medium. The combined effect is therefore adjusted to Substantial. Also the inclusion of College Barn Farm in the middle distance will contribute to a combined cumulative effect of buildings within the visual envelope. A reduction in the building's scale from this aspect should be considered in order to reduce the combined effect to a medium result. I am not too concerned about the architectural style of building materials proposed other than to mentioned that the development's scale could inadvertently convey a building of power and authority where one did not previously exist.

With this adjustment and the fact that the LVIA conclusion admits that the.....' visual effect assessment of the development proposals on views have a severe to negligible' effect. This is because of the perceived detrimental effect on visual receptors at year 1, and in order to justify the development the landscape mitigation measures will in time integrate the development into the landscape. In this regard the LVIA has failed to address the timescales in which vegetative screening will be achieved. I think that this is crucial in respect of the growth rates of nursery stock and how the exposed site may be a detriment to the advanced nursery stock (as a generally rule smaller nursery stock tend to establish better and quicker than advanced). It is essential to consider the maintenance of the planting to achieve successful establishment (replacements if needed) and growth. This issue must be addressed under a landscape maintenance condition.

For the owners, views of attractive landscape to the southwest are going to be important. Fortunately for the owners receptor experiences of the façade from publically accessible locations at long and middle distances in the west and south west are going to be limited due to intervening topography and structural vegetation: the SW façade can be exposed.

The localised visual effects of receptors on receptor locations VP1B and VP 2B I are an important factor: combined effects are substantial for both 1B and 2B. The existing field boundary hedgerow and hedge trees within the applicant's ownership are to be retained as the foundation for further structure planting mitigation. It is important to retain this boundary hedgerow with a minimum maintenance height, say 3 m and therefore subject to a hedgerow retention condition. A BS 5837 survey of the structural vegetation within an influencing distance of construction on the northern boundary. Root protection zones are to be identified and the extent of protective fencing to be included.

The relocation of the main drive to the south of the 4 prominent oak trees is welcomed. I would recommend that the new drive is built before demolition and construction work commences in order to avoid the root plates of these valuable amenity and screen trees. An arboricultural method statement should address the nature of the work to the land beneath these trees. An indication of the root protection zones, the compaction alleviation measures, due to the existing use of the track, is to be addressed under the AMS.

In order to ensure the appropriate level of landscape mitigation is agreed/achieved a landscape condition will be necessary.

Environmental Protection – No objection subject to condition: Given the farming use is a potential contaminative land use and the users of the proposed development would be vulnerable to contamination, I'd like to see an assessment of the potential for land contamination to affect the development and recommend applying the standard contaminated land conditions to allow for a phased assessment of land contamination.

Ecology – No objection subject to conditions:

Sorry for the delay in getting back to you on this application. I carried out a site visit last week to the area proposed for development (red line) and up to 100m from it (where accessible) principally to check the accuracy of the submitted badger information. Whilst it is a sub-optimal time of year to assess most other aspects, badgers are active in winter and ground vegetation is low allowing activity to be spotted more easily. I therefore have the following comments:

I found the information within the ecological report submitted with the application to be accurate. I did not look at all the land within the applicants' ownership due to time constraints but confined it to the areas in which should a sett be present it could possibly be affected by development such that protective fencing or a licence would be required. This is the aspect relevant as a material consideration for the LPA.

The large badger sized hole to the West of the ménage noted in the report is still present but there were no signs of recent badger activity. I did not find any evidence of specific badger activity along the closest hedgerow to the proposed development (to the North), which would be of most concern, although there were a number of places where mammals (potentially badgers) have accessed through the hedge line further to the West of the development site. I did not note any setts or latrines in this hedgerow. In general the development site itself consists largely of buildings, hard standing and short turf and setts would be obvious here.

The claims that there are badger setts in the vicinity of the applicants land and adjacent plots may well be accurate and it is quite likely particularly along the boundary hedgerow of the owners land to the South as there is plentiful suitable foraging habitat for badgers here. We also know there are many records of badgers from the public around the Haynes Barn area to the North (these reports are not on TVERC datasets and therefore would not have shown up in the Ecological Consultant's desktop study). However setts in these areas would not be directly affected by development of the barns (there may be some impact on their routes for foraging but this is not protected by law). Setts within 30m of works are of concern or proven commuting routes but this is not the case here. The vast majority if not all of the current foraging grounds for badgers would remain intact.

In short I think it is unlikely that badgers will be significantly affected by the proposals as long as the precautions suggested within the ecological report are adhered to in order to protect foraging badgers which are undoubtedly in the area. There is no evidence to suggest a sett would experience illegal disturbance and a licence would not be necessary at this point. However badgers are a highly mobile species and should site clearance works not commence by July 2016 a brief update check for badgers on site would be advisable.

Standard tree protection measures for retained hedgerow at Northern boundary and retained trees should be included in any landscape conditions.

I would suggest the following conditions to any permission:

K23 Use of Native Species

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

Reason KR3

K12 Nesting Birds: No Works Between March and August Unless Agreed

No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, 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.

Reason KR1

K16 Out of Date Survey

If the site clearance and demolition of the current dwelling hereby approved does not commence by July 2016 a revised walk over badger check of the site shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on badgers. The survey results, together with any necessary changes to the mitigation plans or working methods shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason KR1

K15 Carry Out in Accordance with Survey

The development hereby approved shall be carried out in accordance with the recommendations and working practices set out in sections 4.4 and 4.5 of the 'Extended Phase 1 Survey assessment and Bat Survey' carried out by Wild Service Ecological Consultancy on July 2014.

Reason KR1

*It should be noted this includes restrictions on the demolition process and an update bat survey if certain conditions are not met.

K17 Biodiversity Enhancement

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 with particular reference to nesting/roosting provision for swallows and bats 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.

Reason KR2

Conservation Officer – Objects to the original proposal:

There are aspects of the design which are of concern:

- a. Orientation
- b. Architectural Style
- c. Scale, massing and juxtaposition of the three key elements of house, kitchen and courtyard
- d. Proportions, rhythm and solid/void ratio of the main house
- e. Dormers and their relationship to the principal elevations and the conflict with the chimney stacks
- f. Scale, height, design and articulation of the courtyard buildings

a. Orientation:

- The development will have an impact on views from many properties both near and far and it is critical the orientation is well considered; especially in light of the CDC area of high landscape value and setting of the conservation areas. The landscape analysis with the proposed house photo montages are discussed below.

- Houses in this rural area tend to follow cardinal points, or have a strong relationship to post enclosure field boundaries; this includes Muddle Barn Farm. In more complex landscape forms they adapt to the site.

The orientation of the proposed new house does not follow the field pattern. The contours on the application site do not appear to be insurmountable to support the change in orientation.

An enclosure map may show an earlier field pattern which could help to justify the disregard for the existing field pattern.

- The existing modern house looks alien both in design and orientation. It is set on NE/SW/SE/NW axes and this should not be followed without good justification. There is no objection to the removal of the modern house or to the other outbuildings.

b. Architectural Style

- Georgian/Regency is a very broad term and with any style of architecture there are both good and bad examples; historically and in modern reproductions.

- To design a Georgian house successfully, the proportions, rhythm of solid to void and detail need to be handled with great care.

- In Cherwell District there has been a strong vernacular architectural tradition which was overlooked when the more fashionable Georgian pattern book styles were introduced to many of the parishes. The Georgian style was often adapted and included a higher proportion of solid (wall) to void (openings). In some instances buildings were re-fronted. The design of the proposed new house needs to respond to local interpretations of the Georgian style if 'Georgian-Regency' is the chosen style. It would perhaps be useful for the Applicant to look at some listed properties in the District alongside some of the conservation appraisals.

- Local stone was used predominantly (or local red brick) the use of materials that tie with the locality is encouraged.

- The plan, sections and elevations should be strongly interrelated so the building has integrity. Positions of chimneys and windows are very much related to the plan and elevation – if something is adjusted in elevation to benefit the elevation this will have a knock on effect on the plan. The elevations will have more of an effect on the landscape views and these should generate the plan.

- The roofs and tall chimneys make the scale of the building quite dominant in the landscape. The detail of the roof with its flat top will result in an odd detail.

- Dormers were occasionally included as part of original Georgian designs, sometimes hidden behind parapets; but often added later. The relationship of roof dormers tend to relate to the principal elevations below eaves if they are part of the original design i.e. normally centred on windows.

Can the Applicant look into moving the position of the dormers to relate to the elevation below eaves and also avoid them clashing with the chimneys thus avoiding large lead flashings?

c. Scale, massing and juxtaposition of the three key elements of house, kitchen and courtyard

Overall plan arrangement:

- A proposed house of such scale is likely to confuse the understanding of historic land ownership in the area.

- Designing believable organically grown extensions as part of a single application is difficult.

- The general form of the proposed kitchen extension and junction of the courtyard outbuildings needs further thought as the juxtaposition is cumbersome.

- There are a number of historic precedents where courtyard buildings lead off the corner of the main house, or are built off a dividing garden wall, sometimes service wings are built off the rear wall of the main house. The proposed kitchen extension link with hip-roofed wing is awkward and should be rethought. The Applicant should check the relationship at the corner as it seems to change slightly on the first and second floor plans.

- There should be a stronger hierarchy between the main house and the courtyard. The proposal includes a very sizeable courtyard, the footprint of which is greater than the main house. Areas of this first floor are not yet allocated a use which suggests the plan area could be reined in.

- The height of the courtyard ridge compared with the eaves of the main house is odd in elevation, the earlier version with parapet disguised this. The relationship would be better if the courtyard buildings were subservient to the main house.
- The ridge heights are tall for a subsidiary set of courtyard outbuildings. South east and north-west elevations: is there a need for such a high roof on the wing which has no upper floor, it seems to be driven by the depth of the open shed for the cars. The north-east wing is narrower in plan depth but 2-storeys in height. The ridges of the two wings are very similar and the first floor plan should really show the attic plan in the north-west.
- The studio appears to be double storey with a run of glazing – although the Historic England publication 'Conversion of Traditional Farm Buildings' (<https://www.historicengland.org.uk/images-books/publications/conversion-of-traditional-farm-buildings/>) suggests this can look better than individual rooflights of north light, it is not considered appropriate here, given the views of this roof from the north east. If a north studio light is required this could take the form of a traditional lean-to glazed greenhouse against a tall wall, or some other more formal lantern precedent may be found in books on stable blocks etc.
- There is a 'cottage' element with dormers which looks alien within the north east wing. First floor attics sometimes included groom's accommodation in lofts etc, again local precedent may help to guide the design. The Historic England publication 'Conversion of Traditional Farm Buildings' fig 59 shows a pleasing arrangement of fenestration with loft door gable by the same architect, however, the elevations of the proposed courtyard buildings in this scheme do not achieve the same success and need further work. This includes the main gable elevations, the door with side windows and its relationship to the pantry and WC windows is odd coupled with the junction of eaves, and gutter between wing and kitchen. The small window next to the kitchen extension would sit better with more solid wall around it. Door and window arrangements should be based on a local historic precedent. The rhythm of the fenestration would work better if it looked more like service buildings/coach house/stables/dairy etc.
- What brick is envisaged? None of the renderings show this.
- The chimneys to the outbuildings are more prominent than one might expect on outbuildings.
- The orangery-style kitchen extension is very much an add-on and would look better centred on the north-west elevation of the main house. A subservient link to the single storey wing could make the junction between the kitchen and the northwest wing of the courtyard less awkward. The hipped roof beyond the conservatory
- The relationship of the eaves of the kitchen extension to the string course of the main house looks very similar and needs to be stronger. There is a drafting error: the south west elevation shows the lantern above the parapet but this is not shown on the north west elevation. The lantern light would be better hidden behind a parapet.
- The articulation and detail of the courtyard buildings needs further development. Next to a formal house, a more formal arrangement might be expected; or if of a more vernacular form, the placement and design of the fenestration should be based on good examples within the district.

- The archway would look better centred on the centreline of the entrance to the courtyard.

[Makes further comments on the individual elevation drawings, and also makes comments on the floor plans and the Landscape and Visual Impact Assessment]

Oxfordshire County Council:

Highways – No objections

Other External Consultees:

None

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

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

Cherwell Local Plan 2011 - 2031 Part 1

ESD1 - Mitigating and Adapting to Climate Change
ESD3 - Sustainable Construction
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
ESD12 - Cotswolds AONB
ESD13 - Local Landscape Protection and Enhancement
ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development
C30 - Design of new residential development
H17 - Replacement dwellings
H18 - New dwellings in the countryside

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;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Other matters - Ecological Implications, Flood Risk, Sustainability

Principle of development

- 7.2 Policy H17 of the Cherwell Local Plan 1996 supports the one-for-one replacement of dwellings, but only if the existing dwelling is “statutorily unfit or substandard”. No evidence has been submitted to demonstrate that the existing dwelling fits this criteria.
- 7.3 Even if this was to be demonstrated, part (ii) of the policy requires that the proposed replacement is “similar in scale and within the same curtilage”. The proposed dwelling would be considerably larger than the existing dwelling: The existing dwelling has a gross external floor area (GEA) of approx. 179 sq m, whereas the main dwelling proposed would have a GEA of approx. 660 sq m. The additional wing measures 338 sq m, giving an overall GEA for the proposed buildings of approx. 998 sq m. This represents an approx. 557% increase over the GEA of the original dwelling. The proposed dwelling would not be similar in scale to the existing dwelling. The residential curtilage of the existing dwelling, observed on site visit and also seen on aerial mapping, is closely related to the dwelling, defined by fences/walls to its west, south-west and south-east sides, hedge/trees to the north and the neighbour’s outbuilding to the east. No part of the proposed dwelling would be within this curtilage.
- 7.4 The proposed dwelling would therefore conflict with Policy H17 of the 1996 Plan. Although the proposal also includes the demolition of existing agricultural buildings, the cumulative floor area of which amounts to approx. 1,233 sq m. Such buildings are not mentioned in Policy H17. Attention therefore turns to Policy H18 of the Cherwell Local Plan 1996.
- 7.5 Policy H18 relates to new dwellings within the countryside beyond the built up limits of settlements. Such dwellings will be supported if proven to be essential for agriculture or other existing land based businesses. The proposed dwelling does not meet these criteria. The proposed dwelling would therefore conflict with Policy H18.
- 7.6 The applicant, in the submitted Planning Statement (cf. paras 5.12 and 7.6) accompanying this application, advances the argument that the proposed dwelling would not significantly exceed, in floor area terms, or visual impact, the existing dwelling plus extensions to the dwelling achievable under its permitted development rights. However, this argument rests on a loophole of the 2010 General Permitted Development Order, which was closed in the present version introduced in 2015, relating to extensions forward of the principal elevation of a dwelling not fronting or close to a highway. The 2015 regulations now preclude any extension forward of the principal elevation of a dwelling.
- 7.7 Although Policies H17 and H18 are part of the Local Plan that was adopted in 1996, and therefore relatively old policies, they have been saved as part of a more recent review of the Local Plan, which involved some assessment of the relevance of policies. Whether the decision maker considers the proposal as a replacement dwelling or a new dwelling – and for the reasons set out above either may be reasonably applied, the proposal fails this policy test, a test which it is considered remains relevant.

- 7.8 Policy H18 aligns well with paragraph 55 of the Framework in seeking to control isolated new dwellings in the countryside. The applicant contends that a replacement dwelling can serve as a special circumstance and officers agree. However, in being so much larger, and for reasons discussed below relating to landscape and visual impact, it is not considered that the dwelling is not an appropriate 'replacement' and limited weight should be given to this as a special circumstance. Of the circumstances named, the site does not include heritage assets, the proposal is not for an agricultural or other land based worker, the proposal does not re-use buildings or provide enhancement to its immediate setting (for the latter see discussion below re landscape and visual impact) and would not be of so exceptional a quality or innovate nature as to fulfil the fourth named criteria. Overall, therefore, the proposed dwelling conflicts with paragraph 55 of the Framework.
- 7.9 The applicant notes that permission has been granted for a replacement dwelling in Hornton (ref. 13/01451/F) that was significantly larger than the dwelling it would replace and not within the same curtilage as the existing dwelling. However, the Hornton case is materially different for at least three reasons: (1) The dwelling was re-sited so as to replace an existing agricultural building which was considered to have an adverse effect on visual amenity, the proposal thereby resulting in some visual benefit. (2) The dwelling did not have the same degree of visual impact on its wider surroundings. (3) It was proportionately not as different in size to the dwelling it replaced as the present case.
- 7.10 It is therefore considered that the proposed dwelling, by virtue of its scale, and its location relative to the existing dwelling, is unacceptable in principle and is not supported by saved Policies H17 or H18 of the Cherwell Local Plan 1996 or paragraph 55 of the Framework.

Design, Layout and Appearance

- 7.11 The dwelling has been designed in a Georgian / Regency style. Under the amended plans received January 2016, the dwelling has been re-sited so as to be oriented in line with the existing field pattern. The dwelling would be approached via an access drive sweeping around from a westward direction to northward, culminating in a turning circle that would be bounded to its north and east by the L-shaped wing. A parking courtyard would be sited to the north side of this wing and a stable yard to the eastern side. The main dwelling faces westward, surrounded by terrace with steps down to a lawn bounded by ha ha.
- 7.12 The dwelling itself would have three storeys, the third storey in the roof, served by a total of four dormers, two each to west and east elevations. Both elevations would feature a central door at ground floor and two windows to either side with five at first floor level. The doors would have Georgian/Regency style canopies and the windows would have stone surrounds. To the north and south elevations the roof would have a double bay appearance, the roof between being set in, up to a flat roof. The two bays would each a centrally set window, with the same stone surround. The dwelling is proposed to be constructed in limestone, with stone quoins. The single storey orangery to the northern side is proposed in the same style and materials.
- 7.13 The largely single storey, L-shaped wing has a hipped roof, which sits awkwardly with the orangery when looking at the west elevation. This part of the building is proposed to be faced in local stone. The southern end of the wing would be a cottage-style, two storey height, with gable end, flush dormer to the east elevation and one rooflight to either side.
- 7.14 Given its Georgian / Regency style and its visual sensitivity, the Design and Conservation team has been consulted on the proposal. The Conservation Officer raised concerns with the original proposal in terms of its orientation; architectural style; the scale, massing and juxtaposition of the three key elements of house, kitchen and courtyard; the proportions, rhythm and solid/void ratio of the main house; the dormers and their relationship to the

principal elevations and the conflict with the chimney stacks, and the scale, height, design and articulation of the courtyard buildings.

- 7.15 As noted above, the amended proposal has been re-oriented so as to follow the existing field pattern and bear a stronger relationship to post-enclosure field boundaries.
- 7.16 In terms of architectural style, the Georgian/Regency style has been retained, but its fenestration pattern simplified, the number of dormers reduced and their positions improved, and the solid to void ratio appears to have been altered. The proportions and rhythm are as per the original submission. It is considered that the amended proposal more successfully responds to local interpretations of the Georgian style.
- 7.17 Under the amended plans, the juxtaposition of the house, kitchen and courtyard is less cumbersome, and the courtyard buildings have been scaled down and are more subordinate to the main dwelling, improving the visual hierarchy between the different elements. The orangery style kitchen has been centred on the north elevation of the main dwelling, and the archway to the rear parking courtyard has been centred on the mid-point of the entrance to the courtyard, as encouraged by the Conservation Officer.
- 7.18 Overall, the design, layout and appearance of the amended proposal is considered to have addressed the concerns raised by the Design Conservation team in relation to the proposals as originally submitted, and the proposed design is considered acceptable in this location, subject to conditions for materials, joinery and detailing to be agreed in writing, in order for the quality of the design to be carried through to implementation.
- 7.19 However, for the reasons noted earlier in this report, it is considered that the proposal's design is not so exceptional or innovative as to justify support as a 'paragraph 55 dwelling'.

Impact on Heritage Assets

- 7.20 The site is not within a designated Conservation Area and there are no listed buildings in the vicinity. The Conservation Officer raises no concerns on the proposal's impact on any heritage assets. Overall, the proposal is considered acceptable in this regard.

Landscape and Visual Impact

- 7.21 The proposed dwelling is designed to be seen and therefore to make a statement in the local landscape, and has regard both to views into and views from the site. The applicant's agent has contested that this is the case, but the size and architectural appearance, as well as its siting well away from that of the existing dwelling, and the associated landscaping proposed are all good indications.
- 7.22 The application is accompanied by a Landscape and Visual Assessment (LVIA) by Colvin & Moggridge, originally dated December 2014 but revised January 2016 to relate to the amended proposals. The LVIA follows the general guidance of the Landscape Institute and Institute of Environmental Management and Assessment.
- 7.23 The LVIA confirms that the site lies in a good quality landscape and within the Cotswolds Character Area as identified in the National Character Area profiles as recently revised by Natural England; that the existing dwelling sits at 170m AOD and the proposed dwelling would be at 167.6m AOD.
- 7.24 The LVIA concludes that, subject to removal of existing small scale paddock landscape, associated fences and prominent Lawson Cypress hedges, restoration of hedged field boundaries and the planting of hedgerow trees, the proposal would have a "moderate to

slight” impact on the character of the landscape and “slight to negligible” visual effect. It is stated that the building would “not detract from or block any noteworthy views” and would have “little long-term effect on landscape character or visual amenity”.

- 7.25 The LVIA Figures do show that the proposed dwelling would be clearly visible in the local landscape, and demonstrably more so than the existing dwelling, particularly from Sibford Ferris to the east (Viewpoint 4), footpath 347/2 to the east (Viewpoint 5), Sharps Hill to the south (Viewpoint 6), and the Macmillian Way and Area of Outstanding Natural Beauty to the west (Viewpoint 2A). The proposal would have a significant and demonstrable impact on the character and visual amenity of the local landscape.
- 7.26 The Council’s Landscape Officer considers the proposal’s visual impacts to be substantial, particularly from Viewpoints 6, 1B and 2B, and comments on the proposed architectural style that its scale “could inadvertently convey a building of power and authority where one did not previously exist”.
- 7.27 It is noted that the Council’s Landscape Officer does not object to the application, subject to conditions for landscape mitigation, landscape maintenance, hedgerow retention and an arboricultural method statement.
- 7.28 However, as noted by that officer, the proposal would clearly have a substantial visual impact. One of the core planning principles (para 17 of the Framework) is to recognise “the intrinsic character and beauty of the countryside”. The landscape is noted by the applicant’s landscape consultant as being of good quality. Indeed, it is an attractive landscape that is relatively unadulterated. The proposed dwelling would be imposing in this context and would be a prominent new element in several views within the local landscape. By reason of its scale, siting and design, it is considered that the proposal would fail to preserve the intrinsic character and beauty of the countryside and adversely affect the character and visual amenity of the local landscape and thereby conflict with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as paragraph 17 of the Framework.
- 7.29 In coming to this conclusion, regard is had to the proposal’s proximity to and visibility from the Cotswold AONB. For these reasons and those discussed above, the proposal is considered to have a significant and demonstrable impact on the setting of the Cotswold AONB.
- 7.30 The existing dwelling does not have any particular visual merit and its demolition and the removal of outbuildings is considered acceptable in visual terms.
- 7.31 It is noted that the planting of trees does not itself require planning permission.

Accessibility, Highway Safety and Parking

- 7.32 The local highway authority has no objections to the proposal, and there is sufficient space within the site for parking and turning. The proposal would not significantly increase the number of vehicular movements to or from the site. The proposal would therefore not have a severe impact on highway safety and would accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 in this regard.

Effect on Neighbours’ Amenity

- 7.33 The proposed dwelling is located at a sufficient distance (approx. 48 – 50m) so as not to materially impact on the living conditions of New Barn Farm, the only neighbouring occupier. As noted above, the originally submitted was oriented in a different direction and would have near-directly faced the neighbour, albeit at the distance noted above. The neighbour objected

to the original proposal, but has written in support of the amended proposal. No other neighbours are materially affected by the proposals. Overall, the proposal would safeguard the living conditions of local residents and the proposal would accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 in this regard.

Other matters - Ecological Implications, Flood Risk, Sustainability

- 7.34 The Council's ecology officer is satisfied that the proposal would have no adverse effects on protected species or other important wildlife. The proposal would not have a significant or demonstrable effect in terms of flood risk. The proposal would not result in any significant benefit or harm in respect of economic or social sustainability, but would have a significant and demonstrable impact on the character and visual amenity of the area and the local landscape and is therefore considered not to be an environmentally sustainable form of development.
- 7.35 The proposal would not contribute a net addition to the District's housing supply, and the Council can currently demonstrate a 5.3 year housing land supply. Thus it is not considered that any significant weight can be attached to the proposal's benefits in this regard.

8. Conclusion

- 8.1 The proposal would not adversely affect residential amenity, local highway safety, ecology or flood risk. However, the proposal would result in a much larger dwelling than the one it would replace, on a different siting and not within the curtilage of the existing dwelling, and would not be for an agricultural or other land based business. It would therefore conflict with Policies H17 and H18 of the Cherwell Local Plan 1996 and paragraph 55 of the Framework. In addition, by virtue of its scale, design and siting, the proposal would fail to preserve the intrinsic character and beauty of the countryside and adversely affect the character and visual amenity of the local landscape and thereby conflict with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as paragraph 17 of the Framework.

9. Recommendation – Refuse, for the following reason:

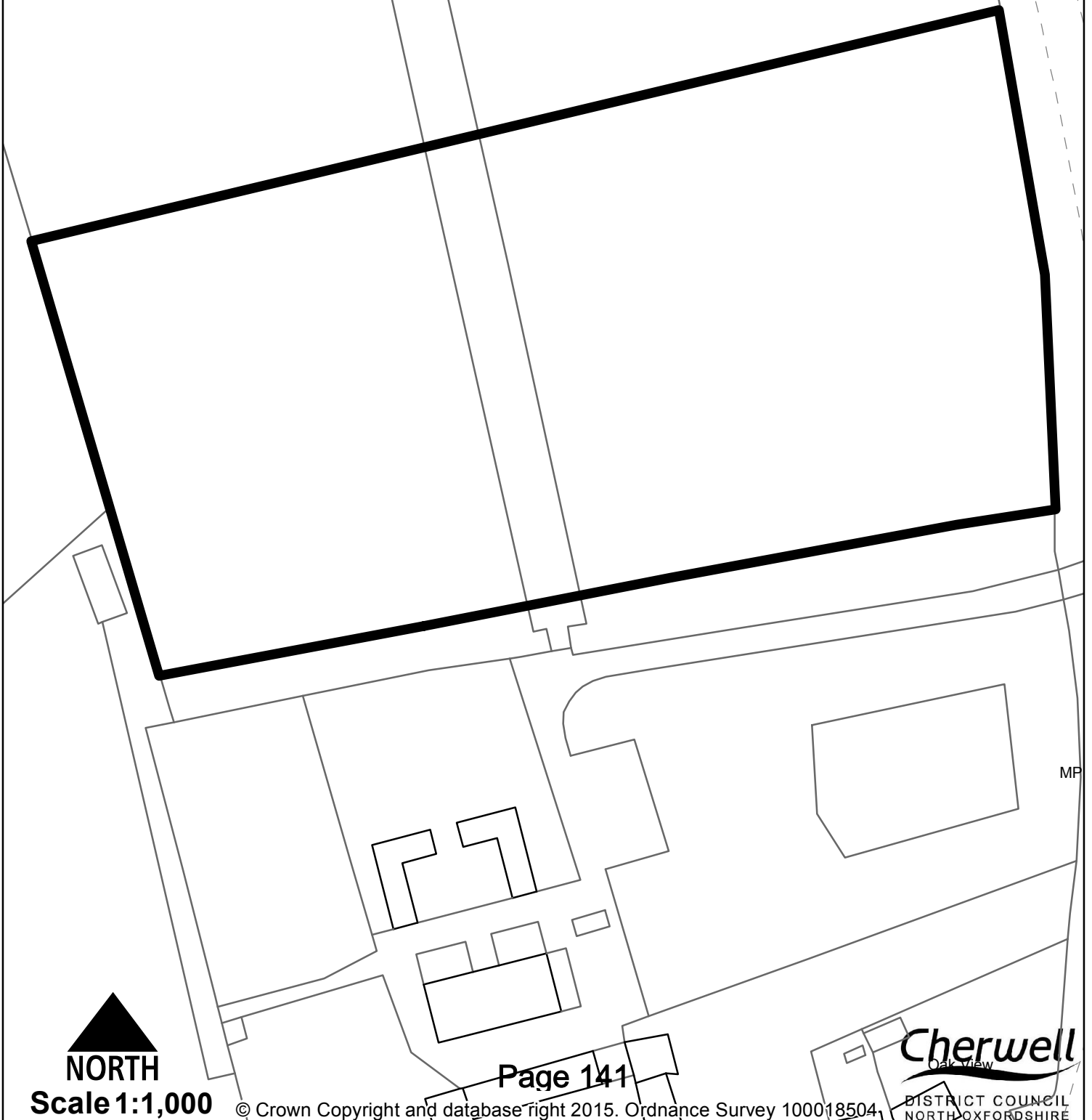
The proposal would result in a considerably larger dwelling than the one it would replace, on a different siting and not within the curtilage of the existing dwelling, and would not be for an agricultural or other land based business. Therefore, by virtue of its scale and siting, the proposal would not constitute an appropriate replacement dwelling and would result in a new dwelling in an isolated location in the countryside. In addition, by virtue of its scale, design and siting, the proposal would fail to preserve the intrinsic character and beauty of the countryside and adversely affect the character and visual amenity of the local landscape. The proposal therefore conflicts with Policies H17 and H18 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and paragraphs 17 and 55 of the National Planning Policy Framework.

CONTACT OFFICER: Nathanael Stock

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15/01953/OUT

Land North Of
Southfield Farm
North Lane
Weston On The Green



NORTH

Scale 1:1,000

15/01953/OUT

Land North Of
Southfield Farm
North Lane
Weston On The Green

Airfield

Weston-on-the-Green

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE



NORTH

Scale 1:10,000

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Case Officer: Emily Shaw **Ward(s):** Kirtlington

Applicant: Mr Clive Tredwell

Ward Member(s): Councillor Simon Holland

Proposal: Erection of up to 26 dwellings including creation of a new access, associated landscaping, open space and drainage infrastructure

Committee Date: 18th February 2016 **Recommendation:** Approval subject to further negotiations to agree appropriate S106

1. Application Site and Locality

1.1 The application site lies on the northern edge of the village of Weston on the Green and to the western side of the B430 that runs north from the A34. The site is an area of land of 1.5 hectares which sits to the north of an existing gated access off the B430. The land is currently used as open paddock land for the grazing of horses; there are no buildings currently on the site. Immediately to the south of the site there is currently an equestrian use with an existing vehicle access, two L-shaped stable buildings and grazing land. This area is within the applicant's ownership. Beyond the equestrian use to the south there are residential properties which front onto North Lane. The site and the surrounding landscape are relatively flat. There are public footpaths in the vicinity of the site, one running from North Lane to the west of the site and one which joins the B430 to the east of the site. There are no footpaths which run through the site. The Weston on the Green Conservation area lies approximately 50 metres to the south of the site and there are three listed buildings and two locally listed buildings to the south of the site on North Lane.

Planning History

1.2 The site to the south (shown as phase I on the indicative layout) already has outline planning permission for a residential development of up to 20 dwellings. Planning permission was approved on the 6th April 2015 with an associated S106 agreement which sought 35% affordable housing, a Local Area for Play (LAP), education contributions, highway works and landscaping and maintenance of the public amenity areas.

2. Description of Proposed Development

2.1 The application seeks outline planning permission for a residential development of up to 26 dwellings. All matters are reserved for future consideration. The application has however been supported by an indicative layout and the necessary supporting documentation.

3. Response to Publicity

The application has been advertised by way of neighbour letters, site notices and a press notice. The consultation period ended on the 1st January 2016.

20 letters of objection have been received. The comments are summarised as follows::

Material planning considerations

- Increase in hard surface and built development will increase surface water runoff on the site and surrounding area. The balancing pond would not be large enough to deal with this increase.
- Impact on foul drainage of the site and the surrounding area
- Works to provide a footpath from the site into the village would lead to narrowing of the highway, could harm highway safety.
- A development of 46 houses is inappropriate development for a village of approximately 200 houses.
- The categorisation of the village as category A is incorrect as the village does not have a school.
- The proposed development is not minor development.
- Consideration must be had for the Neighbourhood Plan which is being prepared.
- The proposed development is not considered to respect the form and character of the village in this location.
- An additional 26, as well as the 20 already approved, would put too much pressure on existing services.
- Impact on highway safety on the B430 which is already a very busy road. The proposed footpath link to the village would not be considered a safe route to the village
- Setting a precedent for Phase 3
- The location of the development is detached from the village and options for alternative transport links are low.
- Access to the site is located on a dangerous corner
- The footpath will impact the setting of the historic Drovers Pond.
- Weston on the Green is not the highest in terms of sustainability compared to other villages within Cat A and should therefore not take this number of houses.
- The speed of traffic on the B430 is very high meaning walking through the village is dangerous for families with small children. The village cannot support development which would increase the traffic through the village.
- The proposed housing sits outside of the built up limits of the village
- This development would increase pressure on existing local schools.

- The development is within a visually prominent location which will impact on the conservation area and other heritage assets.
- Families who occupy the proposed houses would need to travel by car to take children to school.

As well as objecting the contributors raised a number of points with regard to the following which are not material planning considerations:

- Noise cause during construction

4. Response to Consultation

Weston on the Green Parish Council:

- *Neighbourhood Plan (NP) process*

The village is preparing a Neighbourhood Plan which will guide change in the village to 2031. Work has been on-going since last summer and Cherwell District Council (CDC) designated the area of the whole Parish for the purposes of producing a Neighbourhood Plan earlier this year (2015). The Parish Council has formally agreed for a whole village referendum on the Plan to be held by October 2016. The Parish Council is preparing the plan through a working group, meetings have been held and a website has been set up: <http://www.wotgneighbourhoodplan.co.uk/>

As it stands part of the NP outcome is for a 10-15% expansion of the village over the period of the plan, which equates to approximately 32 new houses. The Neighbourhood Plan working group is looking to the wider brief of the betterment of the village as a whole, over the life of the plan. The PC is very aware of the issues raised in the Oxfordshire County Council reply on this specific planning application, which highlights the lack of sustainability of the village at this time. It is the PC's wish that the NP deals with this, looking for positive phased development, which the Parish Council insists is necessary, for any development to be sustainable and the village to grow. The NP working group is looking at a selection of sites, taking into consideration that the community also strongly supports future housing to address the needs of both retired households and affordable housing / young families. This is apparent from the results of the consultation and recent household survey. The PC believes that this application prejudices both the work by the Neighbourhood Plan forum and the allocation of suitable sites within the Parish (and Neighbourhood Plan designated) boundary.

A village household and business survey has been conducted and two well-attended public events were held in October 2015 to hear villagers' concerns and aspirations for the future of Weston on the Green. The village community made clear that it wants to see growth but wishes that growth to be directed where it will enhance the character and sustainability of the village. The Applicant did not engage with the neighbourhood planning process before submitting this application. At the public events held in October 2015, villagers were overwhelmingly against extending the village to the north along the B430. Further to the application being received, an open Extraordinary Parish Council meeting was held on 8th December to gauge the views of villagers to this application and all but one attendee asked the PC to object.

- *Scope of the application*

The PC is concerned that the District Council is receiving piecemeal applications for land north of Southfield Farm / land north of Oak View, when the promoter clearly has a long-

term plan for the available land as a whole. Phase 1 (13/01796/OUT) was granted outline consent (against the objections of OCC Transport, the PC and local objections) when from the indicative layout submitted it was clear that further development would be forthcoming on the north side of the access road. The same is true of this Phase 2 application, with a connecting road leading to what is likely to be Phase 3.

The PC finds there is no overall context within which to assess each application. The applicant tries to argue that, on the one hand, this application has to be judged in isolation, but on the other that one phase of development acts as the precedent for another. The application indicates that there has been a pre-application meeting with officers; either a comprehensive plan for the land holding has been presented and is being withheld from the village or, astonishingly, one was not asked for.

- *Size of development*

Phases 1 and 2 together constitute 46 houses, a figure likely to rise if schemes proceed to detailed applications (the Landscape and Visual Impact Appraisal for phase 2 refers to 'up to 30 houses'). The combined applications are effectively one scheme and would represent a 20+% growth of housing stock in the village on a single site if approved. The OCC consultation calculates that 26 houses will generate a net increase of 84 residents (46 houses would generate 148 residents; an increase of 30% to the existing village population). The applicants' Planning Statement Section 7.2 states: 'the application must be considered in light of the consented scheme' - 'given that they are effectively two elements of a single scheme'. If it is a single scheme, then it is at least 46 houses and far in excess of any 'pro rata' allocation within the Cherwell Local Plan.

It is our contention that this application runs contrary to the recommendation in the Local Plan Examination Inspector's Report (May 2015) in paragraph 216, in which, referring to Category A villages, he requires the Local Plan Part 2 review process of categorization of rural areas to take place "before any new development sites are allocated therein". As Weston on the Green Parish Council queries the village's categorization as 'A', this delay is relevant. So, accepting this planning application before Local Plan Part 2, we believe runs contrary to the now-adopted Local Plan.

- *Unsuitable location for development*

The nature of the proposal is for ribbon development along the B430 extending the village northwards to higher land beyond the natural setting in which the village nestles. Local people have a very clear understanding of the natural boundaries of the village which cuts through the applicant's questionable visual appraisal and do not wish to see the village extended in this direction. The crux of the issue is that the development of these fields is not an appropriate extension of the village and would create a separate housing estate on the edge of the village rather than housing that is integrated into the village. The historic and rural village character, which is a very recognisable feature of the northern boundary settlement, would be destroyed.

- *Highways and footpaths*

The proposed development would be on the inside curve of what is seen locally as a potentially dangerous stretch of road and increasing the traffic using a junction at this point seems unsafe. Other objectors, including OCC, have commented on this in detail. We are also concerned at the extremely limited pedestrian linkage to the site based on a narrow footpath alongside a proposed narrowed busy road (and Strategic By-Pass for Jct 9 A34/M40). Again other objectors, including OCC, have commented on this in detail. The

Parish Council are strongly opposed to any development that fails to address a sustainable transport plan as defined in the National Planning Policy Framework as the village already struggles with traffic issues and a further increase in residential traffic is unacceptable.

- **Character and Design of proposed development**

The proposals are totally out of keeping with the characteristics of the village identified in the most recent CDC Conservation Area Appraisal, June 2009. (http://www.cherwell.gov.uk/media/pdf/p/7/Weston_on_the_Green_FINAL1_-_lr.pdf) This would be an isolated housing estate outside the setting of the village and past the Oak Tree, shown on the front of this current document and noted therein, as marking the end of the village. Cherwell Local Plan policy ESD 15 requires that development be compatible with up to date urban design principles, including Building for Life. <http://www.designcouncil.org.uk/resources/guide/building-life-12-third-edition>

The proposed housing mix of 17 x four bed dwellings and 9 x two bed dwellings does not satisfy the established housing needs of the village, based on the existing demographic and the need to attract a younger population base.

It is our contention that this application is not compatible with national, county and local planning policies and is the wrong development on the wrong site.

Cherwell District Council (CDC):

- **CDC Recreation and leisure – Halls:** A contribution per dwelling based on the size of the dwelling as per the following schedule:

Size of property	Contribution per dwelling based on figures @April 2015 subject to further inflation as appropriate
1 bed	103.39
2 bed	149.27
3 bed	232.37
4+ bed	319.55

This contribution would be used to enhance existing community facilities to accommodate increased usage.

Community Development – Events and projects: A contribution of £22988.79 @April 2015 (subject to any further inflation as appropriate) towards community events and projects such as information events, newsletters and welcome packs, to support the new residents to integrate into the community.

Public Art - There is a requirement for a public art contribution of £150 per dwelling

- **CDC Environmental Health - Noise from road traffic on the B430 and A34 could be a problem.** A noise impact assessment will therefore be required to demonstrate the design criteria specified in BS 8233:2014 can be achieved. A phased risk assessment for land contamination will also be required.

There would be no objection to the application subject to the following conditions being applied to consent granted:

No development shall commence until a scheme for protecting the proposed dwellings from traffic noise from the B430 and A34 has been submitted to and approved in writing by the

Local Planning Authority. The submitted scheme shall achieve the design criteria specified in BS 8233:2014 'Guidance on Sound insulation and reduction for buildings' Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwellings to which the scheme relates are occupied.

Conditions to identify land contamination

- **CDC Housing** - has previously commented on the application no 13/01796/OUT which has received planning permission and, if this application is successful, will form phase I of this development to the north of Southfield Farm. CDC Housing requested the following mix in the original development:

Rent	Shared Ownership
4x2b4pH	2x2b4pH
1x3b5pH	

In addition to this, phase II will also require 35% of the units to be affordable. This equates to a further 9 units. 70% (6 units) of which are to be affordable rented units and the remaining 3 to be shared ownership or similar tenure to be agreed with the District Council.

There is expected to be a range of house types made available for the affordable housing provision (including one bungalow), the detail of which will be determined at reserved matter stage should this outline application be approved.

A suggested mix is as follows:

Rent	Shared Ownership
2x1b2p Apartments	3x2b4p Houses
3x2b4p Houses	
1x2b4p Bungalow	

The affordable homes should meet the HCA's Design and Quality Standards including the necessary HQI requirements. 50% of the rented element should also meet lifetime homes standards and the bungalow is to meet full wheelchair standards.

It is expected that the affordable units be tenure blind in their appearance, this includes in terms of their parking arrangements which should be in-curtilage wherever possible.

The units should also be transferred to an RP which is to be agreed with the Council.

- **CDC Conservation Officer** - The proposed development site lies in close proximity to the northern boundary of the Weston-on-the-Green conservation area although the two are separated by a narrow field occupied by stables. The topology of the countryside is such that from the north and east the land dips gently downwards towards Gallos Brook and the settlement of Weston. The B340 turns south-west just before entering the village and therefore the visitor to Weston –travelling from the north – arrives at a settlement which appears to be nestling in the enveloping agricultural land which surrounds it. The village also has a soft northern edge almost giving way into the countryside beyond.

This sense of seclusion and gentle transition will be lost with the development of the proposed site. The site occupies a slightly higher flat landscape thereby giving the proposed housing greater visibility. Further the proposed development is almost urban in its layout and density; an arrangement that is alien to the traditional settlement pattern of the historic village although not that dissimilar to the less than sympathetic 20th century

housing found within and around the village – development that is generally agreed to be harmful to the intrinsic historic interest, significance and character of Weston-on-the-Green as an historic settlement (and therefore for the most part excluded from the conservation area). I cannot agree with the observation that ‘the long term nature of the residential scheme represents a low to medium magnitude of effect on the landscape’; my view is that in this assertion on the impact of the proposal is being underplayed.

Weston-on-the-Green is a settlement which historic has derived its wealth from agricultural and the farming of the land which surrounds it. The proposed development in addition to appearing an urban (and therefore alien) extension to the village further isolates the settlement from its agricultural context. I therefore disagree with the observation in 7.1 that ‘The general rural feel of the area will be slightly diminished’; the impact will be fundamental – from rural countryside to urban.

The site also has the potential for possible archaeological significance given the location of a Bronze Age feature to the north east.

- **CDC Landscape Officer:**

Surveillance of this area is important and units fronting onto this would be appropriate. A foot path link through the areas would encourage public access. Houses fronting onto informal open space is more appropriate, with intervening highway access. The retained and proposed hedgerows need to form part of the public open space to ensure they are retained as landscape features rather than being incorporated into the private amenity space. A similar concern is noted with the plot and unit near the southwest corner of phase 11. The unit should be located at least 10 m from the site boundary to allow for a formal hedge and tree that casts dapples shade.

The garage units near the south-western corner are very close to the proposed root protection area and therefore should be relocated way from this.

Hard and soft landscaped details are required to be secured by a suitable planning condition. Landscape maintenance specification is import to ensure that the informal opens space is maintained to ensure that it is successfully established for the benefit of onsite and offsite residents.

Hedgerow to Northampton Road

Again, the units of plots 1 and 12 are located close to the large boundary hedge resulting in light reduction and shade problems and possible hedge reduction or removal by residents which may expose the dwellings to view from Northampton Road. A landscaped informal opens space buffer between the hedge and the plot boundary should be considered. I recommend that the connectivity between the informal open space along the entire length of the hedgerow should physical connect with the informal open space in Phase 1 parcel.

BS5837: 2012

A tree and hedgerow and root protection area survey is to be implemented in accordance with BS5837 at an early stage to consider protective measures during site clearance and constructor access arrangement, and inform the design process to achieve an acceptable housing/infrastructure/informal open space layout. The garage of plot 26 appears to be too close to the potential root protection area of the hedgerow. Its location should be amended.

Access Road off Northampton Road and Informal Open Space.

A line of trees, equally spaced, along the northern edge of the access, and within adoptable highway remit are necessary to provide amenity and visual mitigation of Phase 1 units for the benefit of phase 11 residents and users of the informal open space.

Play Provision

CDC's Local Plan Policy BSC 11 indicates that 10 dwellings will trigger a LAP. An equipped LAP in the centre of the development, within the informal open space is the most accessible location for residents across the 2 development parcels.. The design layout, minimum area, quality of play equipment (min. of 3 robust pieces of play equipment), health and safety (safer wetpour surface and protective steel fencing and 2 accesses/self-closing gates). A seat with back and armrests with a litter bin. Level, paved paths are to connect seating and play activity areas with access/entrances. There are to be no drainage, manhole covers, or other utilities under or over the play area.

Attenuation

The gradients of the attenuation pond are to be shallow, or terraced to allow for children, who inadvertently fall in, to easily remove themselves from standing water.

Indicative Landscape Mitigation – Northern Boundary.

This is deemed acceptable, however the revised layout should ensure that the access road remains between the unit frontages and the woodland edge to allow enough 'breathing space' to alleviate any potential issues raised above, although the northern aspect is more appropriate for such planting.

Indicative Tree Proposals

There is going to be insufficient planting area and soil volume for the trees to the west of the parking court 21 – 23. Any walls near the trees will be subject to structural damage.

Plot Layout

The garden boundary to the southern and eastern elevations is to be clarified in respect of ownership and maintenance responsibility. A clear, red line adoption boundary, for the transfer of informal open space to CDC (confirmed in 106) is essential.

Planning Conditions

I propose the following conditions:

Landscape (hard and soft details)

Landscape maintenance for informal open space and highway.

Informal open space and play

Hedgerow retention conditions: Northampton Road and the western site boundary hedgerows/ 3 m minimum maintenance height.

Tree pit details.

- **CDC Arboricultural Officer** - Applicant needs to submit a BS5837(2012) tree survey to support the application.
- **CDC Waste and recycling** - Developer will have to satisfy the local authority that they have adequate provision for waste and recycling storage, before the application is agreed. Currently there is no provision for recycling, this is not acceptable.

If the developer needs any more advice please refer to: Waste and Recycling guidance which can be found on the Cherwell District Council website <http://www.cherwell.gov.uk/index.cfm?articleid=1735> Section 106 contribution of £106.00 per property will also be required.

- **CDC Ecology** – The ecological appraisal is fine. It would have been preferable for the reptile survey to have been submitted up front as we do not yet know whether there is significant population on site and where they plan to put in mitigation (if needed) for reptiles and a translocation site (again if needed) has not been identified. As reptiles are not an EPS however we can condition this aspect but it needs to be ensured that sufficient scope has been left within the plans to accommodate mitigation for reptiles.

In general the site is not of high ecological value except the hedgerows but the proposed layout shows these are to be retained. These would need protecting during any construction activities and a buffer should be kept of at least 5m between the development and the hedgerows for maintenance and to retain their value as wildlife corridors.

We have records of both badgers and hedgehogs in close proximity to the site. The survey included a badger survey but no evidence was found and they are not a constraint on site therefore. The development should adhere to best practice guidelines however with regard to badgers who may forage on the land (covering holes and trenches at night, remaining vigilant for signs of new setts, ensuring the site is not fenced off such that foraging or access is excluded across the site in the short or long term). Enhancements should be put in for Hedgehogs which are a Priority/BAP species - plans should not include close board fencing (or where completely necessary must include access points for hedgehogs). Wildlife friendly planting around the development should also help to mitigate for this species.

In line with National and Local policy we should be looking for a net gain to be achieved for biodiversity from developments. I would request therefore that a biodiversity enhancement scheme is submitted to include roosting provisions for bats and nesting provisions for birds both within the dwellings and on any mature trees. Recommend conditions to ensure no protected species are harm during construction and to ensure biodiversity enhancement.

Oxfordshire County Council (OCC):

- **OCC Highways** – Object:

Key issues: -

- The site is not in a transport sustainable location, and this situation will deteriorate with the impending loss of the only bus service operating through Weston-on-the-Green.
- Access proposals are unclear, and would need to be better demonstrated
- Maintenance of the required visibility splays needs to be demonstrated
- A travel information pack would be required
- A drainage scheme would be required

Should the Local Planning Authority decide to grant planning permission, then the following conditions would apply. 1) position and details of the access 2) vision splay details and protection 3) new estate road provided prior to first occupation 4) details of estate access, driveways and turning areas 5) parking and manoeuvring areas retained 6) details of turning for service vehicles and car parking provision and cycle parking provision. 7) prior to first occupation a travel information pack shall be submitted to and approved and each occupier provided with a copy of the approved plan. 8) surface water drainage details agreed prior to works commencing based on sustainable drainage principles. Suggested informative relating to private road agreement and Section 278 works.

This development site is not in a sustainable location. The development proposal is contrary to National Planning Policy Framework standards in that it fails to reduce the need to travel and maximise trips by sustainable modes. Weston-on-the-Green has a very limited range of local amenities and facilities that are within reasonable walking distance of the proposed development site. Schools and GP surgeries are situated over two miles away from the proposed development site in larger settlements such as Kirtlington. The distances involved to access such facilities will mean that the private car will be the dominant mode of transport to and from the site.

The low level of transport sustainability of this location is likely to be further reduced by the imminent withdrawal of county council funding for the No.25 bus service. This is set out in detail below under public transport.

The expected trip generation from the development is unlikely to have a detrimental impact on the surrounding highway network. The impact on highway capacity is therefore considered acceptable given that it is unlikely to have a "severe impact" on the local highway network, as set out in the National Planning Policy Framework.

Transport Statement (TS) – The TS present trip generation estimates for both the development site and the approved adjacent site. The rates used to determine these estimates are taken from TRICS database and are consistent with what could be expected at a site like this. The trip generation estimates appear reasonable and will create no significant adverse impact on the capacity of the highway network in this vicinity. The TS considers two alternative access options and both alternatives would need to demonstrate that a suitable visibility splay could be maintained as free from vegetation and other obstructions. The TS includes the construction of a footway to adoptable standards on the western side of the B430 connecting the development site with North Lane. This is regarded by OCC as an essential part of the development proposals.

Public transport – The bus service to and from West-on-the-Green is not only very infrequent, but it is probable that this service could be withdrawn in its entirety in 2016. The County Council's review of supported bus services has been through cabinet and decided to withdraw all subsidies to all supported services. This decision is subject to approval at the full budget meeting to be attended by all County Councillors in February 2016. If the decision is upheld all subsidy will be withdrawn in Oct 2016. The scale of development proposed could not provide the amount of funding or number of users required to create a self-sustaining commercial bus service through Weston-on-the-Green. A reduction or complete withdrawal of the service would leave new residents without any meaningful alternative to the car. Apart from the additional pressure on the A34 and Oxford's northern approaches, many children and elderly people in particular would have no independent means of travel to other places for work, education, retail, leisure and other activities. Weston-on-the-Green is a small village with very few facilities. Cherwell's designation of this village as a Category A village would appear to ignore the almost complete absence of services and facilities in Weston-on-the-Green and the very poor transport links. There is no school and only one shop. Almost all journey's for work, education, retail or social purposes would therefore be made by car. There is very little opportunity to walk or cycle.

Travel Plans – If the development is granted planning permission then a residential travel information pack should be produced and distributed to residents at the point of occupation so that all residents are aware of the travel choices available to them from the outset. The developer should also provide cycle parking within each residential boundary either with a garage or garden shed.

Road Safety – providing DMRB visibility standards are met and the footway is of adequate width, ideally 1.8 – 2 metres there is no objection to this application on safety grounds. The longer term accident history back to 1991, when this changed from being the A43 to the B430 following the opening of the M40 extension, reveals no accidents at the existing access in the vicinity in this period.

Drainage requirements covered under drainage comments.

- **OCC Drainage** - *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 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*
- **OCC Archaeology** – *No objection subject to conditions seeking first stage archaeology report and programme of investigation. The site is located in an area of archaeological potential and a condition requiring that a staged programme of archaeological investigation be undertaken ahead of any development on the site will be required.*

The site is located in an area of archaeological potential on the northern edge of the historic settlement. The site is located immediately north of a number of C17th listed buildings and it is possible that archaeological deposits related to these buildings could survive on the site. A ring ditch has also been identified 440m north of the site from the aerial photographs which is likely to be the remains of a bronze age barrow (PRN 13900). A second probable barrow is located to the west of this feature (PRN 27173) and it is likely that further barrows could be present in the area.

This development could therefore impact upon archaeological features related to these sites.

We would therefore recommend that should planning permission be granted the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition as suggested above.

- **OCC Education** – *Detailed comments can be found in the full Oxfordshire County Council Comments at Appendix A.*
Based on the information currently available, this proposed development has been estimated to generate 10.20 primary pupils, 8.04 secondary pupils (including 1.28 sixth formers) and 0.21 pupils requiring education at an SEN school.

Primary Education - £118,116 Section 106 required for the necessary expansion of permanent primary school capacity serving the area, at Chesterton CD (VA) Primary School.

Secondary Education – OCC is not seeking education contributions to mitigate the impact of this development on secondary school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in the future.

Special Education Needs Education – OCC is not seeking education contributions to mitigate the impact of this development on SEN school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in the future.

Legal agreement required to secure - £118.116 Section 106 developer contributions towards the expansion of Chesterton CE (VA) Primary School, by a total of 10.20 places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st October 2012 using PUBSEC Tender Price Index.

Planning permission to be dependent on a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This is in order for Oxfordshire County Council to meet its statutory duty to ensure sufficient pupil places for all children of statutory school age.

The contribution calculations are based on the notified numbers and mix of dwellings. Pupil generation, and consequently developer contributions amounts required towards education, will need to be revised when there is a confirmed mix of dwellings.

- **OCC Property** – no objection subject to conditions. Full comments can be found within OCCs comments attached at appendix A.

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:

0 x one bed dwellings

9 x two bed dwellings

0 x three bed dwellings

17 x four bed dwellings

It is calculated that this development would generate a net increase of: 83.97 additional residents including:

4.93 residents aged 65+

54.73 residents aged 20+

9.55 residents aged 13-19

8.41 residents aged 0-4

The legal agreement required to secure:

- Library book stock: £1,679.

*Total to be index linked from 1st Quarter 2012 using PUBSEC Tender price index

- Administration and monitoring in relation to property: £1,500.00

The County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured.

- Administration and monitoring in relation to education and other S106 payments: £3,750

- **OCC Fire Authority** – OCC has a duty to ensure that an adequate supply of water is available for fire fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. An appropriate condition is to be applied to seek these details prior to development commencing.

Other External Consultees:

- **Thames Water** –

Waste Comments

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "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". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Water Comments

Thames Water recommend the following informative be attached to this planning permission. 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.

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

Policy PSD1 – Presumption in Favour of Sustainable Development
 Policy BSC1 – District Wide Housing Distribution
 Policy BSC3 – Affordable Housing
 Policy BSC4 – Housing Mix
 Policy BSC10 – Open Space, Outdoor Sport and Recreation Provision
 Policy ESD3 – Sustainable Construction
 Policy ESD7 – Sustainable Drainage Systems (SuDS)

Policy ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
Policy ESD13 – Local Landscape Protection and Enhancement
Policy ESD15 - The Character of the Built and Historic Environment
Policy Villages 1 – Village Categorisation
Policy Villages 2 – Distribution of Growth Across the Rural Areas

Cherwell Local Plan 1996 (Saved Policies)

Policy C23 – Retention of features contributing to character or appearance of a conservation area.
Policy C28 – Layout, design and external appearance of new development
Policy C30 – Design of new housing development
Policy ENV1 – Development likely to cause detrimental levels of pollution
Policy ENV12 – Development on contaminated land

5.2 Other Material Planning Considerations:

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

Planning Practice Guidance (PPG) – 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:

- Planning History;
- Principle of Development;
- Housing Land Supply;
- Accessibility, Highway Safety and Parking;
- Landscape and Visual Impact and Heritage Assets
- Effect on Neighbouring Amenity;
- Drainage and Flood Risk;
- Infrastructure and Affordable Housing;
- Trees and Landscaping and Ecology

Planning History

6.2 The area of land immediately to the south of the application, shown blue on the site location plan has outline planning permission for development comprising up to 20 dwellings. Application 13/01796/OUT was approved on the 6th April 2015. There has been no reserved matters applications submitted in relation to this planning permission, but the permission remains extant

Principle of Development

6.3 Weston on the Green is identified as a Category A village as part of the recently adopted Cherwell Local Plan Part 1 policy Villages 1. Category A villages are identified in the Plan as the most sustainable settlements within the rural areas of the district based on population size, number and range of services, the accessibility (travel time and distance) of the village to other services and urban areas by private car and public transport, accessibility in terms of walking and cycling and local employment opportunities. A detailed study of the relative

sustainability of the district's villages was carried out in 2009 and updated in 2014 (Cherwell Rural Areas Integrated Transport and Land Use Study, (CRAITLUS)) and this was used to inform the categorisation of the villages. In this study it was identified that Weston on the Green has a range of 7 services consisting of, a nursery, retail outlet, food shop, post office, public house, recreation facilities and a village hall. Weston on the Green therefore ranks 13 out of the 23 Category A villages, based on service provision, and is therefore considered to be one of the more sustainable villages within the District. The ranking of the villages by services can be seen at Appendix B.

- 6.4 The CRAITLUS study also looked at accessibility to other services outside of the village such as employment, secondary school, hospital, major centres, major retail and supermarket. At the time of the study there was a limited bus service in Weston on the Green to Bicester, Kidlington and Oxford providing access to services by an alternative mode of transport to the private car. Furthermore, Weston on the Green is located near very good strategic transport links with direct access on to the A34 to the south and then on to the wider local and national road network.
- 6.5 Under policy Villages 1 of the Cherwell Local Plan Category A villages are considered suitable for developments consisting of minor development, infilling and conversions within the built up limits of the village. In this case the site of the proposal is not considered to fall within the built up limits of the village of Weston on the Green and so would not comply with policy Villages 1. However, policy Villages 2 provides for a total of 750 homes to be delivered at Category A villages with sites identified through the plan-making process, and through the determination of planning applications. Taking into account the outline planning permission established on the site immediately to the south and the close relationship that this proposal has to that site, this proposal is appropriate to be considered in light of Policy Villages 2.
- 6.6 This policy sets out a number of criteria which are to be considered when considering sites for 10 or more dwellings at the Category A villages. The assessment of the proposal against these criteria will be made within the report below.

Housing Land Supply

- 6.7 The NPPF requires that in order to significantly boost the supply of houses local authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing. The current housing land supply figures are set out in the December 2015 Annual Monitoring Report. The Council's current position is that it can demonstrate it has a 5.3 year supply of housing land and therefore the policies of the adopted Local Plan are up to date and relevant to the determination of this application.
- 6.8 Policy Villages 2 identifies that a total of 750 homes will be delivered at Category A villages. From the Annual Monitoring Report 2015 it can be seen that a total supply of 470 dwellings is presently expected from non-strategic sites (10 or more dwellings) at Category A villages as at 31 March 2015. This leaves about 280 dwellings to be identified in order to meet the policy Villages 2 requirement to 2031.
- 6.9 Given the amount of development that has already been committed to take place in the rural areas, and in the context of the Council having an up-to-date 5 year housing land supply, it is important to consider whether allowing this site to be released for housing would undermine the overall strategy of the Local Plan to direct housing to the most sustainable locations in the district. In particular concerns have been raised about the quantum of development proposed at Weston-on-the-Green.
- 6.10 Policy Villages 2 states that sites will be identified through the preparation of Neighbourhood Plans where applicable, Local Plan Part 2 and through the determination of applications for planning permission. Since 2011, Weston on the Green has seen 12 dwellings being built

between 2011 and 2015 although these do not contribute to the policy Villages 2 allocation. However the permission that has been granted for 20 dwellings on the land to the south of this site, which was granted on the 6th April 2015, does contribute towards the 750 dwellings allocation for the rural areas. There are permissions for 4 other dwellings within the village.

- 6.11 The site is identified in the Strategic Housing Land Availability Assessment (SHLAA) as part of a larger 6.8 hectare site to the north of Weston on the Green. The SHLAA concludes that the site of this application and land further to the north of the village would be available and suitable, in principle, for development should the Council require sites located outside of the built up area of the village.
- 6.12 The Parish of Weston-on-the-Green has been identified as a neighbourhood planning area and the Parish Council have advised in their comments that the village is working towards preparing a Neighbourhood Plan. However this is in very early stages with no draft document prepared and therefore the neighbourhood plan carries limited weight in the assessment of this application or in the identification of suitable sites for development.
- 6.13 As noted above, Weston-on-the-Green is ranked as one of the more sustainable Category A villages because of its good transport links and access to services and facilities. Whilst it is noted that the bus service through the village is likely to be withdrawn, this service provides a limited alternative to the private car and the majority of travel from the village is by private car. Furthermore the withdrawal of this service will affect other category A villages. Having regard to the guidance at Paragraph 29 of the NPPF and the criteria for assessing proposals under Policy Villages 2, officers are satisfied that on balance Weston-on-the-Green remains an appropriate location, in sustainability terms, to consider a proposal for 26 dwellings.
- 6.14 Government guidance and appeal decisions are clear that being able to demonstrate a 5 year housing land supply is not itself a reason to refuse planning permission, and proposals must be considered in the context of the presumption in favour of sustainable development contained in the NPPF. Therefore provided the proposal does not conflict with any of the Council's adopted development plan policies, including the criteria of Policy Villages 2, on balance the proposal is considered appropriate in sustainability terms and would not undermine the overall housing strategy of the recently adopted Cherwell Local Plan Part 1.

Accessibility, Highway Safety and Parking

- 6.15 The Local Highway Authority has raised an objection to the proposed development advising that the development site is not in a sustainable location. Weston-on-the-Green is identified as a Category A village in the recently adopted Cherwell Local Plan Part 1 and so officers do not agree with the view of the Local Highway Authority. As stated above, in paragraph 6.2 the village has 7 services which are accessible within the village and offer employment opportunities within the village, therefore allowing residents of the village to work and access some services without the need to travel. The categorisation of the villages was considered by the Inspector at the examination in public of the Local Plan, and was found to be sound and justified supported by a robust evidence base (Inspector's Report Page 44). It is accepted that services such as school, health services and major shopping facilities would need to be accessed by public transport or by the private car, but the need for the use of the private car would be less within the Category A villages compared to other villages such as Category B and other smaller villages. Furthermore, Weston on the Green has good transport links with easy access to the A34 and the wider local and major road network.
- 6.16 It has been suggested by the Local Highway Authority that the existing bus service no. 25 is highly likely to be withdrawn from service during 2016. This will leave Weston on the Green with no bus service to Kirtlington, Bicester or Oxford. The existing bus service provides 4 services to Kirtlington, Monday to Saturday and 5 services to Bicester, Monday to Saturday. This is an infrequent service however it does provide the opportunity for residents of Weston

on the Green to access services and employment which are not available within the village. Weston on the Green and a number of the Category A villages are likely to be affected by the removal of a number of village bus services, however, these villages still have a number of services within the village to serve residents without the need to travel by the private car. Therefore, it is the Local Planning Authorities opinion that Weston on the Green is a suitable sustainable location for the proposed residential development which accords with the overall strategy for distributing housing growth of the adopted Local Plan and Government guidance contained within the NPPF.

- 6.17 The proposed development would increase the population of Weston on the Green and therefore this would introduce additional residents who would be likely to use the local village services, Post Office, shop, nursery, bus service (currently) and this additional population will contribute to ensuring the future viability of these existing services making it more likely they will be retained for use by the village into the future.
- 6.18 Given the outline nature of the proposal it is not possible to do a full assessment as to the access, parking and turning arrangements. However it is necessary to be satisfied at this stage that an acceptable arrangement can be achieved that is in compliance with the adopted policies or guidance in the NPPF relating to highway safety. The Local Highway Authority have suggested a number of conditions if the Local Planning Authority are minded to approve the application to ensure the design of the new access, vision splays, estate road, turning and parking can be agreed as part of the reserved matters submission, and so officers are satisfied that acceptable details can be agreed the reserved matters stage.
- 6.19 Comments received in response to the consultation have raised highway safety as an issue in terms of the increased use of the B430 and the works required to the highway to provide the footpath link to the village. Concerns regarding the safety of pedestrians using the proposed footpath and walking along the B430 through the village have also been raised. The Local Highway Authority have commented that the expected trip generation from the proposed development is unlikely to have a detrimental impact on the surrounding highway network. This application is in outline form and therefore no details of the proposed access have been provided at this stage. The Highway Authority have advised that providing acceptable visibility standards are provided at the new access point and the proposed footpath (secured as part of application 13/01796/OUT) is an adequate width (2m wide) there is no objection to the application on highway safety grounds.

Landscape and visual impact and heritage assests

- 6.20 The criteria listed under Policy Villages 2 include “whether significant adverse impact on heritage or wildlife assets could be avoided...whether development would contribute in enhancing the built environment (and) whether significant adverse landscape impacts could be avoided”.
- 6.21 The application site is somewhat divorced from the existing settlement as it currently abuts an area of land which is in equestrian use to the north of the village. The land in equestrian use, immediately to the south of the site, has an extant outline planning permission for residential development of up to 20 dwellings. To the south of the site with outline planning permission are the rear gardens of the properties which front onto North Lane. The site has a rural feel to it, being currently in use as paddocks for the grazing of horses and having a close relationship to the wider countryside. The site is clearly development beyond the built up limits of the village and as such is an encroachment into the open countryside. The site has a strong landscape boundary along the B430 to the east and along the surrounding fields to the west. The site and the surrounding landscape is very flat and as a result of the site characteristics and the surrounding landscape the development will not be viewed from any long distances or have any significant landscape impact. The only views of the site will be localised; from the B430 when passing the site and from the north where views are restricted by the existing

hedgerows, from public footpaths in close proximity to the site, and from residential properties. These localised views of the proposed development will not in the opinion of officers' result in significant harm to the visual amenities of the area.

- 6.22 Weston on the Green has an unusual development pattern with the majority of its residential properties being located along roads which spur off the western side of the main B430 in an east west alignment. The proposed development would be a further example of such a layout where properties front onto the access road but turn their backs on the properties to the south. However, it is considered by the Design and Conservation Officer that this modern form of development will appear as an alien feature against the existing historical development pattern of the existing village.
- 6.23 The Council's planning officers do not have the same view as the Design and Conservation Officer in terms of the form of development. It is considered that the development of this site is an appropriate location and form of further residential development which would follow the existing form of development which is currently sited along the B430 extending the west of the B430. Furthermore, taking into account the outline planning approval for up to 20 dwellings immediately to the south of this site it is considered that the development of this site would not cause significant further harm to the detriment of the visual amenities of the area. The views of the site whether it comprises 20 dwellings or 46 dwellings would, in the case officer's view, have a very similar and limited visual impact on the surrounding landscape.
- 6.24 It is the case that some aspects of the submitted indicative layout could be improved upon (e.g. the formality and regularity of housetypes, the estate-like layout of the north-eastern parcel, the arrangement and prominence of garages). However as all matters are reserved it is considered that an acceptable detailed scheme which would contribute positively to the built environment can be secured at reserved matters stage.
- 6.25 Turning to heritage impacts, the site is located to the north of the Conservation Area and there are three statutory listed buildings and two locally listed buildings to the south of the site. Therefore the proposed development needs to be considered in light of Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which seeks to preserve and/or enhance the special interest of listed buildings and conservation areas. The development does not result in the loss of any heritage assets but has the potential to harm their settings due to their proximity with one another. Comments on the application have raised concerns about the impact of the proposal on the setting of nearby heritage assets, the Conservation Area and listed buildings to the south. The applicants assessment of the impact on heritage assets sets out that due to the main orientation of the listed buildings being towards the south, the lack of public views of the listed buildings from the north and the separation between them and the proposed development that their settings will not be harmed. It is the case officer's view, that due to the site of the proposed development being sited further away from the identified heritage assets than the previous approved outline scheme for residential development to the south, the proposal would not cause any further harm over and above residential development on the site to the south. Therefore, it is considered that no adverse harm will be caused on the setting of the heritage assets and their special interest will be preserved.
- 6.26 The application site is outside of the Oxford Green Belt but the southern section of the village, south of Bletchingdon Road, does fall within the Green Belt. As such this limits the opportunities for new development within and on the edge of the settlement with any focus likely to be in the northern part of the village.
- 6.27 Given the outline nature of the proposal it is not possible to do a full assessment as to the design and layout of the proposed development as this will be a matter for consideration at reserved matters stage. However it is possible to conclude that the development is unlikely to

have any significant landscape impact or impact on heritage assets. As such the proposal complies with Policies ESD13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1, Policies C18, C23, C28 and C30 of the Cherwell Local Plan 1996 and guidance in the NPPF relating to design and heritage assets.

Effect on neighbouring amenity

- 6.28 This proposal for outline residential development will be sited approximately 70 metres from the nearest residential dwelling and approximately 60 metres from the nearest residential garden boundary. The land immediately to the north of the properties on North Lane already has outline planning permission for up to 20 residential dwellings. The proposed development will therefore be sited north of the site which already has permission for residential development. The proposed development would alter the outlook from the rear of the properties fronting North Lane and the effect on these properties is likely to be significant, but no more so than the effect of any greenfield development on existing dwellings. It is also the case that the planning system cannot be used to protect private views. These properties have benefited from the outlook afforded to them by having open fields to the rear of their gardens but this is not a right as such and cannot form a reason to refuse the application. As part of the assessment of the application consideration can be had as to whether the development is likely to result in any overbearing impact, result in overlooking or adverse noise and disturbance once implemented.
- 6.29 It is worthwhile mentioning here the conclusions of the previous case officer in assessing the scheme to the south of the site (13/01796/OUT) in relation to overbearing and privacy issues. It was concluded that the scheme for 20 dwellings to the north of the village would be unlikely to cause demonstrable harm on the existing residents on North Lane because the Council's informal space standards of a separation of 22 metres could be secured. The proposed scheme for 26 dwellings to the north will be located further away from the existing dwellings on North Lane and therefore it is considered that in terms of overbearing and privacy issues the impact caused by the proposed development would be not as significant as the scheme to the south. Given the greater distances involved and the orientation of the site and the existing properties the proposal would not be considered to have an overbearing impact or result in the loss of light or privacy.
- 6.30 Increase in noise and disturbance is also a relevant consideration in the assessment of the application. Significant impacts usually only occur where there is a conflict in neighbouring land uses. However, in this case there would be residential properties adjacent to residential properties and as such the proposal is unlikely to result in adverse noise and disturbance. Existing residents have raised concern with noise and disturbance during the construction period. Whilst this is not a irrelevant consideration it is not usually sufficient to refuse an application. It is possible to require a construction phase travel plan and restricted hours of construction work. However, most construction sites operate in accordance with guidelines set by the construction industry and there is other legislation that can control anti-social behaviour whether it be as a result of individuals or construction sites.
- 6.31 Given the above assessment in relation to neighbour impact it is considered that a scheme could be developed that would comply with Policy C30 of the Cherwell Local Plan 1996. However this would have to be fully assessed at the reserved matters stage.

Drainage and flooding

- 6.32 The site falls within flood zone 1, outside of zones 2 and 3 and therefore lies within an area which is at the lowest risk of flooding. The submitted flood risk assessment also confirms that the site does not appear to have suffered from historical surface water flooding based on the Cherwell and West Oxfordshire Strategic Flood Risk Assessment, however this document

does identify the impermeable nature of the ground and the requirement to maintain surface water flow rates. A number of the third party comments have raised concerns with the increase in hard surface area by the proposed development and concerns that the proposed balancing pond is too small for a site of this size. Oxfordshire County Council have provided comments on the application and have advised that 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. Such a scheme submitted prior to the commencement of development will ensure that a suitable drainage scheme based on sustainable drainage principles can be incorporate into the development.

Trees, landscaping and Ecology

- 6.33 The existing site is currently used for the grazing of horses with substantial hedgerows with some mature trees within the boundary planting enclosing the site from the east and west. These existing landscape features will need to be maintained as part of the proposed development as they provide a very good established visual screen to the development from the B430 to the east and north and from the footpath to the east of the site. Suitable conditions can be applied to secure the retention of existing hedgerows, and to ensure that a suitable landscaping scheme and maintenance for the site is agreed at reserved matters stage.
- 6.34 With regard to ecology an Extended Phase 1 Habitat Survey Report has been submitted in support of the application, and the Council's Ecology officer has advised that in general the site is not of high ecological value except the hedgerows which the proposed layout shows to be retained. These would need protecting during any construction activities and a buffer should be kept of at least 5m between the development and the hedgerows for maintenance and to retain their value as wildlife corridors, this provision can be incorporated within the details of a reserved matters scheme.
- 6.35 The application has not been supported by a reptile survey, however the Council's Ecology Officer has advised that because reptiles are not European Protected Species this can be secured by a condition ensuring that such a survey is carried out prior to any works commencing on the site to ensure there are no reptiles present. If reptiles are found then the report will need to include appropriate mitigation methods and any translocation site details if required.
- 6.36 The village has an existing playground and public open space to the west of the village approximately 800 metres from the proposed development. The provision of a Local Area for Play as part of the proposed development will provide an area of open space and play area for the northern part of the village.

Infrastructure Provision and Affordable Housing

6.37 The development of this site would result in increased pressure on existing infrastructure and potentially the need for new infrastructure. As such the Council would look to secure a S106 legal agreement which would require the applicant to contribute towards the following;

- Local area of plan and commuted sum for maintenance
- Refuse bins
- Public art
- Education - £118.116 Section 106 developer contributions towards the expansion of Chesterton CE (VA) Primary School, by a total of 10.20 places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st October 2012 using PUBSEC Tender Price Index.

- Libraries
- Community facilities and events improvements

6.38 In addition Policy BSC3 of the Cherwell Local Plan Part 1 requires all proposed developments of 11 or more dwellings in the rural areas to provide at least 35% of new housing as affordable homes on the site. The Council's Strategic Housing officers have advised that this equates to a total of 9 units (70% (6 units) of which are to be affordable rented units and the remaining 3 to be shared ownership or similar tenure to be agreed with the District Council).

6.39 The applicant has stated within the planning statement supporting the application that there is agreement to provide 9 affordable housing units and other S106 contributions requests and does not intend to dispute these. However further negotiations are required with the applicant and other departments to reach an appropriate agreement and it is therefore requested that Members delegate to officers to negotiate until an acceptable agreement is reached.

The Planning Balance

6.40 At the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. In principle Weston on the Green is identified in the recently adopted Cherwell Local Plan Part 1 as one of the more sustainable villages within the district as set out above and therefore, on balance, meets this requirement of the NPPF in terms of sustainability.

6.41 The proposal is appropriate to be considered under Policy Villages 2 of the Cherwell Local Plan and the quantum and location of development proposed is considered to be consistent with the overall housing strategy of the Local Plan. The proposal would deliver social and economic benefits with the provision of new housing, including a policy-compliant on-site affordable housing contribution, and would contribute to meeting rural housing needs in the District. There would be no significant adverse harm to the visual amenities of the area and no other significant or unacceptable environmental harm has been identified. The proposal is considered acceptable in highway safety and access terms.

6.42 All-in-all the benefits of the proposal, which is considered to comply with the Council's adopted Development Plan policy, outweigh any harm and so the proposal is considered to be sustainable development within the meaning of the Framework.

Other issues

6.43 Comments received from third parties have raised concern that the approval of a second phase of residential development in this location could set a precedent for further development to the north of the current site. Further development to the north of the current proposal would need to be fully assessed as part of a further planning application taking into account all the issues raised above.

7. Engagement

7.1 With regard to the duty set out in paragraphs 186 and 187 of the Framework, any objections that have been raised have been brought to the attention of the applicant's agent who has had the opportunity to respond. The application will have exceeded its original target date but the agent has agreed to an extension of time limit to allow time to finalise a S106 in the event of the application being approved. It is considered that the duty to be positive and proactive will have been discharged through the efficient determination of the application.

8. Conclusions

8.1 This application is in outline only with all matters reserved for future consideration and as such it is the principle of the development that is being considered. The proposal is considered to be a sustainable form of development as it is sited within Weston-on-the-Green which is

identified under Policy Villages 1 as a Category A village. Furthermore the proposed development of up to 26 dwellings on this site is considered to be an acceptable form of development when considered under Policy Villages 2 of the Adopted Local Plan 2011-2031 Part 1. The proposal as set above is not considered to cause adverse harm to the visual amenities of the area, the Conservation Area or Listed Buildings and would not cause adverse harm to highway safety or to flood risk in the area. The village currently has a number of services which serve the village and furthermore, the village has very good transport links to the wider transport network. Therefore, the proposed development is considered to be in accordance with Policies BSC1, BSC3, BSC10, ESD7, ESD10, ESD13, ESD15 and Policy Villages 2 and Government guidance contained with the National Planning Policy Framework.

Recommendation Approve subject to:

- a) **The applicants entering into a legal agreement to the satisfaction of the District Council to secure affordable housing and financial contributions (to be delegated to officers);**
- b) **The following conditions:**

General Implementation

- 1) No development shall commence until full details of the access, layout (including the layout of the internal access roads, footpaths and cycleways), appearance, scale and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) In the case of the reserved matters, the final application for approval shall be made not later than the expiration of three years beginning with the date of this permission. Each application shall demonstrate how the design and access principles of Phase 1 and Phase 2 shown on the indicative layout on drawing No. BBA 109 PA 003, have been used to inform the reserved matters applications.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 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.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

- 4) The approved plans to which this permission relates are the site location plan received with the application and Drawing No. BBA 109 PA 003 (Phase 2 indicative layout).

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.

- 5) Prior to the commencement of the development hereby approved, a Phasing Plan covering the application site (Phase 2) and the development of the 20 dwellings approved under planning application ref: 13/01796/OUT (Phase 1) as shown on drawing No. BBA 109 PA 003 shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include a timetable for implementing the developments with estimated completion dates for each phase. Thereafter the developments shall be carried out in accordance with the approved Phasing Plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

- 6) The development hereby permitted shall comprise of no more than 26 dwellings and shall be carried out in accordance with the submitted site location plan and those plans approved as part of the reserved matters applications.

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.

Access

- 7) Prior to the commencement of the development hereby approved and as part of the Reserved Matters, 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, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- 8) Prior to the commencement of the development hereby approved and as part of the Reserved Matters, full specification details of the internal access roads, footpaths and cycle ways which shall include construction, layout, surfacing, drainage and lighting, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

- 9) Prior to the commencement of the development hereby approved and as part of the Reserved Matters, full specification details of the vehicular accesses, driveways 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 accesses, driveways and turning areas shall be constructed in accordance with the approved details.

Reason – In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

- 10) Prior to the commencement of the development hereby approved and as part of the Reserved Matters, full 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.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- 11) Prior to the commencement of the development hereby approved and as part of the Reserved Matters, and notwithstanding the application details, full details of refuse and fire tender turning within 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 details.

Reason: Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- 12) Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

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) No structure exceeding 1 metre in height measured from the carriageway level shall be placed within the visibility splays of the site access.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

Drainage

- 14) Prior to the commencement of the development hereby approved, a detailed scheme for the surface water drainage and foul sewage drainage of the development, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, detailing any on and/or off site drainage works has been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved drainage scheme.

Reason - To ensure satisfactory drainage in the interest of public health, to avoid flooding of adjacent land and property and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Noise and Contamination

- 15) No development shall commence until a scheme for protecting the proposed dwellings from traffic noise from the B430 and A34 has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall achieve the design criteria specified in BS 8233:2014 'Guidance on Sound insulation and reduction for buildings' Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwellings to which the scheme relates are occupied.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with saved Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 16) Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 18) If a potential risk from contamination is identified as a result of the work carried out under condition 17, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 19) If contamination is found by undertaking the work carried out under condition 18, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until

the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 20) If remedial works have been identified in condition 19, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 19. 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 21) If during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Archaeology

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

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

- 23) Prior to any demolition on the site (other than in accordance with the agreed Written Scheme of Investigation) and prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation approved under condition F6, a programme of archaeological evaluation, investigation and recording of the application shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason: In order to determine the extent, character and significance of the surviving remains

or archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

Trees and Biodiversity

- 24) As part of the Reserved Matters, a full tree survey in line with BS5837(2012) and method statement to identify existing trees and hedgerows within the site and immediately adjacent to the application site and any required tree/hedgerow protection 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 tree survey.

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.

- 25) As part of the Reserved Matters, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping 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,
 - (b) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 26) As part of the Reserved Matters, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.

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 ESD13 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 27) Except to allow for the means of access and vision splays the existing hedgerow along the eastern boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason: In the interests of the visual amenities of the area, to provide an effective screen to

the proposed development and to comply with Policy ESD 13 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 28) The existing hedgerow along the western boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason: In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy ESD 13 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 29) The development hereby approved shall be carried out in strict accordance with the recommendations detailed in section 5 of the Extended Phase 1 Habitat Survey dated June 2015 submitted with the application.

Reason: To conserve and enhance biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031: Part 1 and Government guidance contained within the National Planning Policy Framework.

- 30) Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance of the translocation of any reptile, a reptile survey (which shall be carried out in accordance with best practice guidelines) shall be carried out, and the findings, including a mitigation strategy if required, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all works of mitigation shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031: Part 1 and Government guidance contained within the National Planning Policy Framework.

- 31) No removal of hedgerows, trees or shrubs shall take place between 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.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031: Part 1 and Government guidance contained within the National Planning Policy Framework.

- 32) 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, both in public open space and in the built environment, 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.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

33) Prior to the commencement of the development hereby approved, a Landscape and Ecology Management (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LEMP shall be carried out in accordance with the approved details.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

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

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

Other matters

35) Prior to the first occupation of any dwelling on the site, a scheme for the provision of refuse and recycling bins to serve each dwelling including details of the type and specification of the bins to be provided and a programme for their provision, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason – To ensure the provision of adequate waste and recycling facilities to serve the development, in accordance with guidance contained in the National Planning Policy Framework.

Planning Notes:

- 1) Note for Condition 12 – The application is advised that details of the information required as part of the detailed drainage strategy can be found within Oxfordshire County Council's comments dated the 17th December 2015.
- 2) The applicant is advised that if further advice is required in relation to conditions 14 and 15 contact should be made with the County Archaeologist on 01865 328944 or by writing to Richard.Oram@oxfordshire.gov.uk or Historic and Natural Environment Team, Infrastructure Planning, Speedwell House, Speedwell Street, Oxford, OX1 1NE, who can provide advice in terms of the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.
- 3) The applicant is advised that the County Archaeologist expects the programme of archaeological evaluation and mitigation/Written Scheme of Investigation to include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to Oxfordshire County Council as soon as practically possible following the completion of the on site investigation.

Statement of Engagement

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

CONTACT OFFICER: Emily Shaw

TELEPHONE NO: 01295 221819

Agenda Item 11

15/02033/F

Proposed Equestrian West Of Homestead
Church Lane
Epwell

Path (um)

179.1m

Track

Cotswold House

Homestead
Barn

Path (um)

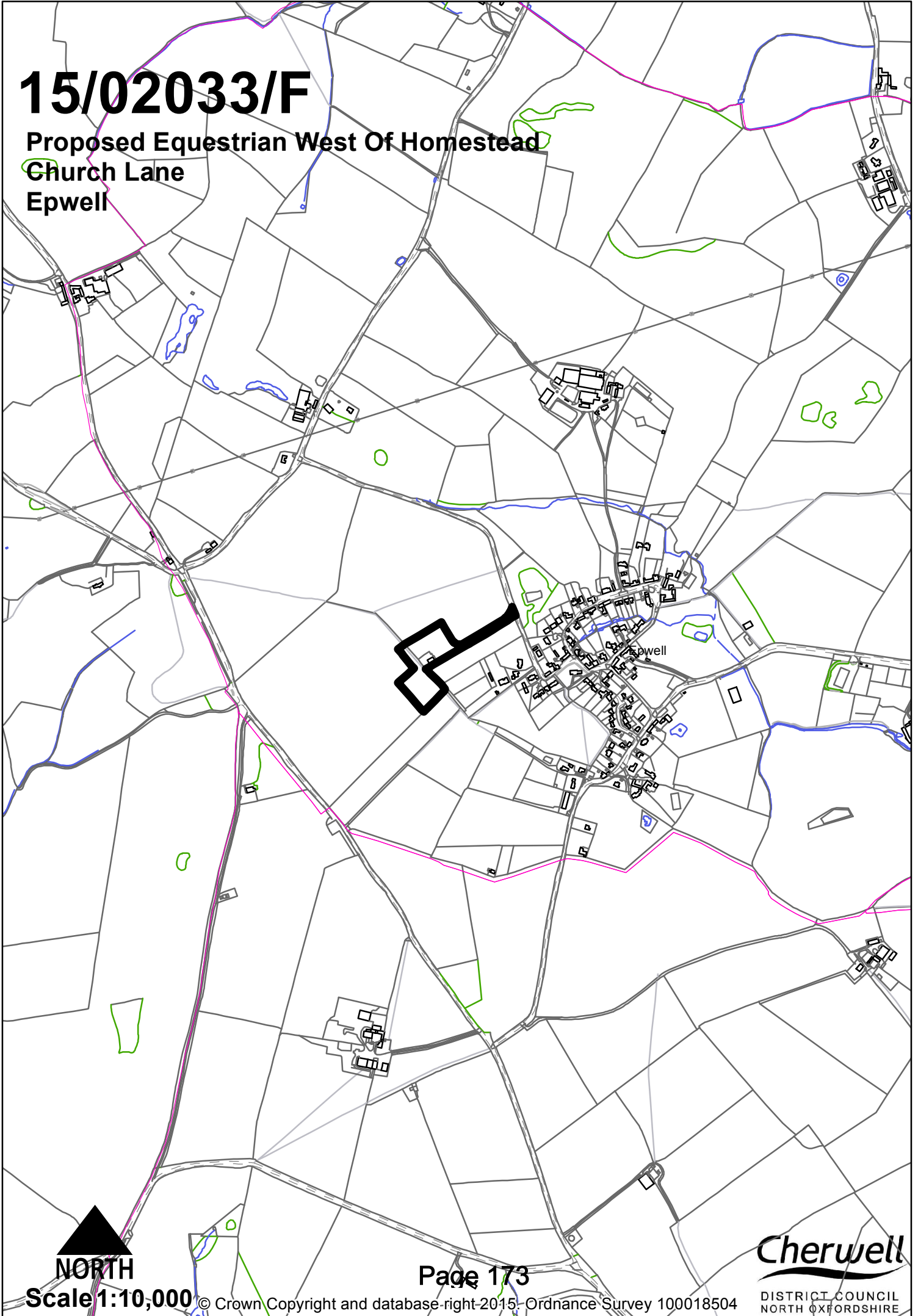


NORTH

Scale 1:1,400

15/02033/F

Proposed Equestrian West Of Homestead
Church Lane
Epwell



NORTH

Scale 1:10,000

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Shona King **Ward(s):** Sibford
Applicant: Mrs E Rugman
Ward Member(s): Cllr George Reynolds
Proposal: Erection of stabling and manege, construction of an agricultural barn and the siting of a temporary rural worker's dwelling for three years
Committee Date: 18.02.2016 **Recommendation:** Refuse

1. Application Site and Locality

- 1.1 The application site is located to the west of the village of Epwell. It is accessed from Church Lane, which leads from Epwell towards the north, via a long track through an agricultural field. It is separated from the built up edge of Epwell to the south-east by paddocks currently used for grazing/keeping horses.
- 1.2 The application site comprises parts of two agricultural fields which are separated by mature hedging and a public right of way. Currently there is a timber agricultural barn used for housing cattle and an area of hardstanding, enclosed in part by a horseshoe shaped bund, on the part of the site accessed directly from the track.
- 1.3 The area is rural in character and lies within the Cotswolds Area of Outstanding Natural Beauty. The site is elevated in relation to the land to the north and east, and is visible from public rights of way and the road; three public footpaths run very close to the site. The site is in an area that is of archaeological importance.

2. Description of Proposed Development

- 2.1 The proposal is to erect stabling, an agricultural barn, manège and a temporary rural worker's dwelling on the site. The temporary dwelling is required for three years.
- 2.2 The stabling is to be arranged in a U shape, or courtyard layout, with 12 stables, tack room, feed store, rug drying room, stores, heat room, stocks and wash box. An arched access to the paddocks to the west of the stables is also proposed. The stabling is to comprise approximately 480m².
- 2.3 The agricultural barn is to be used for hay storage and as a tractor shed.
- 2.4 The manège is to be approximately 60m x 40m and constructed with a sand and wire base with kickboards around the edge and fenced with post and rail fencing.
- 2.5 The temporary dwelling is to have 4 bedrooms, kitchen/dining room, living room, and boot room. It is to be constructed using horizontal timber boarding for the walls with a shallow pitched and felted roof.

3. Planning history

- 3.1 13/00349/F – Extension to existing cattle building - refused and dismissed at appeal in January 2014 due to the harm caused to the character and appearance of the area and the failure to preserve the Cotswolds Area of Outstanding Natural Beauty (AONB).

4. Response to Publicity

- 4.1 The application has been advertised by way of site notice and neighbour letters. The final date for comment was the 31st December 2015. 7 representations have been received in respect of the application (4 in support and 3 objecting) and the comments raised are summarised as follows:

Supporting

- Demand for these animals
- Should be encouraging viable and sustainable rural businesses in AONB
- Bring business to the area
- Land particularly suitable for grazing ponies
- Good for the land
- Pony stud more visually attractive than many other uses
- Applicant very experienced with horses, professional and entrepreneurial
- Need to support British breeders
- Scale of development greater than a previous refused proposal

Objecting

- Contrary to policy
- Harmful to AONB
- No difference to the proposal and the previous refusal and dismissed appeal on the site
- Planning statement contains errors
- Increase in traffic movements
- Lane unsuitable for horse boxes
- Question who is to use dwelling

5. Response to Consultation

- 5.1 Parish/Town Council: Object to the application on the grounds that the house and stables are too imposing for the site, which is outside the village boundary and in the AONB. We do not think that the house is an essential part of the business operation when accommodation could form part of the stable block.

- 5.2 Cherwell District Council:

Conservation Officer: no comments received at the time of writing

Ecologist: *With regard to the above application there are no major ecological issues. The barn which I presume would require demolition is relatively unlikely to support protected species. The proposals entail the removal of some small sections of hedgerow however this is in part compensated for by the additional planting around the manège of native hedgerow and the planting of tree shelter belts which may well result in an overall gain for biodiversity. The planting of these areas should be secured by condition if permission is granted.*

My only further concern in this location would be excessive external lighting as these hedgerows form part of a wider landscape corridor connecting areas of woodland and so are likely to be important to wildlife such as bats. Light spill can deter them from using these areas therefore all exterior lighting should be minimal and directional avoiding light spill onto vegetation. Beyond this I have no further comments.

Landscape Services: This proposal is to develop an existing small barn into a collection of buildings to include a larger barn, large stable block, manege and 'temporary' dwelling.

The site has a number of PRow running nearby and is visible from Church lane. The PRow closest to the site runs across an open field giving very open views of the site. Currently a large amount of clutter is hidden by the informal bund around the barn.

The local landscape is characterised by small fields and an undulating landform with strong hedgerows and hedgerow trees. The area feels remote and isolated. Villages are strongly nucleated and do not spread into the wider countryside. The site is within the AONB and so the landscape value is high as is its sensitivity.

The quality of this LVIA is poor. There is far too much description and insufficient analysis. I am struggling to find analysis of the effects of the proposal on landscape character. There is only a claim that changes will be acceptable without any analysis.

Viewpoints 1 and 2 - The proposal is much larger in size than the existing barn and will be considerably more visible from these viewpoints.

The site is sited on the top of a low ridgeline and will be visible against the sky. I judge the effect to be medium. It is not good practice to use either/ or values, and Aspect should use GVLIA methodology not their own.

I do not agree that the proposal is acceptable due to the size of the proposal, the prominence of the development and the use of non-local materials. A mobile home is not an attractive feature anywhere.

Viewpoints 3,4,5 - The field which contains the proposal has a PRow running across it. There are no intervening hedgerows so the proposal will be very visible from here. The effect is moderate adverse. A rigid block of shelterbelt planting is not typical of the area which consists of irregular sinuous blocks of woodland. It would be detrimental and uncharacteristic to the landscape to try to hide the development in this way.

The existing barn is visible above the skyline in winter, but a larger development would exacerbate this effect.

I note that the village of Epwell is barely visible from these viewpoints and this development would create an appearance of a further collection of buildings in a landscape largely devoid of them.

Viewpoint 6 - The manège will be visible from VP6 as it is located in a corner of the field. An evergreen hedge round the manège is not appropriate in the countryside where all other hedges are for the most part deciduous. This will make it prominent rather than recessive.

Viewpoint 7 - The replacement barn is much larger than the existing, partial views of the stable block will also be visible from this VP. They should be using the methodology from GVLIA3 as stated in the introduction not their own methodology as stated here. There is no explanation of their methodology.

Viewpoint 8 I noted on site that topography rather than intervening hedgerows will give rise to glimpses of the proposals.

Viewpoint 9 The proposal will form a relatively small part of the view from this distance. It is likely to be visible in winter as a filtered view.

Viewpoint 10 A filtered view of the existing barn is available in winter. The built form is not characteristic of the wider view and development would turn one barn into a complex.

Viewpoint 11 Glimpsed view in winter. Some views of the roofscape and an increased perception of development. One building is on the site not buildings

The site is visually and physically separated from the Village of Epwell and as such would create another collection of buildings in a very rural area of strongly nucleated settlements. The temporary dwelling is unattractive and would doubtless lead to a large permanent one at some time in the future. The structures are out of character with the local areas ironstone villages. A new dwelling will need parking and will have associated garden paraphernalia which will further urbanise the site.

While the proposed development does not have major visual significance in the wider landscape, it forms a significant change to the localised landscape introducing built forms not typical of the area (large stable block and mobile home). The manège will also be an alien feature. Attempts to screen the development will introduce alien patterns and types of vegetation. I cannot support this application.

Anti-social Behaviour Manager: No objection to the application but will request a condition regarding disposal of manure/bedding

5.3 Oxfordshire County Council:

Highway Liaison Officer: Recommend refusal: *the highway serving the site in the vicinity of the access junction is narrow, tortuously aligned and of light construction, movements generated as a product of this proposal will result in a hazard and be of detriment to the safety and convenience of other road users.*

Archaeologist: *The site is located in an area of archaeological interest along the proposed route of the Roman Road from Finmere to Droitwich (Margary Road 56a). The line of this projected road was confirmed to the south east at Swalcliffe during an evaluation which recorded the southern roadside ditch and the metalled surface of the road. The line of the Roman road and a probable roadside settlement has been recorded from aerial photographs as part of Historic England's National Mapping Programme 200m north east of the proposed site. These cropmarks show the roadside ditches and corresponding low banks and a series of enclosures at the junction with the route of the Great Cotswold Ridgeway. Roadside settlement has also been recorded along the line of this road to the south east at Swalcliffe Lea.*

Little formal archaeological investigation has been undertaken in the area and so the nature of this road is not well understood. There is therefore the potential for this development to encounter archaeological deposits related to the Roman road as well as disturb any roadside settlement existing alongside it.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of

archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition along the lines of:

1. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012).
2. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

If the applicant makes contact with us at the above address, we shall be pleased to outline the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

Rights of Way Officer: There are two public footpaths that cross the site, Epwell footpath 3 (203/3) and Epwell footpath 5 (303/5). The buildings and manéges themselves will not obstruct the footpaths. The Definitive Map showing the position of the footpaths can be found via the following link; www.oxfordshire.gov.uk/definitivemaponline

Studying the plans and aerial photography of the site it is clear that the 'cross field' eastern section of footpath 3 is not being used on its legal alignment. In the past there was a field boundary to the south of the route and this is shown on the old aerial photograph (dated 1945) which has been included in the Landscape and Visual Assessment document. The footpath would have run along the northern edge of this boundary. When the proposed planting is carried out it will be important to ensure that the legal historic route is accommodated and is not obstructed. A good width should be provided for the paths and the landowners will need to ensure that the vegetation is managed so that it does not encroach onto the routes. I would like further information on the width that is proposed for the paths to ensure it is adequate. There should be no new structures placed across the footpaths without prior agreement from this office.

If permission is granted the applicants will need to ensure that the public can continue to use the paths safely while the development is underway.

5.4 Other External Consultees:

Thames Water:

Surface Water Drainage - 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. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water comments - On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Cotswold Conservation Board: No comments received to date

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

SLE4: Improved transport and connections
ESD12: Cotswolds Area of Outstanding Natural Beauty
ESD13: Local Landscape Protection and Enhancement

Cherwell Local Plan 1996 (Saved Policies)

C8: Sporadic development in the countryside
C28: Layout design and external appearance of new development
AG2: Construction of farm buildings
AG5: Development involving horses
H18: New dwellings in the Countryside

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.

Cotswolds Conservation Board Cotswolds Area of Outstanding Natural Beauty Management Plan 2013 – 2018

7 Appraisal

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

- Principle of development;
- Impact on the AONB and Visual amenities of the area;
- Scale, design and appearance;
- Impact on Rights of Way
- Highway safety

Principle of the development

7.2 The NPPF introduces a presumption in favour of sustainable development. It advises that proposals that accord with the development plan should be approved without delay and proposed development that conflicts should be refused unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out of date, applications should be approved unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

7.3 The site lies within the Cotswolds AONB. Paragraph 115 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty'. Paragraph 116 states that "planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest".

7.4 Policy ESD12 of the Cherwell Local Plan 2011-2031 states that 'high priority will be given to the protection and enhancement of the Cotswolds AONB and the Council will seek to protect the AONB and its setting from potentially damaging and inappropriate development'. Further, 'development proposals within the AONB will only be permitted if they are small scale, sustainably located and designed and would not conflict with the aim of conserving and enhancing the natural beauty of the area'.

7.5 Whilst the issues arising from assessing the proposed development against these policies are discussed in more detail below, the proposal is for a major equestrian development in the AONB and therefore, in accordance with Paragraph 116 of the NPPF, exceptional circumstances need to be demonstrated to justify the principle of development.

7.6 An appraisal of the proposed equestrian business and the need for a dwelling on the site for a worker to facilitate the enterprise has been carried out and submitted in support of the application. A separate, independent appraisal has been carried out on behalf of the Council by Landscape Land and Property Ltd. The full reports can be viewed on the Council's website however the conclusions of the Landscape report are as follows:

- The existing enterprise is currently located in Drayton but the site has been sold by the applicants recently for development and a new location is required for the business.
- The applicant is to be employed full time in the business and is to be the occupant of the temporary dwelling.
- It is considered that the need for an on site presence is only justified once the infrastructure proposed is built and fully stocked. If the stock numbers proposed in the business plan submitted with the application are not met an essential need for the dwelling cannot be demonstrated.

- The location of the temporary dwelling is closely related to the stable yard and paddocks and will provide a good animal welfare and security role.
- 7.7 Paragraph 28 of the NPPF encourages economic growth in rural areas by taking a positive approach to sustainable new development. It states amongst other things that " to promote a strong rural economy, local and neighbourhood plans should:
- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; and
 - promote the development and diversification of agricultural and other land-based rural businesses".
- 7.8 The conclusions of the appraisal indicate that the enterprise has the potential to be economically sustainable and as such the erection of stables and an equestrian storage barn would appear to deliver benefits in terms of contributing to the rural economy. However it is not clear what other sites, if any, have been considered outside the AONB and if these have been discounted for justifiable reasons. Furthermore it has not been demonstrated that the economic benefits of this proposal would be of such significance that they could be considered to amount to "special circumstances" that could outweigh any harm to the AONB. Therefore it is considered that special circumstances have not been demonstrated and so the proposal is unacceptable in principle in this location.
- 7.9 The application proposal also includes a temporary dwelling for a three year period in association with the new stud. The planning statement supporting the application states that the dwelling is required to allow the applicant to meet the exacting welfare requirements of their proposed business and to deal with security.
- 7.10 Saved Policy H18 of the Cherwell Local Plan 1996 deals with the construction of new dwellings beyond the built-up limits of settlements. Proposals will only be permitted for such development where it is essential for agriculture or other existing undertakings. Likewise Paragraph 55 of the NPPF states "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities" It continues however that "local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work".
- 7.11 Whilst a temporary dwelling would allow time for an assessment of whether the business can establish as a viable ongoing concern, it would appear on the available evidence that there would be a permanent functional need for a dwelling on the site in connection with the proposed business. Therefore the proposed dwelling must be considered as part and parcel of the proposed equestrian business as a whole, which for the reasons given above, is considered unacceptable in principle in the AONB.

Impact on the AONB and visual amenities of the area

- 7.12 As stated above the site is within the Cotswolds AONB. The local landscape is characterised by small fields and an undulating landform with strong hedgerows and hedgerow trees and strongly nucleated settlements. The area feels remote and isolated.
- 7.13 In addition to Policy ESD12 of the Cherwell Local Plan, Policy ESD13 states that development will be expected to respect and enhance local landscape character securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted where, amongst other criteria, they would cause undue visual intrusion into the

countryside or cause undue harm to important natural landscape features and topography. Similarly Saved Policy C8 of the Cherwell Local Plan 1996 states that sporadic development in the open countryside will be resisted to preserve its open and rural character.

- 7.14 Saved Policy AG2 of the Cherwell Local Plan 1996 allows the construction of farm buildings provided they are 'so sited that they do not intrude into the landscape'. Saved Policy AG5 of the Cherwell Local Plan 1996 states that proposals for horse related development will normally be permitted provided that the proposal would not have an adverse impact on the character and appearance of the countryside, would not be detrimental to the amenity of neighbouring properties and would comply with the other policies in the plan.
- 7.15 The application is accompanied by a Landscape and Visual Assessment which has been prepared on behalf of the applicant to analyse the significance of any potential landscape and visual effects of the development. The conclusion of the assessment is that whilst the proposal will result in a degree of change within the immediate setting of the site it is not considered to be so great as to significantly or demonstrably outweigh the benefits of the scheme. It is also concluded that development incorporates materials which will reflect the local vernacular and include planting which will enhance the landscape setting, biodiversity and the local footpath network and the proposals can be integrated without significant harm to the character or visual amenities of the area.
- 7.16 The Council's Landscape officer has objected to the proposal, and officers consider that while the proposed development would not have a major visual impact in the wider landscape, it represents a significant adverse change to the localised landscape of the AONB by introducing a scale and form of built development that is not typical of the area (large stable block and temporary dwelling). The manège will also be an alien feature in the landscape, divorced from the stables/barn, in what is currently an open agricultural field characteristic of this part of the AONB.
- 7.17 The site is visually and physically separated from the Village of Epwell and as such would create another large collection of buildings in a very rural area of strongly nucleated settlements. The isolated position away from other buildings will reinforce the incongruous scale and form of the development that would clearly appear visually intrusive and incompatible with the scenic beauty and undeveloped quality of the landscape. A new dwelling will need parking and will have associated garden paraphernalia which will further urbanise the site. Attempts to screen the development will introduce alien patterns and types of vegetation.
- 7.18 The Inspector for the appeal in 2014 (application 13/00349/F) considered that the existing barn on the site is located in an 'elevated location relative to the remainder of the field and is visible from public rights of way and the road. Although partially viewed against the backdrop of the adjacent hedges and trees, from these locations the existing building is a prominent feature within the landscape. The visual impact of the building is accentuated by its utilitarian design and choice of materials'. He also considered that the extension to the existing barn 'would accentuate its prominence resulting in an unsympathetic intrusion into the character and appearance of the surrounding open countryside. The appeal scheme would fail to conserve landscape and scenic beauty of the AONB. In reaching this judgement I have been mindful that planting could assist with assimilating the proposed extension into the landscape but any planting would take time to establish'.
- 7.19 Planting could similarly be used to mitigate the impact of the development, but would take considerable time to establish and given the scale, siting and form of the development it would be insufficient to reduce the harm to an acceptable level. Also the amount and form of planting indicated on the proposed site plans would in itself be harmful to the established character and appearance of the AONB. It is therefore considered that the proposed development

would fail to preserve the Cotswold Area of Outstanding Natural Beauty, and, as such, it would conflict with Policies ESD12 and ESD13 of the Cherwell Local Plan 2011-2031, Policies C8, AG2 and AG5 of the Cherwell Local Plan 1996 and the guidance contained within the NPPF.

Scale, design and appearance

- 7.20 Government guidance contained within the NPPF attaches great importance to the design of the built environment as good design is a key aspect of sustainable development. Good design should contribute positively to making places better for people. Planning decisions should aim to ensure that developments will function well and add to the overall quality of the area and are visually attractive as a result of good architecture and appropriate landscaping.
- 7.21 Saved Policy C28 of the Cherwell Local Plan 1996 seeks standards of layout, design and external appearance, including the choice of external finish materials, that are sympathetic to the character and context of the development.
- 7.22 The proposed buildings and manege are substantial in terms of their scale. Whilst the ridge heights are relatively low the footprint of the built form (including the manège) in this very sensitive location is considerable. The development is separated some 80m from the built up limits of Epwell and the development will appear as an isolated cluster of buildings and associated equestrian infrastructure.
- 7.23 The design of the barn is considered to be acceptable and is the type of agricultural building one would expect to see in an isolated rural location. The stable block however is of a much larger scale and is of an inappropriate form/design. In particular it would have a formal and imposing appearance with a symmetrical plan form and decorated archway that would appear more appropriate in the context of a large house or farmstead. A modest stone stable, of a smaller scale, with slate or plain tiled roof would sit better in the landscape and would better reflect the traditional buildings in the locality. This is supported by the Countryside Design Summary which states, at paragraph 4.2 (v) that "new farm buildings should reflect the rural and agricultural nature of the area in terms of scale and design. They should be sited with great care to avoid prominent or sensitive locations and be accompanied by new planting to integrate them as quickly as possible into their setting".
- 7.24 The manège is considered to be inappropriate in the proposed location. As stated above it will break into what is currently undeveloped countryside and whilst it will not be readily visible in the wider landscape it is considered that it will be harmful to the local landscape particularly in views from the footpath that runs along its eastern edge. It will appear incongruous and unconnected with the proposed barn and stable complex.
- 7.25 The proposed temporary dwelling is of a poor form/design with a shallow pitched roof contrary to the form of more traditional buildings in the area. Non-traditional materials are also proposed. Whilst it is only proposed for three years it is prominently sited and will have a harmful effect on the character and scenic quality of the area. The new dwelling will also need parking and whilst not shown on the layout plan it will in all likelihood have an associated garden which will further urbanise the site.
- 7.26 The development is also likely to introduce equestrian paraphernalia such as horse boxes, jumps, temporary fencing and the like which would also detract significantly from the unspoilt rural landscape and scenic quality of the area.

Rights of Way

- 7.27 Paragraph 75 of the NPPF states that 'Planning policies should protect and enhance public rights of way and access. Local Authorities should seek opportunities to provide better facilities for users for example by adding links to existing rights of way networks including National Trails'.
- 7.28 The development will not result in any alteration to the route of the footpaths surrounding the application site. However the County Council Rights of Way Officer has commented that one of the footpaths is not shown on the legal alignment and this will need to be addressed.
- 7.29 The footpath network surrounding the application site is well used and it is considered that due to the scale of the new development and its proximity to the footpaths, along with the proposed hedge planting indicated on the proposed site plans to either side of the footpaths, it will adversely affect the amenity value of the paths and the enjoyment of their users. While the right of way will remain the current level of enjoyment that walkers would experience would be reduced through the expansion of the buildings at the site and the fencing/hedging either side of the currently very open footpaths.
- 7.30 The landowner/applicant could fence and plant hedges either side of the footpaths crossing the site and proposed paddocks without requiring planning permission, however, it is contended that approving the application would make this more likely. Therefore the proposal would fail to protect and enhance the public rights of way network.

Highway safety

- 7.31 Policy SLE4 of the Cherwell Local Plan states that "Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported". The Highway Authority has raised concerns over the adequacy of the local highway network to accommodate the likely volume and types of traffic that would be generated by the development. In particular in the vicinity of the proposed access the highway is narrow, tortuously aligned and of light construction. It is considered that the movements generated as a product of the proposal will result in a hazard and be of detriment to the safety and convenience of other road users. Insufficient evidence has been provided to demonstrate that the proposal would not have an adverse impact on highway safety, and therefore the proposal is considered unacceptable in highway safety terms and contrary to Policy SLE4 of the Cherwell Local Plan.

Planning Balance

- 7.32 The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below. These dimensions should not be considered in isolation, but should be considered jointly and simultaneously, taking local circumstances into account. In practice this means that a planning balance exercise should be undertaken to determine if, taken as a whole, the adverse impacts of the proposal identified above are outweighed by the benefits such that it could still be considered sustainable development.
- 7.33 Economic role – The NPPF states that the planning system should do everything it can to support sustainable economic growth. The applicant's agent has stated that there will be an economic benefit provided by the enterprise with the employment of a part-time groom and other local rural businesses such as farm contractors, feed merchants, saddlers and vets and so it would contribute to the prosperity of the local rural economy. However there is insufficient evidence to suggest that the benefits would be more than local, and it is considered by officers

that the benefits to the local economy will not be especially significant due to the scale of the enterprise.

- 7.34 Social role – The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. The proposed development will not give rise to any particular social benefits as the development of the site will provide one additional dwelling but this is required to service the business and not the wider community.
- 7.35 Environmental role – for development to be acceptable it must contribute to the protection and enhancement of the natural and built and historic environment. These issues have been covered in the sections above. The development is considered to result in considerable harm to the character of the landscape and will fail to preserve the AONB, and landscape of designated national importance.
- 7.36 In conclusion, when considering the economic, social and environmental impacts of the development as a whole, officers consider the limited benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts such that planning permission should be refused for the reasons given at section 10 of this report, below.

8. Engagement

- 8.1 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 timely and efficient determination of this application, and by the Council providing the opportunity for pre-application discussions to take place prior to the application being submitted.

9. Conclusion

- 9.1 To conclude the proposed development is considered to have a detrimental impact on the unspoilt rural character of the area and visual amenities of the landscape due to the scale of the development and its prominent location. It is considered that it will be harmful to the environmental qualities of the AONB failing to preserve its landscape and scenic beauty. There are no special circumstances that would justify or outweigh this harm. Furthermore the proposal is considered to be unacceptable in highway safety terms as the roads serving the development are restricted and inadequate to accommodate the volume and types of traffic anticipated to be generated by the development.

10. Recommendation

Refusal, for the following reasons:

1. The proposed development by reason of its scale, form and location is considered to be prominent, visually intrusive and unacceptably harmful to the open and rural character and environmental quality of the Cotswold Area of Outstanding Natural Beauty which is afforded the highest status of protection in relation to landscape and scenic beauty. There are no special circumstances that would outweigh this harm. The proposal is therefore contrary to the provisions of Saved Policies C8, AG2 and AG5 of the Cherwell Local Plan 1996, Policies ESD12 and ESD13 of the Cherwell Local Plan 2011-2031 and the advice within the National Planning Policy Framework March 2012.
2. The local highway serving the site in the vicinity of the access junction is narrow, tortuously aligned and of light construction, and the volume and type of vehicular movements likely to be generated as a product of the proposed development will result in a hazard and be of detriment to the safety and convenience of other road users. The proposal is therefore contrary to Policy SLE4 of the Cherwell Local Plan 2011-2031 and the advice within the National Planning Policy Framework March 2012.

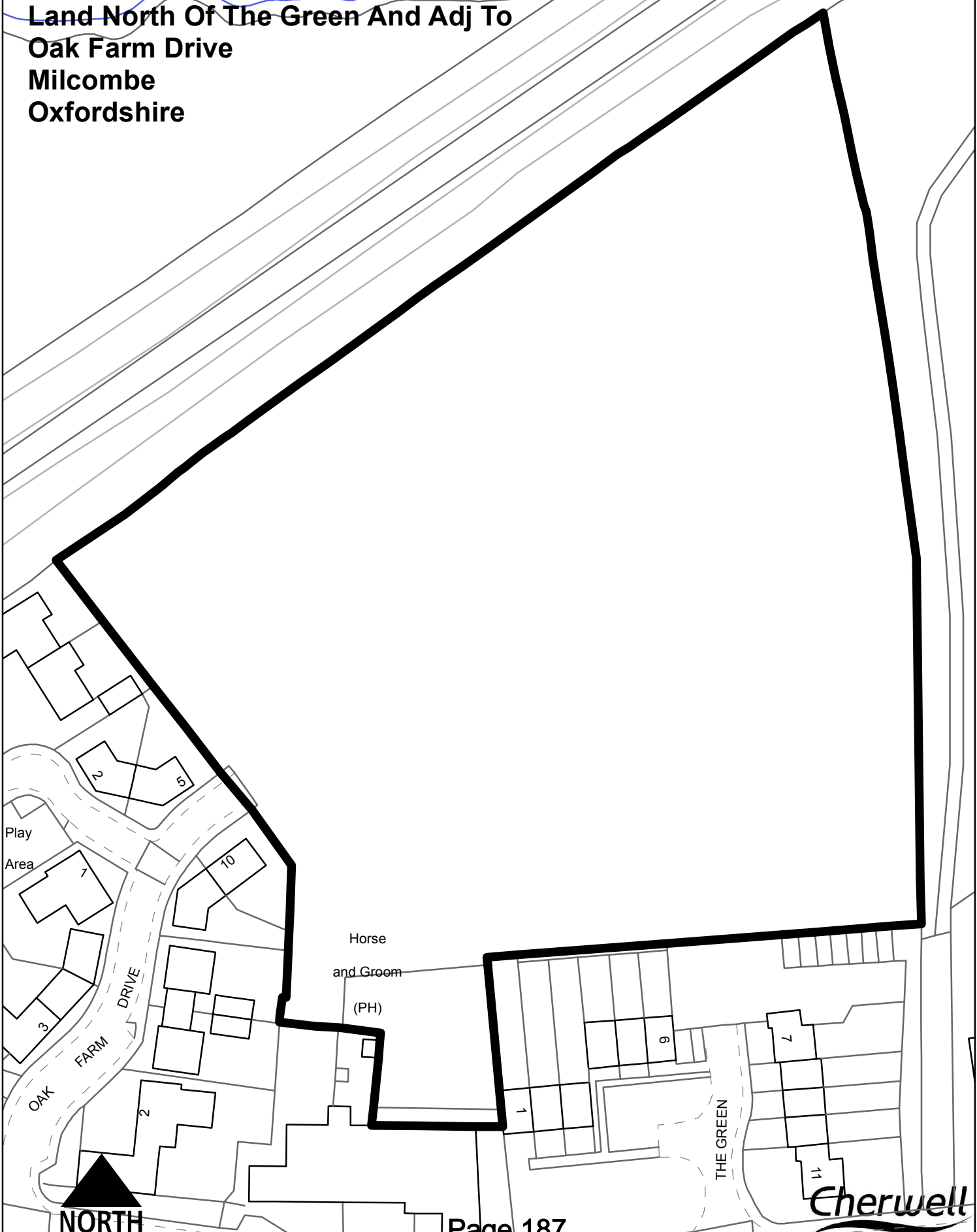
CONTACT OFFICER: Shona King

TELEPHONE NO: 01295 221643

Sinks

15/02068/OUT

Land North Of The Green And Adj To
Oak Farm Drive
Milcombe
Oxfordshire

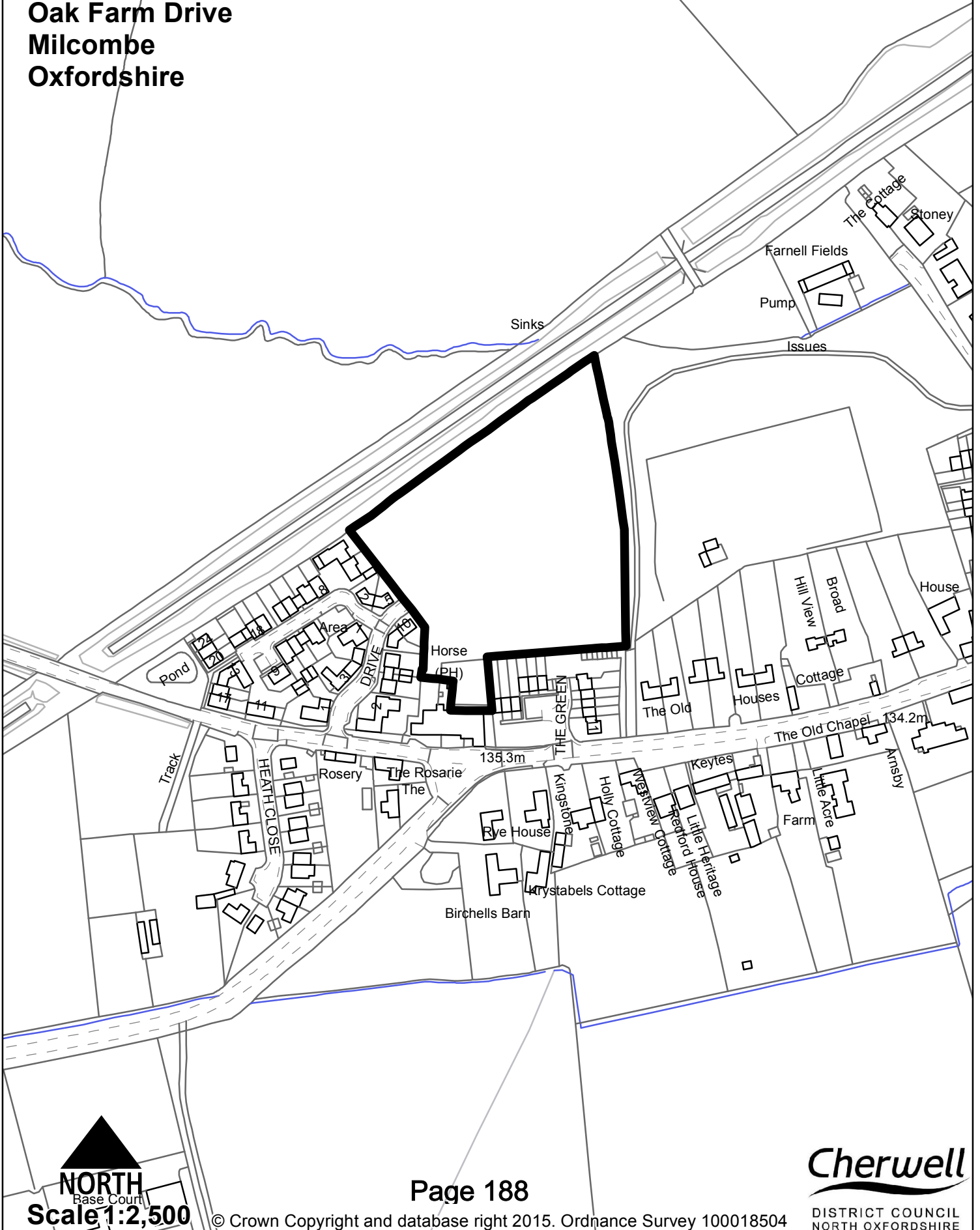


NORTH

Scale 1:800

15/02068/OUT

Land North Of The Green And Adj To
Oak Farm Drive
Milcombe
Oxfordshire



Base Court
Scale 1:2,500



Site Address: Land North of The Green 15/02068/OUT and adj. Oak Farm Drive, Milcombe

Ward: Bloxham and Bodicote

District Councillor: Cllr Chris Heath and Cllr Lynda Thirzie Smart

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

Applicant: Trustees of the Estate of JW Tustian(deceased)

Application Description: Erection of 40 no. Dwellings with means of access to be assessed and all other matters reserved

Committee Referral : major application

Committee Date: 18 February 2016

1. Site Description and Proposed Development

- 1.1 The application site (which amounts to 1.43 hectares) is situated to the north of the main village street, and more specifically to the north of Nos 1-7 The Green and the adjacent Horse and Groom PH. The site lies to the east of Nos 2, 4, and 6 Oak Farm Close and 6, 8, and 10 Oak Farm Drive. The land is unused agricultural land which is bounded to the north by the embankment of the former Banbury to Chipping Norton railway line, which forms a linear dense tree planted feature on this side of the village. The site is separated from other residential development to the east by other open land used as horse paddocks. A public footpath crosses that land north to south
- 1.2 The proposal seeks consent for 40 dwellings. The application is accompanied by an illustrative plan showing the sole vehicular access taken from the existing field gate on Oak Farm Drive that was provided when that adjacent development was undertaken. The illustrative plan shows the houses served from a central roadway and two cul-de-sacs, with an area of public open space in the north east corner of the site. 35% affordable housing is proposed. The Design and Access statement indicates that it is the intention to a mix of 2, 3, 4 and 5 bedroomed houses.
- 1.3 The application is accompanied by a planning statement, transport statement, flood risk assessment, foul sewage and utilities report, arboricultural impact assessment, ecological surveys, a landscape and visual assessment and a desk-based archaeological assessment.

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 18 December 2015

2.2 55 objections have been received from local residents raising the following subjects

- Inadequate sewerage facilities
- Lack of education facilities
- Lack of health facilities
- Poor access via Oak Farm Drive – alignment, width, on street parking, junction with main road and consequent risk to highway safety
- Exacerbating traffic flows through the village,
- Are these properties needed?
- Proposed development would be too dense
- Lack of parking
- Construction issues – alternative route needed
- Poor land drainage
- The village has poor services
- Poor public transport connections – especially relevant to affordable housing provision
- Ecology matters – reported sightings of woodpeckers/owls/bats
- Disturbance to existing residents from potential use of footpath
- Suggesting that there are better alternative sites around Milcombe
- Scale of development is too great
- Concern over the appearance and form of the development – is backland development appropriate
- Loss of visual amenity for surrounding residential properties and when seen across from Paradise Lane
- Development contradicts policy of concentrating development in the largest villages
- No significant economic benefit
- Impact upon the setting of Farnell Fields – a nearby listed building
- Premature pending Local Plan Pt 2

2.3 Four of the above letters raised no objections but concentrated on the issues associated with construction access/disturbance etc.

2.4 A petition signed by 119 residents of the village objects to the proposed development

2.5 A letter of objection has been received from solicitors acting for the owners of the public house , raising concerns on the following basis

- They consider that there is a risk that the operational activity of the public house could be compromised because of the possibility of complaints concerning noise, smell, etc., and that this in turn could lead to a licensing review which could affect the trading potential of the public house.
- Approving this residential development would be contrary to Local Plan policy in that it would not support the operational activity of this existing business
- The proposal is considered to be contrary to Local Plan policy BSC2 and will be in an unsustainable location.

3. Consultations

3.1 Milcombe Parish Council:

Milcombe Parish Council is strongly opposed to this most inappropriate and ill-conceived development and wishes to make the following observations:

1. The recent publication of the Annual Monitoring Report provides the latest housing figures for CDC, which shows the Council has exceeded its 5 year land supply i.e. **5.6 years**, for the period 2016 – 2021. This demonstrates that the proposed development of 40 dwellings in Milcombe is **totally unnecessary**.

2. Domestic Services

A sewerage system and treatment works were constructed in 1954/5, presumably driven by, and designed for, the significant proposed development in the subsequent decade, plus a pumped flow from South Newington. Apart from property connections, there has not been any upgrading of the system, apart from the removal of the treatment works, to date, despite a property increase of 75% in Milcombe alone. Over the last few years, problems, particularly to do with odour, have increased.

The potable water distribution system was also installed around 1955 and, we believe, no major upgrading has been carried out to date. For many years now, there have been numerous occurrences of poor quality water "at the tap", with regard to turbidity and odour.

The electricity supply system was installed about 1950. Like the rest of North Oxfordshire, there has been very little in terms of upgrading and power cuts, particularly during the winter, are commonplace.

3. Highways and Vehicular Access

All roads within the village curtilage are relatively narrow and access is restricted by a significant number of parked vehicles. In recent times the situation has been exacerbated by the increasing number of heavy vehicles using Main Road as a "rat run" to avoid South Newington and Chipping Norton. The likely outcome of this situation is an increase in the likelihood of accidents, and noise nuisance, particularly during the night, for residents along New Road, Main Road and Wigginton Heath Road.

The vehicular access to the proposed development is of major concern. There are two considered alternatives: (1) Via The Green and (2) Extension of Oak Farm Drive. Access through The Green is prevented by a covenant set down at the time of construction of that development; therefore the only possible access is from Wigginton Heath Road into Oak Farm Drive. The matter of safe access into Wigginton Heath Road was first raised during the consideration of the Oak Farm planning application, when it was asserted by OCC Highways that Wigginton Heath Road had a minimum width of 5m, hence the road was adequate for the projected increase in traffic movements. Subsequent measurements showed that at 7 locations adjacent to the junction, the road width varied between 4.65m and 4.94m. The potential increase of nearly 140% of traffic movements into an already unsafe access junction is totally unacceptable.

4. Education

Milcombe totally relies on schooling provision outside the village i.e. Bloxham, Banbury, Adderbury, Deddington and Hook Norton and therefore dependant on "school transport". It is understood that Bloxham Primary is already "at capacity" and Warriner will be in a similar situation when the ongoing developments in Bloxham are completed. A similar situation exists in the other above referenced villages, so where do these additional children receive their education?

5. Health Services

A similar situation, to the above, exists with regard to doctor's surgeries and dental practises, many, outside of Banbury, having a full register.

6. Visual Impact

Contrary to a statement in Savills "Historic Environment Assessment", the visual impact on a significant listed building i.e. Farnell Fields, would be immense. Any consideration of adequate screening would be futile, due to the elevation of the proposed development site

7. CDC Local Plan

The size and extent of this proposed development would appear to be at odds with the CDC Local Plan. Within the Plan, Category A villages, which include Milcombe, were allocated a total of 750 dwellings. Due to current developments either started or granted, this figure has reduced to 276, which must limit potential development in the remaining villages to infill only, not a development of 40 dwellings!

Cherwell District Council Consultees

3.2 Housing Officer

This outline application for 40 units correctly states that there will be a requirement for 35% affordable housing provision to be made on site (14 units).

There should be a tenure split 70/30 affordable rented/ shared ownership (or some other form of intermediate housing agreed with the Council). This equates to 10 affordable rented units (including a bungalow) and four shared ownership units.

The affordable homes should meet the HCA's Design and Quality Standards including the necessary HQI requirements. 50% of the rented element should also meet the lifetime homes standards and the bungalow is to meet full wheelchair standards.

It is expected that the affordable rented units be tenure blind in their appearance, this includes in terms of their parking arrangements which should be in-curtilage wherever possible.

There is expected to be a range of house types made available for the affordable housing provision (including one bungalow), the detail of which will

be determined at reserved matter stage should this outline application be approved.

A suggested mix is as follows:

Affordable Rented Shared Ownership

2 x 3b5p Houses 4 x 2p4p Houses

3 x 2b4p Houses

1 x 2b4p Bungalow

4 x 1b2p Houses/ Apartments

The affordable housing should be transferred to an RP which is agreed with the Council.

3.3 Planning Policy: The Planning Policy Team's main observations are:

- Milcombe is a Category A village, one of the more sustainable villages in the district.
- Policy Villages 2 of the adopted Local Plan 2011-2031 provides for an additional 750 dwellings at Category A villages (2014-2031) (in addition to the rural allowance for small site 'windfalls' and planning permissions as at 31 March 2014).
- From the 2015 AMR it can be determined that a total supply of 470 dwellings is presently expected from non-strategic sites (10 or more dwellings) at Category A villages at 31 March 2015.
- This leaves only some 280 left to be identified to meet the Policy Villages 2 requirement through to 2031.
- Sites will be identified through the preparation of Neighbourhood Plans where applicable, Local Plan Part 2, and through the determination of applications for planning permission.
- There has not been a development at Milcombe that has contributed to the allocation of 750 dwellings in the rural areas. This proposal would assist in meeting Policy Villages 2 requirements.
- Since 2011, there has been 33 dwellings completed (29 at Oak Farm) and at 31 March 2015 there are 3 dwellings that have planning permission but not yet built. Oak Farm was an identified site in the Non-Statutory Cherwell Local Plan 2011 (approved in 2004).
- The site is included in the SHLAA Update 2014 (ref. MI018). The SHLAA concluded that *"This is considered to be a potentially developable site providing for about 40 dwellings in the next five year period as a continuation of the on-going Oak Farm development"*. The site assessment recognised that development on the site would lead to some negative impacts on the openness of the land in this area and the character of this part of the village however it was considered that these could be mitigated against through layout and design. The SHLAA states that the site would be an appropriate location for residential development in principle provided satisfactory access/egress could be secured and good links are provided to the rest of the village.
- The proposed development would be in scale to the adjacent development to the west which achieved 30 dwellings per hectare.
- Milcombe has a population of 613 people with 266 dwellings (2011 Census).

- The district has a 5.3 year housing land supply for the current period 2015- 2020 and a 5.6 year supply for the next five year period (2016-2021) commencing on 1 April 2016.
- There is no pressing need for additional land release at this time at a village that is being provided with a significant amount of new housing.

The recommendation is therefore - There is no Planning Policy objection raised. The provision of some additional housing at Milcombe to meet Policy Villages 2 requirements accords with the Development Plan. Milcombe is a sustainable village with a food shop, a public house, recreational facilities and a village/community hall, and is located approximately 1.5 miles away from Bloxham where a wider range of services and facilities are available. A judgement on the acceptability of the precise number of dwellings proposed will need to be made in this context having regard to the merits of providing housing (including affordable homes) and potential impacts such as those on the character, appearance and landscape setting of this part of the village. Milcombe is one of the smaller Category A villages in terms of population and has recently received some development. Therefore careful consideration is needed of the impact on local infrastructure having regard to comments of service providers such as the County Council.

3.4 **Landscape Officer:**

LVIA

I confirm the site is contained, both visually and physically by the dismantled railway to the north and housing to the south.

I agree with the findings of the LVIA in respect of Landscape Effect(5.2.1): a **Minor Adverse** effect. However with the approval of the planning consent the paddock immediately east of the site (the land between developments) will be put a risk of infill development. This should not be allowed in order to retain the open landscape character, amenity and setting to the older buildings.

I generally agree with the results of the LVIA. However, an additional visual appraisal should be carried out in respect of dwellings to the east of the paddock: Barlow Close and Paradise Lane which I judge to indicate a **moderate adverse** effect that must be mitigated successfully with a landscaped buffer that includes the eastern boundary hedgerow. The buffer is to be planted with native trees with allowance for a 4 m buffer, the road, front gardens to ensure the trees are of sufficient distance to prevent structural damage (defer to NHBC guidelines and structural engineer) and reduce shade and light loss to windows. The landscape buffer to prevent further encroaching development into this setting.

Existing Trees

An 'up-front' tree and hedgerow survey under BS5837 is necessary to inform the design layout – the access road is very close the eastern boundary hedgerow; it is obvious the RPA has been considering with the position of this road. It is important the retained the hedgerow buffer for visual receptors on the PRoW route code 298/3/10. Therefore a hedgerow retention condition with a minimum maintenance height of 3 m. All approved work to be done outside the bird nesting season. Please note that a shallow ditch exists along the

hedgerow, which perhaps, as the land falls towards the proposed balancing pond, could provide development run-off/attenuation to this pond.

Play

The central green space in PREAPP's concept masterplan, is which is appropriate location for a LAP, is not evident in the latest masterplan. I recommend that the layout is revised to accommodate as LAP with its associated landscape buffer– to be designed in accordance with the design standards of our current Planning Obligations SPD.

Landscape Mitigation

The proposed intervening hedgerow between proposed and existing boundaries on west and southern boundaries is acceptable in principle, however the close proximity of dwellings near Oak Farm Drive, the dwelling and garages to Oak Farm are problematic in terms of visual impact for adjacent residencies and encroaching hedgerow on building foundations that may be deemed a nuisance by residents. If these building can be relocated further from the site boundaries the will be reduce impacts and allow enough space for boundary mitigation planting (defer the NHBC and structural engineer)

Adoptable OCC highway should be designed to accommodate street trees on the southern and eastern side of the street with sufficient grass verge width for well specified tree pits.

Conditions

- Play provision and informal open space
- Hedgerow retention
- Tree survey and root protection (if not already provided).

3.5. Community Development

Seeks a contribution towards the improvement of the existing village hall and towards community development

3.6 Public Art

There will be a requirement for Public art which addresses the integration of this development with the village and existing community. This may be a functional artwork but will involve community participation

Oxfordshire County Council Consultees

3.6 Transport

Raises no objection subject a legal agreement requiring a contribution towards the enhancement of buses serving Milcombe and to the improvement of the bus stop at The Green and a Section 278 agreement re works on the highway and to conditions

Detailed comments:

Vehicular Access

Extension of Oak Farm Drive shall form the only vehicular access on site. Oak Farm Drive is 4.8m wide flanked by 1.5m footways either sides and is fronted by dwellings and a parking layby.

Visibility at the access is not a concern, Oak Farm Drive being extended to provide a logical access to the development site. However, access treatment may be required to prevent any parking of vehicles in the vicinity of the proposed access.

Pedestrian Access

It is proposed that the most direct pedestrian access to the site shall be achieved via the existing public rights of way, in the south east corner of the development where the developer will provide improvements. Currently PROW 3 (298/3) involves a stepped access which for compliance with all users should be improved to a ramped access. This is something that the Countryside Access team would be keen to take up if planning permission was granted as it would improve accessibility and provide a valuable link between the development, the countryside and Milcombe village via Main Road.

In addition to this any future layout within the site must show a comprehensive pedestrian network, in the main with footways provided on both sides of the carriageway.

Traffic

In terms of traffic activity (trip generation) it is evident that there will be a minor increase in traffic movements in the morning and in the evening during the commuter peak hour from the development proposal. To assess the trip generation of the development an analysis of data using the latest TRICS database was undertaken.

Using TRICS data it is estimated within the applicants' Transport Statement that around 21 vehicles in the morning and 22 vehicles in the evening peak two way flows (in the busy hours) will be generated by the development. The Highway Authority concurs with these figures. To conclude the associated trip generation traffic is considered negligible given the numbers it will generate i.e. one additional vehicle every 3 minutes from/to the development site in the peak hours.

The highway is predicted to operate safely as a result of development as such small changes in traffic flow would not result in a significant material change in highway operation and as such there are no issues with the amount of traffic generated by the development.

In terms of personal injury traffic accidents in the area there are no significant correlations in the timing, location, frequency or circumstances of the personal injury accidents that were apparent at the nearby junctions including the proposed site access frontage with the highway.

Adoption of streets

It is noted where development involves the construction of residential estate roads/pavements it is a requirement of developers to enter into an agreement with the highway authority under section 38 of the Highways Act 1980, under which they themselves will construct the streets to the satisfaction of the highway authority in accordance with current specification. This must be conditioned accordingly.

Layout

The final details will be subject to OCC perusal when the reserved matters/detailed planning application is submitted.

3.7 Education

No objection subject to a legal agreement to secure appropriate financial contributions for improvement of primary school provision at Hook Norton (£177,577)

Detailed Comments:

Primary:

Bloxham Primary School has been expanded to 2 form entry and is full. Hook Norton CE Primary School is currently undergoing expansion to 1.5 form entry, to meet the needs of planned and proposed housing growth in the area, and to reduce pressure on Bloxham Primary School, with which it shares an overlapping catchment. All relevant housing developments in the area would be expected to contribute towards the cost of this expansion.

The phased capital project which is ongoing at Hook Norton CE Primary School has a total cost of £1.33m and, when complete, will deliver an additional 105 primary pupil places. This is a cost of £12,666 per pupil place.

Secondary:

Expansion of secondary school capacity in the area would be necessary as a direct result of housing development. This area feeds to The Warriner School, which is regularly oversubscribed, and effectively full.

Paragraph 72 of the NPPF makes clear that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to expand schools to maintain, or widen choice in education. Without expansion of The Warriner School housing development would adversely impact on the operation of parental preference and result in a loss of amenity to young people already living in the area, who would be less likely to secure a place at their first preference school as a direct result. As such it would go against the intention of NPPF para 72 by reducing the choice of school places available to meet the needs of existing and new communities. If The Warriner School is not expanded, children who would otherwise have attended the school would be displaced to other schools in nearby Banbury. These schools currently have spare places, but these places will be filled as a result of the population growth which is already evident in the local primary schools. Secondary school capacity in Banbury will need to be expanded as these higher pupil numbers feed through, and therefore should the schools also be required to accommodate growth as a result of housing development in this area, the scale of expansion would be greater as a consequence.

Expansion of secondary school capacity at both The Warriner School and at schools in Banbury is therefore necessary to ensure the needs of the current and future populations can be met, and to ensure the council can meet its statutory duty to ensure sufficient school places.

Special:

Across Oxfordshire 1.11% of pupils are taught in special schools. There is an insufficiency of capacity for SEN provision across Oxfordshire and within Banbury itself to meet the needs of the growing population. Demands arising from further residential development will need to be addressed.

For this development, the nearest such establishment is Frank Wise School (in Banbury) where the council is delivering a £1.8m project to replace 24 places currently provided in temporary classrooms as well as provide 8 additional places for growth. Grant funding of £963k has been secured towards this project, leaving a balance of £837k for the county council to fund from S106 and other sources. Given the scale of growth proposed in the revised Cherwell Local Plan, further expansion of the school beyond that currently planned is

expected in the longer term; the scale and timing of this will be reviewed after confirmation of the Local Plan.

The area is also served by a number of facilities which provide county-wide specialist provision. These include (as of September 2014) the Endeavour Academy, Oxford, a new 20-place autism school (including 12 residential places) with an estimated capital cost of £4.3m.

3.8 Other matters

OCC seek a small contribution towards book stock for Adderbury library, but do not seek further infrastructure contributions due to Regulation 123 of the CIL Regs..

3.9 Thames Water

Waste Comments

Following initial investigation, 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, Thames Water would like the following 'Grampian Style' condition imposed. "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". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Water Comments

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

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 2011-2031 Part 1:

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015.

The Plan was the subject of an independent examination conducted by an Inspector appointed by the Secretary of State. The Inspector's report was published on 12th June 2015 and the recommended main modifications required to make the Plan sound have been included in the adopted plan.

The Plan provides the strategic planning policy framework and sets out strategic site allocations for the District to 2031. Now adopted, the Plan forms part of the statutory Development Plan and the basis for decisions on land use planning affecting Cherwell District.

The Local Plan 2011-2031 – Part 1 replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. Those saved policies of the 1996 adopted Cherwell Local Plan which are retained remain part of the Development Plan. These are set out in Appendix 7 of the Local Plan 2011-2031.

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

The following policies are considered to be relevant:-

Policy PSD1	Presumption in Favour of Sustainable Development
Policy BSC1	District wide Housing distribution
Policy BSC2	The effective and efficient use of land
Policy BSC3	Affordable Housing
Policy BSD4	Housing Mix
Policy BSC10	Open Space, Outdoor Sport and Recreation Provision
Policy ESD1	Mitigating and adapting to climate change
Policy ESD2	Energy hierarchy
Policy ESD3	Sustainable Construction
Policy ESD7	Sustainable Drainage Systems
Policy ESD13	Local Landscape Protection and Enhancement
Policy ESD15	Character of the built and historic environment
Policy Villages 1	Village Categorisation
Policy Villages 2	Distributing Growth across the rural areas

Adopted Cherwell Local Plan (Saved Policies)

H18	New dwellings in the countryside
C8	Sporadic development in open countryside
C28	Layout, design and external appearance of new development
C30	Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with regard to the following sections:-

4	Promoting sustainable transport
6	Delivering a wide choice of high quality homes
7	Requiring good design
8	Promoting healthy communities
10	Meeting the challenge of climate change and flooding
11	Conserving and enhancing the natural environment

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

Whilst some policies within the plan may remain to be material considerations, other strategic policies have in effect been superseded by those in the Submission Local Plan (October 2014). The main relevant policies to consider are as follows:-

Policy H19	New dwellings in the countryside
Policy EN30	Sporadic development in the countryside
Policy EN34	Conserve and enhance the character and appearance of the landscape
Policy R4	Protection and enhancement of existing public rights of way
Policy TR6	Public transport

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning Policy and the Principle of Development
- Five Year Housing Land Supply
- Design
- Landscape impact
- Ecology
- Flooding and Drainage
- Transport Assessment and Access
- Heritage matters
- Planning Obligation

Planning Policy and Principle of Development

5.3 The Development Plan for Cherwell District comprises the recently adopted Cherwell Local Plan 2011-2031 and the saved policies in the Adopted Cherwell local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

5.4 The site in question is not allocated for development in any part of the development plan, and it does fall outside of the built up area of the settlement..

- 5.5 Policy Villages 1 of the recently adopted Cherwell Local Plan 2011-2031 designates Milcombe as a Category A village, and therefore one of the Districts most sustainable settlements based on criteria such as population, size, range of services and facilities and access to public transport. Policy Villages 1 replaced Policy H13 of the 1996 Local Plan, but broadly follows the same ethos, in principally allowing minor development within the confines of the settlement, infilling and conversions. Policy Villages 2 seeks to distribute the amount of growth that can be expected within these villages, although how the numbers will be distributed is not specified as precise allocations within each village may be set out in Local Plan Part Two or in a Local Neighbourhoods Development Plan Documents.
- 5.6 Quite clearly this development fails to comply with the new Policy insofar as the site does not lie within the built up limits of the settlement and in doing so also potentially conflicts with Policy ESD13 of the Local Plan that seeks to protect and enhance local landscapes. However Paragraph 49 of the NPPF states ‘housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites – see below for the Council’s current position..
- 5.7 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which amongst other things require planning to:
- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
 - Proactively drive and support sustainable economic development
 - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - Support the transition to a low carbon future in a changing climate
 - Encourage the effective use of land by re-using land that has been previously developed
 - Promote mixed use developments
 - Conserve heritage assets in a manner appropriate to their significance
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant developments in locations which are, or can be made sustainable
 - Deliver sufficient community and cultural facilities and services to meet local needs
- 5.8 The NPPF at paragraph 14 states ‘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 means:

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

5.9 Whilst it is acknowledged that Milcombe is one of the more sustainable villages, this does not necessarily mean that the proposal itself constitutes sustainable development. The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below. In an appeal at Bourne Lane, Hook Norton an Inspector concluded that whilst the village does not have a piped gas supply and that electricity supply and broadband connectivity can be poor, that these did not alter his overall assessment of the range of facilities available within the village and that it was sustainable.

5.10 In terms of the environmental dimension, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. Whilst this is a green field site and its loss will cause harm to the character and appearance of the countryside, this would be limited to short–medium distance views within the immediate vicinity of the site. See below for further comments.

Five year land supply

5.11 The Council recently published its up to date Annual Monitoring Report (AMR). In that document the Council declared that it has a 5.3 year housing land supply for the current 2015-2020 period, and a 5.6 year supply for the next 5-year period (2016-2021) commencing on 1 April 2016.

5.12 Policy Villages 2 provides for an additional 750 dwellings at Category A villages. From the AMR it can be determined that a supply of 470 houses is expected from non-strategic sites (sites of 10 and more), leaving only 280 houses left to be identified to meet the Policy Villages 2 requirement through to 2031. Sites will be identified through the preparation of Neighbourhood Plans where applicable, Local Plan Part 2 and through the determination of applications for planning permission. Milcombe has seen 29 dwellings being built between 2011 and 2015.. This proposal would assist in meeting Policy Villages 2 requirements

5.13 Paragraph 14 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out

the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole. The identified issues of relevance are identified and considered below. I return to the issue of the balanced judgement at the end of the report.

- 5.14 Given the amount of development that has already been committed to take place in the rural areas, and in the context of the Council having an up-to-date 5 year housing land supply, it is important to consider whether allowing this site to be released for housing would undermine the overall strategy of the Local Plan to direct housing to the most sustainable locations in the district. In particular concerns have been raised about the quantum of development proposed at Milcombe
- 5.15 Government guidance and appeal decisions are clear that being able to demonstrate a 5 year housing land supply is not itself a reason to refuse planning permission, and proposals must be considered in the context of the presumption in favour of sustainable development contained in the NPPF. Therefore provided the proposal does not conflict with any of the Council's adopted development plan policies, including the criteria of Policy Villages 2, on balance the proposal is considered appropriate in sustainability terms and would not undermine the overall housing strategy of the recently adopted Cherwell Local Plan Part 1.

Design & Layout

- 5.16 The application is an outline scheme and so the submitted layout plan is illustrative. The proposal is for 40 houses. The masterplan shows an east-west continuation of Oak Farm Drive with short cul-de sacs off to each side. One set of houses can be set back and face towards the eastern boundary allowing a softened edge to the retained area of agricultural land to the east. The site is of adequate size, and the density is low enough to allow adequate stand-off from the boundaries with adjacent residential properties
- 5.17 An area of informal open space is shown in the north eastern corner of the site. A surface water attenuation feature is shown as likely to be situated within this space.

Landscape Impact

- 5.18 The criteria listed under Policy Villages 2 include "whether significant adverse impact on heritage or wildlife assets could be avoided...whether development would contribute in enhancing the built environment (and) whether significant adverse landscape impacts could be avoided
- 5.19 The application site lies beyond the built up limits of the village in an area of open countryside. Policy ESD13 of Cherwell Local Plan 2011-2031 seeks to

resist development if it would result in demonstrable harm to the topography and character of the landscape but also to secure appropriate mitigation where damage to local landscape character cannot be avoided.

- 5.20 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of internal, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution they make to wider ecological works.
- 5.21 The application site, like the adjoining land under development, is not within any locally or nationally designated landscapes. .
- 5.22 The application is accompanied by a landscape and visual assessment. This document identifies 3 viewpoints; to the north on the hillside on a public footpath; on a footpath to the south of the village, and closer to the site where the footpath emerges south of the former railway line. At para 3.4 above the Council's Landscape Officer concludes that the proposal would only have at the worst only a minor adverse impact upon the landscape, albeit that a further viewpoint study has been requested (from the east on Paradise Lane). This will be dealt with at Committee. From the north the intervening vegetation provides a screen to the proposed houses, and this provides an enclosure of the land from the wider landscape. Overall it is considered that the degree of harm is relatively low and is tolerable

Ecology

- 5.23 The application is accompanied by an Ecological Appraisal , a great crested newt and reptile survey. The appraisal confirms that the site is not within or adjacent to any statutory or non-statutory wildlife sites and that the proposed development would not cause any significant impacts to such sites.
- 5.24 The Ecological appraisal considers the potential impact on a number of species, including bats, badgers, nesting birds, reptiles and amphibians.
- 5.25 In respect of these species, evidence was found of badger foraging, but no setts or main frequently used tracks. There was no evidence of bat roosts and only a limited level of bat activity. The conclusions of the submitted report a corridor of habiat along the northern and eastern boundasry should be conserved and that subject to further survey work and mitigation no adverse impact upon protected species is anticipated.
- 5.26 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 5.27 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that 'every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing)

biodiversity and: 'local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a 'competent authority' in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places'.

- 5.28 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-
1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
 2. there is a satisfactory alternative
 3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 5.29 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 5.30 The Council's Ecologist is assessing the Ecological Assessment which has been submitted with the application and her comments will be reported

Flooding and Drainage

- 5.31 The site lies within Flood Zone 1 (low risk). A Flood risk assessment has nevertheless been undertaken by the applicants. AS the site is in Zone 1 redevelopment of the site for residential development is not precluded. Surface water discharge from the site can be discharged to the existing ditch to the north-east of the site, and SUDS can be used to limit this post development discharge to green field run off rates and to provide storage for a 1:100 storm including suitable allowance for climate change impacts.

Transport

- 5.32 The proposal indicates that all vehicular access is proposed from the Oak Farm Drive access onto the land. The application is accompanied by a transport statement. This concludes that the predicted traffic flows from a development of the size proposed can be accommodated via this route of access, and that the peak hour and predicted daily rates will make no discernible difference to the traffic flows on the wider network.
- 5.33 It is noticeable that many of the negative comments concerning the proposal concern the inadequacy of Oak Farm Drive and its junction with the Wigginton Heath road. OCC were requested to reflect upon these comments. They have

confirmed that they retain their position that they have no objections to the scheme

- 5.34 Pedestrian access to the site is obtainable not just via the vehicular access route but can also be augmented by connection to the existing public footpath which connects to the main village street, so connectivity is suitable.
- 5.35 Milcombe has a bus service, the 488 Chipping Norton to Banbury service. This largely commercial service is unlikely to be affected by changes in bus subsidies. The village is therefore sustainable in transport terms. OCC seek a contribution towards the support of the bus service and the improvement of the nearby bus stop

Heritage Issues

- 5.36 Milcombe does not have a Conservation Area. The nearest designated heritage asset is the Grade 2 listed house known as Farnell Fields situated off Paradise Lane. Whilst it will be possible to see the proposed development from that building and its grounds, it is not considered that its setting will be detrimentally affected due to the distance between them – a minimum of approx. 120 metres.
- 5.37 An archaeological evaluation has been submitted and very few finds were made. No comments have been received from the County Archaeologist.

Planning Obligations

- 5.38 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. The draft Supplementary Planning Document (SPD) relating to the requirements was considered by the Council's Executive in May 2011 and was approved as interim guidance for development control purposes.
- 5.39 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional infrastructure/services. Obligations are the mechanism used to secure these measures.
- 5.40 In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet all of the following tests:
- necessary to make development acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in kind and scale to the development
- 5.41 Having regard to the above, the Heads of terms relating to the additional development would include the following:-

CDC Contributions

- Provision of affordable housing

- Provision of on-site informal open space/play provision
- Contribution to sports provision

5.42 OCC seek infrastructure contributions to the improvement of primary school provision and for bus service support/ bus stop improvement

Engagement

5.43 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

5.44 Whilst the Council are currently able to demonstrate a five year supply of housing sites, this does not preclude the ability to approve dwellings outside of the village confines and an individual judgement needs to be made as to whether the benefits arising outweigh the harm. The NPPF at paragraph 14 sets out the presumption in favour of sustainable development at the heart of decision taking within the planning system.

5.45 In accordance with paragraph 14 of the NPPF, the adverse impacts of the proposed development do not outweigh the benefits and so there should be a presumption in favour of sustainable development.

5.46 The proposal is appropriate to be considered under Policy Villages 2 of the Cherwell Local Plan and the quantum and location of development proposed is considered to be consistent with the overall housing strategy of the Local Plan. The proposal would deliver social and economic benefits with the provision of new housing, including a policy-compliant on-site affordable housing contribution, and would contribute to meeting rural housing needs in the District. There would be no significant adverse harm to the visual amenities of the area and no other significant or unacceptable environmental harm has been identified. The proposal is considered acceptable in highway safety and access terms.

5.47 All-in-all the benefits of the proposal, which is considered to comply with the Council's adopted Development Plan policy, outweigh any harm and so the proposal is considered to be sustainable development within the meaning of the Framework

6. Recommendation

Approval, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph 5.41 and 5.42,

b) The comments of the Council's ecology officer

c) the following conditions:

1. No development shall commence until full details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") of this approved development have been submitted to and approved in writing by the local planning authority and the development shall be carried out as approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

2. In the case of the reserved matters, a valid application for approval shall be made not later than the expiration of **one** year beginning with the date of this permission.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

3. The development to which this permission relates shall be begun not later than the expiration of **one** year 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.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

4. The development hereby permitted shall comprise of no more than 40 dwellings and shall be carried out in general accordance with the submitted design and access statement and those plans approved as part of the reserved matters applications.

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.

5. 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.

Reason – To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

6. Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which this scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Associations current edition 'sewers for adoption'

Reason – To ensure that the development is served by proper arrangements for the disposal of surface/foul sewage, to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework

7. Prior to the commencement of the development hereby approved, full details of the means of vehicular access between the land and the highway, including position, layout, construction and drainage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved, full details of pedestrian footpaths between the development and Main Road, and pedestrian access linking to the adjacent PROW's to the north shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

9. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

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

10. 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 and in accordance with the submitted Stage 1 Arboricultural Report shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS

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

11. Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy R12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

Planning Notes

1. PN19
2. PN22

Statement of Engagement

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

SL

15/02074/OUT

Former Lear Corporation
Bessemer Close
Bicester

Tk

70.5m

EI
Sub Sta

70.3m

BESSEMER
CLOSE

69.6m



NORTH
Scale 1:750

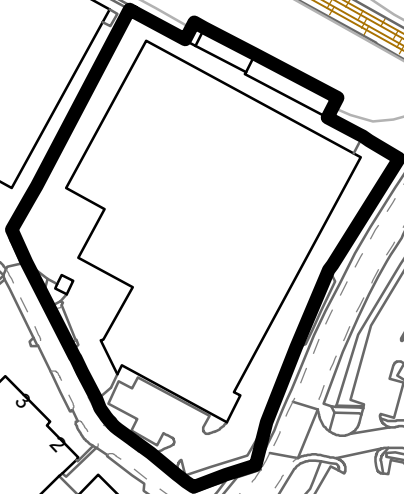
Garage

Estate

15/02074/OUT

Former Lear Corporation
Bessemer Close
Bicester

Business




NORTH

Scale 1:2,500

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Site Address: Former Lear Corporation,
Bessemer Close, Bicester**

15/02074/OUT

Ward: Bicester Town

District Councillor: Cllrs Mould and Pickford

Case Officer: Linda Griffiths

Recommendation: Refusal

Applicant: Vanderbilt Homes and International Wood Agency Ltd

Application Description: Demolition of existing industrial buildings and erection of 21 affordable dwellings and 49 open market dwellings, with associated new access, open space and landscaping.

Committee Date: 18th February 2016

Committee Referral: Major Application

1. Site Description and Proposed Development

- 1.1 The application site is located on the corner of Launton Road and Bessemer Close. The site measures approximately 1.19 hectares and is currently occupied by a disused industrial building which was formerly occupied by Lear Corporation. Aldi and Wickes are located on Launton Road opposite the site and Joblings Garage immediately opposite in Bessemer Close. The adjacent industrial buildings are all currently occupied. Bessemer Close is a small cul-de-sac off Launton Road which serves these industrial units, including the application site.
- 1.2 Whilst the existing unit on the site is currently served from Bessemer Close, this proposal seeks a new T-junction directly on to Launton Road. The application proposes the demolition of the existing buildings and the erection of 70 residential properties provided in a mix of dwelling houses and apartment blocks. The site is bounded by a main railway line on an embankment to the north, Launton Road to the east, Bessemer Close to the south and existing industrial units to the west. Whilst the application is submitted in outline, the only matter reserved for further consideration is landscaping.
- 1.3 Whilst the site is covered for the majority of area by the existing building and areas of hardstanding, there are a number of trees along the Launton Road frontage, within the public highway and to the Bessemer Close boundary. The railway embankment along the northern boundary is planted with trees. The site is approximately 600mm lower than the footway on the Launton Road boundary.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and notice in the local press.

2 letters have been received from occupiers of adjacent commercial premises, Joblings Garage and Space Module Self Storage. The following issues were raised

- This is a prime employment location within close proximity to the town centre and should be retained to provide a range of jobs and skills that compliment the current employment offer for local people so that Bicester continues to flourish as a place to live, work and enjoy leisure time.
- Contrary to Local plan Policy SLE1.
- Applicant has not demonstrated that employment should not be retained including showing the site has been marketed; why the use of the site for

employment is not viable and it would limit the amount of land available for employment

- Designated employment area
- Although the site has remained unoccupied for some years, planning history shows that there has been previous commercial interest in the location. However, very little has been done to proactively and effectively market the site for commercial industrial uses
- Will deny local people employment opportunities and add to the out commuting pressures that the Local Plan aims to reduce
- Vital that retain employment areas such as this to satisfy the growing demand and new residents for the 15,000 new dwellings
- Bessemer Close is narrow and serves several businesses
- Proposed 70 dwellings are likely to generate at least 1 car per household. Bessemer Close does not have sufficient capacity to accommodate these vehicles, particularly at peak traffic times
- Will exacerbate the existing traffic flow and parking problems in Bessemer Close
- Potential for vehicles to spill out onto Launton Road which would be dangerous and make it potentially difficult for emergency vehicles to gain access
- Quality of living environment in close proximity to industrial uses. This point has been highlighted and well documented over the years with residents of Fallowfields being in close proximity to Bessemer Close industrial units.
- Success of Space Module Self Storage which occupies one of the units and operates at 90/95% capacity is threatened by the proposal
- Increased traffic congestion

These objections can be read in full on the application file.

Chiltern Railways have no objection to this proposed development. However, we would caution that as the site is adjacent to an operational mainline railway, there will inevitably be noise and vibration from passing trains. Although Chiltern Railways services cease operation during the night, it is not inconceivable that freight trains and maintenance vehicles will continue to run. Therefore the developer may wish to consider suitable noise and vibration mitigations in the plans for the site.

3. Consultations

- 3.1 **Bicester Town Council:** strongly objects to this application. This is a commercial site and should remain so. Converting this area to housing goes against the Local Plan on employment Policy SLE1. We need to preserve employment opportunities and this site should be robustly marketed as an industrial site.

Cherwell District Council Consultees

- 3.2 **Planning Policy Officer:** A large industrial unit occupies the site which was previously used for the manufacture of car components. The application site is surrounded mainly by commercial premises. On the eastern side of Launton Road, opposite the site, are some retail uses including an Aldi Store and a Wickes DIY Store. To the north is a green buffer embankment and the railway line. Planning permission was previously granted in 2008 for the redevelopment of the site for retail units.

Main local Plan Policies

Adopted Cherwell Local Plan 2011-2031

- Policy PSD1: Presumption in favour of sustainable development
- Policy SLE1: Employment development
- Policy SLE4: Improved transport and connections
- Policy BSC1: District wide housing distribution
- Policy BSC2: The effective and efficient use of land
- Policy BSC3: Affordable housing
- Policy BSC4: Housing mix
- Policy ESD1: Mitigating and adapting to climate change
- Policy ESD2: Energy hierarchy and allowable solutions
- Policy ESD3: Sustainable construction
- Policy ESD6: Sustainable flood risk management
- Policy ESD7: Sustainable drainage systems
- Policy ESD15: The character of the built and historic environment

Saved Policies of the Adopted Cherwell Local plan 1996

- Policy C28: Layout, design and external appearance of new development
- Policy C31: Design control

Relevant Policies of the non-Statutory Cherwell local plan 2011

- Policy H1b identifies the site, amongst others, for housing delivery as part of a mixed scheme
- Policy S17b identifies the application site as part of a mixed use B1 and residential application
- Policies D4 and D5

Main Policy Observations

- Whilst some policies within the Non-Statutory Cherwell Local Plan 2011, may remain material, others have in effect been superseded by those of the Local Plan 2011-2031 Part 1. The application site is part of a larger site identified for mixed use B1 and residential development (for about 65 dwellings) in the Non-Statutory Plan (Policy S17b). The principle of residential development in this location is therefore supported by this policy. The Council allocated strategic sites for housing in Local Plan Part 1. Local Plan Part 2 provides the opportunity for considering the allocation of smaller sites which is likely to involve the review of existing allocations but currently Policy S17b is not considered superseded. The council's 2014 Strategic Housing Land Availability Assessment concludes that the allocated site is suitable for mixed use development. It is however noted that the application is not fully consistent with Policy S17b as it only proposes re-development of part of the site in the Non-Statutory Cherwell Local Plan 2011 and the remaining employment uses are not in B1 use.
- The application site is an existing employment site as identified on the Key Policies map for Bicester in the Local Plan (2011-2031). Policy SLE1 of the adopted Local Plan (2011-2031) seeks to retain existing employment land unless the criteria set out in the policy are met. This includes a requirement for marketing the site and consideration of whether it has been vacant in the long term. The NPPF takes a similar approach. The application proposals should fulfil the policy requirements with reference to the circumstances for this application/site. It is noted that the site has been vacant since 2006, is not operating and there will be no apparent loss of existing jobs on site through its redevelopment.
- The building proposed to be removed in the application is in a fairly poor state of repair. It is probably possible to re-use the buildings for employment in accordance with Policy SLE1 but the viability of achieving this should be explored.
- The proposals should be considered against Policy ESD15 and Policies C28 and C31 of the 1996 adopted Local Plan. Considering the location of the site,

with employment uses nearby, design and amenity will be important. Paragraph B.42 of the Local Plan (2011-2031) states that 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.

- There is a need to provide new homes and the proposals are consistent with the Local Plan Strategy to locate development in sustainable locations at Bicester (Policy BSC1).
- The Council currently has over a five year supply of deliverable sites as shown in the Council's latest Annual Monitoring Report (2015). The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.
- The proposal should be considered against Policy SLE4 of the adopted Local Plan (2011-2031). The site is within walking and cycling distance of the town centre and Bicester Village Railway station.
- Development of the site is consistent with Policy BSC2, using previously developed land in a sustainable location.
- The proposals should be in accordance with Local Plan Policies BSC3 and BSC4 and those relating to climate change.

Policy Recommendation

The principle of residential development in this sustainable location is supported by the Non-Statutory Cherwell Local Plan allocation. However, the council has a five year land supply and to justify the loss of employment land for housing, the requirements of Policy SLE1 need to have been considered and met. Any views of the Council's Economic Development Officer should be taken into account. Design and amenity should be considered carefully when considering the surrounding uses.

- 3.3 **Economic Development Officer:** the comments made in respect of 07/02207/F remain relevant to this application. It explained the absence of marketing for business re-use up to 2007 and sadly this has continued for a further eight years to date despite support and enquiries being offered to the owner.

The proposal is contradictory to the Council's economic development strategy and planning policies to safeguard employment land upon which a diverse and resilient range of local employment opportunities can be created to provide a balance to the recent residential development completed and significant additional homes planned. This is especially so in Bicester where there has been a long-term need- and most importantly demand- for employment land to come forward.

Meanwhile the site has not been effectively marketed, despite a strong upturn in demand since 2009. Indeed, it has been left abandoned as not only an eyesore and wasted asset for the town, but also as a health hazard. It became a health hazard due to being left insecure, allowing access to be gained and a fire to be started in part of the offices which was then argued to render the whole building uninhabitable. Since this time, despite claiming the building is uninhabitable due to exposed asbestos and therefore not paying business rates, the building has consistently been left insecure via the highly visible (from Launton Road) side gate whereby members of the public have gained access inside the building.

The apparent total absence of a duty of care to manage the site has been compounded by the owner being extremely uncooperative when offered support and enquiries over the years. This is particularly disappointing as a productive income could have been gained from the site and the community could have gained local employment opportunities. Similar properties on Murdock Road and Telford Road have been refurbished and readily occupied by businesses.

The Local Plan identifies this as established B-class land and a particular issue to

consider with this application is the future impact upon neighbouring commercial properties. The 'illustrative views' show the proposed development as 'an island' with no reference to the adjacent (business) neighbours- a fundamental planning weakness or an introspective proposal. Homes with an industrial estate bounded by road, rail and industry would be likely to constrain the operations of established employers, creating risk for their viability at that location and the jobs provided. The offer of support to the applicant to find a business occupier through the Cherwell Investment Partnership service remains.

- 3.4 **Housing Officer:** The applicant has correctly suggested 21 affordable dwellings of a total of 70. However, the Design and Access Statement indicates an over provision of affordable rented units and under provides shared ownership units. For clarity, of a total of 21 affordable units, there is a requirement for 15 affordable rented units and 6 shared ownership units.

Of the 15 rented units, 50% (8 units) should be built to lifetime homes standards. If there is no lift provision then apartments on the first and second floor cannot meet lifetime homes standards. This means that all 8 lifetime homes units must be provided on the ground floor. Showing wheelchair turning circles in the sitting room and kitchen is not sufficient to meet lifetime homes standards.

For lifetime homes standards, please refer to the guidelines on the Oxfordshire City Council website (technical advice notes: Accessible homes). The Registered Provider that takes on the affordable units will need to be discussed and agreed with the Council.

- 3.5 **Environmental Protection Officer:** comments as follows
Noise – the Noise and Vibration Impact assessment from KP Acoustics, referenced 13329.NVA.01REV.A demonstrates that the required internal levels can be achieved with appropriate glazing and alternative means of ventilation being provided, however, I am not satisfied that the assessment has fully considered the impact of train noise from the adjoining main railway line. I would expect the assessment to take in to account the number and type of train movements and their impact. Also, external noise levels in garden areas have not been considered in the report.

Land Contamination – Further investigation, to include intrusive investigation, will be required on demolition of buildings in addition to the other remedial works in Section 7.1.3 of the Geotechnical Investigation Report from SP Associates referenced SO950-2.

- 3.6 **Landscape Officer:** Comments awaited
- 3.7 **Ecology Officer:** Comments awaited
- 3.8 **Arboricultural Officer:** Comments awaited

Oxfordshire County Council Consultees

- 3.9 **Transport:** No objection subject to conditions and S106.

The development is in a sustainable edge of town centre location being less than 1km to the centre of Bicester. As such it is reasonable to expect that many of the prospective residents could walk or cycle to the many of the key local services that are located there, particularly given the provision of a shared cycleway/footway on the northern/western side of Launton Road from the junction of Bessemer Close as far as Victoria Road. The main bus stops for frequent services to Oxford and other destinations further afield are located in the town centre just beyond 1km away. The site is also well located for the employment sites in this area alongside Launton Road

and Charbridge Lane. Most of the Launton Road sites are within a reasonable walking and cycling distance.

Traffic Generation – the level of traffic generated by this site is considered to be acceptable. The Transport Statement (TS) submitted with the planning application sets out how the site could be re-used/re-developed without the need for planning permission as long as the new use is within the same use class order as now. Using the industry standard TRICS database to estimate the level of trip generation of similar land uses elsewhere in the country, the TS demonstrates that the proposals for homes on this site could actually see fewer vehicle trips on the local transport network during the morning and evening peak hours compared to what could be generated by the site without the need to apply for planning permission.

In any case, the level of traffic generated by the proposed use would still only represent a small percentage of the existing traffic flow on Launton Road and as such the impact on the local network will be limited. Furthermore, the TS's estimate of trip generation is considered to represent a worst case scenario on the basis that only housing sites without an affordable element were extracted from the TRICS database. Generally speaking, affordable homes result in lower levels of traffic generation.

Site Access – a new site access onto Launton Road would appear to be acceptable in principle assuming that adequate visibility splays for a 30mph speed limit can be provided. The fact that the site appears to sit at a lower level than Launton Road will need to be factored into the site access design as it progresses through the S278 process to ensure visibility is adequate. Plans submitted appear to show this particular issue is in hand.

One of the benefits of the site location is the proximity of the food superstore on the opposite side of Launton Road. However, the only pedestrian crossing point of Launton Road is the main desire line, south of Bessemer close and some distance from the proposed main site access. To ensure safe and convenient crossing facilities of Launton Road for people living in this proposed development, a pedestrian refuge island will need to be provided immediately south of the site access junction. This would be delivered by the S278 process.

In situations like this where the site access is off a busy urban road, the county council would expect the first 12m of the site access road to be at least 5,5m wide to prevent vehicles turning in from blocking the main road. The site access should be designed in such a way as to protect people walking and cycling along the existing shared use footway/cycleway. This should involve a raised continuation of the footway/cycleway across the access. The footway/cycleway should bend back slightly so as to allow cyclists and pedestrians to cross away from the carriageway and where it becomes narrower.

Public Transport – Whilst the Manorsfield Way bus stops in the town centre are located just over 1km away from the site, some residents travelling longer distances, eg Oxford or Milton Keynes will be willing to walk that far to catch the bus (S5, X5). However, more than 1km is too far to expect people to walk regularly to catch a local bus.

Whilst there are bus services that run along Launton Road much closer to the site, OCC has recently decided to withdraw subsidy from a wide range of supported bus services. Route 24 along Launton Road, along with associated services 22.23 between Caversfield and Langford Village are on the list of services proposed for withdrawal in 2016.

There are significant development proposals in the wider Bicester area, and

significant developments are proposed at South East Bicester and at Graven Hill. These developments will require the provision of additional new bus services, some of which will be routed via Launton Road towards the Town Centre. Indeed, the local Transport Plan and associated bus strategy propose a future network of commercial bus services including a route along Launton Road and a contribution of £1000 per additional dwelling is required towards establishing this future sustainable bus route.

Other residential developments in the South Eastern sector of Bicester have already agreed to contribute this £1000 per additional house towards the procurement of these new bus services. These include residential developments in Ambrosden and on the outskirts of Bicester. Both Graven Hill and South East Bicester will be making substantial contributions to the cost of these new bus services. In order to help cement this development's sustainable credentials and minimise the amount of vehicular traffic it generates for local journeys, the county council believes that if granted permission it should contribute financially, via a S106 agreement, towards improved bus services along Launton Road in line with what other developments in the area are committing to.

There are currently no bus stops conveniently located near to Bessemer Close junction with Launton Road. Therefore, a £4,000 S106 contribution towards the installation of bus stop flags/poles and clearways in the near vicinity of the development would be required. This would make bus travel more obvious and attractive to residents of this development.

Off-site Walking and Cycling – the site is well connected to existing cycling and walking infrastructure with a shared use cycle/footway running much of the length of Launton Road on its north west side. This not only allows access to the north east of the site but also to other parts of Bicester by means of connections on quieter roads. Having said that, the cycling route to The Cooper School for children living on this development is far from ideal-specifically, Churchill road has been identified by OCC and CDC as being in need of improvement. Part of the scheme costs should be met by the strategic transport contribution that this site is required to pay in line with CDC's Planning Obligations: Draft Supplementary Planning document for general transport and access impacts. This sum is based on a figure of: £442 per 1 bed dwelling, £638 per 2 bed dwelling, £994 per 3 bed dwelling and £1,366 per 4+ bed dwelling. It amounts to £60,340.

Site Road Layout – bin stores and collection points will need to be identified as the site layout progresses to ensure that wheelie bins are not left in inappropriate places, blocking safe and convenient passage of vehicles and pedestrians/cyclists. On the plan showing areas of the site proposed for adoption, some of the area of the parking bays on Bessemer Close is already highway. Details can be clarified as the S278 process progresses if planning permission is granted.

Car Parking – parking provision has been based quite heavily on the approach of providing only allocated spaces for the 3 and 4 bedroom houses. This means that there is less parking needed overall compared to if each unit had allocated parking. This makes for a more efficient use of space on the development. It appears that sufficient parking is provided on the plans although the application form states 110 spaces as opposed to the 116 shown on the site layout plans. It would be helpful for this to be clarified.

There are 8 spaces proposed for the development on highway in Bessemer Close. The developer needs to understand that whilst the county council does not have any objection to the creation of these parking spaces, it is not possible to reserve them for the sole use of residents of this development. In reality, these spaces will ordinarily be available for the use of residents in the evenings and overnight when they will probably need them most. A TRO will be needed for the rest of Bessemer Close

(double yellow lines) to prevent overspill parking from the development which could otherwise block footways and the safe and smooth passage of larger vehicles along this road.

Cycle Parking – given the sustainable location of the development, encouraging as much cycling as possible is important, particularly if the traffic impact of the development is to be kept to a minimum. Secure and convenient cycle parking is an important aspect of ensuring higher levels of cycling. This application suggests that cycles would be parked securely in sheds in rear gardens of houses and in communal areas for the flats. According to Oxfordshire's standards, there ought to be in the region of 140 spaces for residents and more for visitors. The county council encourages the use of covered Sheffield type stands, with an absolute minimum spacing of 85cm.

Options for long-stay secure facilities for residents may include cycle compounds, shared garages or other indoor facilities and cycle lockers. Requirements for visitors' parking are different, but it also needs to be convenient and visible, overlooked and close to the building entrance. It must be sufficient to meet visitor demand and stands/racks must allow for the frame and both wheels to be secured. A condition is recommended to secure the details of cycle parking ahead of commencement of development; the cycle parking will need to be in place before the homes are occupied.

Travel Planning – In order to ensure as sustainable travel as possible associated with the site, a travel plan statement would be required which would provide the framework for travel information packs to be provided to all residents on first occupation. The travel plan statement would need to be put together using the template contained within OCC travel plan guidance document.

- 3.10 **Drainage Officer:** No objection but recommends the imposition of a condition relating to surface water drainage scheme for the site to be submitted and agreed prior to the commencement of any development on the site.
- 3.11 **Education:** Based on the information currently available, this proposed development has been estimated to generate 23.75 primary pupils (including 3.65 Nursery pupils), 13.88 secondary pupils (including 1.78 sixth formers) and 0.38 pupils requiring education at SEN school.

OCC is not seeking Education contributions to mitigate the impact of this development on secondary and SEN education infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions for larger developments than this in the area in the future.

Nursery Education – since September 2013, under the Local authority (Duty to secure Early Years Provision Free of Charge) Regulations 2012, made under Section 7 of the childcare Act 2006 (as amended by Section 1 of the Education Act 2011), local authorities have been under a statutory duty to secure sufficient nursery education provision for eligible two-year olds, where such eligibility is targeted at 40% of the age group. This is in addition to the statutory duty since September 2012 to secure sufficient nursery education provision for all three year olds.

There is an existing shortage of Nursery places in Bicester. As of summer 2015 the number of nursery places available was only 95% of the estimated number of 2-year-olds qualifying for free nursery education, and 88% of the estimated 3-year-old population.

In the area of the development site, Nursery education for 3-year-olds is provided

through a Nursery class at Longfields Primary School, within the school buildings. This Nursery was over-subscribed for the last academic year.

Developer contributions are sought towards a capital project at Longfields Primary School. The contribution sought is based only on estimated 3-year-olds, as there is not currently a project to increase capacity for 2-year-olds. The proposed development is estimated to generate 18.26 0-4 year olds, i.e. an average of 3.65 children per year of age across this five-year age band. It is therefore estimated that this development will generate 3.65 3-year-olds requiring Nursery education.

Primary Education – demand for Bicester primary school places has risen rapidly in recent years. A strategic approach to expanding primary school capacity across the town is required to meet the demands of the local population and housing growth. Until 2014 Longfields Primary School, the catchment school for this proposed development, offered 40 places per year (280 places for Reception-Year 6; it also offers 39 nursery places for 3 year olds. The school is already operating above this capacity and current pupil forecasts show that this capacity will be insufficient, even without this proposed development.

Developer contributions are sought towards a capital project at Longfields Primary School, planned to complete 2016/17 with an estimated cost of £2,390,000. The school has already increased its Reception in-take to 45, and once the project is complete, the school will offer 60 Reception places per year (420 places for Reception-Year 6) and 52 nursery places, a total increase of 153 places (Nursery-Year 6). This capital project therefore equates to £15,621 per place created.

- 3.12 **Property:** It is calculated that this development would generate a net increase of 174.88 additional residents; including 13.44 residents aged 65+; 123.12 residents aged 20+; 14.3 residents aged 13-19 and 18.26 residents aged 0-4.

A legal Agreement is required to secure:

Local Library – the development is served by Bicester Library. The development proposal generates the need to increase the core book stock held by 2 volumes per additional resident. The price per volume is £10 at 1st quarter 2012 price base; this equates to £20 per resident. The contribution for the provision of library infrastructure and supplementary core book stock in respect of this application would therefore be based on the following **£20 x 174.88 (the forecast number of new residents) = £3,497.60**. The contributions are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

OCC is **not** seeking contributions towards central library, waste management, museum resource centre or adult day care infrastructure from this application due to the pooling restrictions contained within Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) which took effect from 6th April 2015.

Other Consultees

- 3.13 **Thames Water:** comment as follows:
Waste Comments – there are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or

underpinning work would be over the line of or would come within 3m of a public sewer.

Surface Water Drainage – the applicant should ensure storm flows are attenuated or regulated into the receiving public network through on or off-site storage.

Water Comments – there is a Thames Water main crossing the development site which may/will need to be diverted at the developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair.

- 3.14 **Environment Agency:** The proposal is for residential use and the environmental risks in this area relate to Groundwater protection and potential contamination on site. If infiltration drainage is proposed then it must be demonstrated that it will not pose a risk to groundwater quality. We consider any infiltration SUDS greater than 3m below ground level to be a deep system and generally not acceptable. All infiltration SUDS require a minimum of 1m clearance between the base and peak seasonal groundwater levels. All need to meet the criteria set out in our Groundwater Protection: Principles and Practice (GP3) document. In addition, they must not be constructed in ground affected by contamination.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

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

Policy PSD1: Presumption in favour of sustainable development

Policy SLE1: Employment development

Policy SLE4: Improved transport and connections

Policy BSC1: District wide housing distribution

Policy BSC2: Effective and efficient use of land

Policy BSC3: Affordable housing

Policy BSC4: Housing mix

Policy BSC 10: Open space, outdoor sport and recreation provision

Policy BSC11: Local standards of provision of outdoor recreation

Policy BSC12: Indoor sport, recreation and community facilities

Policy ESD1: Mitigating and adapting to climate change

Policy ESD2: Energy hierarchy and allowable solutions

Policy ESD3: Sustainable construction

Policy ESD6: Sustainable flood risk management

Policy ESD7: SUDS

Policy ESD10: Protection and enhancement of biodiversity and natural environment

Policy ESD15: Character of the built and historic environment

Policy INF1: Infrastructure

Adopted Cherwell Local Plan 1996 (Saved Policies)

TR1: Transportation funding

- C28: Layout, design and external appearance of new development
C30: Design of new residential development
- ENV12: Contaminated land

4.2 Other Material Policy and Guidance

National Planning Policy Framework 2012
National Planning Policy Guidance

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by Development Plan Policy:

H1(b): Mixed use redevelopment
S17(b): mixed use redevelopment

CDC Planning Obligation Draft SPD

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of Development
- Design and Layout
- Transport and Access
- Residential Amenity
- Noise and Vibration
- Loss of employment
- Ecology
- Trees and landscaping
- Flood risk assessment and drainage
- Contamination
- Planning Obligations

Relevant Planning History

5.2 The current industrial building was last occupied in 2005 by Lear Corporation.

06/02068/F – demolition of existing industrial unit and erection of 3 retail units, health fitness unit and A3 unit with associated parking, servicing and access. The application was withdrawn

07/02207/F – demolition of existing unit and erection of retail park (consisting of 4 retail units and 1 A3 unit with associated parking, servicing and access. The application was withdrawn

08/00709/F – demolition of existing industrial unit and erection of retail park

consisting of 4 retail units, associated parking, servicing and access

15/01043.F – demolition of existing industrial building and erection of 58 dwellings with associated new access, open space and landscaping. The application was withdrawn.

Principle of Development The Development Plan

- 5.3 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan in so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.
- 5.4 The application site is located within the built up limits of Bicester and currently forms part of an industrial estate. The proposal is a major application for 70 new residential properties. The site was part of an allocation for mixed used re-development within the Non-Statutory Cherwell Local Plan 2011, Policies H1b and S17b for B1 and residential uses. The principle of residential development in this location is therefore supported by this policy. It should be noted however that the application is not fully consistent with Policy S17b as it only proposes re-development of part of the site in the Non-Statutory Local Plan 2011 and the remaining employment buildings are not in B1 use.

Adopted Cherwell Local Plan 2011-2031

- 5.5 The Cherwell local Plan has been through Examination, has been considered by Full Council and is now adopted. The Local Plan is consistent with the NPPF. Policy SLE1 is relevant to this proposal. It is an existing employment site as identified on the Key Policies map for Bicester in the Local Plan (2011-2031). Policy SLE1 seeks to retain existing employment land unless the criteria set out in the policy are met:
- The applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant long term
 - The applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable
 - The applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment
- It further advises that regard will be had to whether the location and nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses.
- 5.6 The proposal must also be assessed against Policy BSC1 which seeks to deliver a wide choice of high quality homes in sustainable locations within the District. Policy BSC2 seeks to make efficient use of land by the redevelopment of brownfield sites or previously used land for new development.
- 5.7 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a

strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 70). It also provides (paragraph 17) a set of core planning principles which, amongst other things require planning to:

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

5.8 The NPPF at paragraph 14 states ‘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 planning and decision taking.....for decision taking this means’:

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

Five Year Housing Land Supply

5.10 The 2014 Annual Monitoring Report which was published on 31 March 2015 concluded that the District now had a 5.1 year supply of deliverable sites for the five year period 2015-2020 (commencing on 1 April 2015). This was based on the housing requirement of the Submission Local Plan, now adopted Cherwell Local Plan 2011-2031 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). This 5 year supply included a 5% buffer.

5.11 The new adopted Cherwell Local Plan has been found sound by the Examination Inspector following considerable consultation and examination, furthermore, the Inspector endorsed the housing trajectory as ‘effective and up to date’ which includes a housing land supply for the next five years (paragraph 60 of his report). In approving the trajectory, the Examination Inspector found the ‘modified new housing total and revised housing trajectory represent a reasonable and realistic, deliverable and justified basis for meeting local needs over the plan period’ (paragraph 58).

5.12 The Inspector also found that the 2014 SHMA and the modifications arising from it now properly address the NPPF’s requirements for a significant boost to new housing supply and to meet the full OAN, including affordable housing, as well as take

account of market signals (paragraph 54).

- 5.13 The revised housing trajectory which included the 5% buffer was the main modification submitted to the Secretary of State on 21st October 2014 and considered by the Inspector in his Examination of the Plan when it reconvened in December 2014. The 5% approach was subsequently incorporated into the council's AMR which has been found sound by the Inspector's endorsement of the modified housing trajectory.
- 5.14 A revised AMR dated December 2015 was considered and approved by the council's Executive on 4th January 2016 which confirms that the District now has a 5.6 years Housing Land Supply.
- 5.15 Having regards to the above, it is clear that the Local Plan Inspector considered that the adopted Cherwell Local Plan 2011-2031 provides for a significant boost to new housing land supply which exceeds demographic needs, provides choice and which is supported by a realistic trajectory, and will provide a rolling five year supply of sites in accordance with paragraph 47 of the NPPF. The District therefore currently has a five year supply of deliverable sites.

Design and Layout

- 5.16 Section 7 of the NPPF – 'Requiring Good Design' attaches great importance to the design of the built environment and advises at paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people'.
- 5.17 The NPPF advises at paragraph 58 that planning policies and decisions should aim to ensure that developments achieve a number of results including the establishment of a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and that developments should respond to the local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Paragraph 60 advises that whilst particular tastes or styles should not be discouraged, it is proper to seek to promote or reinforce local distinctiveness.
- 5.18 Paragraph 61 states 'although visual appearance and the architecture of individual buildings are important factors, securing high quality design goes beyond aesthetic considerations, addressing the connections between people and places and the integration of the new development into the natural, built and historic environment'.
- 5.19 Paragraph 63 states: 'Local Planning Authorities should not refuse planning permission for innovative designs which help raise the standard of design more generally within the area'.
- 5.20 Paragraph 65 states: 'Local Planning Authorities should not refuse planning permission for buildings or infrastructure which promote high level of sustainability because of concerns about compatibility with an existing townscape, if those concerns have been mitigated by good design'.
- 5.21 Policy ESD 15 of the newly adopted Cherwell local Plan 2011-2031 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the built environment and to ensure we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policies C28 and C30. Policy C28 states that 'control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of

materials are sympathetic to the character of the urban or rural context of the development'. Policy C30 requires new housing development to be compatible with the appearance, character, layout, scale and density of existing dwellings in the locality and to ensure appropriate standards of amenity. Policy ESD15 also advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement.

- 5.22 The appearance of new development and its relationship with its surroundings and built and natural environment is an important factor for consideration. Whilst this is an outline submission, access, layout, appearance and scale are all for consideration as part of this submission.
- 5.23 The application is accompanied by a Design and Access Statement. Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 advises that the design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale, which should be demonstrated in the Design and Access Statement. The council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design and Access Statement.
- 5.24 The Design and Access Statement submitted with the application states that the vision for the development on the site is to achieve a sustainable and integrated new development which contributes positively to the local urban context and is locally distinctive.
- 5.25 The Design and Access Statement also states that the site offers an opportunity of strengthening the sites' frontage to Launton Road with an attractive residential scheme offering enhanced passive surveillance to the area. It is considered however that the proposed scheme is a missed opportunity in terms of Launton Road. Launton Road is a principle road and any new development on the site must seek to front it and provide a strong built frontage. The present scheme does not effectively address the Launton Road frontage. The main access into the site is dominated by car parking and the dwelling on plot 26 has a side elevation and rear garden to this frontage. By proposing dwellings which front Launton Road will also enable the private rear gardens to be less affected by road noise and potential overlooking from the adjacent Launton Road and footpath. The area of public open space and LAP is also proposed adjacent to the access road into the site, but it is considered that this area would be more usable if more contained creating a focal point within the centre of the development. As proposed this area of open space lacks form, function and focus and does not relate properly to the dwellings to which it will serve. The noise and vibration report submitted with the application advise that in order to ensure that outside private amenity space is not affected by noise that acoustic fencing should be provided to rear gardens. No details of this fencing, either in terms of its positioning or appearance has been submitted as part of the application, but long expanses of fencing visible from the public domain and Launton Road would not be considered visually acceptable.
- 5.26 The residential properties proposed are a mix of two and two and a half storey dwellings arranged in short terraces, pairs or detached units. The units fronting Bessemer Close are proposed as blocks of apartments which are effectively 3 stories in height. Whilst 3 storey buildings may not be inappropriate for this site, it is considered that the scale of the buildings and roofs as proposed which include hipped roofs are not appropriate. The house types have been designed adopting a traditional style with steeply pitched roofs, a hierarchy to the fenestration and clipped eaves, and are generally in principle, subject to greater detail in respect of windows, doors cills etc, considered on balance acceptable in this location. However, notwithstanding

these comments, the 4 bed house types are not considered acceptable, having a mix of hipped roofs, odd cat-slide roof and window style. Due to their positions within the development, these units will be particularly prominent from the public domain, including the Launton Road and are not acceptable. A mix of materials are proposed, these being brick, stone and render.

5.27

In terms of the layout, it is considered that the proposed layout which is dominated by on-street car parking does not result in a strong sense of place or an interesting series of streets and small cul-de-sacs to promote a high quality sense of place and public realm. All vistas into and within the site should terminate with a well-designed building or area of open space. The view into the site from Launton Road does not currently achieve this objective, being too wide and open and dominated by on-street car parking. Furthermore the dwellings at the end of the access road are not symmetrical in their form and appearance and therefore do not sit comfortably within this vista. The majority of the parking spaces provided are not specifically allocated to residences and are not conveniently located to serve the properties. All parking provision is on-street, there is no on-plot parking.

5.28

Whilst during pre-application discussions the proposal has sought to address the Bessemer Road frontage with a stronger built frontage which turns the corner, it is too close to the road frontage with Bessemer close and Launton Road. It is considered that should residential development be considered appropriate on this site that the building must be set further back to provide a degree of privacy for residents and to allow this frontage to be planted with a meaningful landscaped boundary to help mitigate the impacts of the adjacent industrial units and their uses opposite and adjacent and noise and disturbance created by the commercial traffic generated by them and to create a more pleasing outlook for the occupiers thereof. It is also considered that the dwellings proposed at the rear of the site are unfortunate in terms of their outlook and living environment due to their proximity to the adjacent commercial building and the resultant outlook from the rear of these properties.

5.29

Having regard to the above it is considered that the proposed development results in an unacceptable over-development of the site, creating a poor living environment for its residents, and if residential development was to be considered appropriate on this site that the number of units should be reduced.

5.30

It should also be noted that in their consultation response Thames Water have indicated that there are public sewers crossing or close to the development, and that a Thames Water main also crosses the site which may/will need to be diverted at the developers cost, or amendments made to the scheme. This has not been addressed by the applicants in their submission.

5.31

Having regard to the above therefore, it is considered that the scheme proposed fails to comply with the requirements of the NPPF in seeking to ensure that the new development contributes positively to making places better for people, and would be contrary to Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Policy ESD15 of the adopted Cherwell Local Plan 2011-2031.

Transport, Access and Parking

5.32

A Transport Statement prepared by MJA Consulting Civil and Structural Engineers has been submitted with this application. The proposed car parking provision within the site includes for a total of 116 spaces, where 40 will be allocated to individual dwellings, whilst the remaining 76 will be provided on an unallocated basis around the site for residents and their visitors, however, 8 of these spaces are indicated within the public highway along Bessemer Close. The parking spaces in Bessemer Close cannot be guaranteed for use by residents and visitors and are likely to be used by occupiers and visitors to the units in Bessemer Close. A likely scenario, as the close

is currently congested with parked vehicles during the day. The Transport Statement advises that 106 cycle parking spaces will be provided. These will be in sheds for private dwellings and for the apartments in communal areas. It is not evident from the submission however where these communal cycle stores will be located.

- 5.33 The proposed access to the site is via a simple newly constructed T-junction onto Launton Road with footpaths either side connecting to those existing along Launton Road. This has been accepted in principle by the Highway Authority provided that adequate visibility splays can be provided and that the first 12m of the access road into the site is at least 5.5m wide to prevent vehicles turning in from blocking the main road. The access at this point is also approximately 0.6m below the level of the Launton Road and adjacent public footpath. The applicants have submitted additional plans and details in respect of these. These plans have been assessed by OCC as highway authority and are considered acceptable by them.
- 5.34 The only pedestrian crossing point of Launton Road is off the main desire line, south of Bessemer Close and some distance from the proposed main site access. To ensure safe and convenient crossing facilities of Launton Road of people living in this development, a pedestrian refuge island is required immediately south of the site access junction. This would be delivered by the S278 process.
- 5.35 In terms of the traffic generated by this proposal, the Transport Statement which sets out how the site could be re-used/re-developed without the need for planning permission, concludes that the level of traffic generated by the proposed could be less at peak periods than could be generated by the site. This has been assessed by the Highway Authority who considers that the level of traffic generated by the proposal is acceptable.
- 5.36 In order to ensure as sustainable travel as possible associated with the site, a travel plan statement would be required which would provide the framework for travel information packs to be provided for all residents on first occupation. The travel plan statement would need to be agreed with the highway authority.

Residential Amenity

- 5.37 The immediate context to the site is formed by a garage and petrol filling station to the south, and the Wickes and Aldi stores on the eastern side of Launton Road. Bessemer Close is a short cul-de-sac which serves a number of commercial and industrial units, including the application site currently. To the south west of the site towards the town centre lies a residential area served off Longfields and Victoria Road, from the western side of Launton Road. Whilst the former gas works to the south east of the site was re-developed with residential quite recently, there is clearly a transition from the residential area to the south west along Launton Road to the application site, within the commercial area. If developed for residential purposes it is considered that this would feel quite divorced and separated from the remainder of the residential areas, and could not be easily integrated as the Design and Access Statement envisages.
- 5.38 Whilst the noise and vibration reports accompanying the application indicate that the dwellings would not be subjected to excess noise and vibration disturbance, consideration must also be given to the living environment created for these residential properties. It is considered that a residential development, bounded on all sides by commercial and industrial units, a main railway line and a busy road is not an acceptable living environment and that if residential development on this site was to be considered acceptable it would only be acceptable as part of a comprehensive re-development of Bessemer Close and its commercial and industrial units as identified in the Non-Statutory Cherwell Local Plan 2011 and not on a piecemeal basis as in this case. It is not considered to be in accordance with Policies H1b and S17b of the

Non-Statutory Local Plan as the units are currently not B1 use. Policy SLE1 of the adopted Cherwell Local Plan 2011-2031 states that regard will be had to whether the location and nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses. One of the core planning principles within the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

5.39 The unsuitability of this site on a piecemeal basis for residential purposes is highlighted by the planning history relating to Bessemer Close. Over the years several complaints have been received and investigated from residents living in the existing residential properties in Fallowfields in respect of noise emanating from the various units. These complaints have culminated in the need to serve enforcement notices.

5.40 Having regard to the above, it is considered that the redevelopment of this site for residential purposes as proposed would result in an unacceptably poor living environment for its residents contrary to Policy SLE1 of the adopted Cherwell Local Plan 2011-2031, Policy C30 of the adopted Cherwell Local Plan 1996 and the core planning principles of the National Planning Policy Framework.

5.41

Noise and Vibration

KP Acoustics were commissioned by the applicants to assess the suitability of the application site for residential development in accordance with the provisions of the NPPF and the Noise Policy Statement for England (NPSE). The locations chosen for the survey were to ensure that the data collected was representative of the worst-case levels expected on site due to all nearby noise and vibration sources. Continuous automated monitoring was undertaken for the duration of the survey between 17.00 on 12th October 2015 and 14.00 on 19th October 2015. Weather conditions were generally dry with light winds.

5.42 Internal noise requirements are based on BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' and WHO Guidelines for Community Noise both provide quantitative guidance for internal and external noise levels in and around buildings. The key noise level criteria recommended for residential spaces are:

Resting – Living rooms – 7.00 to 23.00 – 35dB(A)

Dining – Dining room – 7.00 to 23.00 – 40dB(A)

Sleeping – Bedrooms – 7.00 to 23.00 35dB(A) and 23.00 to 07.00 30dB(A)

5.43 In respect of external amenity areas BS 8233:2014 recommends it is desirable that the external noise level does not exceed 50dBLAeqT with an upper guideline value of 55dBLAeqT which would be acceptable in noisier environments. The main sources of community noise are identified as road, rail and air traffic, industries, construction and public work and neighbours.

5.44 The submitted noise assessment report advises that in order to achieve the necessary internal noise levels, the external building fabric would need to be carefully designed. The report assumes that the non-glazed external building fabric elements of the proposed development would be comprised of blockwork which combined with a good quality double-glazed window would contribute towards a significant reduction of ambient internal noise levels.

5.45 The above report in respect of the noise assessment has been assessed by the Council's Environmental Protection Team Leader who advised that whilst it demonstrated that the required internal levels can be achieved with appropriate glazing and alternative means of ventilation being provided, the assessment had not fully considered the impact of train noise from the adjoining main railway line and had

not assessed the noise levels in garden areas.

- 5.46 A further submission was made by KP Acoustics Ltd in respect of the above comments. In respect of the outdoor areas, the report states that the current ambient noise profile in the North of the development area presents an average level of 45 dB(A) during daytime when compared to the stipulated design range 50-55dB(A). No further mitigation measures are therefore considered necessary by KP Acoustics to achieve good external noise levels in gardens located in the North of the development. The report however, acknowledges that the East, West and South elevations of the site currently present average noise levels which are above the stipulated design range of 50 dB(A), demonstrating that noise control measures would be required. It suggests that in order to attenuate noise emissions from Launton Road (south elevation), an acoustic screen would be recommended for all the proposed external amenity areas facing Launton Road and recommends the construction of a barrier from close-boarded timber slats at a minimum height of 2 metres. In the West and South elevations a similar timber screen (1.8m high) would be recommended in order to attenuate noise emissions from the surrounding roads in all the proposed external amenity spaces.
- 5.47 Further comments in respect of the additional assessment are awaited from the Council's Environmental Team Leader.

Loss of Employment

- 5.48 The application site is within an established industrial area and the remaining units in this close are still in full economic use. Bicester currently suffers from out-commuting and the philosophy behind the Cherwell Local Plan 2011-2031 seeks to address this issue. Bicester is identified as a key location for employment growth on the Oxfordshire Knowledge Spine through City Deal and the Strategic Economic Plan (SEP), which looks to support significant increases in employment at Bicester through infrastructure improvements and land availability. If retained for employment purposes the site would make a valuable contribution to the provision of employment opportunities within Bicester.
- 5.49 The Council's Economic Development Officer raises concerns that the site has not been effectively marketed since it was vacated in 2005 and has been allowed to fall into disrepair by the owner of the site, despite enquiries received in respect of the site being offered to the owner. He also states that the proposal is also contrary to the Council's economic development strategy and planning policies which seek to safeguard existing employment land upon which a diverse and resilient range of local employment opportunities can be created to provide a balance to the recent residential development completed and significant additional homes planned. This is especially so in Bicester where there has been long-term need and most importantly demand for employment land to come forward.
- 5.50 Policy SLE1 of the adopted Cherwell local Plan 2011-2031 seeks as a general principle to continue to protect existing employment land and buildings for employment (B class) uses. It also advises that where existing employment sites have good transport links for commercial vehicles and the proposed use of these sites accords with the Local Plan, new development will be encouraged to ensure efficient use of land, avoiding the need to use valuable countryside. This policy specifically states that where planning permission is required existing employment sites should be retained for employment use unless the following criteria are met:

Policy SLE1

- **The applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been**

vacant in the long term

- **The applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable**
- **The applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment**

Employment development will be focused on existing employment sites. On existing operational or vacant employment sites at Banbury, Bicester and Kidlington and in rural areas employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations. New dwellings will not be permitted within employment sites except where this is in accordance with specific site proposals set out in this Local plan.

- 5.51 In response to the above the applicants have submitted some information about the marketing of the site, however, this marketing appears to focus on potential retail development on the site rather than industrial/commercial uses. The information submitted also lists a number of potential retail occupiers, but does not give dates. No detailed information has been submitted indicating how and where the site was advertised and marketed for B use class. It is therefore considered that insufficient evidence has been submitted to show that the site has been marketed effectively for business purposes but without success. Whilst the site has been vacant for some time, it does not accord with the requirements of SLE1 in that it is not clear from the submission that the site has been marketed accordingly. Neither has any information been submitted with the application which seeks to justify that the use of the site/building would not be economically viable.
- 5.52 Consideration must also be given to the current employment conditions and the strong message from Central Government that we should be doing all we can to promote jobs in the area and boost the local economy. Whilst the development of this site for residential purposes will provide construction jobs in the short term, no analysis has been made within the submission about the potential loss of jobs should consent be forthcoming for the proposed use. There are already a considerable number of construction jobs in Bicester with the new housing developments currently under construction.
- 5.53 However, notwithstanding the above, the critical shortage of employment land in Bicester is not currently or wholly borne out by the evidence of the Employment Land Study and the adopted Cherwell Local Plan 2011-2031 seeks to allocate strategic sites for employment use in Bicester, these being Bicester Business Park, Bicester Gateway, North East Bicester Business Park and South East Bicester. Having regard to the amount of land allocated for employment uses, along with land which already has consent, the level of harm in respect of the loss of this site for employment purposes requires careful assessment. It is considered that having regard to the above, the fact that the site has been vacant for a number of years, and the size of the site, it could be argued that the proposal is in accordance with bullet point 3 of Policy SLE1 above, and therefore, a refusal based on the loss of employment land cannot be justified in respect of this site on loss of employment land.
- 5.54 Furthermore the NPPF at paragraph 22 advises that 'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

- 5.55 It should be noted however, that this does not necessarily mean that the redevelopment of the site for residential purposes is acceptable in this instance. This is considered elsewhere in the report.

Ecology

- 5.56 The application is accompanied by a Preliminary Ecological Appraisal which was carried out by First Environment Ltd on 1st April 2015. This was undertaken to determine the presence of any important habitats or species which might be impacted upon by the proposed development. The appraisal concluded that the site is of low wildlife value and advised that only 2 taxonomic groups of 'important species' need to be considered further, these being nesting birds and foraging/roosting bats and recommends that the proposed new development might include the provision of bird and bat boxes. It recommends that any trees/hedgerows or planting are removed outside the bird nesting season. The report also recommends that a bat survey will be necessary to ascertain whether or not bats use the site for roosting, foraging or as a commuting corridor, and appropriate mitigation measures taken as necessary.
- 5.57 Following the above, a Nocturnal bat survey was undertaken by First Environment Ltd. The emergence surveys began shortly before dusk and continued for about one and a half hours after sunset. The 1st emergence on 4th September 2015 revealed a single Common Pipistrelle commuting along the hedgerow to the north/east of the site. The 2nd emergence on 8th September 2015 revealed two Common Pipistrelles commuting along the hedgerow to the north/east of the site. No bats were observed or recorded emerging from the disused factory building.
- 5.58 Having regard to the above, the ecological reports submitted conclude that the proposed development of the land is unlikely to impact significantly on wildlife if the appropriate mitigation measures are taken and will not lead to a significant loss of habitat in the area.
- 5.59 The NPPF conserving and enhancing the natural environment at paragraph 109 states that 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 5.60 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that 'every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity' and;
- 5.61 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that a 'competent authority in exercising their functions must have regard to the requirements of the Habitats Directive as far as may be affected by the exercise of those functions'.
- 5.62 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 Annexe IV(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 5.63 Under Section 41 of the Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or nesting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow unlawful activities to proceed when offences are likely to be

committed, but only if 3 strict derogation tests are met:-

1. Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature (development)
2. Is there a satisfactory alternative
3. Is there adequate mitigation being provided to maintain the favourable conservation status of the population species

5.64 Therefore where planning permission is required and protected species are likely to be found present at the site or surrounding area, Regulation 53 of the Conservation Habitats and Species Regulations 2010 provides that 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 might be met.

5.65 Whilst the Council's Ecologist has not yet responded in respect of this application, the ecology reports submitted with the application demonstrate that there is limited potential for the development to result in unacceptable or significant adverse impacts on protected species. A number of conditions and informatives would need to be included within any permission to ensure that adequate mitigation and enhancements are included as part of the development.

5.66 Consequently it is considered that Article 12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present on the site will continue, and will be safeguarded notwithstanding the proposed development. The proposal therefore accords with the NPPF and Policy ESD10 of the adopted Cherwell Local plan 2011-2031 in this respect.

Trees and Landscaping

5.67 A tree survey report has been submitted as part of this application which also includes an Arboricultural impact assessment which details the constraints placed on the proposed development from the rooting area of the trees below ground by virtue of their size and position. A table is included within the report which identifies the existing trees on the site, their size, condition and likely lifespan. It is noted that this report identifies that a number of existing trees are in a fair or good condition with a remaining contribution in years of 40 or more, but it would appear that with the exception of a small group of existing trees at the north eastern end of the site, these are all to be removed. Neither does the report assess the existing trees and planting on the existing railway embankment to the north of the site. No consideration appears to have been given to the possibility of the retention of any of the other trees within the development.

5.68 Whilst the layout indicates areas of landscaping, including tree planting, this matter is reserved for future consideration.

Flood Risk Assessment and Drainage

5.69 A detailed Flood Risk Assessment and Drainage Strategy has been submitted as part of the application. The Environment Agency's Flood map illustrates the site is located within Flood Zone 1. The Environment Agency's Risk of Flooding from Surface Water Map also indicates that the development site has a 'very low' risk of flooding from surface water runoff. The submission has been assessed by OCC as drainage authority who raises no objection to the proposal but recommends the imposition of a condition requiring the submission and approval of a surface water drainage scheme for the development.

Contamination

- 5.70 A Geotechnical Investigation Report prepared by SPA Associates was submitted as part of this application. The first investigations were carried out in July and August 2005 followed by a second investigation in June 2006 and a third investigation phase carried out recently under the instruction of Rodd Properties, particularly in order to bring the chemical database for the site up to current day standards. This report and the findings have been assessed by the council's Environmental Protection Team leader who advises that further investigation, to include intrusive investigation, will be required on demolition of the buildings in addition to the further remedial works identified in the report.

Planning Obligations

- 5.71 Due to the scale and residential nature of the proposed development, it is considered that the proposal is likely to place additional demand on existing facilities and services and local infrastructure, including schools, community facilities, public transport, play provision and public open space. Requests for contributions in respect of these have been made as part of the consideration of this application and would need to be secured via a section 106 agreement, to mitigate the impacts of the development in this respect.
- 5.72 Policy INF1 of the adopted Cherwell Local Plan 2011-2031 states that: *development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.* Contributions can be secured via a section 106 agreement provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010.

- 5.73 The following contributions are required as part of this development

CDC

- Play space and open space on site
- £14,711.46 @ April 2015 towards enhanced facilities at Bicester East Community Centre and expansion of the external area to accommodate increased usage
- £22,988.79 @ April 2015 towards community events and projects such as information events, newsletters and welcome packs to support the new residents and integrate them into the community
- Affordable housing 30%
- £106 per property for waste and recycling bins

OCC

- £3,500 to cover the cost of promoting and delivering Traffic Regulation Orders to restrict parking on Bessemer Close
- £70,000 towards the procurement of a commercially viable bus service along Launton Road
- £4,000 towards the cost of establishing a pair of bus stops in the vicinity of Bessemer Close to comprise two pole/flag/information case units and two on-street bus stop clearway markings.
- £60,340 towards cycle improvements identified by the council along Churchill Road.
- £370,999 for the necessary expansion of permanent primary and nursery school capacity serving the area at Longfields Primary School
- £3,497.60 Library book stock

- 5.74 Although the applicant has indicated a willingness to enter into a Section 106 Agreement, a signed completed agreement is not in place that would be acceptable to meet the anticipated infrastructure requirements of the development. A reason for refusal is therefore recommended in this regard.

Engagement

- 5.75 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.76 In conclusion, having regard to the fact that the District currently has a five year housing land supply and the poor living environment which would be created for residents, it is considered that any benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts such that planning permission should be refused for the reasons set out below.

6. Recommendation

Refuse

1. The development of this site for residential purposes, having regards to its proximity and relationship with adjacent industrial/commercial units, Launton Road and main railway line, and lack of integration with existing residential areas to the south and west, would result in an unacceptably poor living environment for the occupiers thereof, contrary to saved Policy C30 of the adopted Cherwell Local Plan 1996, Policy SLE1 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework
2. The development proposed, by reason of its scale, form, layout and design, taking into account Cherwell District's ability to demonstrate an up to date five year housing land supply is considered to be an overdevelopment of the site which would be detrimental to the visual amenities of the street scene and provide an unacceptable living environment for the occupiers thereof, contrary to saved Policies C28 and C30 of the adopted Cherwell local Plan 1996 and policies SLE1 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and the advice within the National Planning Policy Framework.
3. In the absence of a satisfactory planning obligation, the local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this scheme will be delivered. This would be contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

Planning Notes

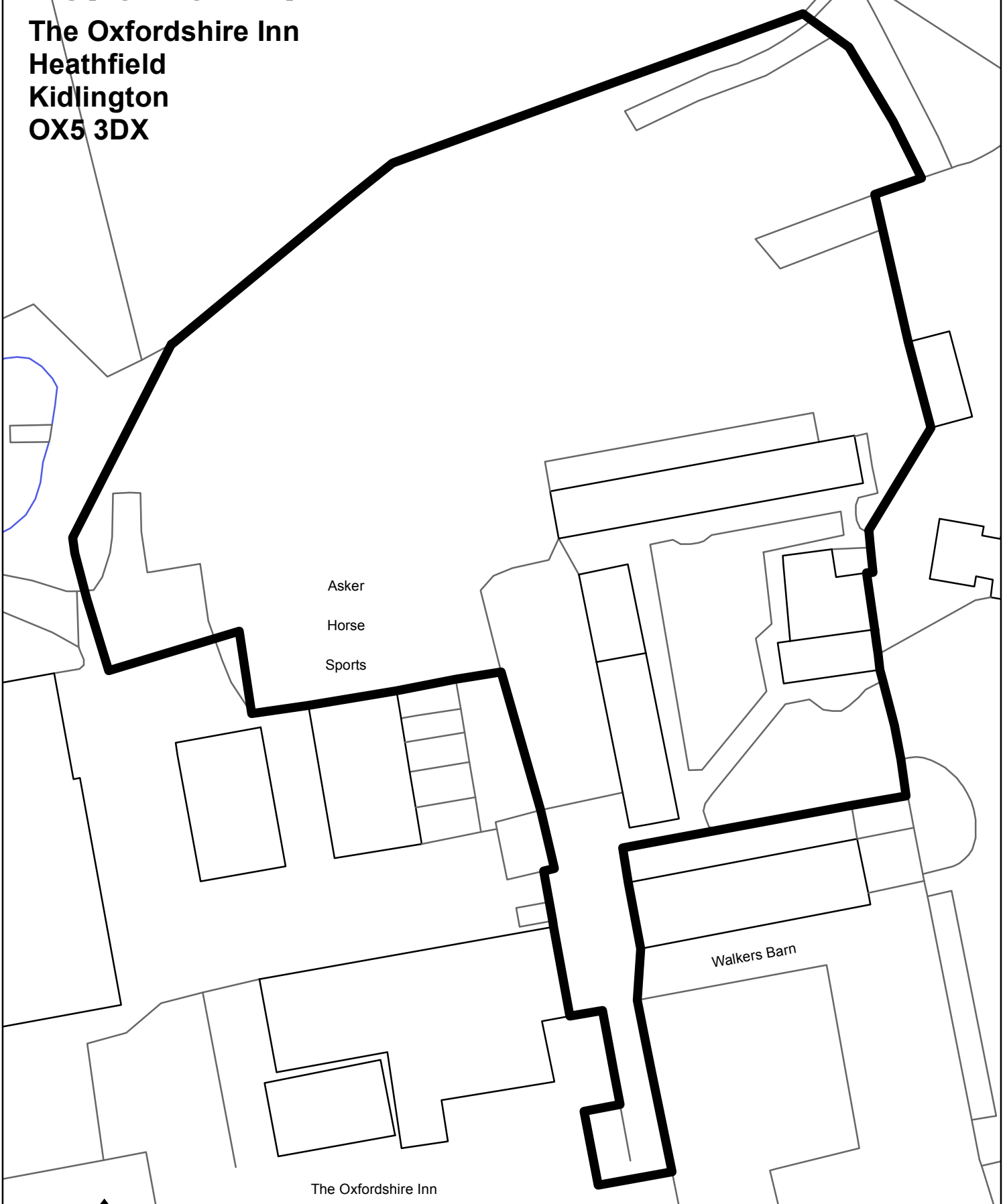
1. There are public sewers crossing or close to the site. Consent would be required for Thames water in respect of any building or structure which comes within 3m of them. A Thames Water main crosses the site.

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 by the timely determination of this application.

15/02077/F

The Oxfordshire Inn
Heathfield
Kidlington
OX5 3DX



Asker
Horse
Sports

Walkers Barn

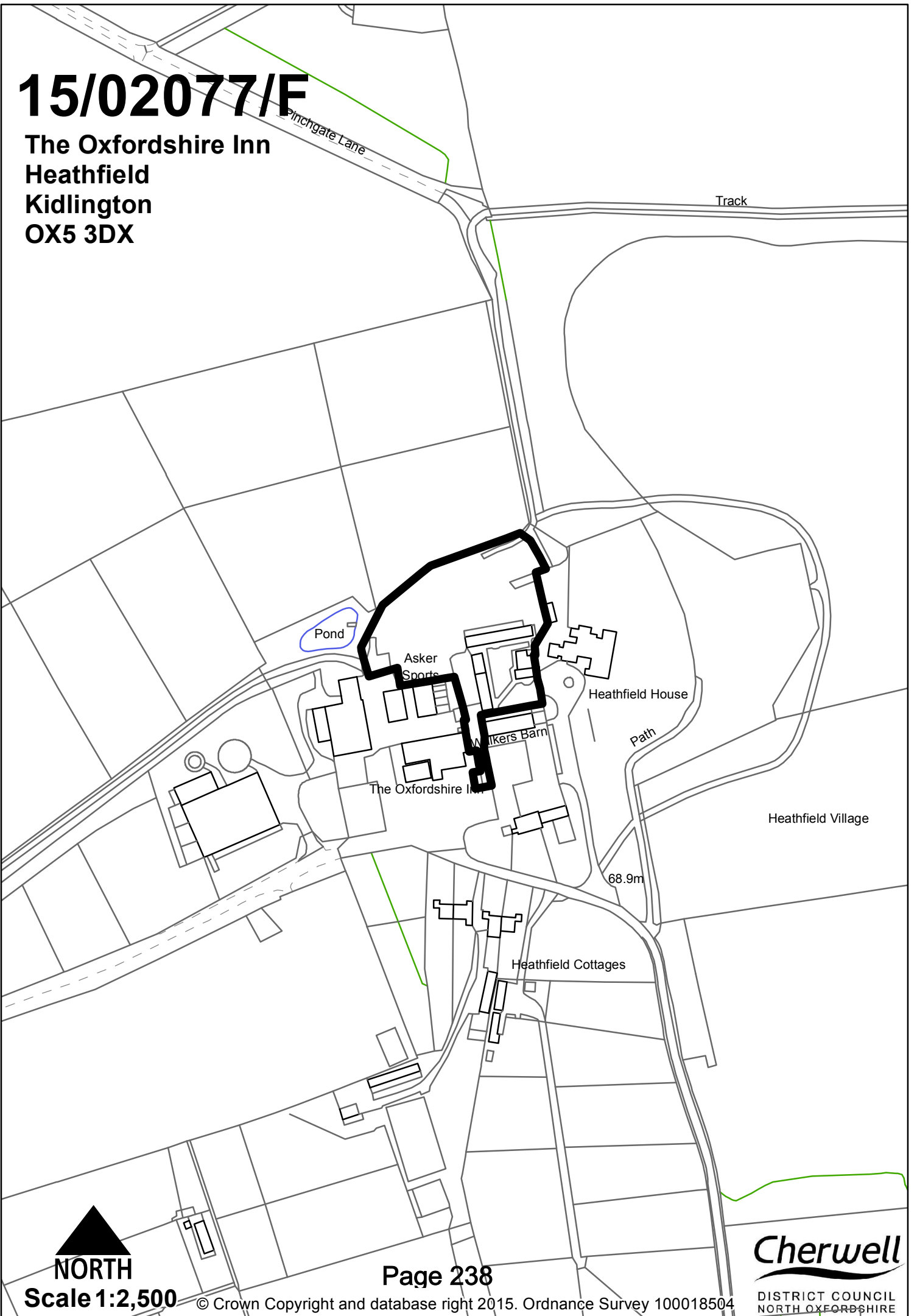
The Oxfordshire Inn



Scale 1:600

15/02077/F

The Oxfordshire Inn
Heathfield
Kidlington
OX5 3DX



NORTH
Scale 1:2,500

Case Officer: James Kirkham **Ward(s):** Kirtlington

Applicant: Investfront Ltd

Ward Member(s): Councillor Simon Holland

Proposal: Change of use of existing hotel accommodation to form 8No. dwellings -
re-submission of 13/01278/F

Committee Date: 18.02.2016 **Recommendation:** Approval

1. Application Site and Locality

- 1.1 The application site consists of a number of predominately two storey stone buildings arranged in a courtyard form which are currently used as hotel accommodation associated with the Oxfordshire Inn at Heathfield. They currently provide 26 hotel suites. The Oxfordshire Inn, a single storey rendered building, is located to the front of the site and has a large car park to the frontage. It includes a restaurant and bar and conferencing facilities.
- 1.2 The buildings which are subject to this application are located to the north west of the Oxfordshire Inn. Most views of the buildings from the frontage of the site are screened by the existing Inn and also Walkers Barn, which is used as 9 residential apartments (approved under 06/00955/CLUE). Heathfield is an isolated loose knit settlement with no strong character or form. Heathfield House is located immediately to the west of the site and is a nursing home.
- 1.3 The site is located within the Oxford Green Belt.

2. Description of Proposed Development

- 2.1 The current application seeks permission to change the use of the existing hotel accommodation to 8 dwellings. This would consist of 5 x 3 bedroom dwellings and 3 x 2 bedroom dwellings. The application originally proposed 9 dwellings, but this was amended and reduced to 8 by the applicant.
- 2.2 The only physical alterations to the buildings would be some minor alterations to the position of a number of doors and windows. Small courtyard gardens would be created to the rear of plots 5 to 7 with 1.5m high post and rail fencing.
- 2.3 Vehicular access to the site would be provided to the east of the Oxfordshire Inn and a new parking area for 12 vehicles would be formed to the north east of the buildings.
- 2.4 The application is a resubmission of a previous application for 9 dwellings which was approved in November 2014 under planning reference 13/01278/F.

3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
01/00378/F	Redevelopment of existing A3 use incorporating external alterations to adjoining ancillary accommodation and the addition of an entrance porch, staff room and wet room (as clarified by Agent's letter dated 11.04.01)	PER
04/00776/F	Change of use of building to casino in association with the licensed premises, including additional parking area.	REF
05/00383/F	Retrospective - Reconstruction of function room roof (as amended by drawing no 1732/15B received 06.04.05)	PER
08/01343/F	Erection of new build bedrooms 11-60 inclusive	DISMISSED
13/01278/F	Conversion of existing hotel accommodation to form 9 no. dwellings	PER
15/00121/F	Conversion of existing hotel accommodation to form 12 no. dwellings	PENDING

4. Response to Publicity

4.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment was the 23rd December 2015. 1 letter of objection has been received. This has raised the following concerns:

- The proposed car park and access and associated vehicle movements will lead to noise and disturbance to the residential accommodation in the adjacent equestrian business
- Loss of view from neighbouring residential accommodation
- Potential impact on flooding as a result of the proposed new hard standing
- Additional lighting will be an eyesore in the Green Belt
- Loss of security to adjacent equestrian centre

5. Response to Consultation

Parish/Town Council:

5.1 **Bletchington Parish Council** - This area is designated for leisure use, and should remain as such. In addition, the Parish Council would like to point out that a right-turn lane is still absent on the B4027. With continuous applications for increased development in Heathfield, this should be made a priority consideration.

Cherwell District Council:

5.2 **Housing Standards** – No objections.

- 5.3 **Environmental Protection** - As long as the same conditions that were placed on 13/01278/F (of which this is a resubmission) are placed on this application, nothing further to add with regards to conditions or objections.
- 5.4 **Planning Policy** – No objections. The application should be determined in accordance with the Development Plan. The full scheme should be reconsidered in case the balance of judgement is affected by there being less ‘benefit’ associated with the loss of an affordable housing contribution.
- 5.5 **Strategic Housing** – No objections.

Oxfordshire County Council:

- 5.6 **Highways** - No objection subject to the following condition:

Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site within the site curtilage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

- 5.7 The application seeks a change of use of hotel accommodation into a 9 dwelling complex – which is an identical application considered in 2013 under planning reference 13/01278/F. The proposal is likely to have a far lesser trip generation than the current land use and therefore a less traffic impact on the local road network. There is no reference being made to the details including location of the refuse bin storage. In light of the above, the overall proposal of the application is unlikely to have an adverse impact on traffic and highway safety.

Other External Consultees:

- 5.8 **Thames Water** – No objection. There is sewerage and water infrastructure to accommodate the development.

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

PSD1 – Presumption in Favour of Sustainable Development
SLE4 – Improved Transport and Connections
BSC2 – The Effective and Efficient Use of Land
BSC3 – Affordable Housing
BSC4 – Housing Mix

ESD1 – Mitigating and Adapting to Climate Change
ESD6 and 7 – Sustainable Flood Risk Management
ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
ESD13 – Local Landscape Protection and Enhancement
ESD14 – Oxford Green Belt
ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

H19 – Conversion of Buildings in the Countryside
C28 – Design Control
C30 – Housing Design

6.2 Other Material Planning Considerations:

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

Planning Practice Guidance (PPG) – 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:

- Planning History
- Principle of Development
- Green Belt
- Affordable Housing
- Design and Impact on the Character and Appearance of the Area
- Highways and Parking
- Effect on Neighbouring Amenity
- Other Matters

Planning History

7.2 The current application is a resubmission of an earlier approved scheme under planning reference 13/01278/F. This application was identical to the current application except for the fact that the current application now proposes 8 dwellings instead of 9 which were previously approved. The application was approved on 26th November 2014 so remains extant until 26th November 2017. Since this earlier approval the Cherwell Local Plan 2011-2031 Part 1 has been adopted. However, notwithstanding the change in the policy background, a strong material consideration in this case is that planning permission to undertake the development has already been approved and could be implemented. The other main consideration in this application relates to the provision of affordable housing which is discussed further below.

Principle of Development

7.3 Policy ESD1 states that at a strategic level the Council will mitigate the impact of development within the district on climate change by distributing growth to the most sustainable locations as defined in the Local Plan and delivering development that seeks to reduce the need to travel.

7.4 The settlement of Heathfield is not considered to be a village in its own right and as such is not covered by the policies for new housing in the villages. The site would be considered to be

open countryside. This application is therefore assessed against saved Policy H19 of the Cherwell Local Plan 1996. This policy allows for the conversion of buildings whose form, bulk and general design is in keeping with its surroundings to a dwelling provided the building can be converted without major rebuilding or extension and without inappropriate alteration to its form and character; the proposal would not cause significant harm to the character of the countryside or the immediate setting of the building etc. Given the fact that these buildings are still in use, are already domestic in scale and design and do not require any extension it is considered that this policy is complied with.

- 7.5 It is acknowledged that this site would not normally be an acceptable location for new residential dwellings due to its poor geographical sustainability credentials. However, in respect of the earlier application it was accepted that the existing use as hotel accommodation was not sustainable and was no longer viable. It was reasoned that this was one unsustainable use replacing another unsustainable use. Furthermore, the fact that the scheme was a conversion project, rather than a new build, weighed in favour of the proposal. The principle was therefore acceptable. The current proposal would reduce the number of dwellings, compared to 13/01278/F, and given the remote location of the site from services this is considered to be an improvement. Therefore the principle of development remains acceptable.

Green Belt

- 7.6 The application site is situated within the Oxford Green Belt. Policy ESD14 states that development proposals within the Green Belt will be assessed in accordance with government guidance contained in the NPPF and PPG and will only be permitted if it maintains the openness of the Green Belt and does not conflict with the purposes of the Green Belt or harm its visual amenity.
- 7.7 The issues relating to the Green Belt remain the same as were previously considered acceptable under planning reference 13/01278/F. The NPPF advises that inappropriate development in the Green Belt is by definition harmful and should not be approved except in very special circumstances. However the NPPF includes some exceptions from 'inappropriate development'. These include the exceptions at paragraph 70 which allows for the re-use of building providing that the buildings are of a permanent and substantial construction and the proposals would preserve the openness of the Green Belt and not conflict with the purposes of including land in the Green Belt.
- 7.8 Although the proposal will provide 8 new dwellings, it involves the conversion and internal alteration of existing buildings with only minor alterations to the fenestration. No extensions are proposed in order to provide residential accommodation. Therefore the actual change of use of the buildings would not have an impact on the openness of the Green Belt. However a change of use to residential can result in the need to provide private amenity space, defined through the construction of boundary fences/walls, the need to provide outbuildings and areas to park cars. Therefore it is important to consider the impact on the openness of the Green Belt. The units of accommodation that back onto the open countryside, thus having the potential to have the greatest impact on the Green Belt, already benefit from enclosed courtyards, albeit very small (3.5m in depth), but they do provide some private amenity space. The other properties that are set further within the built confines of the grouping of buildings are proposed to have new private amenity spaces. These proposed spaces are modest in relation to the size of the dwellings, proposed to be bound by post and rail fences and remain within the 'envelope' of built development, thus having a limited impact on the openness of the Green Belt. It is considered both necessary and appropriate to restrict the potential for

domestic outbuildings and extensions of domestic curtilages in order to limit the impact on the Green Belt through suitably worded conditions.

- 7.9 As with the earlier approval on the site the provision for parking for the properties is proposed for an area of land which does extend an existing area of hard standing, slightly beyond the 'built envelope' of the existing buildings. Whilst it could be argued that this results in an encroachment into the Green Belt the provision of this area of hard standing is identical to the permitted area which was considered to be acceptable under the same policy tests. When assessing the proposal against Green Belt policy contained within the NPPF and the adopted Cherwell Local Plan Part 1 (2015) it is considered that the proposal complies with the guidance and ultimately the scheme does not affect the openness of the Green Belt and as such is considered to be appropriate.

Affordable Housing

- 7.10 In the previous application for 9 dwellings on the site a Section 106 agreement was entered into to provide a financial contribution for the provision of affordable housing. This was to be calculated at a sum equal to 40% of the market value of the aggregate of 3 of the 2 bedroom properties. This was due to the fact that when the earlier application was determined the number of dwellings proposed exceeded the threshold for affordable housing contributions in the submission version of the Local Plan. An off-site contribution was sought as it was considered the unsustainable location of the dwellings would lead to potential difficulties in finding an interested affordable housing provider and so the provision of a financial contribution was determined to be a favourable solution over on-site provision.
- 7.11 Since this earlier decision the Cherwell Local Plan Part 1 has been adopted which has altered the threshold for affordable housing provision on new development sites. Policy BSC3 of the Cherwell Local Plan Part 1 now states that all proposed developments that include 11 or more dwellings (gross) or which would be provided on sites suitable for 11 or more dwellings will be expected to provide at least 35% of new housing as affordable homes on site.
- 7.12 Planning law requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Policy BSC3 now forms part of the Development Plan and given its recent adoption carries significant weight in determining applications. As the proposed development is for 8 dwellings it is considered that there are no policy grounds to require the affordable housing contribution and the Council would be unreasonable in pursuing this.
- 7.13 Whilst the outstanding application for 12 dwellings on the site is noted this remains to be determined on its own merits. It is not considered that the development currently proposed (which is only one unit less than the approved scheme for 9 dwellings) is designed with an artificially low density deliberately intended to avoid this policy being applied, particularly taking into account the development consists of the conversion of existing buildings and is in a rural location. Therefore it is considered it would be difficult to argue that Policy BSC3 should be applied in this context and in view of this it is considered that the proposed development would be acceptable without an affordable housing contribution in this case.

Design and Impact on Character and Appearance of the Area

- 7.14 Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 states that development will be expected to respect and enhance local landscape character and proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements. Policy ESD15 of the Cherwell Local Plan states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. It also states development should contribute

positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.

- 7.15 The proposed development is largely contained within the existing buildings which would limit its visual impact on the wider surroundings. New areas would be provided for residential curtilages but the proposed boundary treatments are considered appropriate for the rural location being post and rail fences. It is not considered that sufficient visual harm will result from the car parking area so as to warrant a refusal of the application. One of the neighbouring residents has raised concerns over the lighting within the car park and access areas. Depending on the form and levels of luminance lighting has the potential to cause visual intrusion into the open countryside. As such a condition is recommended which requires lighting details to be provided prior to installation.

Highways and Parking

- 7.16 Policy SLE4 of the Cherwell Local Plan Part 1 states development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.
- 7.17 OCC Highways have been consulted and have raised no objection to the application. They have stated that the proposed change of use is likely to lead to a reduction in traffic associated with the buildings. Furthermore they consider that the access to the side of the Oxfordshire Inn and provision of 18 spaces is adequate to serve the needs of the proposed development. The proposed development is therefore considered to be acceptable in this regard.

Effect on Neighbour Amenity

- 7.18 Both the NPPF and Policy ESD15 of the Cherwell Local Plan Part 1 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings.
- 7.19 There are some complex relationships between the existing land uses and ownerships within the vicinity of the site. For example the Oxfordshire Inn shares at least three boundaries with the equestrian centre to the west and the specific site for which the conversion applies shares a boundary with ancillary residential accommodation associated with the equestrian centre. The proposed parking area is in close proximity to the residential accommodation but is within an area already turned to hard standing with a storage container located on it. The owner of the equestrian centre has raised objections based on increase noise and disturbance from vehicles utilising the parking area. However this is not expected to be any worse than the disturbances that may arise from the existing use of the buildings and surrounding land. Given the scale of the development and the relationship with this property this is not considered to justify refusal. The previously approved development was considered to be acceptable in this regard and it is not considered that any material change in circumstances or policy exist to reach a different conclusion.
- 7.20 The owner of the equestrian centre has also raised concern in relation to security for their horses. However given that the dwellings are likely to accommodate permanent residents it would be more likely to result in increased security through more regular natural surveillance than would arise through hotel accommodation.
- 7.21 Another concern raised relates to the impacts on views from the neighbouring accommodation. However this is not a material planning consideration given that there is no right to a view over land. Given the relationship of the buildings to the neighbouring properties

and the nature of the use of neighbouring buildings it is not considered that the proposals will cause harm to the residential amenities.

- 7.22 Having regard to the similarities with the approved scheme, the proposed development is also considered to provide adequate levels of amenity for future residents.

Other matters

- 7.23 One resident has raised concerns that the area which is proposed to be used for the access and parking area has flooded in the past and the proposal could exacerbate this issue. The hard standing down the length of the access is already in situ and therefore the proposal is unlikely to exacerbate this. The enlarged area for the proposed parking areas would be constructed of permeable materials and a surface water drainage condition could be included on any consent to ensure full details of this were provided.

Statement of Engagement

- 7.24 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.

8. Conclusion

- 8.1 The proposed conversion of the buildings, loss of hotel accommodation and establishment of residential curtilage has already been granted consent in 2014. This permission is still capable of being implemented and is considered to be a material consideration as a 'fall back' position which carries significant weight in determining the current application. The Cherwell Local Plan Part 1 has been adopted since the previous consent and there are not considered to be any policies in this which would justify a more restrictive approach being taken towards the proposed development. The adoption of the Cherwell Local Plan Part 1 has however resulted in the threshold for affordable housing being raised and no longer being applicable to the scale of the proposed development. Therefore it is considered that the affordable housing contribution which was secured against the previous application is no longer justified. Whilst the proposal does differ to the approved application for 9 dwellings on the site, as it now proposes 8 dwellings, this is not considered to materially impact on the planning balance. Furthermore given the remote location of the site a fewer number of dwellings is considered to be more desirable. All other matters relating to the application are considered to be acceptable. It is therefore recommended that planning permission be granted.

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 condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms Design and Access Statement and drawings numbered: SK.12-536-16C, SK.12-536-16 C17B, SK.12-536-11, SK.12-536-24A, SK.12-536-09B, SK.12-536-15B, SK.12-536-11, SK.12-536-25 A, SK.14-622-117A, SK.14-622-116A, SK.14-622-114A and SK.14-622-115A.

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 The materials to be used for the works to the external walls hereby approved shall match in terms of colour, type, texture and appearance those used on the existing building.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4 Prior to the first occupation of any dwelling 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, in respect of those dwellings which they are intended to screen, shall be erected in accordance with the approved details, prior to the first occupation of those dwellings.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the first occupation of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan and Government guidance

contained within the National Planning Policy Framework.

- 6 Prior to the occupation 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.

Thereafter the development shall be carried out in accordance with the approved landscaping scheme.

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 ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 7 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 ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 8 Prior to the commencement of the development hereby approved, a plan showing a car parking provision for 18 spaces to be accommodated within the site to include layout, surface details, and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

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

- 9 Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

and its subsequent amendments, the approved dwelling(s) 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.

Reason - To ensure that visual amenities of the area and the amenity of neighbouring properties are protected in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 10 Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, fence wall or other means of enclosure (except for those approved by this consent) shall be erected on the application site unless planning permission has first been granted by the Local Planning Authority.

Reason - To ensure that visual amenities of the area and the amenity of neighbouring properties are protected in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 11 Prior to the installation of any external lighting 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 ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy ENV1 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

Statement of Engagement

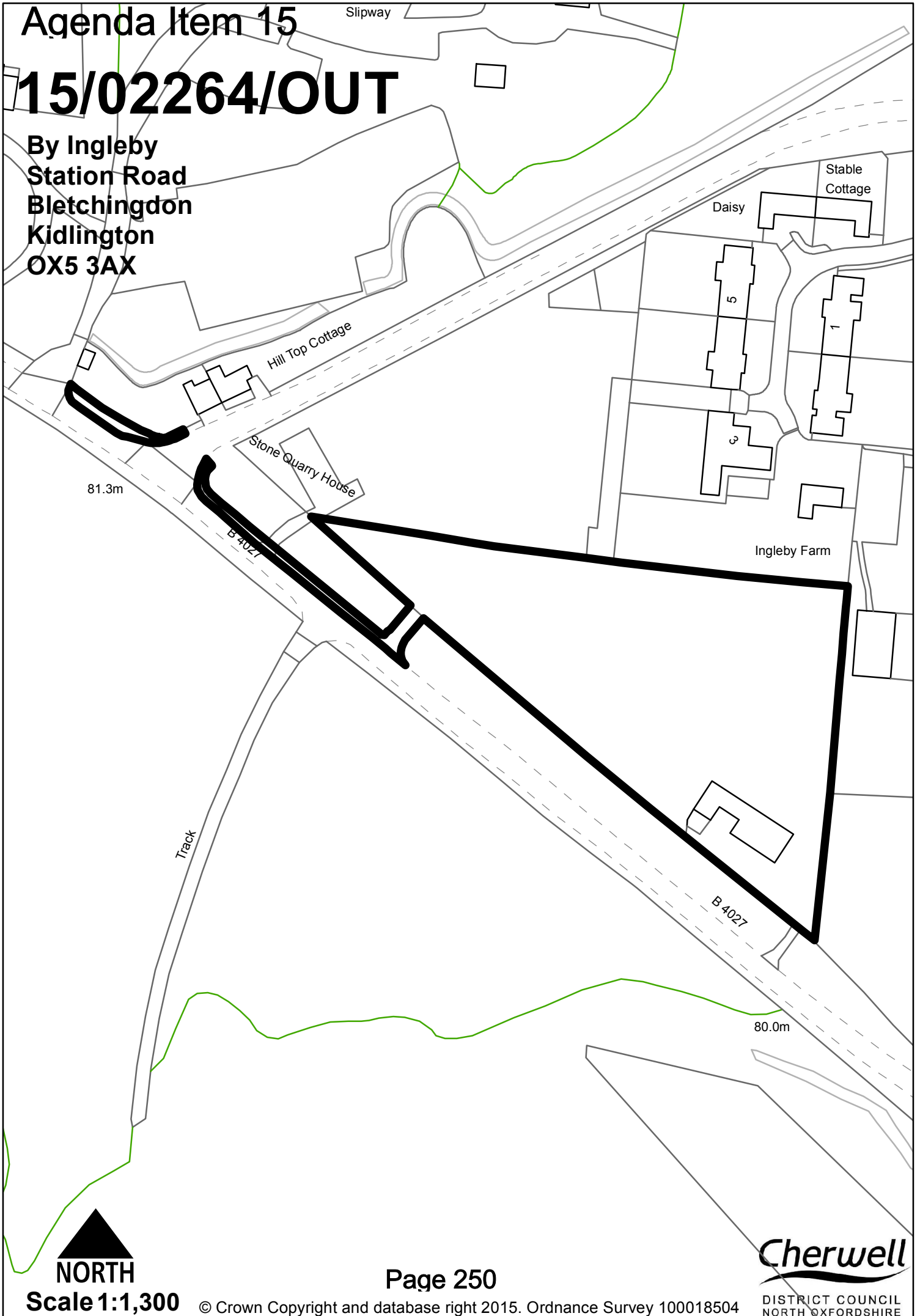
In accordance with the Town and Country Planning (Development Management Procedure) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant in a positive and proactive way as set out in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

CONTACT OFFICER: James Kirkham

TELEPHONE NO: 01295 221896

15/02264/OUT

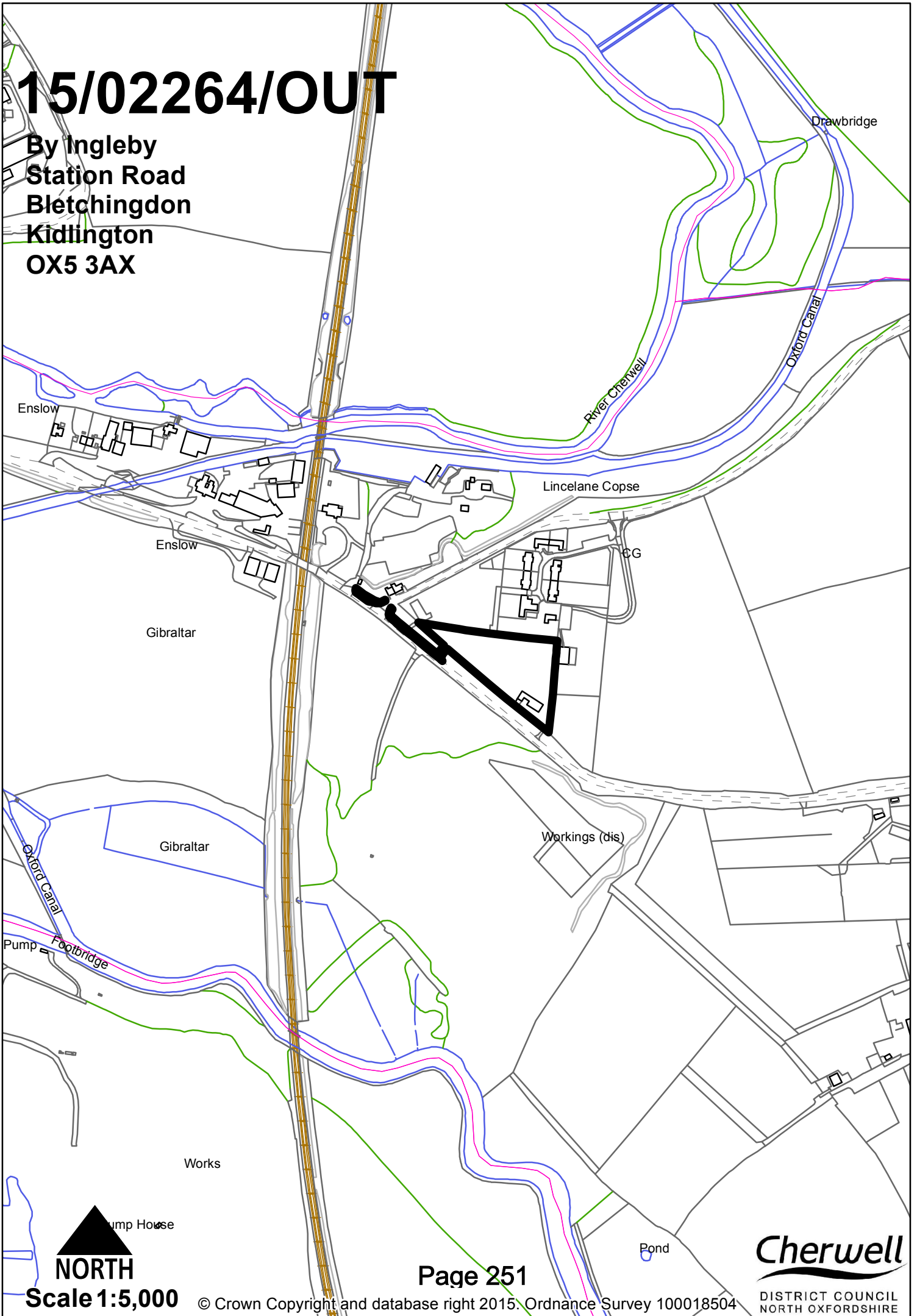
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Kidlington
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By Ingleby
Station Road
Bletchington
Kidlington
OX5 3AX



Drawbridge

Enslow

River Cherwell

Oxford Canal

Lincelane Copse

Enslow

CG

Gibraltar

Workings (dis)

Gibraltar

Oxford Canal
Pump
Footbridge

Works

Pump House

Pond

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

NORTH

Scale 1:5,000

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Case Officer: Matthew Parry **Ward(s):** Kirtlington

Applicant: Lexham Stone Ltd

Ward Member(s): Councillor Simon Holland

Proposal: OUTLINE - 10 No dwellings with revised access; demolition of existing dwelling

Committee Date: 18.02.2016 **Recommendation:** Refusal

1. Application Site and Locality

- 1.1 The application site consists of a parcel of land comprising a dwelling and its curtilage in addition to an adjoining field. The site is located on the eastern edge of the hamlet of Enslow adjacent to the residential development of Ingleby Paddocks and is on the northern side of the B4027 which links Enslow with Bletchingdon.
- 1.2 A five bedroom bungalow and its associated outbuildings and garden area comprise the eastern part of the site. The western part of the site is an agricultural field and is separated from the residential property by a row of modest hedgerow trees that bisect the site. The site is currently served by two vehicular accesses from the B4027 – an informal unmade farm access at its western edge and a formal access to the dwelling at the east.
- 1.3 Along the site's southern boundary with the B4027 lies a line of trees comprising a variety of native species. Together these screen the site relatively successfully during summer months though there are some gaps in the tree cover as well as views through at the two vehicular access points. A drainage ditch is hidden amongst this line of trees and runs along the majority of the site's southern boundary.
- 1.4 The site itself is not covered by any statutory or local planning policy designations though it should be noted that land immediately to the south of the B4027 is part of the Oxford Green Belt. In addition, the Bletchingdon Quarry Local Wildlife Site is located less than 50m away on the south side of the B4027.

2. Description of Proposed Development

- 2.1 The application seeks outline planning permission for the demolition of the existing dwelling and the erection of 10 new dwellings with all matters except access reserved for later approval. The two existing access points are proposed to be closed and a new access created from the B4027 together with a new pedestrian/cycle way along the roadside verge linking the site with Enslow village. A section of the ditch along the site's southern boundary is proposed to be culverted as part of creating the new vehicular access.

3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
11/01146/OUT	Outline: Demolition of existing residential single family bungalow and disused cattery and development of 5 no. residential dwellings	Refused 15.11.11

4. Response to Publicity

4.1 The application was publicised by way of a notice in the local newspaper, letters to nearby properties as well as the erection of site notices. One third party representation has been received from the neighbouring Ingleby Farm and the comments raised are summarised as follows:

- The proposals represent overdevelopment of the hamlet of Enslow, significantly altering the fabric of this rural area meaning that Enslow would lose its character;
- The proposal would not afford sufficient space for landscaping and would result in properties having gardens too small for the size of the houses;
- The Local Plan seeks to concentrate growth to the more sustainable settlements of Banbury and Bicester. This site is in an unsustainable rural location and is not suitable for housing;
- Plots 3 and 4 shown on the site layout plan would allow potential for significant overlooking of the private amenity area serving Ingleby Farm to the north. This would fail to adequately respect the privacy of existing residents in conflict with Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998;
- The applicant's supporting statement contains a number of inaccuracies including aerial photographs that are outdated. The vast majority of the main garden of Ingleby Farm is adjacent to the northern boundary of the application site;
- The proposals would increase traffic movements at a dangerous junction between the A4095 and B4027 – this would not only add to congestion but also present a highway safety risk given that there have been at least two accidents at this junction in the past year.

5. Response to Consultation

Parish/Town Council:

No comments received

Cherwell District Council:

Community Services – No infrastructure mitigation necessary.

Waste and Recycling Services – No objection.

Public Art – A financial contribution of £2000 is required to cover the cost of creating a new piece of public artwork for the village.

Landscape Services - No objection provided the tree belt to the southwest and eastern boundaries are retained and protected in accordance with BS5837:2012, and landscape

proposals indicate landscape treatment e.g. to the northern boundary in order to mitigate the development from adjacent residencies. Tree pit details will be required.

In accordance with CDC planning obligations and standards of provision, ten dwellings trigger a LAP, and not a LEAP as proposed on the Outline Site Proposals. The developer is to refer to CDC's Planning Obligations SPD for guidance on layout, location, access and play experience objectives. A designated pedestrian footway between the houses and the LAP is necessary to ensure safe access for residents and their children; not currently shown on the proposals.

Arboriculture – No objection subject to the measures set out in the tree protection plan and arboricultural method statement being accorded with. These should be secured by condition.

Environmental Protection – The site is potential contaminated due to neighbouring land uses. A phased contamination risk assessment should be secured by planning condition(s).

Anti-Social Behaviour - Due to the proximity of the site to a junction of two busy roads, a railway line 130m away, light industry 70m away and a motorcycle scrambler track across the road, the following conditions are required:

1. Prior to the commencement of the development hereby approved, a specialist acoustic consultant's report that demonstrates that internal noise levels do not exceed the levels specified in the British Standard BS 8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings', shall be submitted to and approved in writing by the Local Planning Authority. If required thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings affected by this condition shall be insulated and maintained in accordance with the approved details.

2. Prior to the commencement of the development hereby approved a specialist acoustic consultant's report that demonstrates that the World Health Organisations guideline noise value for outdoor areas of 55 dB LAeq (16 hr) or less can be achieved during the time period 07:00 to 23:00 hrs for domestic gardens and recreation areas used in common shall be submitted to and approved in writing by the Local Planning Authority. Where acoustic barriers, planting or other features are required to achieve this standard full details of these elements shall be submitted with the report for approval. Thereafter and prior to the first occupation of the affected dwellings and the first use of the common areas, the acoustic barriers shall be installed and retained in accordance with the approved details.

Oxfordshire County Council:

Local Highway Authority

Recommendation:

Objection

Key issues:

Question over feasibility of providing footway access to Enslow village

Visibility at site access does not meet DMRB guidelines

Very little opportunity for sustainable travel

Legal agreement required to secure:

Highway improvements to be carried out under S278, including new footway linking the development with the Rock of Gibraltar public house, and gateway features to be agreed in consultation with the parish council

S106 contribution to cover the cost of implementing a reduction in speed limit

Conditions:**Access: Full Details**

Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway **including a footway from the development to the Rock of Gibraltar public house and village gateway features**, 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 **including the above mentioned footway and gateway features** shall be constructed and retained in accordance with the approved details.

Estate Accesses, Driveways and Turning Areas

Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways 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.

Cycle Parking Provision

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.

Construction traffic management plan: 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.

Reason – in the interests of highway safety and the amenity of local residents.

Drainage: 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 completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations

Informatives:

For roads within the proposed development to be offered for adoption to the Local Highway Authority a S38 Agreement will be required. For any private roads a Private Road Agreement will be required between the developer and Oxfordshire County Council. For guidance and information on road adoptions please contact the County's Road Agreements Team on 01865815700 or email Road.Agreements@oxfordshire.gov.uk.

Detailed comments:

Access arrangements The proposals provide for a single, simple priority junction, approximately 80m southeast of the junction of the A4095 with the B4027, which runs past the site. This is on a straight stretch of road with a wide verge. The transport statement provided with the application states that visibility of 191 metres to the southeast and 144 metres to the northwest are achievable. There do not appear to be any obstructions within this visibility splay.

However, the access is within national speed limit, and to the southeast, the achievable visibility falls 16 metres short of the DMRB guideline. To the northwest, the 50mph speed limit starts just before the junction with the A4095 the visibility to the northwest falls 16 metres short of the DMRB guideline for 50mph. In my opinion, DMRB guidelines should apply at this site, given its rural, unlit location, on a road which is extensively used as a commuter route 'cut through' to Oxford from routes to the north. There is no evidence that speed surveys have been carried out, so we have to assume that speeds are as per the speed limit, which means the visibility is not sufficient according to DMRB guidelines.

Should the LPA be minded to grant permission, the highways authority would require a reduction to 40mph on the B4027, extending 50m to the southeast of the access. This would of course be subject to consultation, with a risk of it not being possible to implement. The developer would also be required to implement a gateway feature on each approach to the village, to reinforce the speed limit. The highways authority made a similar requirement in its response to a nearby planning application.

In terms of pedestrian access to Enslow village, the transport statement mentions that a footway would be provided, linking to the footway proposed as part of the nearby planning application on the other side of the A4095. **In my opinion this footway is required to make the development acceptable in planning terms.** However no plans of this footway are provided, and I have serious concerns about the ability to provide it safely, allowing for a crossing of the junction with the A4095. This is because of a boundary wall of the property on the northwest side of this junction, which is too close to the carriageway on the corner to allow for the footway to come round the NW corner to a safe crossing point. Pedestrians would be forced to cross at a point where they could not see traffic approaching from the east on the A4095.

Given the nature of the B4027 at the site access, the access road should be 5.5m wide for a distance of 12m back from the junction. This is to prevent the situation of vehicles having to stop on the main road to allow another vehicle to exit. The footway should continue into the site onto the shared surface. If it is intended to offer the internal road for adoption, as a shared surface it must be 6m wide in order to be adoptable.

Car parking Car parking overspilling onto the B4027 would present an unacceptable safety risk. Therefore, if the LPA is minded to grant permission, at reserved matters stage the highways authority would be looking for evidence of suitable car parking provision. Two spaces per dwelling is low for this highly car-dependent location, but the development looks sufficiently spacious to accommodate a number of visitor parking bays to mitigate the risk.

Sustainability of the site The site is remote from public transport. Due to significant reductions in local authority finance it is highly probable that service 25 through Enslow village will cease operation in 2016, despite comments in the transport statement suggesting that alternative funding may be found. In any case the service does not offer a suitable timetable for commuting trips.

The location of this site is also poor for walking and cycling to alternative bus stops located on the A4165 near Bunkers Hill, and to Bletchingdon and to Kirtlington villages, due to these links being on twisting roads with fast traffic, encroaching vegetation and a lack of footways. New residents in this location are likely to be completely car-dependent. There are no retail outlets, schools or other neighbourhood facilities in Enslow (apart from a public house). Nevertheless, the developer must provide a travel information pack to each new resident at first occupation. This must be approved in advance by the Travel Plans Team at Oxfordshire County Council.

Education

Recommendation:

Approval

Key issues:

Based on the following mix (set out in the application form):

0 x One Bed Dwellings

3 x Two Bed Dwellings

2 x Three Bed Dwellings

5 x Four Bed Dwellings

This proposed development has been estimated to generate 3.84 primary pupils, 2.92 secondary pupils (including 0.44 sixth formers) and 0.08 pupils requiring education at an SEN school.

Primary education

£44,475 Section 106 required for the necessary expansion of permanent primary school capacity serving the area, at Bletchingdon CE (VA) Primary School.

Secondary education:

OCC is not seeking Education contributions to mitigate the impact of this development on secondary school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in future.

Special Educational Needs (SEN) education

OCC is not seeking Education contributions to mitigate the impact of this development on SEN school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in future.

Legal Agreement required to secure:

£44,475 Section 106 developer contributions towards the expansion of Bletchingdon CE (VA) Primary School, by a total of 3.84 pupil places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is to be index linked from 1st Quarter 2012 using PUBSEC Tender Price Index.

Conditions:

Planning permission to be dependent on a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This is in order for

Oxfordshire County Council to meet its statutory duty to ensure sufficient pupil places for all children of statutory school age.

Informatives:

Indexation

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

General

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. As the planning application is an outline proposal and in recognition that the delivered scheme may differ from that so far assumed and assessed the council provides & requires a matrix mechanism for inclusion within the S106 agreement. The matrix sets out the contributions payable per 1, 2, 3 & 4+ bed roomed dwelling built. This avoids potential over / under payment of infrastructure contributions.

Detailed Comments:

Primary:

Bletchington CE (VA) Primary School has very recently relocated to a new building, in order to allow it to expand from an admission number of 10 to one of 15 (i.e. a 0.5 form entry school) to meet local population growth, including that generated from housing development. The new build capital project provides 35 additional pupil places (and re-provides 70 places) at a cost of £4,258,000. Developer contributions are sought towards the £1m funding that the county council has committed towards this project.

However, as this project met various needs in addition to the provision of additional pupil places (for example, a village hall space), we are seeking contributions at the standard extension rates, rather than the rate per pupil place of the construction of the new school building.

Secondary:

The area is served by The Marlborough CE School (a secondary academy), which has a capacity of 1138 places for 11-19 year olds. The school is expected to fill as a result of rising pupil numbers from the existing population, and would need to expand to make local housing development acceptable in planning terms.

Special:

SEN provision for this area is included within a specialist resource base within The Marlborough CE School, which is operating at capacity. Across Oxfordshire 1.11% of pupils are taught in special schools and all housing developments would normally be expected to contribute proportionately toward expansion of this provision.

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.

Education contributions required to mitigate the impact of the development on infrastructure but for which Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) prevents OCC seeking a s106 obligation

□ £56,614 Section 106 contribution for necessary expansion of permanent secondary school capacity in the area by a total of 2.92 pupil places. This site lies in The Marlborough CE School's designated catchment area (an academy).

□ £2,330 Section 106 as a proportionate contribution to expansion of Special Educational Needs provision in the area by a total of 0.08 pupil places. This site is served by a Special Resource Unit at The Marlborough CE School (an academy) in Woodstock.

Property

Key issues:

Legal Agreement required to secure:

Administration & Monitoring Costs - £1,000

The County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured.

Admin and monitoring fee - Oxfordshire County Council requires an administrative payment of £1,000 for the purposes of administration and monitoring of the proposed S106 agreement, including elements relating to Education. The admin fee may increase depending on the value of any Transport related contributions.

OCC is not seeking property contributions to mitigate the impact of this development for all infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended).

Other External Consultees:

Thames Water – No objection with respect to mains water or waste water capacity. However, there is a water main crossing the application site which may need to be diverted at the applicant's cost or necessitate a change to the design and layout of the scheme.

Environment Agency – No statutory requirement to consult given that the site is located within Flood Zone 1. No comments made.

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 (LPP1)

BSC 1 – District Wide Housing Distribution

BSC 2 – Effective and Efficient Use of Land

BSC 3 – Affordable Housing

BSC 4 – Housing Mix

BSC 9 – Public Services and Utilities

BSC 11 – Local Standards of Provision – Outdoor Recreation

ESD 1 – Mitigating and Adapting to Climate Change

ESD 2 – Energy Hierarchy

ESD 3 Sustainable Construction

ESD 6 – Sustainable Flood Risk Management

ESD 7 – Sustainable Drainage Systems

ESD 10 – Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 – Local Landscape Protection and Enhancement

ESD 14 – Oxford Green Belt

ESD15 – The Character of the Built and Historic Environment

Villages 1 – Village Categorisation

Villages 2 – Distributing Growth across the Rural Areas

INF 1 - Infrastructure

Cherwell Local Plan 1996 (Saved Policies) (LP 1996)

C8 – Sporadic Development in the Countryside

C28 – Design of New Development

C30 – Residential Amenity

ENV12 – Contaminated Land

6.2 Other Material Planning Considerations:

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

Planning Practice Guidance (PPG) – This sets out regularly updated guidance from central Government to provide assistance on interpretation of national planning policy in addition to the application of relevant legislation.

7. Appraisal

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

- Principle of Development;
- Accessibility and Highway Safety;
- Design, Layout and Appearance;
- Landscape and Visual Impact;
- Open Space and Recreation;
- Effect on Neighbouring Amenity;
- Affordable Housing;
- Drainage and Flood Risk
- Ecological Implications;
- Energy Efficiency;
- Impact on Public Infrastructure;
- Planning Obligations;

Principle of Development

7.2 The site is in a rural location on the edge of Enslow, a hamlet providing very little in the way of everyday services, amenities or facilities. It also has very poor public transport links to larger settlements to allow residents to access both higher and lower order services. The site is served by an irregular bus service which does not present an attractive commuting option for residents and which, in any event, is likely to cease operation within the next year due to probable cancellation of subsidies for bus services within the county. As a result, occupants of new dwellings would be heavily car dependent in conflict with well-established environmental sustainability objectives. In reflection of its small size, limited services and isolated location, the site is classified within Policy Villages 1 of LPP1 as a Category C settlement which means that the development plan considers it suitable only to accommodate new dwellings through conversions of existing buildings and limited infilling. Whilst Policy Villages 2 allocates a small proportion (750 dwellings) of the overall housing target for the District across the rural areas, this applies only to residential development at the more sustainable Category A villages which are considered to be more socially, economically and environmentally able to satisfactorily accommodate them.

7.3 As a result, there is a clear planning policy objection within the development plan to new residential development in this location. These policies are up-to-date given their consistency with the NPPF and the Council's five year housing supply position and so full weight should be afforded to them. Policy BSC1 of LPP1 and its supporting text clearly set out the overall strategy for housing delivery within the Local Plan which is, in summary, to concentrate the majority of new housing to the District's largest settlement of Banbury and Bicester with only limited growth in the rural areas over the plan period. Not only would these proposals be in direct conflict with both Policy Villages 1 and 2 but they would be contrary to the objectives of the overall housing strategy of the Local Plan to concentrate growth to those areas that are more able to sustainably accommodate it.

7.4 Policy ESD1 of LPP1 is also material to consideration of the principle of this development. It states that measures will be taken to mitigate the impact of development within the District on climate change which means, at a strategic level, distributing growth to the most sustainable location as defined in the Local Plan. The housing supply policies in the LPP1 generally support this approach and, as such, this proposal to intensify residential development in one of the least environmentally sustainable locations in the District (due

to its heavily car dependent nature) would be in direct conflict with not only the Council's up-to-date housing supply policies but also its climate change policy objectives too.

- 7.5 Consideration of the acceptability of the principle of development also has to recognise that it is inherent within the proposals that they would result in the loss of greenfield land, some of which is open countryside and some of which is residential garden land. Once such land is lost to development this is likely to be in perpetuity and so its loss must be justified. Policy C8 of LP 1996 is reflective of the overarching core planning principles of the NPPF that inter alia recognise the contribution the intrinsic natural beauty of the countryside makes sustainability.
- 7.6 The existing field and its hedgerow boundaries are traditional features of the countryside and are inherent to the rural character of the area including the setting of Enslow and its surrounding natural landscape. New built development on this site would extend the hamlet of Enslow into its surrounding countryside and in turn directly result in the loss of its surrounding natural landscape and rural setting. Given the District's strong housing supply position which is already seeing the objectively assessed needs of the District being met across other more suitable allocated and unallocated sites, there is quite simply no robust justification for further unplanned permanent development of the countryside in this location. As a result these proposals for residential development in the open countryside are both unnecessary and unacceptable in principle.
- 7.7 Consequently, and for the reasons set out above, the principle of residential development on this site is considered to be wholly environmentally unsustainable due to the isolated car-dependent nature of the location and the impact that the development would have on the countryside which is contrary to both the provisions of the development plan and national planning policy.

Accessibility and Highway Safety

- 7.8 Policy SLE4 of LPP1 is reflective of national policy contained within the NPPF by requiring new developments to prioritise sustainable modes of transport and by requiring that account be taken as to whether safe and suitable access to a development can be achieved for all. The policy also goes on to state that development which is not suitable for the roads that serve it and which would have a residual severe traffic impact should be refused.
- 7.9 As discussed in the previous section of this report, the site is in an isolated car-dependent location where new residents would not be within easy reach of everyday services and facilities by sustainable transport modes. This is noted by the Highway Authority in OCC's consultation response. Enslow is a hamlet that is principally centred around a number of light industrial/warehouse units and a public house. It has a very limited number of houses and no services except for the public house. Not only is the site isolated with respect to other larger settlements and their associated services/amenities, it is also very poorly sited with respect to the rest of Enslow too. Indeed it is almost completely divorced from the settlement (and therefore its public house and employment) by the A4095.
- 7.10 In an effort to demonstrate improved connectivity with Enslow, the application proposes a combined footway/cycleway within the verge of the B4027 that would connect the new houses to the Rock of Gibraltar public house via a linkage with a new footway associated with the proposals on the nearby former B-line site. However, as noted by the LHA, this combined footway would not be suitable. Firstly, it would involve pedestrians having to cross the A4095 at a busy junction with the B4027 where there are inadequate visibility splays to ensure safe crossing. Furthermore, there are significant question marks about the deliverability of this footway given that there appears to be privately owned third party land on which it would need to be developed. As a result, the development would not

provide attractive pedestrian or cycle access to the limited facilities of Enslow for its future residents making them even more reliant on travel by car.

- 7.11 Matters do not improve when it comes to vehicular accessibility. The existing vehicular access to the bungalow on the site is already dangerous with national speed limit traffic combined with winding road alignment and verge landscaping limiting visibility splays to below the guidance set out in the Design Manual for Roads and Bridges (DMRB). Access and egress is therefore already hazardous for just one dwelling. The new access proposed would not be materially better in visibility terms and would intensify traffic movements into and out of the site. This consequently significantly increases potential traffic conflict and associated risks to the safety of road users. The width of the proposed new access also falls short of the minimum 5.5m expected by the LHA given that it is imperative that cars do not have to wait on the road whilst other exiting cars are temporarily impeding the site entrance.
- 7.12 To conclude on this matter, the proposed development would provide very poor opportunities for safe and suitable access to and from the site for pedestrians or cyclists. Similarly, it is very poorly served by public transport due to the limited existing bus service, the poor pedestrian connectivity to the bus stop and the likely withdrawal of the existing subsidy to the service by the County Council in the near future and the probable reduction/withdrawal of the service. As a result, the proposals do not prioritise or encourage sustainable modes of travel contrary to the requirements of Policy SLE4 of LPP1. Furthermore, the proposed development would intensify vehicle movements into the site via a vehicular access that has visibility splays that fall short of that expected in DMRB guidance for this type and speed limit of road meaning that vehicles entering and exiting the site will present a significantly increased highway safety risk to road users. As a consequence officers have concluded that the proposals are not served by safe and suitable vehicular access and therefore present a consequent risk to public safety contrary to the requirements of Policy SLE4 and national policy set out in the NPPF.

Design, Layout and Appearance

- 7.13 The application is in outline only with matters of scale, layout, appearance and landscaping reserved for later approval. Nevertheless, it is necessary to consider whether 10 dwellings are likely to be able to be satisfactorily accommodated on the site with respect to the general design and appearance of a final detailed scheme. The layout that has been submitted as part of the application is indicative only and is to try to demonstrate that the scheme can be acceptably delivered on the site.
- 7.14 Officers are particularly concerned about the relationship that the site and in turn the new houses would have with the rest of the built development of Enslow. As stated previously, new residential development would be both perceived and experienced as divorced from the main part of the hamlet by the A4095 and therefore would not integrate at all successfully with it. Instead it would be perceived as an uncoordinated sprawl of suburban development into the countryside rather than sitting comfortably as a coherent organic addition to Enslow. Furthermore, the large detached and semi-detached houses shown in the indicative plan would be prominent from the B4027 and would not be sufficiently deferential to its rural setting or be of a particularly traditional vernacular rural form of development akin to perhaps a farmyard layout. In reality any proposals are likely to see a collection of large suburban type houses proposed on this site which would only exacerbate the harm caused to the character of Enslow as a result of its poor integration with the settlement as well as the impact on the surrounding countryside.
- 7.15 Notwithstanding the above and officers' wider concerns about the acceptability of this site, it is likely that 10 suitably designed dwellings could be physically accommodated given the space available (0.76ha) and the layout of the site. A LEAP is proposed to the front of the

site though this is not required by Policy BSC11 given the size of development proposed – a LAP would be more suitable and proportionate particularly given that other children from outside the development are unlikely to use the play area given the inaccessibility of the site to other residents. Officers are satisfied that a LAP of a sufficient quality to meet the Council's standards could be accommodated within a future detailed scheme and the comments from the Council's Landscape Services team reflect this.

- 7.16 As a major development as defined in planning legislation, the NPPF and Policy ESD7 of LPP1 require the development to incorporate a sustainable drainage scheme which may require space within the site for a small attenuation pond and other landscape features in addition to underground services and permeable hardsurfacing as part of efforts to ensure that no increase in surface water run-off discharges from the site. Whilst no details are provided at this stage officers have no concerns that there would not be space within the site to provide it in an acceptable manner subject to appropriate conditions being imposed.
- 7.17 The majority of boundary trees are proposed to be retained as part of the proposals and a tree report has been submitted that demonstrates how this would be achieved. It is the existing trees along the southern boundary that are of most significance both in terms of their contribution to the surrounding natural landscape as well as the amenity of future occupants of houses on the site. The Council's tree officers have not raised any concerns about the impact of the proposals on existing trees or hedgerows subject to the works being carried out in accordance with the submitted reports which includes retention and protection of these boundary trees and hedgerows. Whilst Plot 8 in the indicative layout plan does seem to have a garden that might be slightly overshadowed by an existing Ash tree at the southeast of the site, this is only an indicative plan and officers are satisfied that a suitable layout is available that would avoid any future pressure to lop or fell this tree.
- 7.18 Whilst, prima facie, there appears to be sufficient space within the site to accommodate 10 dwellings and the necessary associated car parking, bin/cycle storage, play and amenity areas, it has become apparent from Thames Water through consultation that a water main crosses beneath the site. At the time of writing this report the location of this water main is not known and Thames Water has been requested to provide more detail. Nevertheless, if the water main runs through the site it could provide a constraint to the design and layout proposed at reserved matters stage unless a developer was to fund the diversion of the water main which would potentially be quite costly and perhaps even bring into question the financial viability of the development. Avoiding development or types of development on key elements of the site could compromise the final design and layout of the scheme if the outline application was to be approved. At this stage however, given that the site is generously proportioned to accommodate the 10 dwellings, officers are assuming that it would still be possible to be able to provide an acceptable layout of development on the site in a manner that avoids conflict with Thames Water's easements. Where this does not appear to be the case based on information received from Thames Water between the time of writing this report and the Planning Committee meeting, officers will update Members accordingly.
- 7.19 Consequently, whilst design and layout details are matters reserved for later approval, officers are not satisfied that the type, form, layout and scale of the new development proposed is likely to be harmonious with the surrounding built and natural environment or contribute positively to the area's character and identity. As a result officers have concluded that, in this respect, the proposals would be in conflict with the requirements of Policy ESD15 of LPP1 as well as Policy C28 of the LP 1996 in addition to national policy set out in the NPPF.

Landscape and Visual Impact

- 7.20 Policy ESD13 of LPP1 resists development where it would be inconsistent with local character and cause undue visual intrusion into the open countryside. Policy ESD15 is also material as it requires development to respect local landscape features.
- 7.21 As stated earlier in this report, the site generally forms part of the open countryside and has a typical rural appearance as experienced from the surrounding area including from the A4095 and B4027. Policy C8 of the LP 1996 reflects the intrinsic value of the natural landscape whether it is subject to specific designation or not by resisting sprawl of development into the countryside. The NPPF reflects the value that the countryside makes to the environment and in achieving sustainable development.
- 7.22 The expansion of built development into the countryside on the site would harm local landscape character by virtue of the appearance of a collection of large suburban houses on this currently undeveloped land. At present the site contributes to the rural feel of the area both as seen within the surrounding landscape and as perceived by passing traffic on the B4027 and A4095 roads. Its loss would suburbanise this rural location and lead to the permanent loss of this area of countryside to the detriment of the character of the surrounding landscape and its intrinsically rural context. As part of efforts to improve connectivity of the site with Enslow, a combined pedestrian/cycle way is proposed along the northern verge of the B4027 which crosses the junction with the A4095 before connecting up with another proposed footway in Enslow. This formal footway link is indicative of an approach more appropriate in suburban areas rather than within an informal, undefined landscaped verge and would only add to the harm caused to local landscape character and the site's rural context. Whilst not by itself determinative, this does exacerbate the overall harm caused to the surrounding countryside as a result of this the suburban sprawl proposed.
- 7.23 Policy C8 of the LP 1996 and Policy ESD13 of LPP1 have the effect of seeking to prevent inappropriate sprawl of development into the countryside. In the absence of robust justification based on wider sustainability benefits officers cannot support the proposals given the inevitable harm that would result due to the encroachment into the countryside.
- 7.24 The B4027 marks the boundary of the Oxford Green Belt. Rather than a landscape designation this is strategically designated space designed to be kept undeveloped. Whilst the proposals may be visible from within the Green Belt this does not conflict with the purposes of Green Belt designation which is principally for it to provide a gap to contain urban sprawl rather than have inherent landscape value. Consequently, whilst for reasons already set out the proposals would give rise to significant harm by virtue of development within the open countryside they would not however be in conflict with the objectives of Policy ESD14 and the NPPF with respect to protection of the Green Belt.

Open Space and Recreation

- 7.25 Policy BSC11 of LPP1 requires developments proposing 10 dwellings or more to be served by a local area for play (LAP). This should provide a small, pleasant and safe environment for young children to play in and is particularly necessary in this case given that other play areas are not safely accessible from the site. Other general public amenity spaces are also necessary in order to help provide a sufficient quality residential environment for all future occupants.
- 7.26 A local equipped Area for play (LEAP) is proposed as part of the development though this is excessive to serve a development of this size given that only a very small number of children are likely to use it. Broadly speaking officers are satisfied that a LAP can be accommodated within the site and its currently proposed location on the indicative layout plan is thought to be acceptable subject to it being served by a footway from the houses.

In the event that planning permission was to be granted, a planning obligation would be necessary to secure the provision of a play area, its transfer to the Council and a commuted sum for future maintenance as well as approval of its details. For similar reasons officers are satisfied that there should be sufficient space within the site to provide general amenity and green space to ensure a suitable quality residential environment. Such amenity spaces would also need to be the subject of clauses in a planning obligation to cover their future maintenance.

Effect on Neighbouring Amenity

- 7.27 Together Policies C30 of the LP 1996 and Policy ESD15 of LPP1 require new development to adequately protect the amenity enjoyed by neighbouring dwellings. This is reflective of national policy in the NPPF which sets out in its core planning principles the need for planning to seek to secure a good standard of amenity for existing and future occupants of land and buildings.
- 7.28 There is only one existing dwelling adjoining the site that could reasonably be affected by the proposed development. Ingleby Farm lies to the north and its curtilage wraps around part of the northern and eastern boundaries of the site. The design and layout shown in the submitted plans is indicative and so the impact on the neighbouring property cannot be fully considered at this stage. Nevertheless, it is clear from the indicative plans that there would be scope to ensure a more than sufficient separation distance from any new houses to the dwelling of Ingleby Farm itself which should prevent undue harm to privacy, light of outlook enjoyed within the neighbouring house. The design and positioning of houses proposed in the north-east corner of the site would need to take account of the need to limit impact on the enjoyment of the neighbouring garden but there is no reason to suggest that this could not be achieved given the space available within the site through a combination of suitable boundary treatments, planting and generous separation distances.
- 7.29 A third party representation from Ingleby Farm has suggested that residential properties in close proximity to the north-eastern boundary could prejudice use of the neighbouring site as a facility for the rehabilitation of injured racehorses. However, officers see no reason why a typical residential use would be likely to cause any particular noise and disruption that would adversely impact upon this neighbouring land use.
- 7.30 The third party representation from neighbouring Ingleby Farm has drawn attention to the potential for conflict with human rights established under the Human Rights Act 1998 which transposed the European Convention on Human Rights into UK legislation. The representation quotes Article 8 and Article 1 of the First Protocol which together relate to protection of privacy and a right to a private life. However, for reasons already set out above, officers are satisfied that any detailed scheme for 10 dwellings on the site could be designed in such a way that there would be no material impingement on the enjoyment of neighbouring private property. In any event, such Articles are qualified rights and not absolute rights such that they do allow for interference with private property rights by a public authority if it is in the general interest and provided for by law – i.e. through planning legislation.
- 7.31 In summary, officers are content that 10 dwellings could be accommodated on this site in such a manner that they would not have a significant adverse effect on neighbouring living conditions in accordance with the requirements of Policy C30 of the LP 1996 and Policy ESD15 of LPP1 as well as that set out in the NPPF. Furthermore, approval of the proposals would not appear to give rise to an interference with the human rights enjoyed by those living in neighbouring property. Consequently, with respect to the impact on neighbouring amenity, officers are satisfied that the proposals are acceptable.

Affordable Housing

- 7.32 Policy BSC2 of LPP1 reflects national policy in the NPPF by requiring development proposals to make efficient and effective use of land. This avoids the prospect of unnecessary loss of further greenfield or environmental sensitive sites. Policy BSC3 of LPP1 requires all residential proposals on sites suitable for 11 or more dwellings (gross) to provide at least 35% of the homes as affordable tenure.
- 7.33 The site is 0.76ha in size and only 10 dwellings are proposed. The indicative plans indicative this to be 10 large houses, probably with 4/5 bedroom bedrooms and many with double garages. A disproportionately large LEAP is proposed which is unnecessary to accord with the requirements of Policy BSC11 of LPP1. In short, notwithstanding the fact that the site is environmentally unsuitable for residential development for reasons already set out, the proposals also amount to a very clear underdevelopment of the site which is at best inefficient use of the land and at worst a deliberate attempt to avoid triggering the quantitative threshold for affordable housing in Policy BSC3. Were this site to be reasonably developed, officers would expect it to accommodate more dwellings and there are numerous permutations through which a higher number than currently proposed could be achieved. In light of the Council's approach taken on recent applications at the nearby B-Line site, it is likely that such affordable housing would be preferably delivered off-site in a more sustainable location via a commuted sum paid by the developer to the Council at an amount equivalent to the cost of providing 35% affordable housing on-site. The current application is silent on affordable housing and makes no offer to provide it either on or off-site.
- 7.34 Consequently, officers have concluded that the proposals amount to a highly inefficient use of land that as a consequence puts other greenfield land at unnecessary future risk of development. Furthermore the proposals represent a contrived attempt to circumvent planning policy requirements to contribute towards mixed and balanced housing delivery in the District. In this respect the proposals are therefore found to be in conflict with the requirements of both Policies BSC2 and BSC3 of LPP1.

Drainage and Flood Risk

- 7.35 The site is not known to be at risk of fluvial flooding or subject to significant drainage problems based on Environment Agency data. As a result, in flood risk terms there is no planning policy objection to residential development on this site. Nevertheless, as a major development and to comply with the requirements of Policy ESD7 of LPP1, the proposals must incorporate a sustainable drainage scheme. Whilst no details are provided at this stage, officers are content that there is sufficient space within the site to incorporate any surface water drainage landscape features. If the application was to be approved, a condition would be necessary requiring prior approval of a surface water drainage scheme.
- 7.36 The site does not appear to be served by a public sewer to discharge foul wastewater. In such circumstances, the Planning Practice Guidance in paragraph 34-020-20140306 states that where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant should be considered. This could either be adopted in due course by the sewerage company or owned and operated under a new appointment. The package sewage treatment plant should offer treatment so that the final discharge from it meets the standards set by the Environment Agency. A proposal for a package sewage treatment plant and infrastructure should set out clearly the responsibility and means of operation and management to ensure that the permit is not likely to be infringed in the life of the plant.
- 7.37 The applicant has provided details of an intended package sewage treatment plant though this could be subject to change depending on the final reserved matters details of the

scheme. Thames Water has not raised any concern regarding the use of such a treatment plant. In the event that outline planning permission was to be granted, officers would recommend a condition requiring prior approval of the full details of the treatment plant and its future maintenance. Officers have no concerns regarding accessibility of the site for a waste tanker within the site given the generous space available, but there is concern generally about the safety of the access (as set out above).

Ecological Implications

- 7.38 Both Policy ESD10 of LPP1 and national policy in the NPPF seek net gains for biodiversity as part of new developments. This reflects the Council's wider statutory duty within the Natural Environment and Rural Communities Act 2006 to have regard within its functions to the purpose of conserving biodiversity.
- 7.39 Enhancement to biodiversity is achieved by protecting, managing, enhancing and protecting existing resources as well as creating new resources. As stated previously in this report, the application proposes the retention of all boundary trees which could be secured by condition if the application was to be approved. These tree and hedgerow boundaries are likely to provide a habitat and pathway for bats and other wildlife and so should be retained. Within the site the existing trees are generally small and insignificant such that they could easily be replaced as part of planting within a new landscape scheme. All new buildings would provide the opportunity to incorporate bird boxes and bat bricks or tubes in the gable walls so as to provide additional roosting and nesting habitat. Subject to such conditions, officers are satisfied that there should, at the least, be no net loss of biodiversity within the site.
- 7.40 The designated Bletchington Quarry Local Wildlife Site (LWS) lies to the south of the B4027. However, due to the separation distance and the intervening road, it is unlikely that the proposals would have any material effect on the integrity and wildlife value of this local site.

Energy Efficiency

- 7.41 Policy ESD3 of LPP1 requires all new residential development to incorporate sustainable design and construction in order to achieve zero carbon standard. Such standard however is no longer supported by central Government and it is anticipated that energy standards will soon be fully incorporated into the relevant parts of the Building Regulations. In the meantime, local planning authorities can only require new developments to accord with the energy performance standards set out in the former Code for Sustainable Homes Level 4. In the event that planning permission was to be granted, a condition would need to be imposed requiring the development to accord with this standard in the interests of environmental sustainability. Cherwell District is also an area of water stress and to reflect this Policy ESD3 sets out limits on water usage in new dwellings – 110 litres/person/day. In the event planning permission was to be granted, a condition would also be necessary to ensure the new dwellings accord with this water limit.

Other Matters

- 7.42 The Council's Environmental Protection officers have reviewed the proposals. There is some evidence that the site could be contaminated though not to a level of significant concern. Consequently if planning permission was to be granted a condition would be necessary requiring a phased contamination risk assessment of the site to establish its contamination and any remediation necessary. Environmental Protection officers have also noted the proximity of the site to busy roads, industrial premises, a railway line and motorcycle scrambler track which together could have the potential to create noise nuisance for occupants of the proposed new houses. It is therefore recommended that, if approved, conditions be imposed requiring the new dwellings to incorporate any

necessary acoustic insulation in order to achieve the relevant British Standard (BS 8233:2014) for internal residential environments.

Impact on Infrastructure

- 7.43 In order to accord with the requirements of Policy INF1 of LPP1 and to ensure proposals are both socially and economically sustainable, it is necessary for new development to adequately mitigate its impact on public infrastructure. The proposals are likely to generate need for additional capacity at primary and secondary schools as well as special educational facilities in the local area. However, due to the impact of pooling restrictions introduced by the CIL Regulations 2010, only financial contributions towards the expansion of Bletchingdon Primary School can be sought. OCC have calculated this to be approximately £44,475 though this would be dependent on the final mix of houses proposed at reserved matters stage.
- 7.44 Given the size of the development, financial contributions towards off-site indoor and outdoor sports facilities as well as community facilities are not required having regard to the Council's draft Planning Obligations SPD.
- 7.45 The Council's Public Arts officer has suggested that a financial contribution be made towards the creation of a piece of public artwork within Enslow. However, having regard to very generic nature of the project as well as the limited size of the development proposed, this contribution is thought by officers to be both unnecessary and unreasonable having regard to the tests of planning obligations set out in the NPPF and CIL Regulations 2010.

Planning Obligations

- 7.46 In the event that Members resolve to grant planning permission notwithstanding officers' advice to the contrary, the following would first need to be secured through a satisfactory planning obligation with the District and County Councils:

Cherwell District Council:

- Financial contribution towards provision of off-site affordable housing equivalent to cost of providing 35% affordable housing on-site;
- Provision of a LAP on the site and arrangements for its future maintenance including, where appropriate, transfer to the Council together with commuted sum;
- Future maintenance of on-site public realm landscape features and SuDS.

Oxfordshire County Council:

- Financial contribution towards expansion project at Bletchingdon Primary School equating to approximately £44,475 but dependent on final house types/sizes proposed;
- Highway improvements to be carried out by developer under s278 of Highways Act 1980 to provide new footway link and village gateway features;
- Financial contribution to cover the cost of varying the TRO so as to reduce the speed limit on a section of the A4095 and B4027.

- 7.47 It cannot however be assumed that the applicant would be willing to commit to agreeing to provision of the above infrastructure items in satisfactory terms through a planning obligation. In the absence of a legal agreement that properly secures the above, the Council could not be certain that the development proposed would adequately mitigate its impact. Consequently officers recommend that Members also refuse to grant planning permission for this reason.

8. Conclusion

- 8.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions must be taken against the provisions of the development plan unless material planning considerations indicate otherwise. For reasons set out above, the proposals would be in conflict with a significant number of adopted and up-to-date development plan policies due to inter alia; the isolated nature of the site, impact upon the open countryside, significant highway safety risks, poor integration and connectivity with established development, inefficient use of land and absence of affordable housing as well as the failure of the applicant to enter into a satisfactory legal agreement to ensure the impact of the proposed development on infrastructure is adequately mitigated. Unless material considerations indicate otherwise, the application should therefore be refused.
- 8.2 The NPPF includes a general presumption in favour of sustainable development which is defined as incorporating three dimensions – social, economic and environmental. Where proposals are weighed against these dimensions and found to be overall sustainable, this can outweigh conflict with an adopted up-to-date development plan.
- 8.3 The proposals would make a contribution towards meeting identified housing needs which weigh in favour of the proposals. The scheme would also create some temporary employment due to the construction work. It is also possible that the proposals could, if the pedestrian link were feasible, improve connectivity with Enslow village for existing residents of the neighbouring Ingleby Paddocks site. As a consequence there are some social and economic benefits arising from the proposals though they are not significant. Some environmental benefits could result in terms of biodiversity enhancement though the nature and extent of this is not clear at this stage.
- 8.4 Weighing heavily against the proposals is the substantial environmental harm that would result from the erection of 10 new dwellings in an isolated and completely car-dependent rural location on greenfield land in open countryside. The creation of new houses on this site would also adversely affect the rural landscape setting of the site and introduce suburban sprawl into the natural landscape. In addition to this environmental harm, the proposals also represent an awkward site that is divorced from the main settlement of Enslow and, as such, would be poorly integrated with it. Moreover its pedestrian connectivity with Enslow is potentially highly dangerous and questionable as to whether it can actually be delivered due to land ownership constraints. The proposed development would therefore not form a harmonious and well-considered addition to Enslow such that it would be harmful to both settlement character and its rural landscape setting. The proposals would also be likely to give rise to indirect environmental harm due to the highly inefficient use of land proposed which sees a density of approximately 14 dwellings per hectare on the site. Notwithstanding the wholly unsuitable location of the site, the contribution that the scheme makes to delivering new housing is therefore too modest given that would leave further greenfield sites at unnecessary risk of development.
- 8.5 The proposals would also result in significant adverse social impacts too. Not only would new residents of the development be poorly connected to services and amenities, they would be at significant highway safety risk both in terms of pedestrians crossing the A4095 to access Enslow Village as well as drivers entering the site from the B4027. Not only would this put new residents at risk but it would also endanger existing road users.
- 8.6 Further weighing against the proposals is the lack of any contribution towards affordable housing within the development as a result of the inefficient use of the site. This means that the proposals make no meaningful contribution towards creating mixed and balanced communities within the District given that only large expensive private family homes are proposed.

- 8.7 Finally, in the absence of any satisfactory legal agreement it cannot be assumed that the impact of the proposed development on infrastructure is appropriately mitigated. In this absence, it should be assumed that the proposals could result in financial cost to local authorities and in turn cause harm to facilities they provide for existing communities which amounts to both an economic and social adverse impact.
- 8.8 Officers have therefore concluded that the environmental, social and economic harm arising from the proposed development substantially outweighs the benefits such that the presumption in favour of sustainable development does not provide a reason to depart from the development plan. As a consequence, given the aforementioned significant conflict with the development plan, the proposals should be refused accordingly.

9. Recommendation

Refuse, for the following reasons:

1 The proposals seek to create new residential properties in a wholly unsustainable location on the edge of a settlement that contains almost no facilities, services or amenities and to which there is no meaningful alternative to use of the private car for access to employment or higher or lower order services. To compound matters the site is very poorly integrated with the existing settlement given that it is divorced from it by the A4095 with the result that it would not even enable safe, attractive or convenient pedestrian or cycle access to the limited facilities available within Enslow. As a consequence the proposals would give rise to a heavily car dependent development that conflicts with the environmental sustainability objectives inherent within the requirements of Policies ESD1, BSC1, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 as well as the sustainability objectives set out in the National Planning Policy Framework.

2 The proposals would result in inappropriate encroachment of built development into what is visibly open countryside that would, by its very nature, scale and size, introduce an inappropriate suburbanisation to the rural landscape and in turn detract from and erode the inherent natural beauty of the countryside. The proposals therefore fail to accord with Policy C8 of the Cherwell Local Plan 1996 and Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 that together seek to protect the countryside from encroachment in the interests of preserving this irreplaceable natural resource,

3 Having regard to the location of the site and its position such that it is fundamentally divorced from the core built-up areas of Enslow, the proposals represent development that would both functionally as well as visibly fail to integrate successfully with the existing settlement and thus fail to respect the established grain and layout of the settlement to the detriment of its character and appearance as well as that of the surrounding countryside. Consequently the proposals fail to accord with the requirements of Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Policy C28 of the Cherwell Local Plan 1996.

4 The proposal represents an under-development of the site given that, due to its size and layout, it evidently has the capacity to accommodate more dwellings. Such an alternative scheme would generate a requirement to contribute towards off-site delivery of affordable housing. In the absence of any commitment to provide such a financial contribution or any viability appraisal to justify otherwise, it can only be concluded that the proposed development would be contrary to the requirements of Policy BSC3 of the Cherwell Local Plan 2011-2031 Part 1 which seeks to create mixed and balanced communities.

5 The proposals would result in the creation of a replacement and more heavily used vehicular access from a national speed limit road that due to traffic speeds, landscaping and road alignment would have inadequate visibility splays. As a result both ingress and egress from the site would be inherently dangerous and detrimental to the safety of all road users. Consequently the proposals fail to provide safe and suitable access for all contrary to the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and national policy set out in the National Planning Policy Framework.

6 As a result of the lack of detail provided of the new footway and the absence of sufficient information to demonstrate that it can be satisfactorily delivered as well as the wholly inadequate visibility splays at the proposed pedestrian crossing of the A4095, the proposed development would fail to provide safe and suitable pedestrian connectivity with Enslow village and in turn would fail to prioritise sustainable modes of transport above the private car contrary to the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and national policy set out in the National Planning Policy Framework.

7 In the absence of the completion of a satisfactory legal agreement the local planning authority cannot be content that both the on and off-site impacts of the development can be appropriately mitigated in the interests of safeguarding public infrastructure, mitigating highway safety concerns, delivering mixed and balanced communities and securing suitable on-site future maintenance arrangements. Consequently, in this respect, the proposals are contrary to the requirements of Policy INF1, BSC3, BSC9, BSC11 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1.

Planning Notes/Informatives:

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has tried to work positively and proactively with the applicant/agent during consideration of this application to try to find timely solutions to concerns in an effort to deliver sustainable development. Unfortunately, despite these efforts, the application proposals do not amount to sustainable development and consent must accordingly be refused.

**CONTACT
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NO:**

01295 221837

Cherwell District Council

Planning Committee

18 February 2016

Draft Local Enforcement Plan

Report of Head of Development Management

This report is public

Purpose of report

To notify members of the Draft Local Enforcement Plan (LEP), prior to it being reported to the Council's Executive on 7 March 2016 for adoption.

1.0 Recommendations

The meeting is recommended to:

- 1.1 Note the Draft Local Enforcement Plan (LEP).

2.0 Report Details

- 2.1 Paragraph 207 of the National Planning Policy Framework (NPPF) recommends that local planning authorities consider producing a Local Enforcement Plan (LEP) to manage enforcement proactively, in a way that is appropriate to their area.
- 2.2 Your officers consider that there are clear benefits to all stakeholders in adopting a LEP.
- 2.3 The draft LEP, which is attached at appendix 1 to this report, attempts to explain the planning enforcement process in a way that is accessible to members of the public with only limited understanding of the planning system.
- 2.4 Aside from managing public expectations, in respect of what action can and cannot be taken, the draft LEP identifies the Council's planning enforcement priorities. There are different timeframes in which action should be taken dependent on the seriousness of the alleged breach of planning control.
- 2.5 The performance of the Planning Enforcement Team will be measured against the targets identified within the LEP.

- 2.6 Any comments or observations from the Planning Committee will be reflected in the draft LEP, prior to it being reported to the Council's Executive on the 7th March 2016.

3.0 Consultation

- 3.1 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 note the LEP

Option 2: Not to accept the LEP. This is not recommended as the report is submitted for Members' information only

7.0 Implications

Financial and Resource Implications

- 7.1 There are no additional financial implications arising for the Council from this report.

Comments checked by:

Denise Taylor, Group Accountant, 01327 322188,
denise.taylor@cherwelladnsouthnorthants.gov.uk

Legal Implications

- 7.2 There are no additional legal implications arising for the Council from this report.

Comments checked by:

Nigel Bell, Team Leader – Planning, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected:

All

Lead Councillor:

Councillor Gibbard, Lead Member for Planning

Document Information

Appendix No	Title
1	Draft Local Enforcement Plan
Background Papers	
None	
Report Author	Paul Ihringer (Team Leader – Enforcement)
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1 Introduction

- 1.1 Cherwell District Council's Planning Enforcement Team comprises a group of dedicated officers who investigate upwards of 400 alleged planning breaches each year. The Council has a statutory duty to ensure that these complaints are investigated and appropriate action, where necessary, is taken. The principal remit of this Local Enforcement Plan is to ensure that the Council's resources, directed at planning enforcement, are put to the best possible use.
- 1.2 The Local Enforcement Plan has been written in accordance with Government guidance contained in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The NPPF was published in March 2012 and provides an overview of how the planning system should help to deliver sustainable development. The PPG is an electronic document which has been regularly updated since going live in 2014. It helps to explain how the Government objectives, set out in the NPPF, can be achieved. Of particular relevance to the Local Enforcement Plan is the sub-section in the PPG entitled *Ensuring effective enforcement*.
- 1.3 Although not a requirement, Paragraph 207 of the NPPF sets out the advantages that a local planning authority (LPA), and the community for which it is responsible, would derive from producing a Local Enforcement Plan:

*"Effective enforcement is important as a means of maintaining public confidence in the system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a **local enforcement plan** to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so."*

- 1.4 The aim and objectives of this Local Enforcement Plan are therefore as follows:
 - To identify the Council's planning enforcement priorities
 - To provide a framework for the investigation of alleged breaches of planning control
 - To set out the range of action that can be taken where it is considered appropriate to do so
 - To proactively monitor the implementation of planning permissions
- 1.5 The plan is built around a process of escalation. In most circumstances the Council will only issue a formal notice where a breach of control has caused or is likely to cause material harm to amenity (see Section 11 for a planning definition of amenity), and where informal negotiations have been or are expected to be unsuccessful.
- 1.6 The Local Enforcement Plan will be kept under review and will be amended, when required, to take into account changes in legislation, the Local Development Plan, resources and priorities. The Local Development Plan currently includes the saved policies of the Cherwell Local Plan 1996 and the Cherwell Local Plan 2011-2031 Part 1.

2 What is a Breach of Planning Control?

Legislative Background

- 2.1 The primary legislation for planning enforcement is set out in Part VII of the Town and Country Planning Act 1990, which includes amendments set out in the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004. They are collectively referred to as the “Town and Country Planning Act (as amended)” and, for the purposes of this document, by the acronym TCPA.
- 2.2 The TCPA states that planning permission is required for *development*. Section 55 defines *development* as: “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.”
- 2.3 A breach of planning control is defined at Section 171A as “the carrying out of a development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted”.
- 2.4 Relevant secondary legislation:
- The Town and Country (General Permitted Development) Order 2015 (GPDO)
The GPDO sets out *development* that homeowners and other bodies can carry out without the need for planning permission. They are commonly referred to as ‘permitted development rights’.
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
This legislation sets out the various categories that different uses of land fall into and what constitutes a material change of use that would require planning permission.

Planning Breaches

- 2.5 The majority of planning enforcement investigations therefore involve one of the following alleged breaches:
- Building work or engineering operations carried out without planning permission
 - Unauthorised change of use of land or buildings
 - Development which has not been carried out in accordance with an approved planning permission
 - Failure to comply with a condition or legal agreement attached to a planning permission
 - Any contravention of the limitations on, or conditions belonging to, permitted development rights, set out in the GPDO.
- 2.6 Although not breaches of *planning control*, other matters which are dealt with by the Planning Enforcement Team include:
- Demolition taking place in conservation areas where permission is required
 - Works carried out to a listed building which affect the historic character or setting, without listed building consent being granted
(Demolition in a conservation and works to a listed building fall under the remit of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended))

- Removal of, or works carried out, to protected trees and hedgerows without consent being granted or proper notification given
- Display of advertisements, which require consent under the Town and Country Planning (Control of Advertisements) Regulations 2007
- Failure to comply with the requirements of an Enforcement Notice (see Section 6)

For the purposes of this document, future references to planning control will also include the breaches identified in the paragraph above.

Non Planning Breaches

2.7 The Council regularly receives correspondence for matters which are not breaches of planning control. Whilst the Planning Enforcement Team may not be able to deal with such grievances there may be other legislative controls open to a complainant. The most common examples of which are:

- Neighbour nuisance, boundary and land ownership disputes. These are civil matters that the Council cannot get involved in. Further advice can be obtained from a solicitor or the Citizens Advice Bureau
- Use of or development on the highway, footway or verge that is covered by highway legislation. Complainants are advised to contact Oxfordshire County Council via the following link: <http://fixmystreet.oxfordshire.gov.uk/>
- Dangerous structures are normally the responsibility of our Building Control Department. They can be contacted on (☎0300 003 0200)
- Anti-social behaviour including fly tipping, high hedges, noise and smell are the remit of the Council's Environmental Health Team (☎01295 227007)

2.8 As already referred to above, the GPDO makes provision for development that can be carried out without the need for planning permission and is therefore immune from any action. For example not all domestic extensions and outbuildings require planning permission. Homeowners should however be mindful that the permitted development set out in the GPDO may have been removed by the Council and they should therefore check the property's planning history before carrying out any works which are reliant on this legislation. The removal of permitted development rights would ordinarily be via a condition on a planning permission or in architecturally sensitive areas by an Article 4 directive.

3 Principles of Good Enforcement

Expediency

3.1 Planning enforcement is a discretionary power. In deciding whether it is appropriate to take enforcement action the degree of harm the unauthorised development is causing, or is likely to cause, will be carefully considered. Harm can arise through a range, or a combination of factors:

- Adverse impact on visual amenity due to poor design or inappropriate materials
- Loss of privacy or overshadowing and loss of natural light
- Inappropriate development that is harmful to the landscape or the setting of a heritage asset
- Untidy land and run down or derelict buildings that present a very poor quality environment and/or prejudice community safety
- Failure to comply with a condition of a planning permission leading to an adverse impact
- Danger and disturbance due to significantly increased traffic flows
- Loss of protected trees
- loss or damage to listed buildings and demolition of buildings in a conservation area

3.2 Harm, for the purposes of planning, does not however include:

- Breaches of restrictive covenants
- Private disputes
- Competition between businesses
- Loss of an individual's view or trespass onto their land (including ownership disputes)
- Damage to property
- Reduction in value of land or property

Proportionality

3.3 Enforcement action should always be proportionate to the seriousness of the harm being caused. It should, for instance, not always be taken to regularise development which is otherwise acceptable on its planning merits but for which planning permission has not been sought.

3.4 When considering proportionality the PPG advises the following in respect of the human rights of those responsible for the breach as well as those affected:

The provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14 are relevant when considering enforcement action. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.

Consistency

3.5 The Council will take a similar approach to cases in order to achieve similar outcomes. However a full consideration of all the circumstances of individual cases means that there is not necessarily any uniformity in the outcome of apparently similar cases.

Decisions made by the Council have to be reasonable and require appropriate measures in order to remedy the breach. This will be achieved by:

- Following advice contained within Government guidance on legal procedures, planning policy and good practice
- Adhering to the planning policies within our Local Development Plan and Supplementary Planning Documents in the interests of protecting our Conservation Areas, Listed Buildings as well as other designated land and features
- Keeping up-to-date with Government circulars, case law and court judgements
- Liaising with various partner agencies and statutory consultees notably in cases where their specialist guidance and knowledge is required (e.g. the Environment Agency and Historic England)

Negotiation

3.6 In all but the most serious cases, the Council will seek to negotiate compliance rather than pursue formal enforcement action, providing that an appropriate resolution can be achieved in a timely manner. Negotiations aim to achieve one or more of the following outcomes:

- To undertake work to comply with the planning permission granted
- To apply for retrospective planning permission for the works undertaken or a variation to the works that are more likely to secure permission
- To remove an unauthorised development
- To cease an unauthorised use

3.7 However, negotiations will not be allowed to impede or delay whatever formal enforcement action may be required to make the development acceptable in planning terms, or to compel it to stop.

4 Enforcement Priorities and Response Procedure

4.1 Given the number of alleged breaches that occur throughout the year, it would be impossible to investigate and pursue all cases within an equally rigid timeframe given the resources available. Therefore each investigation is prioritised according to the seriousness of the alleged breach and the degree of harm being caused. The table below sets out the three categories of alleged breach which will allow the Council to respond in a fair, proportionate and timely manner according to the nature of the allegation.

Priority Category	Potential Planning Breach	Site Visit (working days)	Complainant Response Time (working days)
A	<p>This category is for development causing serious threat to public health and safety, or permanent, serious damage to the natural or built environment.</p> <p>Examples</p> <ul style="list-style-type: none"> • Activities that have the potential to cause irreparable harm to Conservation Areas, Sites of Special Scientific Interest, the Cotswold Area of Outstanding Natural Beauty etc • Unauthorised development that represents a serious danger to members of the public • Ongoing unauthorised works to a listed building • Ongoing unauthorised works to a protected tree 	1	3
B	<p>Less urgent than Priority Category A, but considered harmful with the potential to get worse.</p> <p>Examples</p> <ul style="list-style-type: none"> • Unauthorised on-going construction • Breach of planning conditions precedent • Breach of an enforcement notice • Unauthorised advertisements that constitute a potential highway danger 	5	10
C	<p>This category covers the majority of cases, where there is a possible breach but one that is unlikely to get any worse.</p> <p>Examples</p> <ul style="list-style-type: none"> • Unauthorised construction • Unauthorised advertisements not covered in category B • Unauthorised works to a listed building 	15	20

The examples set out in the table are not exhaustive and each case will be judged on its own merits and prioritised accordingly.

4.2 Many cases will require repeat site visits, negotiation, the serving of notices on owners and, in a limited number of cases, prosecution before the breach is resolved. The Planning Enforcement Officer allocated to each case will keep original complainants informed on a regular basis of progress. They will indicate arrangements for how they will achieve this in their initial response as well as set out a strategy, where appropriate, for resolving the alleged breach identified. The timescale for the initial

response is set out in the table above. Complainants will also be invited to contact the Planning Enforcement Officer directly for a case update as well providing them with an opportunity to forward new information relevant to the case. Although some breaches take a considerable time to resolve, the Council aims to resolve 80% of cases within 13 weeks of the receipt of the complaint.

5 The Investigation Process

Registration

- 5.1 Each new case is recorded on our database and given a unique reference number. As part of this process a Planning Enforcement Officer will be allocated to carry out the investigation. An acknowledgement email or letter will be sent once this process has been completed.

Gathering Evidence

- 5.2 Where a complaint relates to an alleged unauthorised use of land, officers will make a reasonable attempt to determine whether a breach has taken place. In most cases a *reasonable attempt* will consist of an appropriate number of site visits at days and/or times deemed most suitable for the allegation (see Section 4). This approach ensures that the Council's resources are used efficiently.
- 5.3 Where officers can find no evidence of a planning breach the investigation will be closed and no further action taken. Such cases will not be reinvestigated unless the complainant is able to provide more substantive evidence of the alleged breach of planning.
- 5.4 Officers may make use of the Planning Contravention Notice (see Section 6) and if they have reasonable suspicion that a breach of planning is likely to have occurred. In more serious cases officers will invite the transgressor to attend an interview under caution at the Council offices. These tools will be used in accordance with Government guidance and best practice.

Research

- 5.5 Officers may use a variety of other methods to determine whether or not a breach of planning control has taken place, including obtaining information from witnesses to the alleged breach, other Council officers and contacts in other organisations who have a knowledge of the site in question. The Council may also seek clarification on certain points by researching case law or obtaining legal advice where the subject of an investigation is particularly complicated or contentious.

6 What Happens when a Breach is Found?

Initial Actions

No Further Action

- 6.1 The Council may, following initial investigation, decide that there has been no breach of planning control or that the breach is so minor or insignificant in nature that it is not expedient to take formal action, or that there is insufficient evidence to pursue the matter further.
- 6.2 Just because a building, extension, structure, use or advertisement is in breach of planning control this is not, in itself, a reason to take enforcement action. Even when it is technically possible to take action the Council is required to first decide if formal action would be proportional and expedient (see Section 3). The Council will not take action against breaches of planning control which do not cause material planning harm.

Retrospective Planning Permission

- 6.3 Where a breach of planning control has occurred, but no harm is being caused, or any harm might be removed or alleviated by the imposition of conditions on a planning permission, a retrospective planning application will be sought. If a retrospective application is not submitted within one calendar month of a written request to do so, or the application remains invalid (e.g. the applicant has not provided the fee or has failed to provide all the requisite information) for two calendar months, the Council will consider whether or not it is expedient to take formal enforcement action.

Voluntary Compliance through Negotiation

- 6.4 Where it is considered that the breach of planning control is unacceptable, the Council will initially attempt to negotiate a solution without recourse to formal enforcement action, unless the breach is causing irreparable harm. Negotiations may involve the reduction or cessation of an unauthorised use or activity, or the modification or removal of unauthorised development.

Formal Action

Although the Council will nearly always be willing to enter into negotiations, in the event that a solution to a breach cannot be reached, the Council has recourse to the following:

Planning Contravention Notice (PCN)

- 6.5 Where it appears that a breach of planning may have occurred but the Council wishes to find out more information before deciding what if any enforcement action to take the Council may serve a Planning Contravention Notice (PCN). A PCN (section 171c of the TCPA) can be served on the owner or occupier of the land, anyone who has an interest in the land, or anyone who is using the land for any purpose. The PCN requires the owner/occupier to provide written information about ownership and the activities taking place on the land or within any buildings on the land. The PCN may invite the owner/occupier to meet with Council officers to discuss the matter in person.
- 6.6 This form of action may be useful where the Council considers that planning permission could be granted after the unauthorised development has been carried out (i.e. a retrospective planning application) but the owner or operator has not made an

application. It is an offence to fail to respond to a PCN within 21 days or make false or misleading statements in reply. There is no right of appeal against a PCN.

Section 330 Notice

- 6.7 Where it is important to obtain clarification about the ownership and the people occupying a property, a Notice can be served, under Section 330 of the TCPA, on the apparent owner or occupier. This will require them to confirm details of those persons who have a legal interest in the property. There is no right of appeal against a Section 330 Notice and failure to respond may be an offence.

Powers of Entry for Enforcement Purposes

- 6.8 In addition to the investigative powers outlined above, Council officers also have power to enter land, specifically for enforcement purposes. This right is limited to what is regarded as necessary to ensure effective enforcement in the particular circumstances. A notice period of 24 hours is required before entry to a dwellinghouse can be legally required. Prior notice is not required for access to domestic outbuildings or garden land, industrial, commercial or farmland etc. Where entry is refused or obstructed it is possible to apply to a magistrate for a warrant to allow entry.
- 6.9 In order to provide greater clarity in April 2015 the Government published the *Power of Entry: Code of Practice*. The stated aim of the code is that it *provides guidance and sets out considerations that apply to the exercise of powers of entry including, where appropriate, the need to minimise disruption to business. It will ensure greater consistency in the exercise of powers of entry, and greater clarity for those affected by them, while upholding effective enforcement*. This document can be found via the Government publications website (see Section 10).

Enforcement Notice

- 6.10 An Enforcement Notice is the most common form of notice used to deal with unauthorised development. The notice will specify what the alleged breach is, the steps that must be taken to remedy it and a time period in which to carry out those steps. An Enforcement Notice cannot come into effect until at least 28 days after it is served. Prior to the date that the notice comes into effect the recipient of the notice has a right of appeal to the Secretary of State for Communities and Local Government through the Planning Inspectorate (see www.gov.uk).
- 6.11 If an appeal is lodged, the Planning Inspectorate will allocate an Inspector to determine the appeal. The Inspector acts as an independent arbitrator between the Council and the individual(s) to whom the Enforcement Notice was served. If a valid appeal is made, the requirements of the Enforcement Notice are suspended until the appeal has been determined or it is withdrawn. If the Enforcement Notice is upheld the time period for compliance will run from the date of the Inspector's decision.

Listed Building and Conservation Area Enforcement Notices

- 6.12 A Listed Building Enforcement Notice may be issued when unauthorised works are carried out to listed buildings. Where the demolition of unlisted buildings within a Conservation Area occurs without consent a Conservation Area Enforcement Notice may be issued. As with an Enforcement Notice the recipient has a right of appeal to the Secretary of State.

Section 215 Notice

- 6.13 Where the condition of buildings or land causes serious harm to the amenity of an area, the Council may serve a notice on the owner and occupier under Section 215 of the TCPA. Such a notice would set out steps for improving the condition of the land or buildings and specify a timeframe for compliance. The notice can be appealed at a magistrate's hearing. Failure to comply with a Section 215 Notice may be an offence subject to a current maximum fine of £1,000.

Breach of Condition Notice (BCN)

- 6.14 This type of notice is used where planning permission has been granted subject to conditions and one or more of the conditions has been breached. The Council can issue a Breach of Condition Notice (BCN) to ensure full or part compliance with the planning conditions. A BCN would state the breach and the steps required to remedy the breach. The notice will allow a minimum of 28 days in which to comply with its requirements. There are no rights of appeal against a BCN. Failure to comply with a BCN may be an offence prosecutable in the Magistrates Court and is subject to a current maximum fine of £2,500.

Stop Notices

- 6.15 When the effects of unauthorised activity are seriously detrimental, a Stop Notice may be served to ensure that an activity does not continue if an appeal is lodged against an Enforcement Notice. A Stop Notice can only be served where an Enforcement Notice has been issued. A Stop Notice can relate to any, or all, of the uses or activities specified in the Enforcement Notice. It does not apply to works to a listed building. A Stop Notice can require a use or activity to cease 3 days after it is issued.
- 6.16 It is an offence to contravene a Stop Notice and can result in a maximum fine of £20,000. Whilst there is no right of appeal against a Stop Notice, the validity of a Notice or the decision to issue the notice can be challenged in the Courts by an application for Judicial Review.

Temporary Stop Notices

- 6.17 Where the Council considers that a breach of planning control should stop immediately, it can serve a Temporary Stop Notice. Such a notice expires 28 days after it has been served and during this period the Council must decide whether it is appropriate to take further enforcement action. Once a Temporary Stop Notice has been served it is not possible to serve further Temporary Stop Notices for the same breach of planning control.
- 6.18 There are restrictions on the use of Temporary Stop Notices; for example, such a notice cannot prohibit the use of a building as a dwellinghouse and may not prevent the continuance of an activity which had been carried out for a period of four years (see Section 7).

Discontinuance Notice (unauthorised advertisements)

- 6.19 It is an offence for any person to display an advertisement in contravention of The Town and Country Planning (Control of Advertisement) (England) Regulations 2007. A Discontinuance Notice may only be served if the Council is satisfied it is necessary to do so to remedy a substantial injury to the amenity of the locality or a danger to members of the public. The act also enables the Council to take discontinuance action against any advertisement, which normally has the benefit of deemed consent. There is a right of appeal against a Discontinuance Notice.

Completion Notice

- 6.20 A Completion Notice may be served if the Council is of the opinion that development (which has started within the statutory 3 year period if planning permission was originally required) will not be completed within a reasonable period. For this type of notice, the period for compliance has to be a minimum of 12 months. The Council must also refer the notice to the Secretary of State for confirmation. There is a right of appeal against a Completion Notice.

Planning Enforcement Order (PEO)

- 6.21 The Localism Act 2011 introduced the power for LPAs to apply to the Magistrates' Court for a Planning Enforcement Order (PEO). Such an order would be sought where there has been a deliberate attempt to conceal a breach of planning control. Where a PEO is granted, the Council will have 1 year and 22 days to serve an Enforcement Notice, beginning on the day that the order is granted, irrespective of how long ago the breach first occurred. The 4 year and 10 year periods of immunity (see Section 7) will not apply in cases of a concealed breach. An application for a PEO must be made within 6 months of the Council becoming aware of the breach. A Magistrates' Court may only make a PEO if it is satisfied that the breach has been deliberately concealed.

What Happens after a notice is served?

- 6.22 Recipients of a notice/order will normally respond in one of three ways:
- Comply fully with the notice/order – at which point the case is closed
 - Contest the notice/order by way of an appeal to the Planning Inspectorate or challenge in a court of law (depending on which notice has been served)
 - Fail to comply or fully comply with the notice/order
- 6.23 Where a case goes to appeal there can be quite a significant delay in reaching a resolution particularly if the case goes to Public Inquiry. If the appeal against the notice is allowed and/or planning permission is granted this will normally be the end of the matter. If the appeal is dismissed, or no appeal is made, failure to comply with the requirements of the notice/order will usually result in the Council pursuing a prosecution.

Direct Action

- 6.24 Failure to comply with the requirements of an Enforcement Notice, Breach of Condition Notice or a Section 215 notice may result in the Council carrying out works required by that notice. Any costs and expenditure incurred in carrying out such works can be recovered from the landowner and where costs and expenditure are not recovered they can be registered as a charge on the land.

Injunctions

- 6.25 Section 187B of the TCPA is available for the Council to apply to the courts for an injunction to stop an actual or alleged breach of planning control. Injunctions are a discretionary order. They can be used to require someone to stop carrying out an activity or to require them to remedy a breach. They are usually only used where there is urgency, where the planning breach is serious or where other legal processes have not led to the breach being rectified. Failure to comply with an injunction can lead to an unlimited fine and/or imprisonment.

Prosecution

- 6.26 A breach of planning control is not a criminal offence. However, non-compliance with the requirements of a formal notice may be a criminal offence and on conviction the person served with the notice may be subject to a fine. Where a transgressor has failed to comply with a formal notice the Council will normally instigate prosecution proceedings if there is a realistic prospect of conviction and it is considered to be in the public interest to do so. A successful prosecution does not, however, always mean that a breach will be remedied. In such instances the Council has recourse to further prosecutions which could result in more substantial fines and or imprisonment.
- 6.27 The legal mechanisms open to the Council are not limited to those set out above. The Council may for example look to recover profits made from unauthorised development through the Proceeds of Crime Act 2002.

7 Immunity from Enforcement Action

Time Limits

7.1 The Planning and Compensation Act 1991 (part of the TCPA) introduced rolling time limits within which the Council can take planning enforcement action against breaches of planning control. The time limits are: -

- 4 years for building, engineering, mining or other operations in, on, over or under land without planning permission

Development becomes immune from enforcement action four years after the operations are substantially completed

- 4 years for the change of use of a building, or part of a building, to use as a single dwellinghouse

This development becomes immune from enforcement action four years after the date the change of use first occurred.

- 10 years for all other changes of use and breaches of conditions

The ten year period runs from the date the breach of planning control first commenced.

Lawful Development Certificates

7.2 If owners of land or property consider that a breach of planning control has become immune from enforcement action they may apply for a Certificate of Lawful Use Existing (CLUE). The decision to approve or refuse a certificate will be dependent on the applicant submitting documentation to establish that *on the balance of probability* the lawfulness of the existing development exceeds the relevant time requirement set out above. Given the nature of the application, the Council's Legal Team are involved in the evaluation of the information provided.

7.3 This option is well worth considering because if a landowner should later want to sell their property, the CLUE can be used to answer queries raised by potential buyers or their legal representatives regarding the legality of building works or uses. A certificate will not be issued if the Council considers that the unauthorised development has been deliberately concealed (see Planning Enforcement Order in Section 6).

8 What happens if you are the Subject of an Investigation?

- 8.1 The Council understands that in many cases a breach of planning control is not intentional and can be the result of a misunderstanding or a lack of an awareness of planning legislation. Therefore, if you receive a letter from the Council or a visit from a Planning Enforcement Officer, the Council encourages you to respond positively and provide the information which we need to resolve the matter. It is in the interests of all parties if an identified breach can be addressed at an early stage.
- 8.2 The Council has a duty to investigate complaints alleging a breach of planning, even if they prove to be unfounded. If you are contacted about an alleged breach you are entitled to know what the allegation is and to have the opportunity to explain your side of the case. However, the Council will not disclose the identity of the complainant(s). The matter can obviously be resolved quickly if it is determined that there is no breach. In other cases a resolution may be negotiated, however this does not mean that you can delay any response or action. We expect you to respond within the stated timescales and we will pursue prosecutions for failures to respond to formal notices (see Section 6). The Council will not allow protracted negotiations to distract it from taking appropriate action.
- 8.3 In many cases, particularly where the development is likely to be acceptable, we may invite you to submit a retrospective planning application, although this is on the understanding that it will not prejudice any decision the Council may take. In cases where planning permission has been obtained and the deviation from the approved plans is very minor, you may be entitled to apply for a non-material amendment. In cases where pre-commencement conditions have not been discharged, you may still be able to apply to discharge the condition or alternatively you may need to submit a new planning application.
- 8.4 You should be aware that Planning Enforcement Officers have legal rights of entry to land and property in order to investigate alleged breaches of planning or compliance with Enforcement Notices (see Section 6). The Planning Enforcement Officer will make themselves known to the landowner/developer when they enter a site. It is not always appropriate or possible to give advance warning of a site visit, although in most circumstances the Council will try to do so. In most cases a letter will be sent to you to alert you to a potential breach of planning control as soon as the Council is made aware of it. The letter will advise you to contact the officer dealing with the case at the earliest opportunity.
- 8.5 As your presence is not always required, a Planning Enforcement Officer's visit can be unaccompanied. If it is necessary to enter your house, (as opposed to surrounding land) you are entitled to 24 hours notice. If you actively prevent an Enforcement Officer from entering onto your land the Council can obtain a warrant. Once a warrant has been issued, any obstruction preventing access to the site will be considered a criminal offence.
- 8.6 The Council will use the information gained from a site visit to help assess the harm being caused and what further action, if any, needs to be taken. In addition, you may be served with a PCN (see Section 6) which requires you to provide information concerning

the alleged development. PCNs are used to establish the facts of the alleged breach and the details of those with an interest in the land.

- 8.7 If negotiations are unsuccessful or are not appropriate, Planning Enforcement Officers will attempt to explain and to help you understand the implications for any action the Council may pursue as set out in Section 6. Whilst, we will endeavour to advise you on the planning merits or otherwise of an unauthorised development, Planning Enforcement Officers will not act as your advisor and cannot make decisions on your behalf.
- 8.8 You should therefore consider whether to get your own independent advice from a qualified planning consultant or another appropriate property or legal professional. If you cannot afford to employ a consultant you can contact Planning Aid, which is a voluntary service offering free independent, professional advice (see the RTPI website - details in Section 10).
- 8.9 It is worth noting that if you subsequently wish to sell a property which has been subject to unauthorised works or a change of use, you may find the sale is delayed or lost when would-be purchasers undertake standard property searches. The Planning Enforcement Team will advise the Council's Land Charges Team of those sites where formal notices have been served, decisions have been made and where potential enforcement action remains outstanding. You should also be aware that the Council usually make mortgage providers and other parties with a financial interest aware of breaches of planning permission and we will send them a copy of any formal notice or decision relating to planning enforcement.

9 Improving Planning Enforcement

- 9.1 The Council will monitor the length of time taken from the receipt of information regarding a suspected breach of planning to the conclusion of the case. This data will be assessed against the timescales set out in Section 4 of this document. This is carried out to ensure that complaints are processed as quickly as possible and also identify appropriate changes to the way in which the Planning Enforcement Team operates.
- 9.2 In order to maintain public confidence in the planning process, the PPG asks LPAs to consider a proactive approach to enforcement. The Council will therefore identify a sample of planning applications, and other development where formal permission was not sought, to check for compliance. The outcome of the compliance check will be reported to the applicant/owner and agent. Any non-compliance will be addressed through normal enforcement practice.

10 Complaints Procedure

- 10.1 The Council will make every effort to provide good customer service and to follow the procedures set out in this document. If however, you have a complaint against the service you have received that cannot be resolved by the Planning Enforcement Officer or their line manager you may wish to follow our formal complaints procedure; details of which can found on our website.
- 10.2 If having been through the Council's complaints procedure, you remain dissatisfied with the Council; you can refer your complaint to the Local Government Ombudsmen. Their contact details can also be also be found on the Council's website. The Ombudsman will investigate the administration of the planning process; they do not have the power to reconsider a planning or enforcement decision.

11 General Information

Useful Websites

Cherwell District Council – cherwell.gov.uk

Access to the Council's Local Plans and various design guidance documents.

Environment Agency - www.gov.uk/government/organisations/environment-agency

The Environment Agency has a number of powers to deal with unauthorised waste sites that pollute land and or waterways.

Oxfordshire County Council – oxfordshire.gov.uk

The County Council takes responsibility for fly-tipping or any obstruction on the highway or the highway verge.

Government Legislation - www.legislation.gov.uk/

This website provides an electronic library of the current legislative background. The search facility allows users to focus on planning legislation.

Government Publications - www.gov.uk/government/publications

Up-to-date electronic record of all Government documents, guidance and statistics.

Planning Inspectorate - gov.uk/government/organisations/planning-inspectorate

The Planning Inspectorate is an executive agency sponsored by the Department of Local Government which arbitrates on most planning appeals. This website explains the appeal process and what is required to validate an appeal. It also provides an electronic library of previous planning appeal decisions.

Planning Portal - planningportal.gov.uk

This Government website provides general planning advice and guidance. It explains what type of development requires or is likely to require planning permission and provides details of the various forms of enforcement action set out in Section 6. It also has links to other relevant Government guidance and legislation. Planning applications can be submitted via the website as can enforcement and planning appeals.

Royal Town Planning Institute - www.rtpi.org.uk

The RTPI is the principal body representing planning professionals in the United Kingdom and Ireland. As part of its remit it provides a voluntary service through Planning Aid which offers free independent, professional advice. Also of relevance, it provides contact details of affiliated local planning consultancies.

Commonly used Planning Enforcement Acronyms

AONB – Area of Outstanding Natural Beauty

BCN – Breach of Condition Notice

CLUE/CLUED – Certificate of Lawful Use Existing (also referred to as a Lawful Development Certificate for an Existing Use)

GPDO – Town and Country Planning (General Permitted Development) (England) Order 2015

LBC – Listed Building Consent

LEP – Local Enforcement Plan

LPA – Local Planning Authority (e.g. Cherwell District Council)

NPPF – National Planning Policy Framework

PCN – Planning Contravention Notice

PEO – Planning Enforcement Order
PPG – Planning Practice Guidance (sometimes referred to as the NPPG)
RTPI – Royal Town Planning Institute
SPD – Supplementary Planning Document
SPG - Supplementary Planning Guidance
SSSI – Site of Special Scientific Interest
TPO – Tree Preservation Order
TCPA – Town and Country Planning Act 1990

Planning Definitions

Amenity

Throughout this document there are a number of references to amenity. Whilst amenity is not defined in legislation, in planning terms is commonly considered to refer to the overall quality and character of an area. Factors which contribute to an area's quality and character include:

- types of land uses
- quality of the built form
- provision of open land and trees
- the inter-relationship between all the different elements that make up the local environment

Curtilage

As with amenity there is no legal definition of curtilage. Recent Government technical guidance defined domestic curtilage as follows:

What is defined as the curtilage for a particular house will vary according to a number of factors, but in most cases it will comprise the area of land around the original house (i.e. what is understood to be the garden/grounds of the house). But the curtilage may be a smaller area in some cases, especially in the case of properties with large grounds set in the countryside.

12 How to Report a Breach of Planning Control

- 12.1 If you are reporting a breach of control, the simplest way is to do so via the enforcement page on the Council's web-site. The electronic form prompts you to submit all the relevant details relating to the alleged breach and also allows you to forward any supporting documentation (including pictures) as pdfs, gifs or jpegs.
- 12.2 Whilst officers are willing to speak to complainants in the first instance, they will be asked to confirm their concerns via the Council's website, in an email or in writing.
- 12.3 In the majority of cases, if a complainant is unwilling to divulge their personal details the Council will not investigate the alleged breach. The exception to this rule is where irreparable harm could be caused to a listed building. Complainants should be reassured that in accordance with the Data Protection Act 1998, the Council will not disclose any information relating to their identity. This obviously, however, does not prevent the alleged offender from making assumptions about who has made the complaint.

Image of the web page

Your name, address, phone number and preferably your email address.
The location and exact address of the building or site.
The landowner or occupier's name.
What the breach involves.
How the breach is affecting you and residents in the local area.
The date you first became aware of the breach.

Cherwell District Council

Planning Committee

18 February 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.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

The following applications remain outstanding for the reasons stated:

10/00640/F (re-affirmed 24.5.12)	Former USAF housing South of Camp Road, Upper Heyford Subject to legal agreement concerning on and off site infrastructure and affordable housing. May be withdrawn following completion of negotiations on 10/01642/OUT
13/00330/OUT (6.3.14)	81-89 Cassington Road Yarnton Subject to legal agreement
13/00433/OUT (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
13/01601/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
14/01843/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. Consultation

None

4. 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. 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, 01295 221982

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, 01295 221687,
nigel.bell@cherwellandsouthnorthants.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, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

8. Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
All papers attached to the planning applications files referred to in this report	
Report Author	Bob Duxbury, Development Control Team Leader
Contact Information	01295 221821 bob.duxbury@cherwell-dc.gov.uk

Cherwell District Council

Planning Committee

18 February 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 **14/00360/EUNDEV – Fir Tree Farm, Northampton Road, Weston-on-the-Green, Bicester OX25 3QL** – Appeal by Mr John Miller against the serving of an enforcement notice for the removal of a biomass burner with flue in respect to the dismissal of planning appeal APP/C3105/W/15/3005272 (14/01437/F) 4th June 2015.

15/01513/F – 4 Westbourne Court, Bloxham, Banbury, OX15 4HD – Appeal by Mr and Mrs J Tibbetts against the refusal of planning permission for erection of single and two storey extension to outbuilding to provide garage and store. The appeal has been turned away by the Planning Inspectorate due to the late submission of the appeal.

15/01552/F + 15/01553/LB – 37 Freehold Street, Lower Heyford, Bicester, OX25 5NS – Appeal by Mr Leigh Walters-James against the refusal of planning and listed building consent for the demolition of existing extensions and garage and formation of basement and erection of new replacement extension.

15/01967/F – Land adjoining Ivy Close, The Lane, Lower Heyford, Bicester, OX25 5PA – Appeal by Green Lives against the refusal of planning permission for the erection of detached dwelling and garaging with access, parking and amenity space - re-submission of 15/01344/F

15/02100/O56 – Eden House, Lyne Road, Kidlington, OX5 1AD – Mr Daniel Ede of Builders Ede Ltd against the refusal of prior approval consent for the conversion of existing office building into 8 x 1 bed residential units.

2.2 **Forthcoming Public Inquires and Hearings between and February 18th and 17th March 2016**

None

2.3 **Results**

None

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, Law and Governance, 01295 221687,

nigel.bell@cherwellandsouthnorthants.gov.uk

Risk Management

- 5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Nigel Bell, Team Leader – Planning, Law and Governance, 01295 221687,

nigel.bell@cherwellandsouthnorthants.gov.uk

Comments checked by:

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
All papers attached to the planning applications files referred to in this report	
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