

# Public Document Pack



**Committee:** Planning Committee  
**Date:** Thursday 9 June 2016  
**Time:** 4.00 pm  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

## Membership

<b>Councillor David Hughes (Chairman)</b>	<b>Councillor James Macnamara (Vice-Chairman)</b>
<b>Councillor Hannah Banfield</b>	<b>Councillor Andrew Beere</b>
<b>Councillor Colin Clarke</b>	<b>Councillor Chris Heath</b>
<b>Councillor Alastair Milne Home</b>	<b>Councillor Mike Kerford-Byrnes</b>
<b>Councillor Alan MacKenzie-Wintle</b>	<b>Councillor Richard Mould</b>
<b>Councillor D M Pickford</b>	<b>Councillor Lynn Pratt</b>
<b>Councillor Nigel Randall</b>	<b>Councillor G A Reynolds</b>
<b>Councillor Barry Richards</b>	<b>Councillor Nigel Simpson</b>
<b>Councillor Les Sibley</b>	<b>Councillor Nicholas Turner</b>

## Substitutes

<b>Councillor Ken Atack</b>	<b>Councillor Maurice Billington</b>
<b>Councillor Hugo Brown</b>	<b>Councillor Ian Corkin</b>
<b>Councillor Nick Cotter</b>	<b>Councillor Carmen Griffiths</b>
<b>Councillor Timothy Hallchurch MBE</b>	<b>Councillor Sandra Rhodes</b>
<b>Councillor Bryn Williams</b>	<b>Councillor Barry Wood</b>
<b>Councillor Sean Woodcock</b>	

## AGENDA

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

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

**3. Requests to Address the Meeting**

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

**4. Urgent Business**

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

**5. Minutes (Pages 1 - 23)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 19 May 2016.

**6. Chairman's Announcements**

To receive communications from the Chairman.

**Planning Applications**

7. **OS Parcel 4200 Adjoining And North East Of A4095 And Adjoining And South West Of Howes Lane, Bicester (Pages 26 - 155)** **14/01675/OUT**
8. **Former Burgess Building, Canal Street, Banbury, OX16 5AX (Pages 156 - 186)** **14/01685/F**
9. **Cherwell District Council, Former Offices, Old Place Yard, Bicester (Pages 187 - 224)** **16/00043/F**
10. **Banbury Academy, Ruskin Road, Banbury, OX16 9HY (Pages 225 - 244)** **16/00363/F**
11. **Thames Valley Police HQ. Oxford Road, Kidlington (Pages 245 - 259)** **16/00525/F**
12. **Land West Of Horn Hill Road, Adderbury (Pages 260 - 279)** **16/00619/F**
13. **Land To Rear of Utility Building, Glebe Court, Fringford (Pages 280 - 295)** **16/00704/F**

## **Review and Monitoring Reports**

### **14. Rosemary, Main Street, Fringford (Pages 296 - 298)**

Report of Head of Development Management

#### **Purpose of report**

The purpose of the report is to notify members of an issue relating to the conditions imposed in respect of on-going remedial works to a dwelling constructed on a plot of land in Fringford.

#### **Recommendations**

- 1.1 The meeting is recommended to:
- 1.2 Note the decision to allow the owners of the site to carry out the approved remedial works in accordance with approved plan P11/055/003 Rev F.

### **15. Appeals Progress Report (Pages 299 - 306)**

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](mailto:democracy@cherwellandsouthnorthants.gov.uk) or 01295 227956 prior to the start of the meeting.

### **Declarations of Interest**

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

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

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

### **Evacuation Procedure**

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

### **Access to Meetings**

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

### **Mobile Phones**

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

### **Queries Regarding this Agenda**

Please contact Aaron Hetherington, Democratic and Elections  
[aaron.hetherington@cherwellandsouthnorthants.gov.uk](mailto:aaron.hetherington@cherwellandsouthnorthants.gov.uk), 01295 227956

**Sue Smith**  
**Chief Executive**

Published on Wednesday 1 June 2016



## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 19 May 2016 at 4.00 pm

Present: Councillor David Hughes (Chairman)  
Councillor James Macnamara (Vice-Chairman)

Councillor Hannah Banfield  
Councillor Andrew Beere  
Councillor Colin Clarke  
Councillor Alastair Milne Home  
Councillor Mike Kerford-Byrnes  
Councillor Alan MacKenzie-Wintle  
Councillor Richard Mould  
Councillor D M Pickford  
Councillor Lynn Pratt  
Councillor Nigel Randall  
Councillor G A Reynolds  
Councillor Barry Richards  
Councillor Nigel Simpson  
Councillor Les Sibley

Substitute Members: Councillor Ken Atack (In place of Councillor Chris Heath)

Apologies for absence: Councillor Chris Heath  
Councillor Nicholas Turner

### 3 **Declarations of Interest**

#### **7. Former Burgess Building, Canal Street, Banbury, OX16 5AX.**

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

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

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

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

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

**8. OS Parcels 6741 And 5426 West Of Cricket Field North Of Wykham Lane, Bodicote, Oxfordshire.**

Councillor James Macnamara, Declaration, as a member of the Glebe & Buildings Committee and would leave the council chamber for the duration of the item..

**10. Land To The Rear Of The Methodist Church, The Fairway, Banbury.**

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

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

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

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council, which had been consulted on the application and as a member of the executive and would leave the council chamber for the duration of the item..

Councillor D M Pickford, Declaration, as a member of the executive and would leave the council chamber for the duration of the item..

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

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

Councillor Ken Atack, Declaration, as a member of the executive and and a member of the build program and would stay in the room for the item, but did not take part in the vote.

Councillor Lynn Pratt, Declaration, as a member of the executive and would leave the council chamber for the duration of the item..

Councillor Nigel Randall, Declaration, as a member of the Build Board and would leave the council chamber for the duration of the item.

**11. The Plough Inn, Thorpe Road, Wardington, Oxfordshire, OX17 1SP.**

Councillor Barry Richards, Declaration, as a member of CAMRA and would remain in the council chamber for the duration of the item.

**12. OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury.**

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

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

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

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council, which had been consulted on the application and as a member of the executive and would leave the council chamber for the duration of the item..

Councillor D M Pickford, Declaration, as a member of the executive and would leave the council chamber for the duration of the item..

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

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

Councillor Ken Atack, Declaration, as a member of the executive and would leave the council chamber for the duration of the item..

Councillor Nigel Randall, Declaration, as a member of the Build Board and would leave the council chamber for the duration of the item.

**13. OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury.**

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

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

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

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council, which had been consulted on the application and as a member of the executive and would leave the council chamber for the duration of the item..

Councillor D M Pickford, Declaration, as a member of the executive and would leave the council chamber for the duration of the item..

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

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

Councillor Ken Atack, Declaration, as a member of the executive and would leave the council chamber for the duration of the item..

Councillor Lynn Pratt, Declaration, as a member of the executive and would leave the council chamber for the duration of the item..

Councillor Nigel Randall, Declaration, as a member of the Build Board and would leave the council chamber for the duration of the item.

**14. 44 Croft Avenue, Kidlington, OX5 2HT.**

Councillor Alan MacKenzie-Wintle, Non Statutory Interest, as a member of Kidlington Parish Council, which had been consulted on the application.

Councillor Nigel Simpson, Non Statutory Interest, as a member of Kidlington Parish Council, which had been consulted on the application.

4 **Requests to Address the Meeting**

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

5 **Urgent Business**

There were no items of urgent business.

6 **Minutes**

The Minutes of the meeting held on 14 April 2016 and 17 May 2016 were agreed as a correct record and signed by the Chairman.

7 **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.

8 **Former Burgess Building, Canal Street, Banbury, OX16 5AX**

The committee considered application 14/01685/F for demolition and replacement of existing building with six new build commercial units.

Councillor Beere proposed that application 14/01685/F be deferred to allow further consideration for the alternative conversion scheme presented by Banbury Civic Society and to allow a formal site visit. Councillor Clarke seconded the proposal.

Councillor Richards proposed that a recorded vote be taken. Councillor Beere seconded the proposal. A recorded vote was duly taken and the Members voted as follows:

Councillor Hughes - For  
Councillor Macnamara – Abstain  
Councillor Banfield - Abstain  
Councillor Beere - For  
Councillor Clarke - For

Councillor Milne Home - Against  
Councillor Kerford-Byrnes - Abstain  
Councillor MacKenzie-Wintle - For  
Councillor Mould - For  
Councillor Pickford - For  
Councillor Pratt - Abstain  
Councillor Randall - Against  
Councillor Reynolds - Abstain  
Councillor Richards - Abstain  
Councillor Simpson - For  
Councillor Sibley - For  
Councillor Atack - For

**Resolved**

That application 14/01685/F be deferred to allow further consideration for the alternative conversion scheme presented by Banbury Civic Society and to allow a formal site visit.

9 **OS Parcels 6741 And 5426 West Of Cricket Field North Of Wykham Lane, Bodicote, Oxfordshire**

The committee considered application 15/01326/OUT for an outline application for up to 280 dwellings (including 30% affordable housing), introduction of structural planting and landscaping, formal and informal public open space and play areas, surface water flood mitigation and attenuation, new priority junction arrangements to White Post Road, creation of section of spine road to link Bloxham Road with White Post Road as well as creation of 34 space car park and other associated ancillary works. All matters reserved except for access.

Councillor Milne Home proposed that application 15/01326/OUT be deferred to ensure that both the applications on the allocated Banbury 17 site (14/01932/OUT and 15/01326/OUT) are considered at the same Planning Committee. Councillor Pickford seconded the proposal.

**Resolved**

That application 15/01326/OUT be deferred to ensure that both the applications on the allocated Banbury 17 site (14/01932/OUT and 15/01326/OUT) are considered at the same Planning Committee.

10 **The George And Dragon, 15 East Street, Fritwell, Bicester, OX27 7PX**

The Committee considered application 16/00023/F for George and Dragon site - Erection of a terrace of 4 no. 3 bed cottages with parking. Erection of single storey village hall re using existing village car park and access. Village Hall site - Demolition of existing village Hall and erection of 7 no. 3 bed houses with through access to surface parking.

Christopher Hopcroft, a local resident, addressed the committee in objection to the application.

Amanda Walker, agent for the applicant, addressed the committee in support to the application.

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

### **Resolved**

That application 16/00023/F be approved, subject to

- a) receipt of final comments from the Strategic Housing Officer raising no objections
- b) the applicant entering into a legal agreement in respect of the financial highway contribution sought by OCC
- c) 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 form and drawing numbers 14-GDF-SL01, 15 GDF SP05 A, 15 GDF SP04 C, 15 GDF SP04 B, 14 GDF P2 H, 14 GDF P3 F, 14 GDF P5 B, 14 GDF P4 E, 14 GDF P3-1 A, 14 GDF P2-1 A, 15 GDF PE01 E, 15 GDF BS1 A, 15 GDF PE02 B and 15 GDF WD1 A.

Conditions relating to whole site

- 3 Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels for the proposed buildings in relation to existing ground levels on the site and in relation to the ground levels and ridge and eaves height of surrounding buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.
- 4 Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
  - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas;
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation; and

- (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 strict accordance with the approved landscaping scheme.

- 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 Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
- 7 No development shall commence on site other than in accordance with the submitted written scheme of investigation (WSI for an Evaluation - The George and Dragon and Village Hall Sites, Fritwell, Oxfordshire prepared by Oxford Archaeology Ltd (October 2015)). Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.
- 8 No development shall commence 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.
- 9 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
- 10 Prior to the commencement of the development hereby approved, full details of the proposed footway linking the development and the access to Fritwell Primary School along the south east side of East Street,

including a timetable for its provision, as indicatively shown on drawing number 15 GDF SP04 Rev C, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the footway shall be constructed and retained in accordance with the approved details and timetable.

- 11 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS) and Tree Protection Plans and details, 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. The details shall include details of all trees to be retained. Thereafter, all works on site shall be carried out in accordance with the approved AMS and tree protection measures.

Conditions relating to the replacement village hall building only

- 12 Prior to the commencement of the development on the village hall hereby approved, full details of a scheme to acoustically enclose all areas of the village hall where amplified sound can be generated shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the building, the development shall be carried out and retained in accordance with the approved details.
- 13 Prior to any works above slab level of the development hereby approved, samples of the render to be used in the construction of the walls of the village hall building 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.
- 14 Prior to any works to the roof structures of the development hereby approved, samples of the tiles to be used in the construction of the village hall 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.
- 15 Prior to the first use of the village hall a car park management plan for the village hall and associated car park shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be operated in accordance with these details.
- 16 All windows and doors are to be kept shut (except for access and egress) on the village hall building hereby approved when amplified speech or music is occurring inside the village hall.
- 17 The external amenity space serving the village hall to the south west of the building as shown on drawing number 15 GDF SP04 Rev B shall not be used after 2100hrs or prior to 0800hrs.
- 18 The village hall shall be used only for purposes falling within Class D1 as specified in the Schedule to the Town and Country Planning (Use



Classes) (England) Order 1987 (as amended) and for no other purpose(s) whatsoever.

Conditions relating to the new dwellings only

- 19 Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, parking and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, parking and turning areas shall be constructed in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter
- 20 Prior to any construction of the dwellings above slab level, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural stone, and shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the dwellings shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
- 21 Prior to any works above slab level of the development hereby approved, samples of the render to be used in the construction of the rear elements of the dwellings hereby permitted 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.
- 22 Prior to any works to the roof structures of the development hereby approved, samples of the slate to be used in the construction of the roof of the dwellings 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.
- 23 Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the dwellings, including the design of the eaves and verge treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the dwellings above slab level. The development shall thereafter be carried out in accordance with the approved details.
- 24 Notwithstanding the details on the approved plans, prior to the insertion of any windows and doors, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows and their surrounds shall be installed within the building in accordance with the approved details.
- 25 Prior to the occupation of any dwelling on the site full details of the enclosures along all boundaries of the site shall be submitted to and

approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of any of the dwellings.

- 26 Prior to the first occupation of any of the residential units hereby approved, the replacement village hall shall be completed and ready for use.
- 27 Prior to the first occupation of the development hereby approved, the first floor windows in the side elevations of the dwellings hereby permitted shall fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter.
- 28 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 or altered, 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.

11 **Land To The Rear Of The Methodist Church, The Fairway, Banbury**

The Committee considered application 16/00313/CDC for the variation of Condition 2 of 13/01372/CDC - Revised design and siting of plots 10 and 11 only.

Melanie Taylor, a local resident, addressed the committee in objection to the application.

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

**Resolved**

That application 16/00313/CDC be approved subject to conditions (as detailed below) and completion of an appropriate legal agreement securing the dwelling units as affordable in perpetuity.

1. The works to which this consent relates shall be begun not later than the 14th December 2018.
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered: 300 Rev. A, 303 Rev. B, 304 Rev. D, 323 Rev. A and 324.
3. Prior to the commencement of the development hereby approved, samples of tiles to be used in the construction of the roofs 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, samples of render to be used to finish the external walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
5. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
  - i). details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - ii). 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,
  - iii). details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
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. Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of any dwelling.
8. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the northwest elevations of Plot 1 and Plot 2 without the prior express planning consent of the Local Planning Authority.
9. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, 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.

10. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the dwelling(s) and the highway without the prior express planning consent of the Local Planning Authority.
11. Prior to the commencement of the development hereby approved, the proposed means of access between the land and the highway shall be widened to a minimum of 4.8m plus a 1.5m footway, formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.
12. Prior to the commencement of the development hereby approved, full specification details of the estate accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, vision splays, 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.
13. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, vision splays, 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.
14. Prior to the first use or occupation of the development hereby approved, 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.
15. Prior to the commencement of the development hereby approved, full details of signage/markings to be used to indicate allocated and unallocated parking spaces 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.
16. Retained Tree
  - a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved

plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the completion of the development.

17. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837 and in line with the recommendations put forward in the submitted Arboricultural Impact 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.
18. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Tree Protection Plan prepared by Marishal Thompson Group on 12/10/11.

12 **The Plough Inn, Thorpe Road, Wardington, Oxfordshire, OX17 1SP**

The Committee considered application 16/00367/F for the change of use from public house to dwelling, including small rear 1st floor extension.

Roger Coy, agent for the applicant, addressed the committee in support to the application.

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

**Resolved**

That application 16/00367/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 and Drawing Numbers: 3732/map and 3732/20A submitted with the application.
3. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site

in natural ironstone to match the stonework on the existing building, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development to be constructed of stone shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

4. Prior to the commencement of the development hereby approved, samples of the tile to be used in the construction of the roof of the extension shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
5. Prior to the commencement of the development hereby approved, samples of the render to be used in the construction of the walls of the extension 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.
6. Prior to the commencement of the development hereby approved details of how, as far as practicable, the existing public house signage will be retained and incorporated into 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 these approved details and any public house signage agreed to be retained shall be maintained as such thereafter.
7. Prior to the installation of the new windows and doors hereby approved, full details of the windows and doors, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the windows and doors shall be installed within the building in accordance with the approved details.
8. Notwithstanding the provisions of Classes A to D (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 shall not be extended or altered without the prior express planning consent of the Local Planning Authority.

13

**OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury**

The committee considered application 16/00504/CDC for the erection of single storey buildings to provide 6 one bed flats for adults with learning difficulties and autistic spectrum condition, associated parking area, shared landscaped gardens, secured courtyard area, and staff and communal accommodation in an additional unit (seven units in total).

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

**Resolved**

That application 16/00504/CDC 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 application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, Site Location Plan, Ecological Appraisal (Willmott Dixon Housing Ltd, February 2016), Tree Survey Report (RGS, March 2016) and drawings numbered "17015-HANW-5-SK017", "HW-MA-00-GF-DR-A-00112 P10", "HW-MA-00-R1-DR-A-00114 P04", "HW-MA-00-ZZ-DR-A-00103 P04", "HW-MA-00- ZZ-DR-A-00105 P09", "HW-MA-00-ZZ-DR-A-00131 P06", "HW-MA-00-ZZ-DR-A- 00132 P06", "HW-MA-00-ZZ-DR-A-00133 P06" and "HW-MA-00-ZZ-DR-A-00134 P06".
3. Prior to the occupation of any dwellings an Energy Strategy shall be submitted to and approved by the Local Planning Authority. This strategy shall be in line with the mandatory requirements of Code 4 in respect of ENE1 2010 or otherwise agreed with the Local Planning Authority.
4. Prior to the commencement of the development hereby approved above slab level, samples of the brick to be used in the construction of the external walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
5. Prior to the commencement of the development hereby approved above slab level, samples of the tile 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.
6. Notwithstanding the details submitted, no development shall commence above slab level until amended design details for the front façade of the building and the entrance gates have been 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.
7. Prior to the construction of the development hereby approved above slab level, the proposed means of access between the land and the highway shall be improved to geometry as plans submitted, formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.
8. Prior to the commencement of the development hereby approved above slab level, 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.

9. No development shall take place above slab level 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 (which shall be native species of UK provenance), 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) the reinforcement of the existing hedgerow along the Western, Eastern and Southern boundaries
  - (d) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
  - (e) Details of the minor artefacts/structures (ie. surfaces, benches, fencing, walling etc) which comprise public art works

The hard landscaping elements shall be carried out fully in accordance with the details approved and shall be retained as such thereafter.

10. All planting, seeding or turfing comprised in the approved details of landscaping on each phase identified in condition no. 6, shall be carried out 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; and that any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
11. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
- b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and



paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the decision.

12. Prior to the commencement of the development above slab level, full details of existing and proposed ground and finished floor levels and all boundary treatments and means of enclosure shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
13. Prior to the commencement of the development above slab level, an update to the mitigation strategy for badgers, which shall include details of a recent survey (no older than six months on the date of the submission to the Local Planning Authority), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
14. Unless otherwise agreed in writing, the development hereby approved shall be implemented fully in accordance with the Landscape and Ecology Management Plan (LEMP) approved pursuant to Condition 27 of 12/01789/OUT.
15. Prior to the commencement of the development above slab level, a method statement for biodiversity enhancements on site together with the long term maintenance 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.
16. Prior to the commencement of the development above slab level, details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that there is no light spillage from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to the first occupation of the development, the certificate shall then be submitted to the Local Planning Authority.
17. Unless otherwise agreed in writing, the development hereby approved shall be implemented fully in accordance with the Construction Environment Management Plan (CEMP) approved pursuant to Condition 42 of 12/01789/OUT.
18. 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.

14 **OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury**

The Committee considered application 16/00515/CDC for erection of single storey building to provide 5 one bed flats for adults with acquired brain injury, associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (six units in total).

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

**Resolved**

That application 16/00515/CDC 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 application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, Site Location Plan, Ecological Appraisal (Willmott Dixon Housing Ltd, February 2016), Tree Survey Report (RGS, March 2016) and drawings numbered "17015-HANW-5-SK017", "HW-MA-00-GF-DR-A-00111 P10", "HW-MA-00-R1-DR-A-00113 P04", "HW-MA-00-ZZ-DR-A-00102 P11", "HW-MA-00- ZZ-DR-A-00104 P09", "HW-MA-00-ZZ-DR-A-00121 P06", "HW-MA-00-ZZ-DR-A- 00122 P06" and "HW-MA-00-ZZ-DR-A-00123 P06".
- 3 Prior to the occupation of any dwellings an Energy Strategy shall be submitted to and approved by the Local Planning Authority. This strategy shall be in line with the mandatory requirements of Code 4 in respect of ENE1 2010 or otherwise agreed with the Local Planning Authority.
- 4 Prior to the commencement of the development hereby approved above slab level, samples of the brick to be used in the construction of the external walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
- 5 Prior to the commencement of the development hereby approved above slab level, samples of the tile 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.

- 6 Notwithstanding the details submitted, no development shall commence above slab level until amended design details for the front façade of the building and the entrance gates have been 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. with the samples so approved.
- 7 Prior to the construction of the development hereby approved above slab level, the proposed means of access between the land and the highway shall be improved to geometry as plans submitted, formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.
- 8 Prior to the commencement of the development hereby approved above slab level, 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.
- 9 No development shall take place above slab level 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 (which shall be native species of UK provenance), 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) the reinforcement of the existing hedgerow along the Western, Eastern and Southern boundaries
  - (d) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
  - (e) Details of the minor artefacts/structures (ie. surfaces, benches, fencing, walling etc) which comprise public art works

The hard landscaping elements shall be carried out fully in accordance with the details approved and shall be retained as such thereafter.

- 10 All planting, seeding or turfing comprised in the approved details of landscaping on each phase identified in condition no. 6, shall be carried

out 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; and that any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the decision.

- 12 Prior to the commencement of the development above slab level, full details of existing and proposed ground and finished floor levels and all boundary treatments and means of enclosure shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
- 13 Prior to the commencement of the development above slab level, an update to the mitigation strategy for badgers, which shall include details of a recent survey (no older than six months on the date of the submission to the Local Planning Authority), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 14 Unless otherwise agreed in writing, the development hereby approved shall be implemented fully in accordance with the Landscape and Ecology Management Plan (LEMP) approved pursuant to Condition 27 of 12/01789/OUT.
- 15 Prior to the commencement of the development above slab level, a method statement for biodiversity enhancements on site together with the long term maintenance 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.

- 16 Prior to the commencement of the development above slab level, details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that there is no light spillage from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to the first occupation of the development, the certificate shall then be submitted to the Local Planning Authority.
- 17 Unless otherwise agreed in writing, the development hereby approved shall be implemented fully in accordance with the Construction Environment Management Plan (CEMP) approved pursuant to Condition 42 of 12/01789/OUT.
- 18 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.

15 **44 Croft Avenue, Kidlington, OX5 2HT**

The Committee considered application 16/00585/F for proposed alterations to form 3 no 1bed flats with parking and ancillary space.

Mandy Pipkin, a local resident, addressed the committee in objection to the application.

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

**Resolved**

That application 16/00585/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 details provided by the following plans and documents: Application Form, Location Plan, drawing numbers 2035-2-95, 2035-2-100, 2035-2-101, 2035-2-110, 2035-2-111, 2035-2-

120, 2035-2-200, 2035-2-210 and 2035-2-220 submitted with the application.

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

- (a) details of the proposed 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; and
- (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.

- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the 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.
- 5 Prior to the occupation of any part of the development hereby approved, full details of the enclosures along all boundaries of the site and to divide the communal amenity space in the interests of residential amenity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of any of the units.
- 6 Prior to the first occupation of the development hereby approved, the parking areas shall be provided in accordance with the plan approved (Drawing No: 2035-2-95), and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.
- 7 Prior to the first occupation of the development hereby permitted full details of the location, type, design, and appearance of the proposed cycle parking serving the dwellings shall be submitted and approved

in writing by the local planning authority. The cycle parking shall be provided in accordance with the approved details prior to the first occupation of any part of the development.

- 8 Prior to the first occupation of any of the dwellings hereby approved, the ground floor window serving the living/dining area in the side (west) elevation of Flat 1 (as shown on drawing number 2035-2-100) shall be fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter.

## 16 **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 6.20 pm

Chairman:

Date:

### PLANNING COMMITTEE

9 June 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.



	<b>Site</b>	<b>Application No.</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
7	OS Parcel 4200 Adjoining And North East Of A4095 And Adjoining And South West Of Howes Lane Bicester	14/01675/OUT	Bicester North And Caversfield	Approval	Caroline Ford
8	Former Burgess Building Canal Street Banbury OX16 5AX	14/01685/F	Banbury Grimsbury And Hightown	Refusal	Emily Shaw
9	Cherwell District Council Former Offices Old Place Yard Bicester	16/00043/F	Bicester South and Ambrosden	Approval	Shona King
10	Banbury Academy Ruskin Road Banbury OX16 9HY	16/00363/F	Banbury Calthorpe And Easington	Approval	Bob Neville
11	Thames Valley Police HQ. Oxford Road, Kidlington	16/00525/F	Kidlington East	Approval	Bob Duxbury
12	Land West Of Horn Hill Road Adderbury	16/00619/F	Adderbury, Bloxham And Bodicote	Refusal	Bob Neville
13	Land To Rear of Utility Building, Glebe Court, Fringford	16/00704/F	Fringford and Heyfords	Refusal	Gemma Magnuson

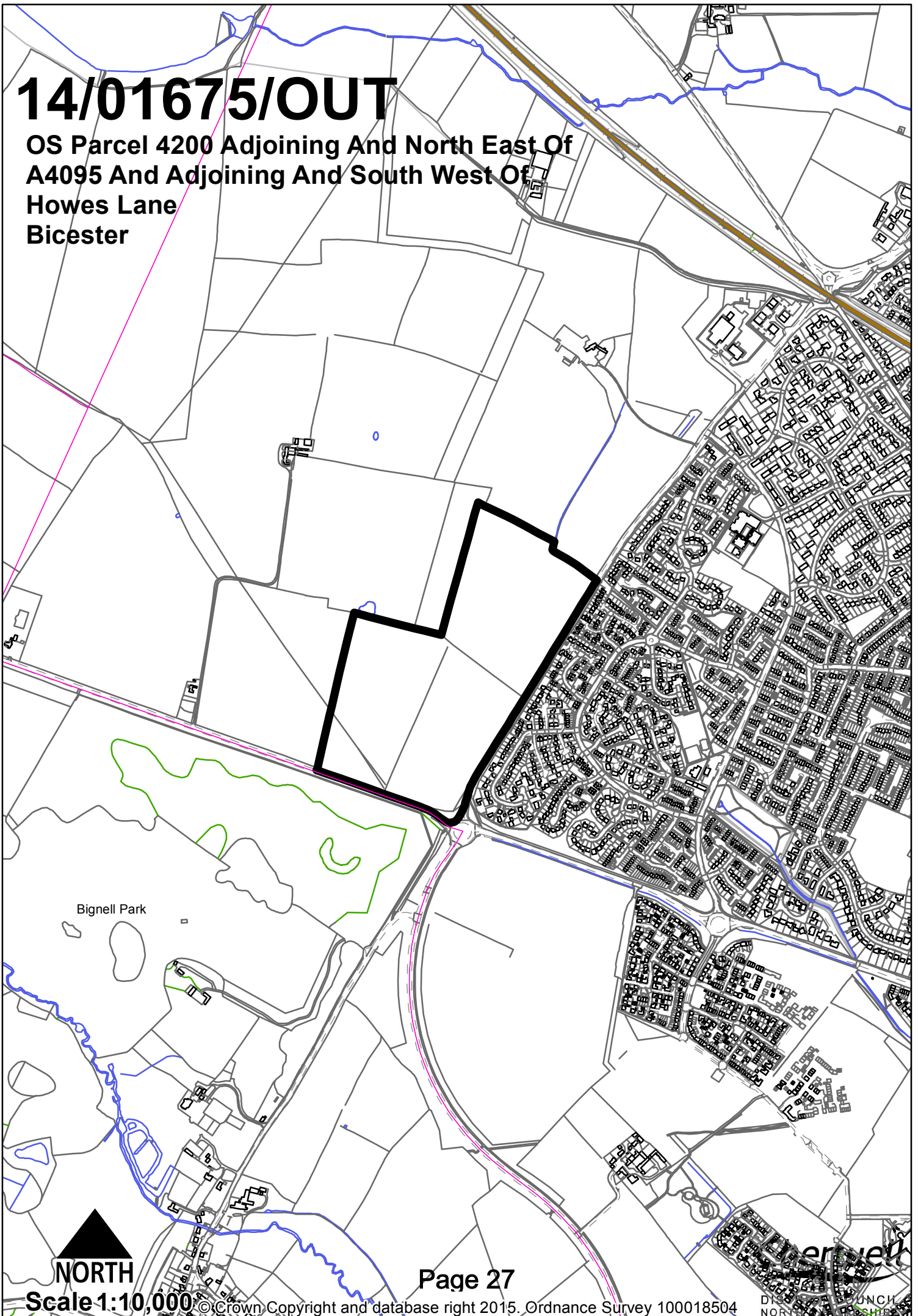
# 14/01675/OUT

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



# 14/01675/OUT

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



Bignell Park



Scale 1:10,000

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

**14/01675/OUT**

**Case Officer:** Caroline Ford                      **Ward(s):** Bicester North And Caversfield

**Applicant:** Albion Land Ltd

**Ward Member(s):** Cllr Nicholas Mawer  
Cllr Lynn Pratt  
Cllr Jason Slaymaker

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

**Committee Date:** 09.06.2016                      **Recommendation:** Approval subject to the recommendation at paragraph 6 of this report.

**Committee Referral:** Major

- 1.**
- 1.1 The application was reported to Planning Committee in January 2016, with a recommendation of approval. The report presented is attached at appendix 1. That report gives the site description, provides details of the proposal, identifies the relevant planning policy and includes the range of publicity and consultation responses received to the application. A full Officer appraisal of the proposal is provided there.
- 1.2 The application was deferred by Members at the January 2016 committee in order to allow Officers time to negotiate with the applicant in response to Member concerns expressed at that meeting relating to whether there is an opportunity to impose a condition to restrict the level of B8 floor space on the site.
- 1.3 This report therefore seeks to advise Members of progress made since the last committee and provide an updated recommendation. The report does not seek to repeat the issues set out within the earlier report.

## 2. Application Publicity

- 2.1 The full range of responses to the application publicity is set out at paragraph 2.1 of the January 2016 committee report (appendix 1). Since this report was completed, two additional public comments have been received. These are summarised below:

The following issues were raised:

### Local Resident:

- Why is this application even being considered? This is a proposal to build a three storey 24/7 warehouse on land specifically designated as an eco-area.
- You cannot consider a development of this type where, as the revised plans show, lorries will be thundering past close to a brand new school on the Boulevard. This new road, the replacement for Howes Lane has no chance of being able to cope with the level of traffic that would need to use it. Until the road infrastructure for the whole area has been agreed, no large scale industry can be considered.
- Who would buy a new house in an area with 24/7 lorries and the associated lighting? It would be an impossible sell. I don't think the Government put up the many millions of pounds for a huge warehouse on eco land. The political ramifications could be serious.
- It is obvious to any neutral that the type of employment required here is hi tech in low level buildings such as the Oxford Science park. The business park near the police building on Howes Lane is a much more suitable and acceptable type of development that be welcomed by local residents.
- There are many suitable places in and around Bicester which could easily accommodate B1 type industry away from residents, Graven Hill being one of them.

### Derwent Green Residents association:

- Deeply concerned that the request for a temporary access of Howes Lane pending the delivery of the realigned Howes Lane to facilitate a development that is focussed on warehousing rings even greater alarm bells that a further increase of traffic that may also hinder and delay the realignment of Howes Lane.
- It is hard to over emphasise the frustration and desperation felt by the association members, particularly those with homes backing onto Howes Lane, at the dramatic and dangerous increase of traffic on Howes Lane since Vendee Drive opened and the construction work began on the Eco Town development. The number of lorries has increased significantly, particularly during the night and rush hour traffic has increased resulting in lengthy queues in both directions from the Shakespeare Drive junction.
- A weight limit should be established on Howes Lane and a reduction in speed limit along the whole of Howes Lane. The association support the proposals for a realigned Howes Lane.
- Urge the Planning Committee to demonstrate joined up thinking and both approve the realignment of Howes Lane and reject the Albion Land proposal as long as it contains such a preponderance of warehousing and the proposal for access on Howes Lane.
- The proposal for B8 employment provision is completely inappropriate for this site. It is in the wrong location, it is not the kind of labour intensive employment provision needed with 5000 homes being built alongside this site, it is not in keeping with the philosophy of an eco-town development, neither is it visually appropriate in terms of existing residents of the Greenwood Homes estate who have a view of this development, nor for the eco town residents who will be in the eventual homes adjacent to the

warehousing.

### **3. Consultations**

- 3.1 The full range of consultation responses received to this application are provided at paragraphs 3.1-3.33 of the January 2016 committee report at Appendix 1. Since then, only additional responses from Oxfordshire County Council as the Highway Authority have been received. These are summarised below:

#### **Oxfordshire County Council Consultees**

- 3.2 In order to set the context for the additional transport responses, Officers have provided the following summary:

The January 2016 committee report, at paragraph 5.90 outlined the current constraints at the Howes Lane/ Bucknell Road junction and identified the improvements required; most significantly being a new bridge under the railway to the west of its current position. Linked to this improvement is the realignment of Howes Lane from the Middleton Stoney road roundabout to the underpass. This work 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. A full planning application for this development and additional road infrastructure has a resolution to approve (14/01968/F). 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 is based on a Hyder note and is outlined below within the OCC response). Taking into account this capacity, the report also outlined how Officers considered it appropriate for this capacity to be used in advance of the work to provide the tunnel and realigned road (paragraphs 5.90-5.114). This took into account how early delivery could be used to support the delivery of the necessary tunnel, how the level of development could be achieved whilst still meeting the policy requirements around the delivery of sustainable development and whether it was deliverable. Officers concluded that as A2 Dominion (A2D) have sought funding through the Homes and Communities Agency in the form of a loan, they have agreed to fund the technical work to progress the GRIP process (the Network Rail technical process) and that A2D have an agreement in place to acquire the land adjacent to the Exemplar and this could allow development to be built adjacent to that site in order to benefit from the facilities that will be available there, it would be appropriate for A2D to develop up to 507 dwellings, providing they pursue the GRIP process during the build out of the dwellings. This, with the 393 dwellings on the Exemplar would equal the 900 dwellings that OCC have accepted prior to the work to provide the tunnel and realigned road infrastructure leaving the 40% employment capacity available.

At the time the application was reported to the January 2016 committee, the Transport Assessment identified that the proposal, in the long term, and with the planned infrastructure improvements, could be accommodated within the road network. It then went on to consider whether there was potential for development to be provided in advance of the tunnel and a realigned road infrastructure. Prior to committee, a Transport note prepared by the applicant's Highway Consultant (14042-12c) was submitted and which assessed 70% employment (37,100sqm) and 139 dwellings – on the understanding that 39 of those dwellings would need to be offset from the A2D development threshold quantum.

#### Transport:

In response to this Note, OCC provided a response setting out their view. This was



verbally updated to Members at the January meeting and is provided below:

- In December 2014, OCC accepted a technical note from Hyder Consulting which set out the amount of development across NW Bicester that could take place without causing a severe impact on the existing road network. Calculations in this note used data from the 2024 traffic model and manually adjusted flows from NW Bicester, other development sites and background growth to test the impact at the point when 900 NW Bicester homes (i.e. 40% of the 2024 development) could be delivered and when 1200 homes (53%) could be in place. This demonstrated that at both levels of growth, the Bucknell Road/ Howes Lane junction would be over capacity, but as the impact of 900 homes was similar to that accepted for the Exemplar development, OCC was requested to permit 900 homes prior to construction of the new tunnel under the railway. OCC accepted 40% of the 2024 development levels, i.e. 900 houses as the trigger for this critical infrastructure. It should be noted that the Hyder work did not distinguish where on the NW Bicester masterplan site this initial development could take place and that 393 of the 900 homes are already built or have permission at the Exemplar site.
- In discussions and responses to CDC since then, OCC has maintained its position on the trigger point, making it clear it is for CDC to manage the phasing and delivery of the multiple sites across the masterplan within the constraints of these triggers.
- Albion Land sees to develop the majority of their site before the tunnel is in place. Their transport consultants, DTA, have submitted technical notes to justify this proposal and OCC have provided comments to CDC on these notes.
- OCC's comments relate to the technical methodology put forward by the applicant as a proposed alternative calculation for traffic impact and site wide triggers. If these proposed changes are accepted these would change the managed delivery of other sites within the masterplan. Therefore, it is the District as Local Planning Authority with responsibility of managing the comprehensive delivery of the wider strategic allocation, to take final decisions on how triggers are managed across the multiple sites.
- Discussions around the trigger point have tended to concentrate on the level of housing growth that could be accommodated, however, the assessment work also assumed 40% of the 2024 employment levels. In technical note 14042-11, Albion Land asserted that the balance of employment land use types in the modelling on which the '40% of 2024 development scenario' threshold was based, was different from that which they are proposing. Taking into account the overall lower trip rates that their proposal implied and the trip distribution set out in their transport assessment, according to them, this meant that 75% of their proposed employment (39,750sqm gross floor area or 7.1ha, i.e. 71% of the total employment land allowed for in Hyder's modelling) and all of the proposed 150 dwellings at the site could be built without the tunnel in place, adding only 11 trips in the PM peak into the Bucknell Road/ Howes Lane Junction.
- Whilst OCC agreed with the maths and logic in the calculations of both the additional 11 trips and the additional queuing they would cause, OCC's position on this is that even though it is a small addition, it surpasses the level of development which is acceptable before the tunnel and realigned road are completed. If the tunnel is not built by the time 40% of the 2024 development level is in place, this would take the junction beyond the position at which congestion becomes severe – i.e. it makes a very bad situation worse.
- OCC is also concerned this would set a precedent for similar requests from other developers to exceed the defined trigger points. OCC recognises that there may be a number of different options for allocating development that can take place before the trigger for the tunnel and realigned road, however OCC will not endorse proposals which seek to increase the overall impact above the established trigger level across the masterplan site.
- The latest note SKP/14042-12c was submitted on the 11 January 2016 following

a meeting on the 8 January 2016. Albion Land have put forward an alternative development quantum proposal to be permitted prior to the tunnel – 70% of the application area for employment (37,100sqm gross floor area or 6.6ha – 66% of the total employment land allowed for in Hyder’s modelling for the whole of NW Bicester) and 139 dwellings. Using the methodology of their previous note, they calculate that this combination would generate no more than the traffic flow into the Bucknell Road/ Howes Lane junction that went into the original calculations to set the 40% of the 2024 development scenario threshold. OCC’s position is that we accept that this would not exceed the modelled impact set out in the Hyder note. They reiterate that it is for CDC to take decisions on the management of individual triggers at the application sites. It should be noted that A2 Dominion have stated that if they are to deliver the tunnel and realigned road, they would need to be permitted to develop all the pre-trigger housing.

- OCC have never advised that the initial residential development should be allowed to be evenly distributed across the whole of the NW Bicester site, instead leaving this for CDC to decide. In fact dispersing the development in this way would lead to more car journeys overall, as people would be less likely to be within walking distance of local facilities. It is also likely to result in the trigger point being reached too quickly for the delivery of the infrastructure.
- In terms of the Albion Land site for residential development, whilst it is not within practical walking distance of facilities at the Exemplar site, it is adjacent to the existing Bicester settlement, to which it could be connected by footway and a signalised crossing of the existing Howes Lane.
- When considering Albion Land’s employment proposal, the proportion of the total masterplanned employment at NW Bicester should be taken into account as this will include employment at local hubs and as part of mixed use development. Policy Bicester 1 stipulates a minimum land area of 10ha for employment at NW Bicester, which is the total employment figure used in Hyder’s calculation. As the employment land area in the Albion Land application alone is 9.45ha, this will have implications for the overall amount of employment development across the wider site that can be delivered before the tunnel and realigned road are delivered.
- The applicant suggests numerical Grampian style conditions are applied to the A2D application sites totalling 861 homes. OCC would expect that equivalent conditions are applied to limit employment development. It should be noted that the applicant’s proposal would make no allowance for development ahead of the tunnel at any other applications sites. As stated above, it is for CDC as Local Planning Authority to manage the phasing and delivery of the multiple sites across the masterplan within the constraints of these triggers.
- In the event that employment development is permitted ahead of the tunnel, OCC recommend that it is restricted to the part of the site accessed off Middleton Stoney Road. HGVs from this site are less likely to route via Howes Lane, and therefore will cause less disturbance to residential properties.

3.3 Following committee, further Transport work was carried out and a further note submitted (14042-13). This note further redistributed the highways capacity attributed by the December 2014 Hyder memo to enable an appropriate quantum of employment and residential development to come forward on the Albion Land site without the defined trip rates and highways capacity limitations exceeding the levels identified by the Hyder memo (i.e. within the 40% employment capacity). This assessed 135 dwellings and 50% employment (26,500sqm) and found that movements would be equivalent to those already ‘permitted’ in advance of the tunnel within the 900 dwelling test.

The Highway Authority assessed this information and advised that this is less than the quantum proposed, for both residential and employment, prior to committee on which their above response was based, and the impact on the Howes Lane/ Bucknell Road junction therefore falls under the level of impact on which the original trigger was set.



The percentage split assumed in the trip generation was 30% B2 and 70% B8 employment at the site.

- 3.4 In response to the deferral from committee a further Highways Technical Note (14042-14C) was submitted exploring the implications of imposing a restrictive condition (80% B2 and 20% B8 split) on the employment element of Albion Land's application. The trip rates used were applied to the revised floor areas for the employment floor space and an assessment of these and a network assessment resulted in the conclusion being reached that the revised development mix would not result in any material impact or differences on the local road network.

The Highway Authority advised that the revised two way trip generation (from the revised percentage split) would see a 47% increase in the am peak, a 35% increase in the pm peak and 24% increase overall, which is substantial. The advice was that the revised split would make a material impact on the local road network which is unacceptable in advance of the new strategic link road and tunnel. With the new infrastructure in place however, the impact is not severe. With respect to development that could occur in advance of the tunnel, after some correspondence in relation to detailed figures, the Highway Authority confirmed their agreement to the revised combination of development that could occur in advance of the road and tunnel (135 dwellings plus 20% B8 (10,600sqm) and 23% B2 (12,190sqm)) as this would not exceed the modelled impact set out in the Hyder note.

The Highway Authority reiterated their points in their Update note of 19 January 2016 – provided at paragraph 3.2 and also highlighted other outstanding detailed points relating to public transport arrangements, highway infrastructure and travel plans (summarised within the representations at paragraph 3.18 of the January 2016 committee report).

#### **Consultation with Other applicants on the NW Bicester site**

- 3.5 Given the complexities around development commencing in advance of the provision of the tunnel and road within the available capacity, Officers contacted other applicant's across the NW Bicester site that have applications currently under consideration. Their responses are summarised below.

#### **3.6 Barton Willmore on behalf of A2 Dominion**

In response to Officer's advising A2D of the conclusions reached within note 14042-12c (that would have resulted in A2D needing to relinquish 39 dwellings), a letter dated the 18 January 2016 was received. This was provided to Members as a Late Update and is summarised here:

Attention is drawn to paragraphs 5.90-5.109 of the Planning Committee Report which sets out the Councils' position in relation to the delivery of the railway crossing. 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 equates to 507 dwellings (900 in total including the 393 dwellings already permitted on the Exemplar site) and 40% of the proposed employment. When considering A2D applications 14/01384/OUT and 14/01641/OUT, CDC and OCC have concluded from highway advice that the proposed railway crossing is required prior to A2D's applications being built out.

The Council's recognise that A2D have provided details showing how they could deliver the rail crossing, they have submitted a full application (14/01968/F) for the new crossing of the railway, sought funding through the HCA to deliver the scheme and agreed to fund/ progress the GRIP process, to secure technical approval, subject to receiving planning permission that would enable them to construct 507 dwellings whilst the GRIP process is being progressed. To date, no other applicant at NW Bicester has provided details of how they could deliver the bridge under the railway. The A2D applications include land adjacent to the Exemplar, which is currently under construction and which includes a primary school, local centre, community hall and

energy centre. Development adjacent to the Exemplar would enable residents to utilise services/ facilities there.

Both the applicant for application 14/01675/OUT and 14/02121/OUT has sought to make the case that their developments should be allowed prior to the tunnel being in place. To date OCC as the Highway Authority have not supported this. Officers consider there is a case for enabling employment capacity to be used by Albion Land subject to partial development of their proposal being deliverable prior to the tunnel and realigned road being in place and the application securing the realigned Howes Lane and contributions to the railway bridge. However, the linkage between the employment land and the residential needs to be explored further. If it is not possible to separate the employment from the residential, OCC has already advised that the whole Albion Land scheme cannot be acceptably accommodated prior to the bridge being in place.

- 3.7 A response was also received from **Pegasus on behalf of one of the land owners to the north of the railway**: Fully endorse the approach taken by the Local Authority insofar as the next phase of NW Bicester development to take place in advance of the railway crossing/ junction improvements (507 dwellings) should take place within the land covered by planning application 14/01384/OUT, which is subject of a resolution to approve. There is a clear planning logic for development progressing from the Exemplar phase where the early community facilities and energy centre are being provided. This would avoid piecemeal development and support those services within the early phases of the development.
- 3.8 As was explained at the January 2016 committee, all current applicants on the NW Bicester site were contacted on the 07 January 2016 in relation to further capacity related to the employment land and were asked to provide information as to whether they are in a position to contribute to or provide the required rail tunnel and realigned Howes Lane and how development could be accommodated in a sustainable way in advance of that infrastructure. This was completed to allow a transparent planning process to how available capacity could be best allocated. In response, the following correspondence was received from other applicants on the NW Bicester site:
- 3.9 **Barton Willmore on behalf of A2 Dominion (A2D)** (letter dated 20/01/2016):
- The need for the provision of an improved or new crossing of the railway has long been recognised by OCC in policy and this was further identified through the technical assessments undertaken as part of the technical assessments undertaken as part of the master planning exercise commissioned by A2D.
  - The proposed under bridge solution was derived through the master planning exercise, with the opportunity taken to realign Howes Lane, which generates a number of benefits.
  - There is a requirement for all applications to be compatible and consistent with the master plan. The A2Dominion applications satisfy this requirement.
  - A2D have promoted a number of applications following the grant of permission for the Exemplar phase.
  - Reference made as to what OCC has confirmed as the limit of development until the new underbridge crossing is in place.
  - A2D have agreement in principle from the HCA to fund the new crossing and other elements of the key infrastructure including the primary substation and water treatment plant. This is in the form of a loan requiring repayment for which A2D will be liable.
  - Discussions are ongoing with the Council and OCC in relation to the detailed terms of the S106 agreements including the provisions relating to the timely delivery of key infrastructure.
  - The current draft S106 provides for the promotion of the detailed design of the railway crossing through the GRIP process and the negotiation of the access rights, for which Network Rail is seeking financial consideration.
  - No more than 507 additional homes would be occupied unless and until a

detailed scheme for the provision of the railway crossing and related road access has been agreed. This would include agreement of the technical scheme (up to GRIP stage 4) and access rights with Network Rail, and a programme for delivery. A2D would be required to use reasonable endeavours to promote the detailed design work and secure the necessary rights up to that point.

- In addition, A2D would be required to provide serviced land for the additional primary school and the secondary school in accordance with the agreed programme.
- As the railway underbridge crossing and associated access is essential to the development of the wider masterplan (and indeed required in relation to town wide growth), A2D will seek to recover a contribution from the other promoters or developers within the masterplan area.
- A2D control by way of an option the land within application 14/01384/OUT north of the railway that is necessary to deliver the realignment of Howes Lane and connect to the new underbridge crossing. The land to the south, the subject of application 14/01641/OUT is owned in part by A2D and part by the PCC. Terms are agreed between the parties and it is anticipated the agreement will be completed shortly. Network Rail own the land for the railway underbridge crossing itself. Albion control the land for the southern element of the realignment of Howes Lane, linking to Middleton Stoney Road. An interim solution can be provided, however A2D have reached agreement in principle for granting of an option for A2D to deliver this section of the road.
- A2D have provided to the Council a summary note of the GRIP stage approval and the timings of this. This is set out within the letter.
- A2D would commission the work and project manage the approval process, fund the design of the scheme and negotiation of rights and would involve the input of various technical consultants.
- A2D would intend to commission the delivery of the road. A2D with the PCC control the land necessary for the majority of the route and connection would be made available by Albion in the event that A2D did not construct this element.
- There is logic in the next phase of development adjoining the Exemplar phase, where residents can benefit from the services there and to meet the eco town standards. The next phase would be residential so as to support the Exemplar local centre rather than challenge.
- A2D are delivering the Exemplar phase and the development has been the recipient of awards. A2D would continue this approach and build on the experience gained to date.
- In addition to the next residential phase, A2D would seek to bring forward the substation and waste water treatment works. These would be made available to meet the needs of the development and the masterplan as a whole, with A2D granting connecting rights to other developers within the masterplan area.
- In terms of timing, the draft conditions provide for the submission and approval of an Urban Design Framework and Design Code in advance of reserved matters. A2D have already undertaken this work and they are at an advanced stage. These have been prepared in parallel with reserved matters and A2D would anticipate being in a position to submit the UDF and Design Code shortly after the grant of permission with reserved matters to follow.
- A2D would deliver the phase and contract direct and would intend to implement this phase in tandem with the Exemplar. There is therefore no requirement on A2D to secure additional funding, servicing, arrangements nor development partners.

**3.10 Turley on behalf of the applicant for 14/02121/OUT** (letter dated 03 February 2016):

- The applicant is in substantive dialogue with OCC and CDC concerning the restriction on the number of homes considered acceptable across the whole of NW Bicester prior to the delivery of the road link and tunnel to address the problems at the existing junction of Howes Lane and Bucknell Road. We have demonstrated on the basis of thorough and robust analysis using the accepted

capacity constraints how the location of new development at NW Bicester will lead to significantly different outcomes in terms of the impact of development at the critical junction and the number of homes which can be delivered at NW Bicester prior to the completion of the road link.

- As evidenced by the technical highway notes, Himley Village benefits from a unique position being directly accessible off Middleton Stoney Road and on the basis of the dominant traffic flow, development focussed at Himley Village would lead to lower levels of traffic using the critical junction than that generated by development elsewhere at NW Bicester.
- The delivery of 507 dwellings at Himley would therefore have substantially less impact on the critical junction than would the same number of dwellings to the north of the railway line which would put the junction well beyond its capacity. Indeed, the delivery of the full 1,700 homes at Himley Village would have a similar impact on the junction in terms of traffic flows than an additional 507 dwellings on land to the north of the railway.
- The application for Himley Village must be considered on its own merits and should not be subject to undue restrictions on the amount of development which can come forward in advance of the road link and tunnel, in preference for an additional 507 dwellings on land to the north of the railway which would lead to an excessive impact at the critical junction beyond that accepted by OCC. To do so, would be irrational and entirely unreasonable having regard to the evidence and would not withstand scrutiny or challenge.
- This is equally important in the context of the Council's responsibility to boost significantly the supply of housing in order to meet the objectively assessed need. The applicant considers the housing figures and how they consider this will be met taking into account the Housing Delivery monitor.
- It is considered that the evidence, which demonstrates the potential to deliver a greater number of new homes at NW Bicester in advance of the new road link and tunnel, should be welcomed and actively supported. This is particularly crucial as there are still uncertainties on the actual timing for delivering the new road link and tunnel and a range of issues still needing to be resolved.
- The applicant directly controls over 350 acres of land at NW Bicester and is currently promoting the application for Himley Village. The applicant will provide a proportionate contribution to the delivery of the road tunnel and realignment.
- The applicant does not directly own or control the land required to deliver the rail tunnel but nor does any other single applicant.
- The applicant has the dominant land control position south of the railway and it is expected that the applicant would be able to work with adjoining interests to ensure that land is brought forward as and when is necessary for the delivery of the new road and other strategic infrastructure.
- With regards to technical approval and design of the new tunnel, the applicant is willing and able to commission and project manage the GRIP process with specialist input from a consultant team.
- The applicant notes that capital funding is being provided by way of a loan from the HCA, which it is assumed is intended to fund all the strategic infrastructure and is not being made available exclusively to A2D.
- The application is submitted with details on the likely delivery and phasing of development at Himley Village. It demonstrates that the first phases of development would commence in the southernmost first directly accessible off Middleton Stoney Road.
- Alongside new residential buildings, the first phases on development would also include the delivery of supporting uses and infrastructure including the new primary school, playing fields, hotel, localised retail facilities and other commercial uses as well as transport connections and a district heating network.
- The applicant also intends to bring forward proposals for an eco factory, research facilities and a skills academy. The applicant has entered into discussions with Albion Land about the possibility of bringing forward these

facilities within the parameters of their application (14/01675/OUT).

- The applicant would be able to commence development and substantially complete a first phase at Himley Village within two years of receiving an unfettered planning permission.

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

- 4.1 The range of relevant National and Local Policy and Guidance relevant to this application is set out at paragraphs 4.1 – 4.8 of the January committee report provided at appendix 1.

#### **5. Appraisal**

- 5.1 At the January 2016 Planning Committee, Officers noted a range of concerns raised by Members. In summary, these related to:

- The type of commercial development proposed;
- The scale of the development proposed and its impact;
- The provision of a temporary access from Howes Lane;
- The impact of the development from vehicular movements;
- Concerns with how the proposal complied with Planning Policy in respect of issues such as biodiversity net gain, green infrastructure and modal shift.

The application was deferred, to allow Officers time to discuss the proportion of B uses across the application site.

- 5.2 Since the January committee, Officers have been in contact with the applicant and their agent to explore the following areas:

- The opportunities around a condition restricting the use class split within the site and whether the Council has adequate information before it to impose such a condition (i.e. in Environmental Impact Assessment terms);
- The physical impact of the buildings (in terms of their design and height);
- The options around the phasing of the site;
- To secure additional work around areas where the information was deemed insufficient by Officers (such as the sustainability credentials of the buildings, the framework travel plan, biodiversity net gain, green infrastructure, some issues around trees/ hedgerows and water and waste standards).

These issues will be discussed further below with reference back to the January 2016 committee report.

#### **Employment**

- 5.3 Paragraphs 5.22 to 5.47 of the January 2016 committee report discussed the employment aspects of this proposal. The application seeks outline permission for 53,000sqm employment floor space to be within Use Classes B2 and B8 with ancillary B1. Whilst the applicant seeks a flexible permission, the Environmental Assessment and transport work submitted, assumed a split of 30% B2 floor space and 70% B8 floor space. As the January 2016 report assessed, Officers concluded this split represented an acceptable proposal. Members however raised concerns with the uses proposed and requested Officers contact the applicant to negotiate whether a restricted scheme (i.e. to control a proportion of the proposal to be within a B8 use). At that meeting, a suggestion of 15-20% B8 was mentioned.

- 5.4 Following the January 2016 meeting, the applicant contacted Officers, suggesting that should Members be minded to impose a restrictive condition, the wording of such a condition could take the following form:

*No more than 20% of the floor space of the buildings hereby approved shall be*

*utilised for purposes falling within Class B8 specified with Schedule to the Town and Country Planning (Use Classes) (England) Order 1987.*

Officers were advised that the applicant's Transport Consultant intended to contact the Highway Authority to agree a scale of development that could be delivered within the available capacity agreed by the Highway Authority before the delivery of the tunnel under the railway and the realigned highway infrastructure. Following this, updated transport work was undertaken in order to assess the transport impacts of restricting the B8 proportion of uses on the site to 20% resulting in a higher proportion of B2 uses (i.e. 80%).

- 5.5 The transport work involved the submission of a Highways Technical Note and then email correspondence, between the applicant's Transport Consultant and the Highway Authority. The Highways Technical Note used the agreed trip rates from the original Transport Assessment and applied them to a restricted scheme. The result showed an increase in trip rates of approximately 24% in the 12 hour period when comparing a scheme with a split of 30% B2 and 70% B8 floor space with a restricted split of 80% B2 and 20% B8 floor space. The note emphasises that the trip rates are however still lower than the work carried out to support the Masterplan assumed, which assumed a higher proportion of B1 office floor space on this site. The note concludes that the revised development mix would not result in any material impact or differences on the local road network and the conclusions set out in the TA therefore remain valid.
- 5.6 The Highway Authority have considered the Technical Note and advised that in their view, the revised floor space split would make a material impact on the local road network, which is unacceptable in advance of the new strategic link road and tunnel. With the new infrastructure in place however, the impact is not severe. On this basis, it would therefore be critical to determine the level of development that could occur in advance of the new infrastructure.
- 5.7 The January 2016 committee report at paragraphs 5.90-5.111 covered the issues around the work required to the Howes Lane/ Bucknell Road junction, the constraints around development in advance of this work, the consideration by Officers as to where development can be accommodated in advance of the realigned infrastructure and tunnel (taking into account how any such development could support the delivery of the critical infrastructure, how it could be sustainably located to meet policy requirements and whether the development would be deliverable) and therefore what capacity would be available in advance of the required work and whether it would be sustainable for Albion Land to utilise some of this capacity. This is summarised under paragraph 3.2 within this update report. Additional information was provided to Members within the written update and verbally by Officers at the committee meeting and this is summarised within the representations section of this report.
- 5.8 Taking into account a restricted quantum of development, further work was carried out by the Applicant's Transport Consultant, who after some negotiation, proposed that 135 dwellings as well as 20% B8 (10,600sqm) and 23% B2 (12,190sqm) floorspace could be accommodated prior to the realigned infrastructure and tunnel being in place. This position was accepted by the Highway Authority and they confirm that this level of development would not exceed the modelled impact set out in the Hyder Note. The Highway Authority reiterates their comments with regard to the phasing and delivery of the development.
- 5.9 Officers therefore advise Members that in transport impact terms, it would be viable for Members to consider imposing a planning condition such that it would restrict the quantum of development of this site in the order of 20% B8 and 80% B2 floor space. It is also considered that in advance of the road infrastructure and tunnel, there is a level of development that could be permitted, that could be sustainably accommodated and a condition can control this.

- 5.10 Officers have further considered the opportunities around imposing such a restrictive condition and have reviewed the Environmental Statement which assesses the environmental impact of the proposed development. As set out, the ES assumes a split of 30% B2 and 70% B8 floor space. For some of the ES topics, a change in floor space quantum would not be likely to change the conclusions reached, these are the landscape and visual impact, ecology, agriculture and soil, lighting and light pollution, water quality, drainage and flood risk, utilities infrastructure, waste and recycling and socio economic impacts of the development. The change in floor space quantum could change the conclusions reached in respect of the impact of the development upon air quality and noise and disturbance, however the ES states that these topics have been assessed using the higher traffic flows from the Hyder work to inform the NW Bicester Masterplan. As the impacts around air quality and noise/ disturbance are likely to arise from vehicular movements at the construction and operational stage (because at the operational stage, activities from the commercial uses themselves can be controlled to ensure that all operations occur within the building and do not create noise levels greater than the background noise level at residential receptors), it is therefore considered that the ES is robust in terms of the conclusions it has reached in relation to these matters.
- 5.11 In terms of the transport impacts assessed in the ES, these are based upon a percentage split of 30% B2 and 70% B8 floor space. As is described, the implications of restricting B8 floor space, is that there would be a higher proportion of B2 floor space, which by its nature results in a greater number of vehicular movements. In these terms, the ES does not adequately assess the proposal if it were to be restricted in terms of its highway impact. Specifically, this relates to impacts around severance, driver delay, pedestrian delay and amenity, accidents and safety and hazardous loads. As explained, a restricted scheme (to 20% B8 and 80% B2) would result in a 24% increase in trip rates in the 12 hour period. This would result in a greater number of vehicular movements through the junction and therefore an increased impact. This impact has not been assessed within the Environmental Statement in the view of Officers.
- 5.12 Given the above assessment with regard to the adequacy of the ES in relation to a scheme restricting the B8 uses on the site, Officers do not consider that there is sufficient information in order to be able to confidently advise Members that imposing a planning condition to restrict the quantum of B8 on the site would continue to have an acceptable environmental impact. As such, Officers recommend to Members that the application is determined on the submission made by the applicant and on the same basis as was reported to Members in January 2016. As per the previous report, the recommendation is one of approval. Taking into account that the supporting statements have assessed a 30/70% split of B2 (30%) and B8 (70%), Officers recommend a condition to control this. Furthermore, Officers recommend a condition to control the level of development permitted in advance of the development work to provide the tunnel and road infrastructure in line with that considered acceptable by the Highway Authority taking into account the conclusions of the Highway Note 14042-13 discussed at paragraph 3.3. This level of development, along with 900 homes falls within the highway capacity accepted by the Highway Authority in advance of the tunnel and road infrastructure and Officers conclude that it would be appropriate to allow a level of development on this site in advance of the proposed infrastructure as discussed within the January 2016 committee report.
- 5.13 Members could consider it appropriate to impose a condition, however Officers advise that Members must be satisfied that this would not have significant environmental effects. Should Members determine it is appropriate to restrict the range of floor space; the condition outlined at paragraph 5.4 could be applied. It would also be necessary for there to be a change to the planning condition restricting development in advance of the road and tunnel infrastructure to reflect a restricted scheme (in line with that accepted by OCC at paragraph 3.4).

### **Other Matters**

- 5.14 Officers have attempted to use the time since the January 2016 committee to also seek additional information in relation to other matters that Members raised concerns in relation to and where Officers concluded that the application did not sufficiently meet policy requirements in order to have further information to present to Members.
- 5.15 It has not proven possible to negotiate further on the application and therefore it is reported back to Members for determination on the same basis as in January 2016. The applicant has however agreed that commercial development provided in advance of the development work to provide the tunnel and realigned road, would be accessed from the Middleton Stoney Road and therefore be within the large employment site only. This would mean that the temporary access from Howes Lane would serve the 135 dwellings only and can be controlled by planning condition (suggested condition 23). Areas where Officers considered further information is required in order to assess the policy compliance of the proposal (in relation to additional highways information re. Howes Lane Temporary access, a green infrastructure plan showing 40% across the site, evidence of a net gain for Biodiversity and a revised framework travel plan) is recommended to be sought prior to the determination of the application and therefore the recommendation is subject to this information being provided.
- 5.16 The January 2016 committee report, at paragraph 5.146 identified there was a need to remove one TPO tree and within the Arboricultural Officers comments at paragraph 3.14, the advice was that the work to remove tree T7 to allow the installation of the new road layout was agreed with. The information submitted pursuant to 14/01968/F for the road infrastructure showed a different layout for the road, which allowed this tree to be retained. Officers have attempted to clarify this with the applicant; however an update has not been forthcoming. Having reviewed this further, a later revision of tree protection plan within the ES appears to reflect the road alignment with a resolution to approve as part of 14/10968/F and appears to retain and protect TPO T7. On this basis, Officers recommend a planning condition to retain and protect this tree.

### **Engagement**

- 5.17 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the continuing work and negotiation with the applicant in relation to the detailed matters raised by this application and the S106 agreement.

### **Conclusion**

- 5.18 Officers consider that the conclusions reached in the January 2016 committee report continue to apply and the application is recommended for approval on the same basis.
- 5.19 Notwithstanding this conclusion, should Members choose to impose a condition to restrict the percentage of B8 development on the site over that suggested by Officers, and in the circumstances that they are satisfied that this would not have significant environmental effects, the condition outlined at paragraph 5.4 of this report would be necessary. It would also be necessary for planning condition 22 to be amended to suit a level of development that could be permitted in advance of the development to provide the tunnel and realigned road infrastructure. This would need to reflect the level of development agreed by the Highway Authority at paragraph 3.4.

## **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

- b) The receipt of satisfactory information in relation to:
- Additional Highways information re. Howes Lane Temporary access
  - Green Infrastructure Plan showing 40% across the site
  - Evidence of a net gain for Biodiversity
  - Revised Framework Travel Plan
- c) The following conditions with delegation provided to the Development Services Manager to negotiate final amendments to the wording of conditions:

1. No development shall commence on any phase of the development until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) for that phase 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, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

2. In the case of the reserved matters, application for approval shall be made for the first commercial or residential phase of development not later than the expiration of three years 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. In the case of all other reserved matters, in respect of subsequent phases, application for approval shall be made not later than the expiration of seven years 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).

4. The development to which this permission relates shall be begun not later than the expiration of two years from the approval of the first commercial or residential phase reserved matter and for all other matters 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 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

5. Except where otherwise stipulated by condition, the reserved matters to be submitted under condition 2 shall be in accordance with the following

plans and documents:

- AP(0)001 Red Line Boundary Relative to Existing Survey
- AP(0)002 Rev L Masterplan
- 3883-21 Connectivity Plan
- 3883-22-01 Building Heights Parameter Plan
- 3883-23-01 Housing Character and Density
- 3383-24 Land Use Parameter Plan
- 14042-30 Rev A Highway Infrastructure Middleton Stoney Road Access
- **Howes Lane access plan to be added once received**
- Site Specific Flood risk assessment prepared by Bailey Johnson Hayes ref S1209/ September 2014 and additional information included within letter dated 08/07/2015 from Bailey Johnson Hayes to the Environment Agency
- Air Quality Assessment dated September 2014 prepared by RSK
- Lighting Impact Assessment dated 19 September 2014 prepared by RSK
- Archaeological Evaluation prepared by Northamptonshire Archaeology dated March 2013
- Energy Assessment Version 3.2 dated September 2014 prepared by Silcock Dawson and Partners
- Tree Schedule prepared by Aspect Arboriculture

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.

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

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.

7. No more than 53,000sqm of employment floor space shall be provided across the two employment sites labelled 'Large Employment Plot' and 'Gross Small Business Allocation Area' on drawing number AP(0)002 Rev L.

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

8. The employment units provided on the small business plot shall not individually exceed 500m<sup>2</sup> in area and shall not be amalgamated to form larger units unless first agreed in writing by the Local Planning Authority.

Reason: To ensure a range of employment space is provide on the site that can accommodate a range of commercial uses as set out in Policy

Bicester 1 of the Cherwell Local Plan.

9. No more than 30% of the floor space of the employment plots hereby approved shall be utilised for purposes falling within Class B2 and no more than 70% of the floor space of the employment plots hereby approved shall be utilised for purposes falling with Class B8 both specified within the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (and all subsequent amendments). The approved floor space shall be used only for development within the approved Use, together with ancillary B1 use and for no other purpose(s) whatsoever.

Reason - In order to retain planning control over the use of the site and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. No more than 135 dwellings shall be constructed on the site.

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

11. The employment buildings shall not exceed a height of 16.75m to the ridge and 13.7m to the eaves.

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

## Design

12. Prior to the submission of the first reserved matter for any development, an Urban Design Framework to cover the whole application site shall be submitted to and approved in writing by the Local Planning Authority. The Urban Design Framework shall set out the urban design approach for the site to include a regulating plan and supporting information to include;
- Details to provide continuity with adjacent development
  - Key approaches to deliver sustainable development that as a minimum meets the Eco Town PPS standards
  - Character areas for built form and green spaces and their key features
  - A Plan to demonstrate that 40% Green Infrastructure will be provided across the site and how this will be achieved
  - Indicative block size, structure and permeability
  - Movement network and streetscape including bus routes and stop locations
  - Public realm and public open space
  - Density and open space
  - Building heights
  - Key views, vista, landmarks, landscape character, trees and retained hedges
  - Legibility and diversity of built form and landscape

- Adaptability
- Play provision in accordance with Adopted Cherwell Local Plan Policy BSC 11

No reserved matters shall be submitted until the urban design framework has been approved in writing by the Local Planning Authority. All reserved matters applications and development shall thereafter be in accordance with the approved Urban Design Framework.

Reason: To secure the delivery of high quality sustainable development in accordance with Government guidance contained within the National Planning Policy Framework.

13. Prior to the first submission of a reserved matter for commercial development, a Design Code shall be submitted covering the two commercial areas of the site. The Design Code shall include:

- Block principles
- Street types, materials and details
- Building types, uses, materials and details
- Parking Strategy
- Boundary treatments and landscaping
- SUDs and open spaces
- Measures to ensure high quality development to key frontages
- Mitigation landscape planting

No reserved matters shall be submitted for development on the commercial areas of the site until the Design Code has been approved in writing by the Local Planning Authority. The development shall thereafter be in accordance with the approved Design Code.

Reason: To secure the delivery of high quality sustainable development in accordance with Government guidance contained within the National Planning Policy Framework.

14. Each reserved matter submission for built residential development shall be accompanied by details showing how Building for Life 12 has been used to inform the design process and that the scheme achieves Built for Life™.

Reason: To secure the delivery of high quality sustainable development in accordance with Government guidance contained within the National Planning Policy Framework.

#### Dwellings

15. Prior to the submission of a reserved matters application for residential development, a schedule of the market housing, to accord with the requirements of Policy BSC4 of the Local Plan, in each phase of the development shall be submitted to and approved in writing by the local planning authority. The market housing shall thereafter be provided in accordance with the approved schedule (and detailed reserved matter approval) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the delivery of high quality housing to meet local needs in accordance with Government guidance contained within the Eco Towns PPS, National Planning Policy Framework and Policy BSC4 of the Local Plan.

16. All dwellings shall be provided with real time energy and travel information in accordance with details to be submitted prior to the commencement of the construction of any dwelling unless otherwise agreed in writing by the Local Planning Authority. No work shall commence on the construction of the dwellings in any phase until the submitted details have been approved.

Reason: To support the delivery of modal shift towards sustainable modes and create high quality, inclusive, sustainable development in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

17. Each reserved matter application submission shall be accompanied by a statement setting out how the design of buildings and the layout has taken account of future climate impacts, as identified in TSB research 'Future Climate Change Risks for NW Bicester', or any more recent assessment that has been published, and how the proposed development will be resilient to overheating, changing rainfall patterns and higher intensity storm events.

Reason: To address the impacts of climate change in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

18. Prior to the commencement of each phase, those areas of the phase that are subject to elevated levels of noise, principally from road traffic sources, shall be identified and the dwellings that are constructed in these areas must be designed and constructed in such a manner that they contain elements of sound insulation that will ensure that the internal noise levels contained within BS 8233:2014 Table 4 are achieved.

Reason: To ensure that properties are not subject to high levels of noise in accordance with Government guidance contained within the National Planning Policy Framework.

#### Phase conditions

19. All phases of development shall be provided with high speed broad band (not less than 100mbs); such that on occupation of each building on the phase the occupiers can secure a high speed broad band connection.

Reason: To facilitate information provision to homes and commercial units for energy monitoring, travel and home working change in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

20. No development shall commence on construction of any development approved by a reserved matter until a report has been submitted outlining how carbon emissions from the construction process and embodied carbon have been minimised. No work shall commence until the report has been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the plan.

Reason: To ensure the development achieves a reduced carbon footprint in accordance with Planning Policy Statement 1: Eco Towns.

21. Any reserved matter application for commercial development to include plant and/or machinery shall be accompanied by a noise assessment relating to that proposal demonstrating that there will be no increase in background noise levels at the nearest existing or proposed residential properties to the building.

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

#### Transport

22. No more than 135 dwellings, plus 26,500sqm floorspace within use classes B2 and B8 shall be constructed until the development work to realign Howes Lane/ Lords Lane approved under application 14/01968/F has been completed and the road is open to vehicular traffic.

Reason - Oxfordshire County Council as Highway Authority have advised that there is a need for a restriction on the quantum of development that can occur at North West Bicester prior to the opening of the Howes Lane/Lords Lane realignment. The maximum traffic that can be accommodated is a total of 900 homes (including 393 at Elmsbrook) and 40% of the proposed overall 10 hectares of employment land. The development identified to take place prior to the Howes Lane/ Lords Lane realignment would fall within this identified capacity in vehicular movement terms. Beyond this and without the realignment, the highways impact of development over the identified capacity would be severe. A restriction on development is therefore necessary until such time that the tunnel is in place and open to vehicular traffic to mitigate the impact of traffic from the development in accordance with Government Guidance within the Eco Towns PPS and the National Planning Policy Framework. On the basis that the developers of the land propose to set aside the land to allow construction of the Howes Lane/Lords Lane realignment, and for reasons of sustainability, the existing available capacity is safeguarded for the land to the north of the railway line in respect of 900 homes and the identified development allowed by this Planning condition.

23. Any commercial floorspace within use classes B2 and B8 to be constructed before the work to realign Howes Lane/ Lords Lane has been completed and the road opened to vehicular traffic, shall be accessed from the B4030 Middleton Stoney Road.

Reason – In order to safeguard the amenities of the area and to safeguard the amenities of the occupants of the adjoining dwellings in accordance with policy C30 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011-2031.

24. Prior to the commencement of any phase of the development hereby approved, full details of the means of vehicular accesses for that particular phase between the land and the highway, including layout, construction, drainage, lighting and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation on any phase, 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.

25. Prior to the first use of the access to be approved, the existing field accesses onto the A4095 except any that shall be required for approved pedestrian or cycle access under condition 26 shall be permanently stopped up by means of full face kerbing, planting, and the reinstatement of the highway verge and shall not be used by any vehicular traffic whatsoever.

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

26. Prior to the commencement of the development hereby approved, full details of the means of footway and cycleway links between the land and the local highway network, including, position, layout, construction, drainage and street lighting and a programme for provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of footway and cycleway links 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.

27. The on-site pedestrian and cycle routes shall be signed in accordance with details to be submitted to and agreed in writing by the local planning authority prior to the first occupation of any dwellings. The signage shall then be provided for each route prior to its first use.

Reason - To support sustainable travel in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy.

28. The temporary road link shall be closed to vehicular traffic at the point that it meets the existing Howes Lane at the same time that the realigned Howes Lane approved under application 14/01968/F is opened to vehicular traffic.

Reason – In order to secure the proper planning of the area and the comprehensive development of adjoining land and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

29. Prior to the commencement of any phase of the development that would be accessed by a temporary link from the existing Howes Lane, full details of the access arrangements between the land for that phase and the existing Howes Lane including the arrangements for vehicular, pedestrian and cycle connections and the associated off site footways, crossing and lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved plans prior to the first occupation of any building on any phase accessed by the temporary link.

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

Framework.

This condition would not be required or would be in an amended form in the event that this information is submitted prior to the determination of the development as recommended.

30. Prior to the commencement of any phase details of footpath improvements and directional signage between Howes Lane and Shakespeare Drive retail and community facilities and Kings Meadow Primary School shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. No occupation of buildings on the site shall take place until the approved signage and improvements have been completed unless agreed in writing by the local planning authority.

Reason To support sustainable travel in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy.

The requirements of this condition could be picked up by the S106, however would require further detail up front. Officers recommend that the use of this condition be reviewed as part of the S106 negotiations meaning it may be removed.

31. No development shall commence on a phase until a Construction Traffic Management Plan providing full details of the phasing of the construction of that phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route for HGV traffic to the development site. The approved Plan shall be implemented in full during the entire construction period of the phase.

Reason – In the interests of highway safety and to safeguard the residential amenities of local residents in accordance with Government Guidance in the NPPF.

32. Prior to the commencement of the development on either the residential or employment phases hereby approved, full details of the bus stops serving that phase, including, location, layout, construction, drainage and shelter type shall be submitted to and approved in writing by the Local Planning Authority. The work to provide the bus stops shall be completed prior to the first occupation of development on that phase.

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

33. Each reserved matter application submission shall be accompanied by a Travel Plan setting out how the development (and/or the specific phase) will enable at least 50 per cent of trips originating within the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent, in accordance with the Eco Towns PPS ET 11.2 (a). The Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to any occupations and the actions of the travel plan shall thereafter be delivered in accordance with the Travel Plan.

Reason: To ensure sustainable travel in accordance with Government



guidance contained within the Eco Towns PPS and National Planning Policy Framework.

## Contamination

34. Prior to the commencement of any phase 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 of that phase 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

35. If a potential risk from contamination is identified as a result of the work carried out under condition [34], prior to the commencement of development within that phase, 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 of the phase 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

36. If contamination is found by undertaking the work carried out under condition [35], prior to the commencement of development on the relevant phase, a scheme of remediation and/or monitoring for that phase 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 on the phase 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

37. If remedial works have been identified in condition [36], the development within that phase shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition [36]. 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

38. No occupation of any phase shall take place until a verification report for that phase demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To ensure that contamination at the site is remediated to ensure controlled water quality is protected as required by PPS1 Policy ET17 and the NPPF.

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

Reasons: To ensure that any unexpected contamination encountered is dealt with, such that it does not pose an unacceptable risk to controlled water quality as required by PPS1 Policy ET17 and the NPPF.

Biodiversity

40. No development shall commence on any phase unless or until an up to

date ecological survey for that phase has been undertaken to establish changes in the presence, abundance and impact on bio diversity. The survey results, together with any necessary changes to the mitigation plan or method statement 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 - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

41. The hedgerow and tree labelled TPO 3 through the area of the site labelled 'Large Employment Plot' on drawing number AP(0)002 Rev L shall be retained in situ and no development shall take place within 10m of the centre line of the hedge or within the root protection zone of the tree, unless otherwise agreed in writing by the Local Planning Authority.

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

42. The tree labelled TPO7 identified on drawing number 8567 TPP 04 Rev A shall be retained and protected in accordance with that shown on drawing number 8567 TPP 04 Rev A.

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

43. The retained hedges shall have a buffer a minimum of 20m in width comprising of 10m either side of the retained hedge and the woodlands shall have a buffer a minimum of 10m in width when measured from the canopy edge, unless otherwise agreed in writing by the Local Planning Authority. The hedge and woodland buffers shall be maintained as public open space and managed to maintain and create bio diversity.

Reason: To protect biodiversity and historic landscape features in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

44. No development shall commence on any phase until details of any existing hedgerow, or part thereof, to be removed, and proposals for creation of new compensatory hedgerow, have been submitted to and approved in writing by the Local Planning Authority. The compensatory hedgerow shall be provided in accordance with the approved details.

Reason: To protect biodiversity and historic landscape features in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

45. Notwithstanding the submitted information, no development shall commence on any phase until a scheme for the provision of protective fencing, to prevent damage during construction, for the retained

hedgerows, trees, woodlands, the stream corridor, ponds and areas of green space, within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed in accordance with the approved plans prior to work commencing on site.

Reason: To protect biodiversity and historic landscape features in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

46. Prior to the submission of reserved matters a Bio Diversity Strategy for the site shall be submitted and approved in writing by the local planning authority. Each reserved matter application submission shall be accompanied by a statement setting out how the proposed development will contribute to achieving the Bio Diversity Strategy and net biodiversity gain within that phase. The development shall be carried out in accordance with approved the biodiversity statement.

Reason: To secure net biodiversity gain in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

47. No development shall commence on any phase until a Landscape & Habitat Management Plan (LHMP) for that phase detailing both management and monitoring proposals for green space (excluding building curtilages) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the LHMP shall be implemented in accordance with the approved details.

Reason: To secure net biodiversity gain in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

48. All areas of public open space within each phase shall be laid out and available for use prior to the first occupation of any building within that phase. The public open space shall be retained for that purpose in perpetuity.

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

#### Construction

49. No development shall commence on any phase until a Construction Environment Management Plan (CEMP), reflecting the suggested mitigation in the Environmental Statement including measures to be taken to ensure construction works do not adversely affect the existing biodiversity of the site and residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development of the phase shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and

Government guidance contained within the National Planning Policy Framework.

50. Construction noise levels from the site shall not exceed the predicted mitigated façade construction noise criteria levels set out within table 10.11 of the Environmental Statement dated October 2014.

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

51. No development shall commence on any phase until a Soil Resources Plan that details the soils present, proposed storage locations, handling methods and locations for reuse, shall be submitted to and approved in writing by the local planning authority and thereafter the development for that phase shall be carried out in accordance with the approved plan.

Reason: To ensure the soil resource is managed on site in accordance with Adopted Cherwell Local Plan policy Bicester 1.

52. No development shall commence on any phase until details of existing and proposed ground and floor levels for that phase have been submitted to and approved in writing by the local planning authority. The development of that phase shall thereafter be carried out in accordance with the approved levels.

Reason: To ensure high quality design and sustainable development in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

#### Archaeology

53. Prior to any demolition on the site, the commencement of any phase of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the phase 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.

54. Prior to any demolition on the site and the commencement of any phase of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition [53], a programme of archaeological evaluation, investigation and recording of the phase area 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 of 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.

## Drainage

55. Development shall not be commenced until Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the Local Planning Authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand in accordance with Policy Bicester 1 of the adopted Cherwell Local Plan.

56. Development shall not commence until a foul drainage strategy for conveyance and treatment, detailing any on and/or off site drainage works has been submitted to and approved in writing by, the local planning authority. 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. No building shall be occupied until the foul drainage has been provided in accordance with the approved strategy.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to treat and convey foul flows from the new development; and in order to avoid adverse environmental impact upon the community and water environment (as required by ET17 of PPS1).

57. Prior to the submission of any reserved matters, a full surface water drainage strategy for the entire application site, in accordance with the Flood Risk Assessment accompanying this application, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Oxfordshire County Councils Drainage Team & Natural England). The development shall be carried out in accordance with the approved Drainage Strategy.

Reason - To mitigate the risk of surface water flooding, protect water quality and biodiversity on the site in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework

58. In addition to the site wide detailed surface water drainage strategy, each Reserved Matters application shall be accompanied by a detailed surface water drainage scheme, to meet the flood risk, water quality, green infrastructure and biodiversity requirements of the entire site or agreed phase. The scheme shall include details of long term management and maintenance of the surface water drainage features in the scheme. The detailed surface water drainage scheme shall be in compliance with the approved Flood Risk Assessment, Surface Water Drainage Strategy and the Masterplan Surface Water Drainage Strategy and the approved site wide detailed surface water drainage strategy. No residential or commercial development of a phase shall commence until the detailed reserved matter surface water drainage scheme has been approved in writing by the Local Planning Authority. The development shall be carried out and managed in accordance with the approved scheme.

Reason: To mitigate the risk of surface water flooding, protect water quality and biodiversity on the site in accordance with Government

guidance contained within the Eco Town PPS and the National Planning Policy Framework.

59. Each detailed drainage scheme shall be accompanied by a scheme of maintenance for all drainage features which shall be agreed in writing by the Local Planning Authority. The scheme for maintenance shall apply thereafter and in perpetuity unless agreed otherwise in writing with the Local Planning Authority.

Reason: To mitigate the risk of surface water flooding, protect water quality and biodiversity on the site in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework.

60. No development of a phase shall commence on a commercial building until details of measures to be installed into the commercial buildings within that phase to minimise water consumption have been submitted to and approved in writing by the Local Planning Authority. The development of the phase shall be carried out in accordance with the details so approved.

Reason - The site is located in an area of water stress and to comply with Government guidance contained within the Eco Town PPS.

61. The residential development shall be constructed so as to meet the higher Building Regulation Standard for water consumption of 110 litres per person per day (lppd) as a minimum.

Reason: The site is located in an area of water stress and to comply with Government guidance contained within the Eco Town PPS.

62. Prior to the commencement of the development, details of a strategy to work towards water neutrality, in accordance with the Eco Towns PPS shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall thereafter be carried out in accordance with the approved strategy.

Reason: The site is located in an area of water stress and to comply with Government guidance contained within the Eco Town PPS.

#### Employment

63. Operational noise levels from the site shall not exceed the target noise criteria levels set out within tables 10.12 and 10.13 of the Environmental Statement dated October 2014.

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

64. Each commercial building shall be registered with a BREEAM Certification body and a pre-assessment report (or design stage certificate with interim rating) indicating that the development can achieve BREEAM Excellent shall be presented to the Local Planning Authority with the submission of each reserved matters application. A final certificate certifying that BREEAM Very Good has been achieved

and that the building has the capability of achieving Excellent shall be presented to the local planning authority within 3 months of the occupation of the development.

Reason: To ensure sustainable buildings in accordance with Government guidance contained in the Eco Towns PPS and the National Planning Policy Framework.

65. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

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

66. Prior to the commencement of the development of a commercial phase, a scheme for lighting the commercial areas of the site within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented prior to the first occupation of the commercial area within that phase.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

#### Waste

67. Prior to the commencement of development on any agreed phase a Site Waste Management Plan, targeting zero waste to landfill and setting targets for residual waste, recycling and diversion from landfill, for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved Site Waste Management Plan shall thereafter be implemented in accordance with the approved details.

Reason to ensure the appropriate management of waste in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework.

68. Prior to the commencement of the development, a waste strategy, setting targets above national standards for residual waste levels, recycling levels and landfill diversion and which identifies measures to facilitate waste reduction and recycling for residential and commercial occupiers shall be submitted to and approved in writing by the Local Planning Authority. The waste reduction measures shall be implemented in accordance with the strategy.

Reason to ensure the appropriate management of waste in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework.

#### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of



the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way to progress this application and to resolve concerns.

# APPENDIX 1

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

**14/01675/OUT**

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

**Applicant:** Albion Land Ltd

**Ward Member(s):** Councillor Lynn Pratt

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

**Committee Date:** 21.01.2016                      **Recommendation:** Approval

**Committee Referral:** Major

## **1. Site Description and Proposed Development**

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

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

## 2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 15 October 2015.

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

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

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

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

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

## **CPRE**

Object to B8 warehousing:

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

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

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

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

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

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

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

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

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

Assessed against Policy SLE 4 –

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

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

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

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

### 3. Consultations

#### 3.1 Councillor Sibley: Strongly object:

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

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

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

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

#### 3.4 Middleton Stoney Parish Council:

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

unreasonable and will blight the adjacent residential area.

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

**3.5 Chesterton Parish Council:** Object to the application:

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

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

**Cherwell District Council Consultees**

**3.7 Planning Policy:**

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

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

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

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

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

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

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

#### Masterplanning

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

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

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



particularly in relation to securing necessary infrastructure.

#### Housing

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

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

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

#### Employment

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

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

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

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

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

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

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

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

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

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

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

#### Healthy Lifestyles

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

#### Local Services

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

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

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

#### Green Infrastructure

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

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

#### Landscape and Heritage

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

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

#### Biodiversity

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

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

#### Water

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

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

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

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

#### Flood Risk management

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

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

#### Waste

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

#### Transport

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

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

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

#### Infrastructure

Draft Policy Bicester 1 requires the provision of:

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

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

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

#### Policy Recommendation

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

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

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

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

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

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

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

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

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

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

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

- 3.12 **Landscape Officer:**

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

green walls.

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

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

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



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

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

#### 3.14 **Arboricultural Officer:**

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

3.15 **Community Development:** The overall masterplan for the eco town has provision for community facilities proposing a small community hall north of the railway line, a second small hall planned for south of the railway line with a larger facility envisaged to be a cultural centre also planned for north of the railway line, together with funding for commuted sums, community development worker, events and projects. This proposal includes 150 dwellings and the Heads of Terms needs to include proportional allocation from the overall masterplan figure for a commuted sum for the local community hall provision, community development and a sum for events and projects.

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

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

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

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

### **Oxfordshire County Council**

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

#### 3.17 Overall View:

23/12/2014

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

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

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

Further, **OCC has serious concerns about the uncertainty of delivering key infrastructure across the wider masterplan site caused by the piecemeal nature in which applications are coming forward.** The funding and phasing of infrastructure across the site is dependent on if and when individual site applications come forward. For example, mitigation for this development is dependent on delivery of the primary school and secondary school which are part of Application 2. Further, with the absence of a Community Infrastructure Levy in Cherwell, it is unclear how the County will be able to seek contributions to county wide schemes such as Household Waste Recycling Centres, the Museum Resource Centre and the Central Library, all of which will be put under strain by this development. This puts the County Council at significant financial risk. **Until it is clear how infrastructure will be delivered across the masterplan site, OCC maintains a holding objection.**

22/07/2015

Response provided in relation to amendments submitted in June 2015.

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

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

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

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

15/09/2015

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

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

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

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

The County Ecologist maintains her objections.

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

14/10/2015

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

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

### 3.18 **Transport**

23/12/2014 - Objection

#### Employment area - Middleton Stoney Road

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

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

#### Temporary access arrangements - Howes Lane

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

#### Future access arrangements - Howes Lane

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

#### Traffic Generation, Distribution, Modelling and Local Impact

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

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

#### Routeing agreement

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

#### Layout and accessibility

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

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

### Transport Strategy

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

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

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

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

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

### Public transport

The developer is required to contribute to the funding of a commercially sustainable bus service linking this and adjacent sites with the town centre and the nearest railway station. To serve the wider site, two bus services will be required, therefore in relation to this application, the response deals only with the part of the wider

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

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

#### Travel Plan Team

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

Detailed supplementary travel plans and travel plan monitoring fees will be required for each land use. These plans will need to reference the site wide framework travel plan objective and outline how the end occupiers will implement the actions in their plans to achieve the overall objectives for the whole site.

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

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

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

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

#### Drainage

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

#### Rights of Way

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

#### Heads of Terms (transport contributions)

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

### **Additional Transport comments of the 22/07/2015**

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

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

#### Middleton Stoney Road access

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

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

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

#### Howes Lane temporary access

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

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

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

### Pedestrian and cycle access

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

### Traffic Impact

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

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

### Travel Plan

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

### Public Transport

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

### Layout

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

### **Additional Transport comments of the 15/09/2015**

Objection continues to be raised on the following points:

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



areas to the northeast, in the temporary access arrangements.

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

#### Middleton Stoney Road access

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

#### Howes Lane temporary access

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

#### Highway infrastructure

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

#### Drainage

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

#### **Additional Transport Comments of the 14/10/2015**

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

#### Traffic Impact

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

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

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

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

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

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

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

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

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

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

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

Public Transport arrangements

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

#### Highway Infrastructure

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

#### 3.19 **Archaeology**

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

#### 3.20 **Economy and Skills**

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

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

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

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

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

### 3.21 **Education**

This section of the eco-town development is estimated to generate 33 primary school pupils, 31 secondary school pupils and 0.6 pupils attending special educational needs provision (SEN). This section of the eco-town development will be expected to contribute towards the cost of primary, secondary and SEN school provision. The mechanism for apportioning costs towards these services between the separate applications which comprise the eco-town development is to be agreed.

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

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

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

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

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

### 3.22 **Property**

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

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

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

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

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

A legal agreement is therefore required to secure:

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

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

Administration and Monitoring fee of £10,000

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

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

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

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

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

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

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

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

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

A legal agreement is therefore required to secure:

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

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

3.23 **Ecology**

Objection on the following grounds:

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

biodiversity mitigation and enhancements over the whole ecotown site.

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

#### **Additional Ecologist comments dated 22/07/2015**

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

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

#### **Additional Ecology comments dated 15/09/2015**

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

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

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

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

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

## Other Consultees

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

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

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

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

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

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

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

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

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

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

#### **Environment Agency (second response):**

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

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

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

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

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

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



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

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

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

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

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

**Environment Agency (third response):**

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

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

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

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

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

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

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

3.27 **Highways Agency:** No objections

The HA will be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN. We understand that the cumulative impacts of growth on M40 junctions 9 and 10 as a whole from proposals set out in Cherwell

District Council's Local Plan up to 2031 is currently being considered (particularly additional and accelerated growth). Any further infrastructure proposals that impact directly or indirectly on the SRN will be identified through this assessment. We offer no objection to this proposal, however we remain concerned about the potential cumulative impact of growth on M40 junctions 9 and 10. As the North West Bicester Masterplan Supplementary Planning Document (SPD) is developed, any proposals at the North West Bicester site would need to fully assess its impacts and if necessary identify measures/proposals to mitigate the potential impacts.

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

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

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

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

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

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

The Local Planning Authority should assess and consider the other possible impacts resulting from this proposal on local sites (biodiversity and geodiversity), local landscape character and local or national biodiversity priority habitats and species. The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The Authority should consider securing measures to enhance the biodiversity of the site from the application.

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

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

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

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

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

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

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

Appropriate management and monitoring of the site is vital to achieving a net gain in biodiversity. Each reserved matters application must be accompanied by a Landscape and Habitat Management Plan (LHMP). The public green space and dedicated biodiversity areas within the site would need to be managed for biodiversity in perpetuity to avoid the loss of potential benefits from the mitigation and enhancement measures. Ecological monitoring is important to ensure that the management is successful in meeting its objectives for biodiversity and to enable remedial action to be identified.

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

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

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

The development should include green infrastructure to retain and create a mosaic of habitats and linear features to ensure that structural diversity and habitat connectivity throughout the site is provided. This should include significant amounts of open space, both specifically for biodiversity and for biodiversity combined with public access. The biodiversity value of recreational areas should be maximised, including acknowledgement of their management. Lighting schemes will need careful consideration in terms of their potential impact on retained green corridors across the site.

Biodiversity enhancements should be included in the development design where possible in line with planning policy and the NERC Act which places a duty on local authorities to enhance biodiversity. Provision should be made for the long term management of these areas. Suggestions as to enhancement proposals are made.

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

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

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

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

#### **Compensation for loss of farmland bird habitat**

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

#### **Demonstrating a net gain in biodiversity**

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

*'Development that respects the landscape setting and that demonstrates*

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

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

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

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

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

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

### **Lack of compliance with the Masterplan**

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

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

The Draft North West Bicester SPD states:

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

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

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

3.32 **NHS England:**  
Regarding the needs for the North West Bicester Site:

Summary

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

- b. Secure the capital costs of this expansion from the developers (for the sum of £1,359,136)

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

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

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

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

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

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

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



healthcare infrastructure necessitated by housing growth. The reduced levels of rent would be reflected in the lease and the reduction would be proportionate with the enhancement of the property provided for by the S106 monies. The NHS would ensure that the reduced rent period is granted on a long term basis, 25 years for example and that the rental figure is verified by the Valuation Office Agency to ensure that the appropriate reductions have been made. This approach is fairly common within the NHS when dealing with S106 monies and there are a number of other house developments in the area where S106 monies have already been secured and the same approach will be applied when using those funds.

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

### 3.33 **Bioregional:**

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

Bioregional have been involved in NW Bicester development plans since 2010, advising both Cherwell DC and A2Dominion on eco-credentials and sustainability. This report outlines Bioregional's key observations on the Albion Land outline application (14/01675/OUT). We have reviewed the application documents against the overall Eco Town aspirations, the PPS1 Supplement on Eco Towns and the Bicester One Shared Vision. Bioregional have been fully committed to the Eco Town process throughout its development and will continue to work with all partners to help it deliver its full potential. In summary, we do not support this application. More detailed comments are provided below.

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

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

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

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

#### **a. Zero Carbon**

The Eco-town PPS ET7 “Zero carbon in eco-towns” gives a definition that “over a year the net carbon dioxide emissions from all energy use within buildings on the

development as a whole are zero or below.”

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

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

#### **b. Water**

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

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

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

#### **c. Green Infrastructure**

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

#### **d. Biodiversity**

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

The omitted documents include commitments to:

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

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

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

## **e. Transport**

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

### **i. Modal shift**

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

### **ii. Walking and cycling routes**

Very little information is included on the internal walking and cycling routes in both the commercial and residential areas. We would like to see proposed locations of these routes as well as indicative cross-section that provide information on differing widths, treatments and potential users. Following on, we would also expect to see information on how the proposed walking and cycling routes link to both routes within the other applications within NW Bicester but also external connections that connect towards the Middleton Stoney Road and Bicester Town Centre (*PPS; ET 11 Transport - The town should be designed so that access to it and through it gives priority to options such as walking, cycling, public transport and other sustainable options, thereby reducing residents’ reliance on private cars*”).

### **iii. Walkability**

The DaS and transport assessment does not consider the walkability for the residential areas to the local centre and the primary school. Bioregional carried out a modal transport assessment for NW Bicester which identified that a significant number of homes (approx. 30%) will be beyond the 800m/10min walk to a local centre (*Eco Town PPS ET 11 Transport - homes should be within ten minutes’ walk of (a) frequent public transport and (b) neighbourhood services*). It is acknowledged that this application is adjacent to the proposed local centre within A2Dominion outline application; however, we would expect to see how sustainable modes are prioritised and linked to these key neighbourhood services.

## **f. Urban design and gateway function**

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

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

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

## **4. Summary**

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

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

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

## 4. Relevant National and Local Policy and Guidance

### 4.1 Development Plan Policies

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

#### Cherwell Local Plan 2011 - 2031 Part 1

##### Sustainable communities

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

##### Sustainable development

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

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

Infrastructure Delivery  
INF1: Infrastructure

#### Cherwell Local Plan 1996 (Saved Policies)

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

#### **Other Material Policy and Guidance**

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

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

#### 4.3 **National Planning Policy Framework**

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

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

wellbeing.

#### 4.4 **Eco Towns Supplement to PPS1**

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

#### 4.5 **NW Bicester Supplementary Planning Document**

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

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

#### 4.6 **One Shared Vision**

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

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

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

#### 4.7 **Draft Bicester Masterplan**

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

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

- development principles; and,
- A continuing destination for international visitors to Bicester Village and other tourist destinations in the area.

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

#### 4.8 **Planning Practice Guidance**

### 5. **Appraisal**

The key issues for consideration in this application are:

- Relevant Planning History
- Environmental Statement
- Planning Policy and Principle of Development
- Five Year Housing Land Supply
- Adopted Local Plan and NW SPD
- Eco Town PPS Standards
- Zero Carbon
- Climate Change Adaptation
- Homes
- Employment
- Transport
- Healthy Lifestyles
- Local Services
- Green Infrastructure
- Landscape and Historic Environment
- Biodiversity
- Water
- Flood Risk Management
- Waste
- Master Planning
- Transition
- Community and Governance
- Design
- Conditions and Planning Obligations
- Other matters
- Pre-application community consultation & engagement

#### 5.1 **Relevant Planning History**

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

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

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

14/01384/OUT – OUTLINE - Development comprising redevelopment to provide up to 2600 residential dwellings (Class C3), commercial floorspace (Class A1 – A5, B1 and

B2), social and community facilities (Class D1), land to accommodate one energy centre, land to accommodate one new primary school (up to 2FE) (Class D1) and land to accommodate the extension of the primary school permitted pursuant to application [ref 10/01780/HYBRID]. Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations.

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

14/01641/OUT – Outline Application - To provide up to 900 residential dwellings (Class C3), commercial floor space (Class A1-A5, B1 and B2), leisure facilities (Class D2), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2 FE) (Class D1), secondary school up to 8 FE (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations

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

14/01968/F – Construction of new road from Middleton Stoney Road roundabout to join Lord's Lane, east of Purslane Drive, to include the construction of a new crossing under the existing railway line north of the existing Avonbury Business Park, a bus only link east of the railway line, a new road around Hawkwell Farm to join Bucknell Road, retention of part of Old Howes Lane and Lord's Lane to provide access to and from existing residential areas and Bucknell Road to the south and a one way route northbound from Shakespeare Drive where it joins with the existing Howes Lane with priority junction and associated infrastructure.

Amendments are awaited from the applicant which will be the subject of further consultation and following which the application will be reported to the Committee.

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

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

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

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

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

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



sustainable urban drainage systems incorporating landscaped areas with balancing ponds

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

**5.5 Environmental Statement**

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

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

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

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

**5.9 Planning Policy and Principle of the Development**

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

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

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

**5.11 Adopted Cherwell Local Plan 2011 – 2031 (ACLP)**

The newly Adopted Cherwell Local Plan 2011-2031 includes Strategic Allocation Policy Bicester 1, which identifies land at NW Bicester for a new zero carbon mixed use development including 6,000 homes and a range of supporting infrastructure including employment land. The current application site forms part of the strategic allocation in the local plan. The policy is comprehensive in its requirements and the consideration of this proposal against the requirements of Policy Bicester 1 will be carried out through the assessment of this application.

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

**5.13 Adopted Cherwell Local Plan 1996**

The Cherwell Local Plan 1996 includes a number of policies saved by the newly adopted Local Plan, most of which relate to detailed matters such as design and local

shopping provision. The Plan includes Policy H18, which relates to new dwellings in the open countryside and whilst the proposal would conflict with this particular policy, the fact that the site forms part of an allocation in the newly adopted Plan is a material consideration. The policies of the adopted Cherwell Local Plan will be considered in further detail below.

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

5.15 **Non Statutory Cherwell Local Plan**

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

5.16 **NW Bicester SPD**

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

5.17 **Eco Towns Supplement to PPS1**

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

5.18 **NPPF**

The NPPF is a material consideration in the determination of the planning application. It is stated at paragraph 14, that 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking'. For decision taking this means<sup>1</sup> 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

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<sup>1</sup> Unless material considerations indicate otherwise.

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

**5.19 Five Year Housing Land Supply**

The Council's most recent Annual Monitoring Report (December 2015) considered by the Council's Executive in January 2016 concludes that the District has a 5.3 year supply for the five year period 2015-2020 which will rise to a 5.6 year supply of deliverable housing sites for the five year period 2016 to 2021 (commencing on the 1<sup>st</sup> April 2016). This is based on the housing requirement of the adopted Local Plan 2011-2031 Part 1 which is 22,840 homes for the period 2011-2031 and is in accordance with the objectively assessed need for the same period contained in the 2014 SHMA (1,140 homes per annum of a total of 22,800). The five year land supply also includes a 5% buffer.

5.20 The five year land supply position has recently been tested at appeal at Kirtlington (14/01531/OUT), where the Inspector stated that the Council could demonstrate a five year supply of deliverable housing sites with a 5% buffer and that the relevant policies for the supply of housing in the Local Plan are up to date (paragraph 55 of the appeal decision). This position has also been accepted in relation to recent appeal decisions at Hook Norton and Chesterton.

**5.21 Conclusion on the principle of the development**

The site is part of a much larger site identified in the newly adopted Cherwell Local Plan for a mixed use development including 6000 residential dwellings. The Policy requires the provision of employment land and the Masterplan, which sits within the Interim Draft SPD, allocates a large area for employment land at the South East corner of the site for employment purposes. As such, the general principle of development on this land both in respect to the provision of employment and housing land complies with adopted Local Policy. The NPPF advises that development proposals that comply with the Development Plan should be approved without delay. It is therefore necessary to consider the details of the proposal; its benefits and impacts and consider whether the proposal can be considered to be sustainable development.

**5.22 Employment**

The Eco Towns PPS sets out the requirement that eco towns should be genuinely mixed use developments and that unsustainable commuter trips should be kept to a minimum. Employment strategies are required to accompany applications showing how access to work will be achieved and set out facilities to support job creation in the town and as a minimum there should be access to one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport.

5.23 The NPPF identifies a strong, responsive and competitive economy as a key strand of sustainable development (para 7) and outlines the Government's commitment to securing economic growth (para 18). It advises that planning should operate to encourage and not act as an impediment to sustainable growth and significant weight should be placed on the need to support economic growth through the Planning system (para 19). The NPPF identifies offices, commercial and leisure development as town centre uses and advises a sequential test to such uses that are not in a town centre (para 24) and where they are not in accordance with an adopted plan. The benefit of mixed use development for large scale residential development is recognised, and a core principle of the NPPF is to promote mixed use development.

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

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

- 5.25 Policy SLE1 of the Adopted Cherwell Local Plan seeks to protect existing employment land and buildings for employment uses (B class) and allows for an allocation of sites to increase the amount of employment land in the District. It is identified that this is focused mainly at Bicester in order to match the growth in housing and make the town more sustainable. The plan includes a flexible approach to employment with a number of strategic sites allocated for a mix of uses. At Bicester, there are 6 sites where strategic employment uses are identified (Bicester 1: North West Bicester - a minimum of 10ha within use Classes B1, with limited B2 and B8 uses, Bicester 2: Graven Hill - 26ha in mixed use classes B1, B2 and B8, Bicester 4: Bicester Business Park - 29.5ha in use class B1(a), Bicester 10: Bicester Gateway - 18ha in use classes B1 Business Uses, Bicester 11: Employment Land at North East Bicester - 15ha in use classes B1, B2 and B8 and Bicester 12: South East Bicester - approximately 40ha in mixed use classes B1, B2 and B8 - primarily B8 uses). The land has been allocated taking account of the economic evidence base, matching growth in housing and to cater for company demand whilst ensuring a sufficient employment land supply. It emphasises that careful consideration must be given to locating housing and employment in close proximity to avoid harmful impacts upon the residential amenity of neighbouring properties. The identification of sites to meet the anticipated economic needs is in line with the NPPF.
- 5.26 In respect to the above allocated sites, it is noted that applications that include employment development have been made for land at Bicester 2, Bicester 11 and Bicester 12 and with regard to Bicester 4, which provides for B1 (a) office use (and a hotel C1), this site benefits from planning permission granted in 2010 but has not yet commenced albeit the consent is extant, being due to expire in October 2020 (application number 07/01106/OUT). Whilst the permission included conditions to control the phasing of development, partly linked to offsite highway works, no development has occurred to implement the B1 uses on the site, which could indicate a lack of demand for this type of accommodation. As Members will be aware, permission has been granted for a Tesco store on part of this site, and as part of the Officer report relating to the original application for this store (12/01193/OUT), it is stated that the Applicant considered that the proposal would act as a catalyst for the rest for the site for the intended office use due to the extent of the highway works proposed. The report also considered the wider masterplan for the Business Park and considered that the Tesco store would not preclude the development of the rest of that site. This site is therefore available for employment uses within Class B1.
- 5.27 As referred to above, Policy SLE1 requires employment proposals on allocated sites to meet the relevant site specific policy. Policy Bicester 1 specifically seeks with regard to employment (in detail):
- a minimum of 10 ha, comprising business premises focused at Howes Lane and Middleton Stoney Road
  - employment space in local centres
  - employment space as part of mixed use centres
  - 3000 jobs, approx. 1000 B class jobs on the site (within the plan period)
  - It is anticipated that the business park at the South East corner of the allocation will generate between 700 and 1000 jobs in use classes B1, B2 and B8 early in the plan period
  - A carbon management plan produced to support applications for employment

developments

- An economic strategy demonstrating how access to work will be achieved and to deliver a minimum of 1 employment opportunity per dwelling easily reached by walking, cycling or public transport
- Mixed use local centre hubs to include employment
- Non-residential buildings to be BREEAM very good and capable of achieving excellent

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

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

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

- 5.32 One study undertaken to inform the Masterplan was an Economic Strategy produced by SQW in March 2014. The overall aim for NW Bicester is to stimulate transformational change in Bicester's Economy and a number of objectives are set in order to do this. In doing this, a number of weaknesses in the local economy are proposed to be addressed, including the high level of out commuting, the need for educational qualifications and skill attainment levels to be improved and by securing land and modern business premises to attract new investment. The strategy identifies five broad sectors as the likely future drivers for Bicester's economy. These being eco construction, environmental goods and services, advanced manufacturing, high value logistics and business, financial and professional services.
- 5.33 The Masterplan Economic Strategy looked at the opportunities for employment on the NW site in the context of Bicester and the employment allocations elsewhere in the town. The report identified a number of objectives, including to support the creation of at least as many jobs as homes, to ensure as many as possible of those jobs are well paid, in growing sectors and firms, to support the creation of a cluster of firms and skills in Bicester in eco construction, and low carbon environmental goods and services, to encourage home working and other sustainable working practices, to ensure jobs are provided early in the development which match the employment skills available, to work with relevant organisations to promote Bicester and secure new, well-paid jobs for the town and to support skills development to match local employment opportunities. The strategy identified the opportunity for some 4600 jobs on site within a business park in the south west corner of the site, providing a mix of offices, high quality manufacturing and logistics space (approx 2000 jobs), around 1,100 jobs within local centres including 100 within the eco business centre, 200 jobs within the schools across the site, approximately 1,100 jobs created by residents working from home, around 100 jobs in retained farmsteads, and around 140 long term construction jobs. Around 1000 local service jobs would also be created in Bicester to serve the demands of residents of the development and many of these would be in the town centre and 400 jobs in firms in the target sectors of the development but located on other employment sites in the town. It also suggests that if on site employment densities prove to be lower than planned, some of the 4,600 jobs expected to be located on the NW Bicester development will need to be located elsewhere within the town, which should not be problematic given the scale of employment land allocations around the town is well in excess of forecast demand. The economic strategy is supported by an action plan to include ways to support job creation (e.g. through apprenticeships schemes), in addition to the provision of employment land, which will support wide employment growth in the town.
- 5.34 The strategy considers how NW Bicester will contribute to the wider economic context by providing an attractive and supportive environment for people to live and work locally, to bring forward, early in the development, employment opportunities to address the shortage of high quality B Use Class accommodation in Bicester and which match existing employment skills, kick start the development of a new eco economy in the town capable of serving a wider area, support a transformation of the image of Bicester and it is identified that NW Bicester should provide a full cross section of job opportunities within Class B. The strategy identifies a number of sectors where there is the opportunity for jobs growth. These include a number of areas including eco construction and broader eco technologies, auto engineering, including motorsport and electric vehicles, opportunities related to the growth of the Oxfordshire high tech cluster, logistics to exploit the excellent strategic location and connectivity of Bicester, regional and local service functions related to population and

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

- 5.35 The strategy finds that Local Property Agents report a serious lack of land which is available for business use and of modern flexible business premises and it notes firms that have left Bicester including First Line, a modern logistics company now based in Banbury. It also notes that Bicester is not an established office location and that there is limited interest from major office users in the town, however there is demand from smaller businesses for offices in a modern environment. The strategy therefore identifies that the most appropriate provision for employment on the site would be;
- Those that are a direct result of the development. This includes local services to serve the new population, construction jobs related to building NW Bicester, and jobs which are attracted to Bicester specifically because of NW Bicester
  - Those that are accommodated on NW Bicester because it provides the right type and quality of business accommodation in the right location. This includes some of those sectors identified in as the future drivers of the economy, such as high performance engineering, other advanced manufacturing, high value logistics and financial professional and business services not serving a purely local market
- 5.36 The Economic Strategy cautions about being too restrictive with regard to the type of employment and states;
- 'It is important to ensure that onerous constraints are not imposed upon new businesses which would otherwise provide high quality jobs, but are deterred from investment on account of planning restrictions which do little to support the principles of NW Bicester. Companies will not be forced into locations which do not meet their operational requirements, and they are increasingly footloose. Companies have been lost to Bicester in recent years because the planning process has not been able to deliver suitable sites. The fact that land at NW Bicester may soon be available for development will not necessarily lead to new investment if the use of the land is unduly restricted.'
- 5.37 The overall Masterplan for North West Bicester is to be incorporated into an SPD. This is currently known as The Interim Draft SPD and this includes 'Development Principle 5 - Employment'. This principle requires employment proposals to address a number of factors and for planning applications to be supported by an economic strategy, which is consistent with the masterplan economic strategy and to demonstrate access to one new employment opportunity per new home on site and within Bicester. Each application should also include an action plan to deliver jobs and homeworking, skills and training objectives and support local apprenticeship and training initiatives.
- 5.38 In relation to this particular proposal, a subsequent economic strategy has been submitted forming part of the Planning Statement and which explains the applicant's proposals as well as anticipating the number of jobs that could be achieved. The application seeks flexible employment consent to enable the buildings to be used for employment uses in B1 (ancillary), B2 and B8. It is described that one of the reasons for this is that modern business requirements seek to achieve economies of scale by bringing together all aspects of their business under one roof. The applicant proposes to construct the buildings to meet the requirements of their identified future occupiers, providing flexible employment space that would be adaptable to the local economic environment and which would allow for businesses to centralise their operations and in doing so, increase their productivity. They consider that this would create a range of types of jobs and contribute to the local economy. Furthermore, the applicant has taken advice from Colliers International in relation to the demand for employment land. Their advice is that there is a need along the M40 and particularly North Oxfordshire, which require high quality and purpose built facilities for office, research

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

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



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

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

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

5.48 **Housing**

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

- a) achieve Building for Life 9 Silver Standard and Level 4 of the Code for Sustainable Homes 10 at a minimum (unless higher standards are set elsewhere in this Planning Policy Statement)
- b) meet lifetime homes standards and space standards
- c) Have real time energy monitoring systems; real time public transport information and high speed broadband access, including next generation broadband where possible. Consideration should also be given to the potential use of digital access to support assisted living and smart energy management systems
- d) provide for at least 30 per cent affordable housing (which includes social rented and intermediate housing)
- e) demonstrate high levels of energy efficiency in the fabric of the building, having regard to proposals for standards to be incorporated into changes to the Building Regulations between now and 2016 (including the consultation on planned changes for 2010 issued in June 2009 and future announcements on the definition of zero carbon homes), and
- f) achieve, through a combination of energy efficiency and low and zero carbon energy generation on the site of the housing development and any heat supplied from low and zero carbon heat systems directly connected to the development, carbon reductions (from space heating, ventilation, hot water and fixed lighting) of at least 70 per cent relative to current Building Regulations (Part L 2006).

5.49 The Interim Draft SPD includes 'Development Principle 4 - Homes'. This principle includes the requirement that applications demonstrate how 30% affordable housing can be achieved, ensure that residential development is constructed to the highest environmental standards, involve the use of local materials and flexibility in house design and size as well as how development will meet design criteria. 'Development Principle 4A - Homeworking', which requires applications to set out how the design of the homes will provide for homeworking. This includes referring to the economic strategy as to how this will contribute to employment opportunities for homeworking.

5.50 ACLP Policy Bicester 1 states 'Layout to achieve Building for Life 12 and Lifetime Homes Standards, Homes to be constructed to be capable of achieving a minimum of Level 5 of the Code for Sustainable Homes on completion of each phase of development, including being equipped to meet the water consumption requirement

of Code Level 5 and it also requires the provision of real time energy monitoring systems, real time public transport information and superfast broadband access, including next generation broadband where possible’.

- 5.51 The application provides a residential area which extends to 4.5ha and which sits to the north and east of the proposed employment areas. The proposal seeks to establish the principle for 150 dwellings across this 4.5ha as well as open space provision. Detailed matters in relation to design, environmental standards and the extent of Green Infrastructure across the site are considered elsewhere in this report, however in relation to the land set aside for residential development, this is generally compliant with the Masterplan and so acceptable in principle in the view of Officers. The application commits through the submitted Design and Access Statement to the achievement of Building for Life 12 and it is also stated that lifetime homes standards and space standards will be met. Building for Life is a scheme for assessing the quality of a development through place shaping principles. This will be relevant as the scheme moves forward and to ensure the applicant’s commitment can be met, a planning condition can be used. Lifetime homes standards were developed by the Joseph Rowntree Foundation to ensure homes were capable of adaptation to meet the needs of occupiers should their circumstances change, for example a family member becoming a wheelchair user. The standards are widely used for social housing. At this stage the application is in outline with no detail of the design of dwellings is included and therefore this requirement will be covered by condition. Nationally set space standards were published in March 2015 and are a matter for the Local Planning Authority (it was not incorporated into the Building Regulations unlike other aspects of the Housing Standards Review).
- 5.52 Real time energy monitoring and travel information is a requirement of the PPS and Policy Bicester 1 and is being provided as part of the Exemplar development being constructed through the provision of tablet style information portals in every home. This is an area where there is technical innovation and it would be inappropriate to specify a particular approach at this point in time and again this is a matter for detailed designs. A condition is proposed to ensure future detailed proposals address this requirement.
- 5.53 Affordable Housing  
Not only does the eco town PPS set out a requirement for affordable housing but saved policy H5 of the Adopted Cherwell Local Plan seeks affordable housing to meet local needs which is mirrored in NSCLP H7.
- 5.54 Policy BSC3 of the ACLP sets out a requirement for 30% affordable housing for sites in Bicester whilst Policy BSC4 seeks a mix of housing based on up to date evidence of housing need and supports the provision of extra care and other specialist supported housing to meet specific needs.
- 5.55 The NPPF advises that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. The NPPF at para 50 goes on to advise;

‘To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and

- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.’
- 5.56 The provision of 30% affordable housing can be secured by condition and/or S106 agreement provided the scheme is viable. The detailed housing mix will also need to be agreed for both affordable and market housing to ensure that it meets local need and again a condition and/or S106 agreement are proposed to address the issue of the housing mix. The provision of affordable housing is a significant benefit of the scheme.
- 5.57 **Fabric Energy Efficiency**  
The PPS sets specific requirements for dwellings in terms of fabric energy efficiency and carbon reduction. In respect to the homes, the DAS suggests that the design of the homes will not rely on 'bolt on' technology to achieve the required level of performance and that carbon emissions will be reduced by minimising energy demand through appropriate orientation, passive solar design and a fabric first approach that maximises the performance of the building and its method of construction. It is also suggested that in time, the homes will be capable of connecting to the District Heating System being delivered as part of the wider eco town. The Exemplar is currently being constructed with increased fabric efficiency and low carbon heating from an energy centre on site and the A2D proposals for the wider site continue with this concept. This matter is considered further below.
- 5.58 The application makes provision for market and affordable housing. The detail of the housing will be established through reserved matter submissions guided by the requirements of conditions and agreements attached to any outline permission. These conditions will ensure the housing meets the PPS standards and delivers high quality homes as part of a sustainable neighbourhood as sought in the NPPF.
- 5.59 **Zero Carbon**  
The Eco Towns PPS at standard ET7 states;  
*The definition of zero carbon in eco-towns is that over a year the net carbon dioxide emissions from all energy use within the buildings on the eco-town development as a whole are zero or below. The initial planning application and all subsequent planning applications for the development of the eco-town should demonstrate how this will be achieved.*
- This standard is higher than other national definitions of zero carbon as it includes the carbon from the buildings (heating and lighting = regulated emissions) as with other definitions, but also the carbon from the use of appliances in the building (televisions, washing machines, computers etc = unregulated emissions). This higher standard is being included on the exemplar development which is being referred to as true zero carbon.
- 5.60 The NPPF identifies at para 7 that environmental sustainability includes prudent use of natural resources and the mitigation and adaptation to climate change including moving to a low carbon economy. Para 93 it identifies that ‘Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.’

- 5.61 The ACLP policy Bicester 1 seeks development that complies with the Eco Town standard. Policy ESD2 seeks carbon emission reductions through the use of an energy hierarchy, Policy ESD3 seeks all new residential development to achieve zero carbon and for strategic sites to provide contributions to carbon emission reductions Policy ESD4 encourages the use of decentralised energy systems and ESD5 encourages renewable energy development provided that there is no unacceptable adverse impact.
- 5.62 The Interim Draft SPD includes 'Development Principle 2: 'True Zero Carbon Development'. The Principle requires the achievement of zero carbon and the need for each application to be accompanied by an energy strategy to identify how the scheme will achieve the zero carbon targets and the phasing.
- 5.63 The Cherwell Local Plan policy Bicester 1 identifies a number of standards relating to the construction of dwellings at NW Bicester reflecting the provisions of the Eco Town PPS. For example the policy seeks homes to be constructed to Code for Sustainable Homes Level 5, meet lifetime homes standards and provide reduced water use. The determination of a planning application should be in accordance with adopted policy unless material considerations indicate otherwise.

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

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

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

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

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

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

5.69 **Climate Change Adaptation**

The Eco Towns PPS at ET8 advises;

*Eco-towns should be sustainable communities that are resilient to and appropriate for the climate change now accepted as inevitable. They should be planned to minimise future vulnerability in a changing climate, and with both mitigation and adaptation in mind.*

- 5.70 ACLP policy ESD1 seeks the incorporation of suitable adaptation measures in new development to make it more resilient to climate change. Policy Bicester 1 requires all new buildings to be designed incorporating best practice in tackling overheating.

- 5.71 The Interim Draft SPD includes 'Development Principle 3 - Climate Change Adaptation'. The principle requires planning applications to incorporate best practice on tackling overheating, on tackling the impacts of climate change on the built and natural environment including urban cooling through Green Infrastructure, orientation and passive design principles, include water neutrality measures, meet minimum fabric energy efficiency standards and achieve Code for Sustainable Homes Level 5. The principle also expects applications to provide evidence to show consideration of climate change adaptation and to design for future climate change.
- 5.72 Work was undertaken by Oxford Brookes University and partners, with funding from the Technology Strategy Board (now innovate UK), in 2011/12 looking at future climate scenarios for Bicester to 2050. Climate Change impacts are generally recognised as;
- a) Higher summer temperatures
  - b) Changing rainfall patterns
  - c) Higher intensity storm events
  - d) Impact on comfort levels and health risks
- The Design for Future Climate project identified predicted impacts and highlighted the potential for water stress and overheating in buildings as being particular impacts in Bicester. Water issues are dealt with separately below. For the exemplar development consideration of overheating led to the recognition that design and orientation of dwellings needed to be carefully considered to avoid overheating and in the future the fitting of shutters could be necessary to avoid overheating.
- 5.73 The applicant's DAS for both the housing and commercial elements of the scheme refers to the design of the building and how, in particular the commercial buildings, can be designed to provide sun shading, the incorporation of high fabric insulation and air permeability standards to ensure that buildings do not overheat, consideration of orientation to minimise solar gain whilst attempting to maximise natural daylighting (to reduce the need for artificial lighting), the incorporation of natural ventilation and consideration of the thermal mass of the building. The development also designed to ensure that all buildings are located outside of the 1:100 year plus climate change and 1:1000 year flood zones.
- 5.74 **Transport**
- The Eco Towns PPS sets out that Eco Towns should 'support people's desire for mobility whilst achieving the goal of low carbon living'. The PPS identifies a range of standards around designing to support sustainable travel, travel planning and travel choice, modal shift targets, ensuring key connections do not become congested from the development and ultra-low emission vehicles. The PPS seeks homes within 10 mins walk of frequent public transport and local services. The PPS recognises the need for travel planning to achieve the ambitious target of showing how the town's design will enable at least 50 per cent of trips originating in the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent.
- 5.75 The NPPF has a core principle that planning should; '*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;*' The NPPF also advises that the transport system needs to be balanced in favour of sustainable transport giving people a real choice about how they travel (para 29). It is advised that encouragement should be given to solutions that support reductions in greenhouse gas emissions and reduce congestion (para 30). Transport assessments are required (para 32). The ability to balance uses and as part of large scale development have mixed use that limits the need to travel is also identified (para 37 & 38). The PPS advises that account should be taken of improvements that can be undertaken within the transport network that cost effectively limit the significant

impacts of the development and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (para 32).

5.76 The Adopted Cherwell Local Plan policy SLE4 requires all development to 'facilitate the use of sustainable transport, make fullest use of public transport, walking and cycling'. Encouragement is given to solutions which support reductions in greenhouse gas emissions and reduce congestion. New development is required to mitigate off site transport impacts. Policy Bicester 1 relates to the NW Bicester site and requires proposals to include appropriate crossings of the railway line, changes and improvements to Howes Lane and Lords Lane, integration and connectivity between new and existing communities, maximise walkable neighbourhoods, provide a legible hierarchy of routes, have a layout that encourages modal shift, infrastructure to support sustainable modes, accessibility to public transport, provide contributions to improvements to the surrounding road networks, provision of a transport assessment and measures to prevent vehicular traffic adversely affecting surrounding communities.

5.77 The Interim Draft SPD includes 'Development Principle 6 - Transport, Movement and Access'. This principle requires movement to be addressed within planning applications with priority to be given to walking and cycling through improvements to infrastructure and ensuring that all new properties sit within a reasonable distance from services and facilities, the need to prioritise bus links and with other highway and transport improvements to the strategic road network.

'Development Principle 6A - Sustainable Transport - Modal Share and Containment', seeks to achieve the overall aim that not less than 50% of trips originating in eco towns should be made by non car means. This supports providing attractive routes and connections through the development, providing connections to on and off site destinations including schools and local facilities, enhanced walking routes, the provision of primary vehicular routes but which do not dominate the layout or design of the area, the provision of bus infrastructure, the use of car sharing and car clubs and with parking requirements sensitively addressed. The SPD also advises applications should demonstrate how these matters can be provided for as well as include travel plans to demonstrate how the design will enable at least 50% of trips originating in the development to be made by non car means.

Development Principle 6B – Electric and low emission vehicles requires proposals to make provision for electric and low emission vehicles through infrastructure and support in travel plans.

Development Principle 6C – Proposed Highways infrastructure – strategic link road and proposed highway realignments considers the benefits of realigning Bucknell Road and Howes Lane to provide strategic highway improvements, whilst creating a well-designed route that will accommodate the volumes of traffic whilst providing an environment that is safe and attractive to pedestrians, cyclists and users of the services and facilities used.

Development Principle 6D – Public Transport requires public transport routes to be provided that include rapid and regular bus services, with street and place designs to give pedestrians and cyclists priority as well as bus priority over other road vehicles. The location of the internal bus stops should be within 400m of homes and located in local centres where possible. Bus stops should be designed to provide Real Time Information infrastructure, shelters and cycle parking.

5.78 Application

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



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

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

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

#### 5.79 Transport Assessment

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

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

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

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

#### 5.80 Walking and Cycling Layout

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

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

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

5.82 Wider Walking & Cycling Network

Off site walking and cycling links have been identified as potential off road cycling provision and traffic calming along Shakespeare Drive, the improvement of the route from Bucknell Road to Queens Avenue and the provision of off road cyclepath along Middleton Stoney Road. All three applications south of the railway line are being asked to make a proportionate contribution to these provisions. Contributions have also been sought to the improvement of the bridleway where it runs beyond the site.

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

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

5.85 Public Transport

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

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

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

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

5.88 Rail

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

5.89 Vehicle Movements

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

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

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

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

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

5.90 Howes Lane/ Bucknell Road

For a number of years it has been recognised that there is a need to improve the junction of Howes Lane and Bucknell Road where it passes under the railway and improve Howes Lane. The planned growth around Bicester, including the NW development, require these improvements. An interim scheme has been undertaken,

secured through the Exemplar development at NW Bicester, but major change is required to accommodate the growth now planned for the town. The rail line at the junction runs on an embankment at an angle to the road and to improve the junction a new bridge is required and this requires third party land. It is proposed to address this constraint by relocating the junction to the west, beyond the Avonbury Business Park and Thames Valley Police premises. This enables a straight crossing under the rail line and an improved junction to the north. Linked to this improvement the realignment of the existing Howes Lane, from the Middleton Stoney Road roundabout to the new underpass is proposed as part of the A2D Masterplan and the whole of the proposed road and the rail crossing are the subject of a separate full planning application (14/01698/F). The full application for the road is awaiting amended plans to address a number of detailed comments that have been made. Outline applications 14/01384/OUT and 14/01641/OUT, (which have resolutions to grant permission) include sections of the realigned road and relate to land either side of the proposed tunnel. The realignment of Howes Lane is sought to address the impact of the existing road on the existing houses and to improve its design and capacity and enable the provision of footpaths and cyclepaths, sustainable drainage, avenue planting, crossings and improved urban design.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The National Planning Practice Guidance advises;

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

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

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

5.113 The existing Howes Lane has no footpaths or cyclepaths and runs immediately at the rear of properties. As the town grows improvement to the route and access from it is required. The relocation of the route provides the opportunity to remove traffic impacts from existing dwellings and design a route that has really good provision for pedestrians and cyclists, accommodates sustainable drainage, allows for landscaping and access as well as accommodating the vehicular traffic. It is officers view that it provides a better solution for the long term growth of the town than improvements to the existing Howes Lane.

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



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

5.115 Travel Plans

The PPS has an ambitious target to secure modal shift and the NPPF and Local Plan promote sustainable travel. The application is supported by a draft travel plan which states that *'this travel plan document focuses on the employment element of the planning application and set out the context for the preparation of individual travel plans by the occupiers of each unit on the site. The level of detail to be provided and objectives to be met by the occupier/occupiers, which will vary depending on a number of factors, such as the number of employees. Measures for the residential element are included within the framework travel plan.'*

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

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

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

5.119 Conclusion

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

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

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

- 5.121 This application, if permitted, facilitates the realignment of Howes Lane, part of which runs through the site. This realignment is a positive benefit of the scheme both in terms of making provision for vehicular traffic, pedestrians and cyclists but also for the existing residents living close to the existing road.
- 5.122 The achievement of modal shift is a key ambition for the site. The application proposals are situated on the edge of the existing town and therefore if delivered early they could take advantage of access to existing local facilities, all be it that these are less conveniently situated than the proposed new facilities at NW Bicester which would be provided by other developers as they built out. It is also indicated that existing bus services could be enhanced to serve the site. This and securing the routes planned for the site and active promotion of sustainable travel will be key to achieving the reduction in travel from the site by private car.
- 5.123 **Healthy Lifestyles**  
The Eco Town PPS identifies the importance of the built and natural environment in improving health and advises that eco towns should be designed to support healthy and sustainable environments enabling residents to make healthy choices. The NPPF also identifies the importance of the planning system in creating healthy, inclusive communities. The ACLP identifies the need for a 7 GP surgery which is supported by information provided by NHS England.
- 5.124 The Interim Draft SPD includes 'Development Principle 7 – Healthy Lifestyles', which requires health and well being to be considered in the design of proposals. Facilities should be provided which contribute to the well being, enjoyment and health of people, the design of the development should be considered as to how it will deliver healthy neighbourhoods and promote healthy lifestyles through active travel and sustainability. The green spaces should provide the opportunity for healthy lifestyles including attractive areas for sport and recreation as well as local food production.
- 5.125 The overall site would include a generous provision of open space and in addition, facilities on the wider site include a county park, a community farm and allotments. The application site provides open space as well as walking and cycling routes and play space providing opportunities for residents and to encourage healthy and active lifestyle choices. The site does not provide infrastructure on the site itself but it is adjacent to a local centre just to the north (part of application 14/01641/OUT submitted by A2 Dominion), which includes the secondary school, a primary school, mixed uses including retail, leisure, business and community and a GP practice. Contributions towards these off site infrastructure matters are sought. The application would therefore contribute to supporting local facilities and these would be accessible by sustainable modes of transport including walking and cycling helping to achieve healthy communities. It is considered the proposal would comply with the PPS in this regard.
- 5.126 **Local Services**  
The PPS identifies the importance of providing services that contribute to the wellbeing, enjoyment and health of people and that planning applications should contain an appropriate range of facilities including leisure, health and social care, education, retail, arts and culture, library services, sport and play, community and voluntary sector facilities. The NPPF advises that to deliver social, recreational, cultural and services to meet the communities needs that you should plan positively to meet needs and have an integrated approach to the location of housing economic uses and community facilities and services (para 70). The ACLP Policy Bicester 1

identifies the following infrastructure needs for the site: education, burial ground, green infrastructure, access and movement, community facilities, utilities, waste infrastructure and proposals for a local management organisation. BSC 12 seeks indoor sport, recreation and community facilities whilst BSC 7 supports the provision of schools in sustainable locations and encourages co location.

- 5.127 The interim draft SPD contains 'Development Principle 8 – Local Services'. This principle requires facilities to meet the needs of local residents with a range of services located in accessible locations to homes and employment.
- 5.128 Considerable work has been undertaken to identify the social and community infrastructure required to support the development. This has informed the A2D masterplan and the current application. As described above, this site does not directly provide infrastructure itself, however given the scale of the residential proposal and its proximity to a local centre with service provision and the need to fit in with the masterplan approach, this is acceptable. This local centre is accessible and alongside other local centres would provide a range of services to support future residents on the application site. The applicant would be expected to contribute to these required services. Furthermore, the site provides the largest employment provision across the site, providing employment opportunities for future residents of the application site and the wider eco town. A cultural strategy has also been developed that would seek to ensure that culture and the arts are incorporated into development proposals. Additionally, some provision is more sensibly made off site such as the expansion of the new library in the town centre and the existing sports centre and swimming pool. Other provision will be sought on other parts of the NW Bicester site; such as provision for extra care, permanent sports pitches and the country park and again, appropriate financial contributions would be sought.
- 5.129 The work done on planning for social and community infrastructure will result in the PPS standard being achieved and compliance with the advice in the NPPF and ACLP.
- 5.130 **Green Infrastructure**  
The PPS requires the provision of forty per cent of the eco-town's total area should be allocated to green space, of which at least half should be public and consist of a network of well-managed, high quality green/open spaces which are linked to the wider countryside. A range of multi-functional green spaces should be provided and particular attention to providing land to allow the local production of food should be given.
- 5.131 The NPPF advises at para 73 that access to high quality spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. It also emphasises that Local Planning Authorities should set out a strategic approach in their local plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (para 114).
- 5.132 Adopted Cherwell Local Plan Policy BSC11 sets out the minimum standards that developments are expected to meet and it sets out standards for general green space, play space, formal sport and allotments. Furthermore, site specific, Policy Bicester 1 requires the provision of 40% of the total gross site area to comprise green space, of which at least half will be publicly accessible and consist of a network of well-managed, high quality green/ open spaces which are linked to the countryside. It specifies that this should include sports pitches, parks and recreation areas, play spaces, allotments, the required burial ground and SUDs.
- 5.133 The Interim Draft SPD includes 'Development Principle 9 – Green Infrastructure and Landscape'. This principle requires green space and green infrastructure to be a

distinguishing feature of the site making it an attractive place to live. Planning applications should demonstrate a range of types of green space that should be multi-functional, whilst preserving natural corridors and existing hedgerows as far as possible. Furthermore it emphasises that 40% green space should be demonstrated.

- 5.134 Plans have been submitted with the application to demonstrate the 40% GI requirement. There are two plans, one of which shows the proposal with the temporary access road and the other shows the proposal with the future realigned Howes Lane (separately proposed) in place. In both circumstances, over 40% GI is provided (40.1% when the temporary road is in place and 41.3% when the realigned Howes Lane is in place). There is however a discrepancy between the calculation reached by Officer's based upon whether the existing Howes Lane area outside the boundary is included both within the required and actual GI allocation. Where this area is not included in either (and it is outside the red line boundary), the calculations show that there is 40.2% GI across the site. This is therefore sufficient to meet the policy requirements in principle.
- 5.135 A further discrepancy with the GI calculations as set out relates to the housing area as it is specified that this includes 40% GI, however upon reviewing the parameter plans, it is clear that there is very little GI provided within the housing area unless the applicant has included residential gardens (a point also picked up by the Environment Agency). Advice has consistently been provided that residential gardens should not count towards the total GI requirements as they are private spaces that there would be no control over. This matter has been clarified with the applicant's agent as whilst there may be opportunities across the site to increase the GI outside of the residential area, it is important that this matter is considered. The applicant's agent advises that the application commits to the provision of 40% Green Infrastructure but that at this stage, this is not specifically identified because until a more detailed design stage, it is not possible to accurately calculate the precise final land use. It is considered that it is possible for additional GI to be provided in the employment area and vice versa to deliver an overall 40%. Leaving this matter to a later date is of concern to Officers, however it is clear that this percentage can be accommodated and furthermore additional design work to agree parameters before reserved matters applications would allow this matter to be finalised and controlled through planning conditions.
- 5.136 The application has also been assessed against ACLP policy BSC11 which is the minimum standard that most developments are expected to meet. The policy sets out standards for general green space, play space, formal sport and allotments. For this application, based on 150 dwellings, this policy seeks around 1.06ha of general amenity space, 0.30ha of play space, 0.44ha of outdoor sport provision and 0.14ha for allotments. Across the application site, the proposal provides sufficient general amenity space and play space to meet the Policy BSC11 requirements. The proposal does not show how it would meet the requirements for allotments, however across the site there is sufficient green space to accommodate the required level of allotment provision. The main areas of amenity space are either side of the proposed realigned Howes Lane and will form an attractive landscaped entrance into the development which will also include sustainable drainage features to control surface water run off. This open space would be open and available for public use and a condition is recommended to secure this.
- 5.137 In respect to outdoor sport, on the advice of the Recreation and Health Improvement Manager the A2D masterplan sought a single location for sports pitches to serve the site to enable higher standard provision and to facilitate long term management and maintenance. In addition, it was desirable for the sports pitches to be located adjacent to the secondary school site to facilitate future sharing of facilities. As a result the sports pitches are located adjacent to the secondary school site but outside the current application site area. The provision of adequate outdoor sport space is important and it is proposed that contributions to the long term provision should be

made. This would be secured through legal agreements.

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

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

5.139 **Landscape and Historic Environment**

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

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

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

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

‘Development Principle 9C – Hedgerows and Stream Corridors’ requires applications to explain green infrastructure in relation to the way it fits with the housing and commercial developments. Hedgerow losses should be minimised and mitigated for and hedgerows to be retained should be protected and enhanced with buffer zones and additional planting. A minimum 60m corridor to the watercourses should be provided to create a strong landscape feature in the scheme and secure the opportunity for biodiversity gain. Dark corridors to provide connectivity between habitats and ecosystems must be planned and protected.

‘Development Principle 9D – Sports Pitches’, requires that sufficient quantity and quality of an convenient access to open space, sport and recreation provision is secured through ensuring that proposals for new development contribute to open space, outdoor sport and recreation provision commensurate to the need generated by the proposals.

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

as being located within a restoration landscape. The site also sits within the Wooded Estatelands' Landscape Character Type as set out within the Oxfordshire Wildlife and Landscape Study 2004. This character type has the following key characteristics:

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

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

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

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

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

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

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

- 5.148 In respect to archaeology, an archaeological investigation has been undertaken and has identified a number of archaeological features. The County Archaeologist has raised no objections to the proposal subject to conditions to require further work and therefore it is considered that the proposal is acceptable in this regard.
- 5.149 The ACLP suggests a soil management plan may be required. The Environmental Statement considers soils and agricultural land and identifies that the land is classified as 3b which does not make it 'best and most versatile'. The ES identifies that there is a likelihood that some damage to soil structure may result, but that measures will be taken to ensure that soil quality is maintained as far as possible. A planning condition is recommended in relation to this matter.
- 5.150 **Environmental Matters**  
The proposal has attracted a number of public comments in respect of impacts from the commercial operations upon the residential amenity of nearby residential properties. The assessment therefore would need to take into account both existing and proposed residential properties. The ES has considered various environmental matters in detail.
- 5.151 The NPPF at para 109 identifies one of the roles of the planning system is 'preventing new or existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. The CLP ENV12 requires adequate measures to deal with any contaminated land whilst the NSCLP Policy EN5 advises that regard will be had to air quality, Policy EN6 seeks to avoid light pollution whilst Policy EN7 looks to avoid sensitive development in locations affected by high levels of road noise and Policy EN17 deals with contaminated land. CDC has identified that Kings End/ Queens Avenue in Bicester should be declared an Air Quality Management Area.
- 5.152 With respect to noise and vibration, the ES finds that the noise report submitted adequately addresses the issues of noise and this is accepted by the Council's Environmental Services Team albeit they suggest that conditions are required in order to restrict noise levels from activities on the application site so that they do not exceed the target noise criteria, and for mitigation measures to be used to control noise from the construction of the development. Noise assessments at the reserved matters stage would also be important to relate to individual units to ensure that noise and service yard management adhere to best practice to minimise the environmental impacts.
- 5.153 In relation to air quality and odours, the ES identifies the likely impacts are to be from fugitive dust from construction activities and emissions of nitrogen dioxide and particulate matter from increased road traffic associated with the proposed development upon nearby sensitive receptors. The assessment found that during the construction phase, the risk from construction activities would be high risk in terms of dust soiling and low risk in terms of human health. Site specific mitigation measures for construction activities are therefore suggested. With regard to the operation phase, the long term impacts are considered to be slight adverse to negligible. There is considered to be potential for a 'slight adverse' impact for annual mean Nitrogen Dioxide at the newly declared AQMA, which could potentially interfere with the implementation of a local air quality strategy.

- 5.154 Routing agreements can be used to route HGVs away from the AQMA. The NW Bicester site also has ambitious targets for modal shift and the layout of the masterplan has sought to facilitate sustainable travel, particularly walking and cycling. Sustainable travel has the benefit of having minimal impacts on the environment in comparison with car travel and contributions are sought from this site to the improvement of walking and cycling routes to the town, thereby reducing reliance on the private car, and impact on air quality.
- 5.155 Lighting has also been considered. The ES considers the potential impact of the proposed development from lighting considering lighting for residential roads, car parking and service yard areas upon nearby sensitive receptors. In order to assess the operation phase, lighting modelling has been undertaken and has used an assumed lighting scheme in the absence of a final scheme. Lighting levels were not predicted to exceed the guidance with the development in place and the overall impact is therefore considered to be negligible on the surrounding area. The conclusions overall are accepted, however it is important that any future application includes appropriate planning conditions to seek finalised lighting designs that relate to finalised layouts for the site. It is considered likely that lighting options would allow for a sensitive scheme to be sought.
- 5.156 With respect to all environmental considerations and those that could cause impacts to the amenity of residential properties, it will be necessary to carefully control the proposed development with conditions that control outdoor activities and storage, noise levels and potentially working hours, albeit the applicant seeks 24 hour operations to make the development a viable and marketable proposition. Notwithstanding the applicants wish to achieve 24 hour working, it would be reasonable in the view of Officers to restrict working hours for the small employment area only whilst the temporary access arrangements are in use and until such time that the realigned Howes Lane is in place to reduce the impact upon the existing residential properties as far as possible. A condition is suggested in relation to this matter. During the construction phase a Construction Environment Management Plan will be sought to control working activities to ensure that as far as possible environmental considerations are minimised.
- 5.157 **Net Biodiversity Gain**  
The Eco Town PPS requires that net gain in local biodiversity and a strategy for conserving and enhancing local bio diversity is to accompany applications. The NPPF advises the planning system should minimise impacts on bio diversity and providing net gains where possible, contribute to the Government's commitment to prevent the overall decline in bio diversity (para 109) and that opportunities to incorporate bio diversity in and around developments should be encouraged (para 118). The ACLP Policy Bicester 1 identifies the need for sports pitches, parks and recreation areas, play spaces, allotments, burial ground and SUDs and for the formation of wildlife corridors to achieve net bio diversity gain. Policy ESD10 seeks a net gain in bio diversity.
- 5.158 The Interim Draft SPD includes 'Development Principle 9E – Biodiversity', requires the preservation and enhancement of habitats and species on site, particularly protected spaces and habitats and the creation and management of new habitats to achieve an overall net gain in biodiversity. Open space provision requires sensitive management to secure recreation and health benefits as well as biodiversity gains. Proposals should demonstrate inclusion of biodiversity gains and all applications should include a biodiversity strategy.
- 5.159 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that "every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity"



and;

Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.

Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.

Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:

- 1) is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development).
- 2) Is there any satisfactory alternative?
- 3) Is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species?

Therefore where planning permission is required and protected species are likely to be found to be present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local planning authority that the 3 strict derogation tests can be met prior to the determination of the application. Following the consultation with Natural England and the Council's Ecologist advice given (or using their standing advice) must therefore be duly considered and recommendations followed, prior to the determination of the application.

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

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

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

and further information is awaited to demonstrate that this can be achieved. It is considered that subject to securing the protection of habitats and the achievement of net bio diversity gain through conditions or legal agreements the application proposals will achieve a net gain in bio diversity meeting the requirement of the PPS, NPPF and ACLP.

5.165 **Water**

The Eco Towns PPS states 'Eco Towns should be ambitious in terms of water efficiency across the whole development particularly in areas of water stress. Bicester is located in an area of water stress. The PPS requires a water cycle strategy and in areas of serious water stress should aspire to water neutrality and the water cycle strategy should;

- (a) the development would be designed and delivered to limit the impact of the new development on water use, and any plans for additional measures, e.g. within the existing building stock of the wider designated area, that would contribute towards water neutrality
- (b) new homes will be equipped to meet the water consumption requirement of Level 5 of the Code for Sustainable Homes; and
- (c) new non-domestic buildings will be equipped to meet similar high standards of water efficiency with respect to their domestic water use.

5.166 The NPPF advises at para 99 that when new development is brought forward in areas that are vulnerable care should be taken to ensure risks can be managed through suitable adaption measures, including through the planning of green infrastructure. The ACLP Policy ESD8 advises 'Development will only be permitted where adequate water resources exist or can be provided without detriment to existing uses.' Policy Bicester 1 requires a water cycle study and Policy ESD 3 requires new development to meet the water efficiency standard of 110 litres/person/day.

5.167 The Interim Draft SPD includes 'Development Principle 10 – Water'. This principle requires water neutrality to be achieved which means the total water used after a new development is not more than the total water used before the new development. Applications should be accompanied by a Water Cycle Strategy that provides a plan for the necessary water services infrastructure improvements. This should incorporate measures for improving water quality and managing surface water, ground water and local watercourses to prevent surface water flooding and incorporate SUDs designed to maximise the opportunities for biodiversity.

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

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

5.169 **Flood Risk**

The Eco towns PPS advises that the construction of eco towns should reduce and avoid flood risk wherever practical and that there should be no development in Flood Zone 3. The NPPF advises that inappropriate development in areas of flood risk should be avoided (para 100) and that development should not increase flood risk elsewhere (para 103). The ACLP policy ESD6 identifies that a site specific flood risk assessment is required and that this needs to demonstrate that there will be no increase in surface water discharge during storm events up to 1 in 100 years with an allowance for climate change and that developments will not flood from surface water in a design storm event or surface water flooding beyond the 1 in 30 year storm event. Policy ESD 7 requires the use of SUDs.

5.170 The Interim Draft SPD includes 'Development Principle 11 – Flood Risk Management', which requires the impact of development to be minimised by ensuring that the surface water drainage arrangements are such that volumes and peak flow rates leaving the site post development are no greater than those under existing conditions. The aim is to provide a site wide sustainable urban drainage system (SUDs) as part of the approach and SUDs should be integrated into the wider landscape and ecology strategy. Applications should demonstrate that the proposed development will not increase flood risk on and off the site and take into account climate change.

5.171 The application is supported by flood risk information, which identifies that the majority of the site sits within flood zone 1 (land with less than a 1 in 1000 annual probability of flooding). The FRA demonstrates that the risk to flooding on site is minimal and a mitigation strategy is proposed incorporating SUDs in order to restrict the flows to the ditch alongside Howes Lane to Greenfield run-off rates using onsite swales, ponds and retention tanks. Following the receipt of amended information which allows for a 30% climate change allowance (as required by the NPPF) and a clarification of the soil type used, it has been confirmed that the strategy for drainage can continue to be the same form of SUDs and that there is sufficient land to increase the size of any feature to cater for any increased water retention that may be needed.

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

5.173 **Waste**

The Eco Towns PPS advises that applications should include a sustainable waste and resources plan which should set targets for residual waste, recycling and diversion from landfill, how the design achieves the targets, consider locally generated waste as a fuel source and ensure during construction no waste is sent to

landfill. The National Waste Policy identifies a waste hierarchy which goes from the prevention of waste at the top of the hierarchy to disposal at the bottom. The National Planning Practice Guidance identifies the following responsibilities for Authorities which are not the waste authority;

- promoting sound management of waste from any proposed development, such as encouraging on-site management of waste where this is appropriate, or including a planning condition to encourage or require the developer to set out how waste arising from the development is to be dealt with
- including a planning condition promoting sustainable design of any proposed development through the use of recycled products, recovery of on-site material and the provision of facilities for the storage and regular collection of waste
- ensuring that their collections of household and similar waste are organised so as to help towards achieving the higher levels of the waste hierarchy

5.174 The Interim Draft SPD includes 'Development Principle 12 – Waste', which sets out that planning applications should include a sustainable waste and resources plan covering both domestic and non-domestic waste and setting targets for residual waste, recycling and landfill diversion. The SWRP should also achieve zero waste to landfill from construction, demolition and excavation.

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

5.176 **Masterplanning**

The Eco Towns PPS sets out that 'eco-town planning applications should include an overall master plan and supporting documents to demonstrate how the eco-town standards set out above will be achieved and it is vital to the long term success of eco towns that standards are sustained.' The PPS also advises there should be a presumption in favour of the original, first submitted masterplan, and any subsequent applications that would materially alter and negatively impact on the integrity of the original masterplan should be refused consent.

5.177 The ACLP Policy Bicester 1 states 'Planning Permission will only be granted for development at North West Bicester in accordance with a comprehensive masterplan for the whole site area to be approved by the Council as part of a North West Bicester Supplementary Planning Document.'

5.178 A masterplan and supporting documents have been produced by A2Dominion in consultation with the Council and other stakeholders. This masterplan has been the subject of public consultation. The development at NW Bicester will take place over a number of years and as such it was considered important that the key components of the masterplan are enshrined in planning policy and therefore the Council has produced a draft SPD. The SPD emphasises that in order to ensure a comprehensive development, all planning applications will be required to be in accordance with the framework masterplan for the site. Applications should provide a site specific masterplan to show how that site fits with the overarching masterplan and

demonstrate the vision and principles set out in the site wide masterplan and the SPD.

5.179 The NW Bicester site identified in ACLP is large and it is important that development is undertaken in such a way as to deliver a comprehensive development. A masterplan is an important tool in achieving this particularly when there is not a single outline application covering the site as in this case. The application has been submitted with a masterplan that shows how the scheme forms part of the wider eco town area and how it connects and conforms to that wider masterplan. The application also safeguards land for access in the form of the land needed to realign Howes Lane that would be delivered separately by A2 Dominion. The applicant sees the site as being standalone, but it is clear that consideration has been given to ensure that the proposals complement the wider plans for North West Bicester and in the view of Officers, the proposal can be considered to be in compliance with that masterplan. Notwithstanding this, it will be important that appropriate triggers are included within legal agreements to ensure that the development is linked to the provision of infrastructure, including the provision of the re-aligned road and tunnel to ensure that the wider development provides infrastructure at the right time and to support the masterplan approach to delivery.

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

5.181 **Transition**

The Eco Towns PPS advises that planning applications should set out;

- a) the detailed timetable of delivery of neighbourhoods, employment and community facilities and services – such as public transport, schools, health and social care services, community centres, public spaces, parks and green spaces including biodiversity etc
- b) plans for operational delivery of priority core services to underpin the low level of carbon emissions, such as public transport infrastructure and services, for when the first residents move in
- c) progress in and plans for working with Primary Care Trusts and Local Authorities to address the provision of health and social care
- d) how developers will support the initial formation and growth of communities, through investment in community development and third-sector support, which enhance well-being and provide social structures through which issues can be addressed
- e) how developers will provide information and resources to encourage environmentally responsible behaviour, especially as new residents move in
- f) the specific metrics which will be collected and summarised annually to monitor, support and evaluate progress in low carbon living, including those on zero carbon, transport and waste
- g) a governance transition plan from developer to community, and
- h) how carbon emissions resulting from the construction of the development will be limited, managed and monitored.

5.182 The timing of the delivery of community services and infrastructure has been part of the discussions that have taken place with service providers in seeking to establish what it is necessary to secure, through legal agreements, to mitigate the impact of development. This has included working with Oxfordshire County Council on education provision and transport, NHS England, Thames Valley Police and CDC's Community Development Officer. Considerable work has been undertaken by others with regard to establishing a community management organisation (LMO).

- 5.183 The monitoring of the development is important and will allow the success of the higher sustainability standards to be assessed and inform future decision making. A monitoring schedule has been developed for the Exemplar development that is currently under construction which was secured through the legal agreement accompanying the application. A similar approach is proposed for the applications proposed by A2 Dominion and Officer's intend to negotiate a similar approach for this application.
- 5.184 The limiting of carbon from construction has been addressed on the Exemplar application by measures such as construction travel plans, work on reducing embodied carbon and meeting CEEQAL (sustainability assessment, rating and awards scheme for civil engineering). It is proposed that this same approach would be taken on subsequent applications for the wider site and so this would be relevant for the current application. Conditions and/ or the legal agreement would seek to address this point.
- 5.185 The requirements for transition arrangements can therefore be met and secured as part of any planning permission that might be granted.
- 5.186 **Community Governance**  
The Eco Towns PPS advises that planning applications should be accompanied by long term governance structures to ensure that standards are met, maintained and evolved to meet future needs, there is continued community involvement and engagement, sustainability metrics are agreed and monitored, future development meets eco town standards and community assets are maintained. Governance proposals should complement existing democratic arrangements and they should reflect the composition and needs of the local community. ACLP Policy Bicester 1 requires the submission of proposals to support the setting up of a financially viable local management organisation.
- 5.187 The Interim Draft SPD includes 'Development Principle 13 – Community and Governance', requires planning applications to show how they support the work to establish a Local Management Organisation (LMO) as the long term governance structure and seek to achieve a seamless approach across the site in terms of community led activities and facilities.
- 5.188 Work with a group of local stakeholders has been underway by A2 Dominion and CDC officers for a couple of years. This has demonstrated there is a local appetite for such an organisation and helped to inform the role the LMO could play in future management of the development. As part of the work on the Exemplar application an interim management body will be formed to help inform and shape the management of the site. When the development reaches a critical mass this will move to a more formal structure and then to a fully-fledged LMO. The aim is for the LMO to develop as the development grows, subject to the residents and businesses having the appetite to take on the responsibility. Discussions have taken place with regard to the funding of the organisation and a mix of funding has been sought including an endowment of funds and property secured through legal agreements, that could potentially generate an income.
- 5.189 There has been good progress in progressing the LMO through the work on the Exemplar application and to ensure the PPS and ACLP requirements are met, it is intended that details of the setting up of the LMO and funding for it so that it can be sustainable in the long term will be included in legal agreements for the site. The applicant has indicated their acceptance to discussing S106 matters and this would form part of those discussions.
- 5.190 **Design**

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

- 5.191 The ACLP policy ESD 15 on the character of the built and historic environment sets out 17 requirements for new development whilst Policy Bicester 1 has a further 33 design and place shaping principles. These requirements include contributing to the areas character, respect traditional patterns and integrate, reflect or re-interpret local distinctiveness, promote permeability, take a holistic approach to design, consider sustainable design, integrate and enhance green infrastructure, include best practice in overheating, enable low carbon lifestyles, prioritise non car modes and support sustainable transport, providing a well-designed approach to the urban edge, respect the landscape setting, visual separation to outlying settlements, provision of public art.
- 5.192 The interim Draft SPD includes guidance on design and character areas. It sets a number of design principles, including the need for sustainability to be a key driver in the design of the eco town, creating a character, being integrated into the site and the surrounding town and countryside, creating a legible place, with filtered permeability that allows for efficient movement within and around the place, utilises a townscape led approach and which responds to its landscape setting. It includes information as to what information should be demonstrated through each planning application and the design principles that need to be complied with.
- 5.193 The application is an outline proposal, therefore at this stage it is necessary to consider the Design and Access Statement and the principles established for the site to guide development moving forward to the reserved matters stage. The application is also accompanied by parameter plans to establish the parameters for the development to respond to and the application establishes the maximum height of the commercial buildings as 13.7m to eaves with a maximum ridge height of 16.75m. The DAS suggests that a contemporary design approach would be appropriate, to be consistent with the aspirations of the proposed eco town which would incorporate a high quality and sustainable design. The proposal seeks to justify the height of the buildings as being necessary to meet the potential end user requirements, which suggests that in order to be commercially viable, height is required to suit the requirements of modern logistics companies. The application notes the gateway location of the site and considers this an opportunity for future end users therefore setting the intention to create a high quality development that complements the future surrounding development. The DAS explains how the orientation of the employment zones have been carefully considered to maximise passive solar gain and achieve shade contributing to the achievement of high BREEAM ratings.
- 5.194 In respect to the residential zones, these have been designed to deliver up to 150 homes and a separate Design and Access Statement has been submitted to respond to the residential elements of the scheme. This seeks to establish key principles such as outward fronting development, a clear road hierarchy, good legibility and connectivity, access to open space and play equipment, suitable indicative plot depths and have been designed with regard to designing out crime.
- 5.195 With regard to the impact of the proposal upon the visual amenity of the area, the earlier section of this report considering the landscape and visual issues that arose from the ES assessment concludes that this site can accommodate the proposal without serious harm to the landscape. In visual impact terms, the buildings would be



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

- 5.196 Given the unique nature of the site it is proposed that a design review process is required for all detailed proposals going forward to make sure that they achieve high quality design as well as the high sustainability standards required. It is anticipated that sustainability will lead the design for the development and therefore it is likely to have a unique character. Never the less it will need to also be routed in the location and appropriate for the area.
- 5.197 It is also necessary to consider the potential visual impact upon the residential amenity of neighbouring properties, both existing off site and proposed, both on the current application site and surrounding land as far as is possible at this stage. In response the applicant has submitted a series of section drawings demonstrating the extent of landscaping and open space proposed around the building, which forms a substantial buffer particularly between the site and homes that exist and which currently back onto Howes Lane.
- 5.198 It is clear from these sections that in relation to existing properties, even in the worst possible situation (i.e. with the buildings directly adjacent to the boundary of the employment zone and at the closest point to existing neighbouring properties) there is a considerable distance of around 76m between those homes and any building on the largest employment site. The distance is such that that buildings would not impact upon their residential amenity given these separation distances achieved.

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

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

5.200 The framework plan provides a sound basis, albeit at a high level, on which further detailed design can be based and the submitted information demonstrates that the proposal can be accommodated without causing serious harm to the residential amenity of neighbouring properties both in respect of existing and proposed residential properties. Design will need to be developed and this can be secured through the imposition of conditions to fulfil the requirements of the policies in the ACLP.

5.201 **Planning Conditions and Obligations**

The NPPF advises that LPAs should consider whether otherwise acceptable development could be made acceptable through the use of conditions or obligations. Obligations should only be used where it is not possible to use a planning condition (para 2013). Paragraph 204 advises planning obligations should only be sought where they meet the following tests;

- necessary to make development acceptable in planning terms
- directly related to the development and
- fairly and reasonably related in scale and kind to the development.

Conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects (para 206). The NPPF also advises at para 205 that where obligations are being sought LPAs should 'take account of changes in market conditions over time' and 'be sufficiently flexible to prevent planned development being stalled'.

5.202 Planning obligations need to meet the requirements of Community Infrastructure Levy (CIL) regulations section 122 which states 'A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—  
a) necessary to make the development acceptable in planning terms; .  
b) directly related to the development; and  
c) fairly and reasonably related in scale and kind to the development.'

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

5.203 This large scale development proposal will require a legal agreement to secure the mitigation and infrastructure necessary to make the development acceptable. The planning obligation is proposed in two parts, the first to seek to ensure those elements required to secure a high quality of design and sustainability and that the scheme contributes to securing a comprehensive development of the NW site. This framework element will include the mechanism for ensuring that each part of the site makes appropriate contributions to the realignment of Howes Lane and the tunnel under the railway. The second will deal with the site specific requirements, as with other developments, including schools, highway mitigation, affordable housing, open space laying out and maintenance, community halls and community development,

public transport and contributions for a doctors surgery, Thames Valley police and other matters.

- 5.204 Planning obligations must be negotiated with developers. This application is both large scale and complex and therefore the matters to be secured by planning obligation have been identified and raised with the applicant. The applicant has indicated their willingness to enter into discussions in relation to a legal agreement that would meet the tests of Reg 122 and for contributions which can be justified. Further work is required on the detail of contributions being sought including the timing of requirements, the detail of provision and links to the application North of the railway line. Discussions on these matters will need to continue. Whilst Officers cannot confirm the finalised details of the obligations at this stage, work will continue to negotiate the legal agreement. Should there be a change in circumstances in respect to this matter, it may be necessary to return the application to committee for further consideration.
- 5.205 One matter that remains outstanding is discussions with Network Rail as to whether they will seek a payment for allowing the connection under the railway. They have no technical objection but do seek to secure value for allowing works that enable development to take place. Network Rail has appointed a surveyor to advise them regarding the matter. If a financial payment has to be made to Network Rail it could impact on the viability of the scheme. If this resulted in significant changes to the Heads of Terms attached then it may be necessary to return the application to the committee for further consideration in the light of changed circumstances.
- 5.206 In addition to a planning obligation a range of planning conditions are required to secure acceptable development. Conditions will need to control the timing of development taking place particularly in relation to the provision of the road under the railway. These conditions are known as 'Grampian' conditions and the NPPG advise such conditions 'should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission'. Other conditions are identified throughout this report and a full set of draft conditions will follow the publication of the committee agenda.
- 5.207 **Other matters**  
Although the above sections cover most matters, the ES does consider contamination. The conclusion in relation to this matter is that there are no significant contamination sources on the site and that there are no sensitive groundwater issues therefore contamination is unlikely to be a significant matter. In any event however, Officers would suggest the use of planning conditions to deal with this matter and to seek a further detailed assessment.
- 5.208 **Pre application Engagement**  
The NPPF advises that 'early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre application discussion enables better coordination between public and private resources and improved outcomes for the community' (para 188).
- 5.209 The wider eco town site has been the subject of significant consultation led by A2 Dominion, which has helped shape, inform and refine the masterplan. In respect to the current application, engagement was undertaken in 2012 to support the first application by Albion Land. As part of this engagement process, concerns were raised in relation to the proposed site access off of Howes Lane and to address this, the proposal was amended to provide the main access from the Middleton Stoney Road.
- 5.210 **Financial Implications:**  
It is estimated that this development has the potential to attract a Business Rates

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

**5.211 Engagement**

With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the continuing work and negotiation with the applicant in relation to the detailed matters raised by this application and the S106 agreement.

**5.212 Conclusion**

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

5.213 Policy Bicester 1 and the Eco Towns PPS identify North West Bicester as a location for an Eco Town. Both policy requirements set standards for eco town development in order for the proposal to be an exemplar, incorporating best practice and to provide a showcase for sustainable living. A Masterplan for the site has been submitted and is due to be incorporated into an SPD for the site. The application proposals have addressed each of the standards set out within the policy documents and the Interim draft SPD or matters can be dealt with by conditions, providing a proposal that will exceed the normal standard of development and with the potential to be a national exemplar of sustainable development.

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

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

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

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

encourage and support the use of sustainable modes, whilst the policy sets ambitious targets on mode share. The proposals will also make contributions to offsite highway improvements, although the construction of the rail underpass to relieve the Howes Lane/Bucknell Road junction is not included in the application. To prevent congestion that could occur if this provision was not made a Grampian condition is proposed (subject to confirmation of the need from OCC) to limit the extent of development that could be undertaken prior to the underpass being in place. The measures relating to sustainable transport and mitigation of the offsite impacts weigh in favour of the proposal.

- 5.218 The application sits within proximity to the existing town and the facilities provided there as well as being close to new facilities to be provided as part of the wider North West Bicester site. Contributions towards infrastructure both on and off site are sought through this proposal. The application is currently in outline with all matters reserved but the framework parameter plans will provide the basis for more detailed proposals. The sustainability features of the proposal, which can be secured by way of S106/ condition on this important site would ensure that the proposal exceeds development standards elsewhere and weighs in favour of the proposal.
- 5.219 The current application does not cover the whole of the NW site and as such it is necessary to consider whether it is capable of delivering comprehensive development. Due to the position of this site adjacent to the built edge of Bicester, as well as its proximity to infrastructure that would be provided elsewhere on site, it is considered that the proposal would provide for a sustainable neighbourhood. Through the use of conditions and agreements, it is considered that a comprehensive approach to development can be secured and as such the harm that would arise from piecemeal development can be addressed.
- 5.220 The application proposals would provide sustainable development and on balance would not give rise to significant and demonstrable harm that outweighs the benefits of the granting of planning permission. The application is therefore recommended for approval as set out below.
- 5.221 **Environmental Impact Assessment Determination**  
Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires;  
24.—(1) Where an EIA application is determined by a local planning authority, the authority shall—
- a) in writing, inform the Secretary of State of the decision; .
  - b) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and .
  - c) make available for public inspection at the place where the appropriate register (or relevant section of that register) is kept a statement containing— .
    - i. the content of the decision and any conditions attached to it; .
    - ii. the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public; .
    - iii. a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and
    - iv. information regarding the right to challenge the validity of the decision and the procedures for doing so.
- 5.222 It is therefore **recommended** that this report and the conditions and obligations proposed for the development are the treated as the statement required by Reg 24 C (i) - (iii). The information required by Reg 24 C (iv) will be set out on the planning decision notice.

**Approval, subject to:**

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

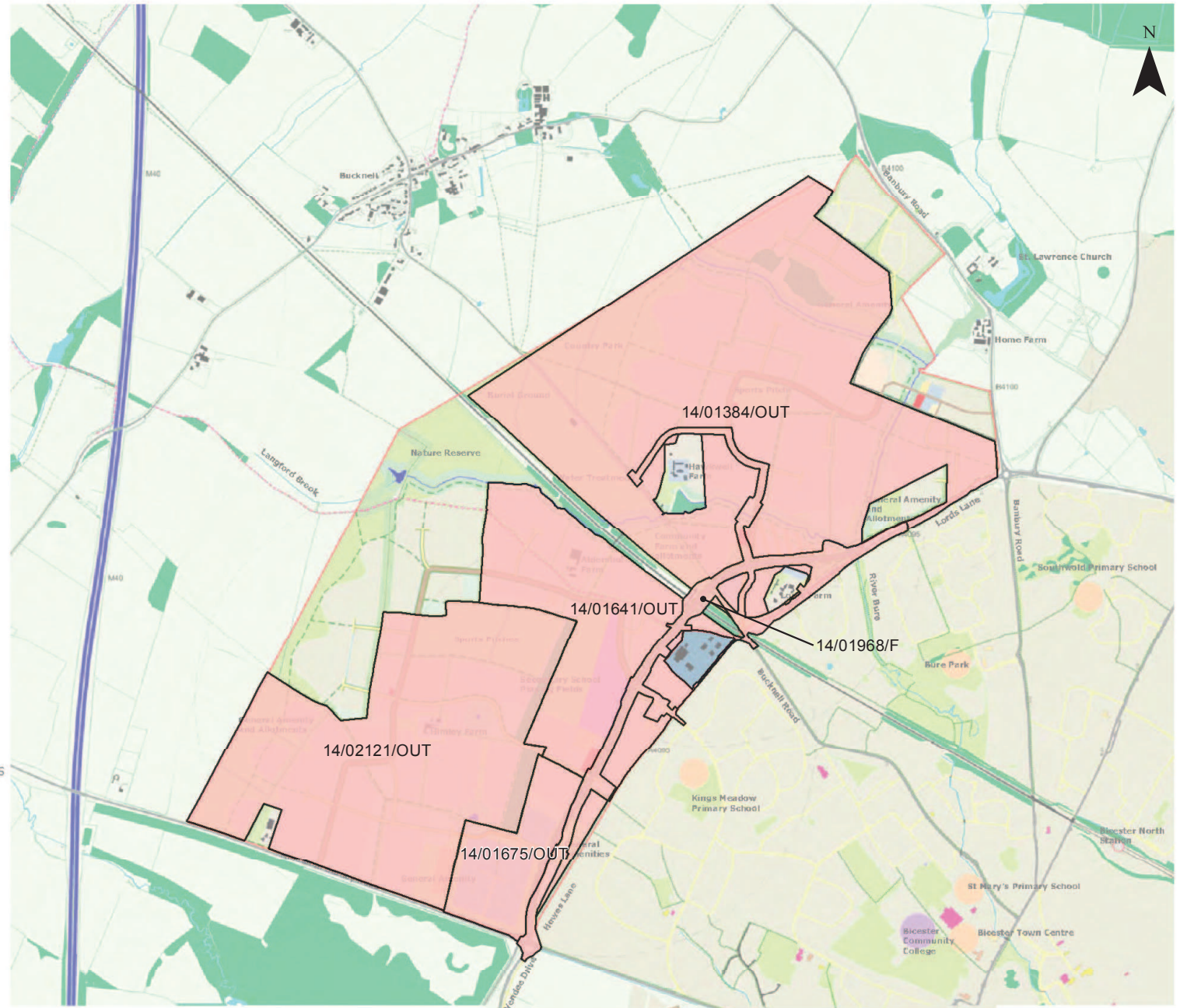
**CONDITIONS TO FOLLOW**

**STATEMENT OF ENGAGEMENT**

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



# Bicester Masterplan



— Masterplan Site Area

## Proposed NW Bicester Land Use

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

## Proposed Connectivity

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

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FARRELLS



**BIMP6 01 NW Bicester Masterplan**  
Masterplan Framework

## Appendix B

### SUMMARY HEADS of TERMS

Committee 09 June 2016

Framework S106

<b>1</b>	<p><b>Eco Town Quality Standards</b></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"> <li>(a) the proposed Masterplan;</li> <li>(b) the design standards;</li> <li>(c) the sustainability standards;</li> <li>(d) the proposed governance arrangements;</li> <li>(e) the proposed maintenance arrangements;</li> <li>(f) the proposed "Panel" arrangement for resolving issues and dealing with changes in standard;</li> <li>(g) measures to ensure delivery of panel decisions</li> </ul>
<b>2</b>	<p><b>Site Wide Infrastructure Provision and Connections</b></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"> <li>(a) Primary Road Infrastructure;</li> <li>(b) Rail Tunnels;</li> <li>(c) Primary School sites;</li> <li>(d) Secondary School site;</li> <li>(e) Water Treatment (on site solution);</li> <li>(f) GP's surgery site;</li> <li>(g) Sports Fields &amp; Changing Pavilion;</li> <li>(h) Community Halls</li> <li>(i) Heat network</li> </ul> <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>Albion Land 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>	
<b>3</b>	<b>Comprehensive Development</b>	
	As each site comes forward the Councils will seek agreement with each landowner/developer to enter into the framework agreement	

Application Phase S106

<b>1</b>	<b>Affordable Housing</b>	
	<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>	
<b>2</b>	<b>GP Surgery</b>	
	Provide financial contribution to the provision of a new GP Surgery	
<b>3</b>	<b>Thames Valley Police</b>	
	Provide financial contribution to neighbourhood policing	
<b>4</b>	<b>Community Hall &amp; Sports Pavilion</b>	
	<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>	
<b>5</b>	<b>Community Development Worker</b>	
	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.	
<b>6</b>	<b>Community Development Fund</b>	
	Financial contribution to deliver community development	
<b>7</b>	<b>Employment and Training</b>	
	<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>	
<b>8</b>	<b>Primary School</b>	

	Financial contribution towards the provision of primary schools	
<b>9</b>	<b>Secondary School</b>	
	Financial contribution towards the provision of secondary schools	
<b>10</b>	<b>SEN</b>	
	Provide contribution for the provision of SEN places	
<b>11</b>	<b>Permanent Sport Pitches</b>	
	Provide contribution for the sports pitches both capital and revenue.	
<b>12</b>	<b>Public Open Space</b>	
	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	
<b>12</b>	<b>Allotments</b>	
	Layout or fund the laying out of the allotments and transfer them to CDC in accordance with an agreed plan and phasing.	
<b>13</b>	<b>Play Areas</b>	
	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.	
<b>14</b>	<b>Indoor Sport</b>	
	Provide funding for the expansion of the Bicester Sports Centre	
<b>15</b>	<b>Green Space that could be used for a Burial Ground</b>	
	Provide contribution to the provision of a burial ground	
<b>16</b>	<b>Bio Diversity Off Sett</b>	
	Provide funding for off site bio diversity mitigation, to be used for off setting grant scheme or land purchase for bio diversity.	
<b>17</b>	<b>Cultural &amp; Wellbeing Strategy</b>	
	Provide a cultural and wellbeing strategy and action plan for delivery across the site	
<b>18</b>	<b>Local Management Organisation</b>	
	Work with CDC to establish the LMO Provide funding for the establishment of the LMO and its activities	
<b>19</b>	<b>Waste Collection &amp; Recycling</b>	
	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	
<b>20</b>	<b>Bus Provision</b>	
	Provide funding for the provision of the bus service to serve the site in accordance with agreed phasing	
<b>21</b>	<b>Bus Access Scheme</b>	
	Provide or provide funding for the improvement of Bucknell Road and Field Street to facilitate bus access	
<b>22</b>	<b>Off Site Cycle Way Improvements</b>	
	Provide a contribution towards the following improvements; <ul style="list-style-type: none"> <li>• Off-site cycleway along Middleton Stoney Road between Howes Lane and Oxford Road.</li> <li>• Off-site improvements to cycle route between Bucknell Road, George Street and Queens Avenue</li> <li>• Off site cycleway and traffic calming scheme on Shakespeare Drive</li> </ul>	

<b>23</b>	<b>Field Path Improvements</b>	
	Fund improvements to Bridleway Bicester 9 and Bucknell 4	
<b>24</b>	<b>Highway Works</b>	
	Contribution to Banbury Road B4100 roundabout improvement Highway works to create vehicular access off Middleton Stoney Road and footway/cycleway along frontage of development, plus temporary access off Howes Lane with linking footway and pedestrian crossing of Howes Lane.	
<b>25</b>	<b>Village Traffic Calming</b>	
	Contribution to funding village traffic calming	
<b>26</b>	<b>Travel Plan</b>	
	Provide and agree a travel plan Provide funding for travel plan monitoring	
<b>27</b>	<b>Monitoring</b>	
	Provide scheme of monitoring eco town standards	
<b>28</b>	<b>Bond/Guarantee</b>	
	Provide bond or guarantee for the delivery of the infrastructure	
<b>29</b>	<b>HGV Routing Agreement</b>	
	Agreed routing for construction traffic and commercial traffic serving the proposed business units.	
<b>30</b>	<b>Monitoring fees</b>	
	Provide a fee for monitoring of legal agreements	
<b>31</b>	<b>Drainage</b>	
	SUDs to be provided on site	
<b>32</b>	<b>On site internal roads/ streets</b>	
	Commuted 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.	
<b>33</b>	<b>On-site sustainable transport initiatives</b>	
	Travel Plan co-ordinator Electric Vehicle charging points Car club	
<b>34</b>	<b>Zero Carbon</b>	
<b>35</b>	<b>Building Standards</b>	
<b>36</b>	<b>Closure of the temporary access from Howes Lane once the realigned Howes Lane is open and available for use</b>	

90.4m

# 14/01685/F

Former Burgess Building  
Canal Street  
Banbury  
OX16 5AX

Garage

Hall

Oxford Canal

Depot

Foundry

89.9m

**Cherwell**

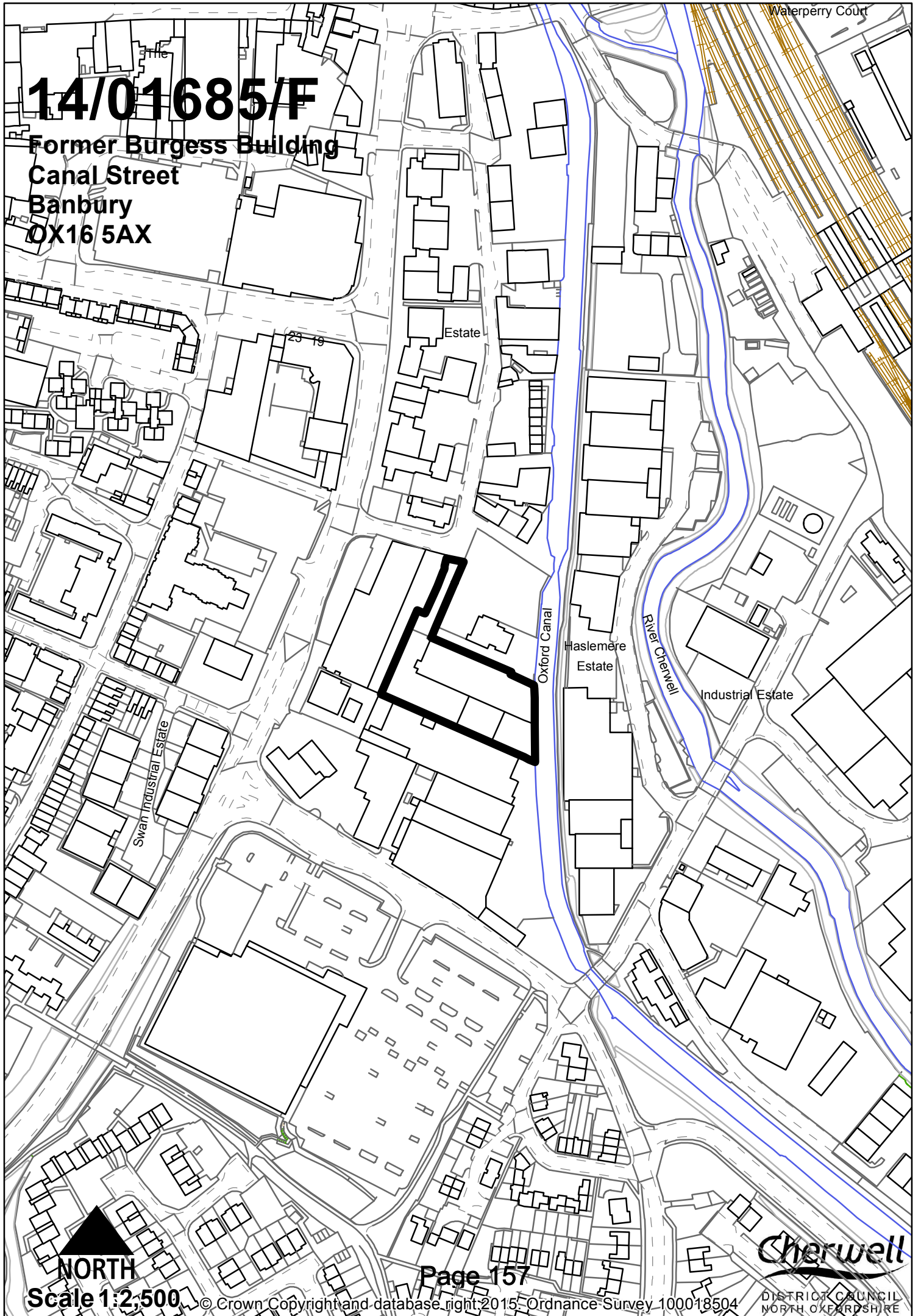
DISTRICT COUNCIL  
NORTH OXFORDSHIRE



**NORTH**  
**Scale 1:500**

# 14/01685/F

**Former Burgess Building  
Canal Street  
Banbury  
OX16 5AX**



Estate

Oxford Canal

Haslemere Estate

River Cherwell

Industrial Estate

Swan Industrial Estate

**NORTH**

**Scale 1:2,500**

**Case Officer:** Emily Shaw                      **Ward(s):** Banbury Grimsbury And Hightown

**Applicant:** Swan Directors SIPP

**Ward Member(s):** Cllr Andrew Beere , Cllr Claire Bell , Cllr Shaida Hussain

**Proposal:** Demolition and replacement of existing building with six new build commercial units

**Committee Date:** 9 June 2016                      **Recommendation:** Refuse

**Committee Referral**                      Major Application

## 1. Application Site and Locality

- 1.1 The application site is located within Banbury, to the west of the town centre. The site comprises the Former Burgess Building, which most recently was used by an agricultural business (Burgess) for commercial storage and office space. Previous to the commercial storage use the building was a former steam engine works (Barrows and Carmichael). The building has stood on this site for approximately 150-200 years and has been empty in recent years. The building consists of two single storey sections, with a double pitched roof. The building is constructed from brick and a slate roof. The brick elevations remain in-situ however the building is currently in a poor condition with sections of the roof having collapsed. Vehicle access to the site is achieved from Canal Street to the north between two neighbouring buildings to the north.
- 1.2 The site lies immediately adjacent to the Oxford Canal and lies within the Canal Conservation Area. The building is also identified as a 'locally listed building' with the following description:

*“Former Cherwell Iron Works. 1861 with additions. Local Liassic brick with timber-trussed Welsh slate roof and iron framed windows. Two ranges (1 east-west and one north south) on single storey workshop buildings. Former works of Barrows and Carmichael. The best-preserved surviving monument to Banbury’s once-prolific engineering industry. Employed 200 by the early 1870s, producing traction engines, threshing machinery, elevators and steam cultivation machinery.”*
- 1.3 The site lies within an area of flood risk. The majority of the site lies within Flood Zone 2, this is an area of land which has a medium probability (between 1 in 100 and 1 in 1000 annual probability) of flooding. Some parts of the site to the north and east lie within Flood Zone 3, this is an area of land which has a high probability (1 in 100 or greater annual probability) of flooding.
- 1.4 The tow path to the eastern side of the canal is a public footpath.

## 2. Description of Proposed Development

- 2.1 This application seeks planning permission for the demolition of the existing building and structures on the site and the erection of a new single storey building comprising 6 B2 (General Industrial use) commercial units. The application proposes siting the new building further south within the site than the location of the existing building, in an L-shaped form following the boundary with the canal to the east and the southern boundary. The scheme will utilise the existing vehicle access to the site and also proposes 35 parking spaces and turning space to the north and west of the proposed building.
- 2.2 The proposed new building is to be constructed from red brick with a blue brick band course and detailing around the openings. The roof will be finished in natural slate and the windows will be timber painted.
- 2.3 Various documents have been submitted in support of the application, seeking to demonstrate why it is not viable to retain and convert the existing building.
- Planning and Heritage Statement – including structural survey and conversion and new build costs. Submitted August 2015
  - Supporting Statement – including further conversion and new build costs and phasing and flood mitigation measures. Submitted January 2016
  - Annotated drawings illustrating demolition and rebuilding works likely to be necessary in a scheme for conversion. Submitted April 2016

## 3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
12/01401/CAC	Demolition of building	REF

The above application for conservation area consent was refused on the 9<sup>th</sup> January 2013. The reasons for refusal were as follows:

- 1 The loss of the building, which forms an integral part of the industrial heritage of the canal side area, and which positively contributes to the character and appearance of the Conservation Area, is not justified and would be detrimental to the Conservation Area contrary to Government Guidance contained within the National Planning Policy Framework, Policy BE6 of the South East Plan and Policy C23 of the adopted Cherwell Local Plan.
- 2 The loss of the building without a clear proposal for the redevelopment of the site will cause harm to the character and appearance of the Conservation Area contrary to Government Guidance contained within the National Planning Policy Framework, Policy BE6 of the South East Plan and Policy C23 of the adopted Cherwell Local Plan.

#### 4. Response to Publicity

4.1 The application has been publicised in the paper and by the display of a notice at the site. The following comments have been received in response:

4.2 Objection – 49 comments raising opposition to the proposal have been received, including 1 letter of objection from the chairman of the National Traction Engine Trust, and 1 letter of objection from the Victorian society. The concerns raised are summarised as follows:

- *The building is important in representing Banbury's historic engineering past as many of the previous canal side buildings have already been demolished. This position has not changed since the previous application for conservation area consent was refused. The building should be retained.*
- *The buildings are still of great historic interest, with nothing comparable left in Banbury town. Their loss would remove what is important to the canal-side heritage and environment.*
- *The building is in a conservation area and should be retained due to its important contribution within the conservation area.*
- *Demolition of this building needs to be supported with suitable evidence which illustrates that there is no likelihood of any individual taking it on as a repair.*
- *Concerns about how the proposed scheme to demolish the building will revitalise this part of Banbury. The area currently has a large number of small commercial units and many of those are empty.*
- *The building could be reused and made into a viable and vibrant business area for small businesses.*
- *The building is a very rare survivor of buildings of this sort nationally. There are perhaps only half a dozen locations like this which exist across the UK at the present time. Elsewhere in the country, in Thetford in Norfolk and Leiston in Suffolk, similar locations are now very successful small scale heritage centres and museums, celebrating the ingenuity of the past and inspiring the engineers of the future and providing a vision of what could be done on Banbury's historic canalside - which these buildings if imaginatively re-used, could enhance no end, instead of becoming a homogenous new development with limited visual and historic appeal.*
- *The building has features of interest and is typical of an ironworks manufacturing site. It is unfortunate that the building has been allowed to fall into such a state of disrepair. Nevertheless it would be a pity if an original industrial ironworks building were to be lost. Its retention could enhance the canal side and indicate the importance of both canals for transport and the importance of canal side industries which in the case of Banbury is the former Burgess Building. A variety of buildings such as this one would make the area one of interest.*
- *This is one of the last vestiges of Banbury's once thriving industrial past, and is sited within the Conservation Zone. Surely we should take pride in our industrial heritage, and not allow these buildings to be removed as an 'easy' or cost effective option. Rather we should invest in them, and make them a focus of new industry, and the centrepiece of any attempt to revitalise this area of the town.*



- *This is an opportunity to use the heritage of the town to attract visitors and tourists to the town arriving on the canal.*
- *The reuse of the building will recycle the existing materials.*
- *This area of the canal could provide enhancement to the town of Banbury*
- *Demolition of this building would have a negative effect on Banbury's heritage and history*
- *A restored building which maintains the heritage will offer much more to the town of Banbury and help to regenerate the canalside. Maintaining the heritage will demonstrate the history of engineering in Banbury to the existing community and this building should therefore be celebrated. A sense of identity and heritage gives a sense of pride, which in turn creates hope and added value.*
- *This building is an important local heritage asset within the conservation area which should be protected.*
- *This is a rare survivor of a typical small Victorian engineering works. Given its canal side location, imaginative reuse is a better than demolition for more bland developments.*
- *It is claimed the building is redundant and nonviable. Others have made serious offers to take the building on and to create a courtyard of diverse businesses and studios, using the site's heritage as a selling-point. To demonstrate that a building is redundant, it needs to be shown that nobody else is interested in making good use of it. Others are. Redundancy has thus not been demonstrated.*
- *Granting permission would show that if you neglect a historic building in Cherwell long enough, you will eventually get consent to knock it down. A precedent that says 'neglect pays' cannot possibly be good for Banbury or its historic canal-side.*
- *Communities which benefit from historic waterways and their associated buildings should be optimising them to enhance these areas of the town.*
- *The buildings on this site are a good size and capable of conversion.*
- *This development if approved could set an undesirable precedent for the conversion of run-down buildings within conservation areas.*
- *This area already offers a variety of small commercial units some of which are empty. This building could be converted for an alternative purpose which would revitalise the area.*
- *There is a scarcity of small workshop/business units in Banbury. A sympathetically and comprehensive refurbishment of the building and conversion into small units will prove popular in the market. A refurbished scheme may be more appealing than a new build.*

4.3 Support – 1 letter in support has been received. This argues that: *The building is incapable of being renovated to meet modern standards. The proposed industrial building will meet a growing need for local industry needing small premises in the town centre. The proposed industrial units will be of benefit to the local economy. Comments have raised the important link to the canal, however, the building currently on site does not link into the canal this element has previously been lost.*

## 5. Response to Consultation

### 5.1. Banbury Town Council:

#### **Comments dated the 10<sup>th</sup> March 2016**

No objections

#### **Comments dated the 20<sup>th</sup> April 2015**

Object

*Cherwell District Council plans to develop Canalside in the future and it seems to me that demolishing any of the few surviving canal side buildings that represent the industrial heritage of Banbury would be counter productive to this intention. As I understand it, the development of canal side is predicated upon the need to introduce vibrancy to an area that formerly had that in spades.*

*The building is in a fairly parlous state, but could be improved very easily through investment; there is clearly no need to demolish it in order to make it viable.*

*The heritage this building represents as one of the centres of the steam engine building industry surely outweighs any requirement for modern development, and I would certainly hate to see this building lost to the town.*

### 5.2. Banbury Civic Society: Object

#### **1) Historic Importance and Statutory Protection**

*Whilst the building is not of great architectural merit, it is of enormous historical importance to the town of Banbury. Its loss would mean the end of Banbury's last substantially intact Victorian steam engine factory and agricultural implement manufactory and the loss of the last substantive reminder of the town's once internationally significant Victorian agricultural engineering industry.*

*The buildings, previously the Cherwell Iron Works, were built c.1862 in the new industrial suburb of Newlands by Tipton coal-master Thomas Barrows and local engineer and millwright Joseph Kirby, who had been building steam engines and threshing machines in North Bar place from about 1855. The firm, who operated as Kirby & Barrows, Barrows & Carmichael, Barrows & Stewart and Barrows & Co., ceased trading in 1919.*

*In terms of scale, with some 100 employees, Barrows fell somewhere between Thomas Lampitt's Vulcan Foundry (Neithrop, established 1796) and Bernhard Samuelson's world-famous Britannia Works (established in Newlands in 1839 by James Gardner). These three engineering works were not only the town's largest employer, employing a tenth of the town's working population, but two of them, Barrows and Samuelsons, also famously exported their wares to the four corners of the globe.*

*Of the three companies, Barrows had the most varied and interesting catalogue, based from 1855 on its pioneering portable steam engines, steam ploughing machinery and threshing machines. Other specialist products included mortar mills, saw benches, street sweepers, water vans and winding and pumping engines for coal mines. The company was wound up after the cessation of urgent contracts for essential war work.*

The surviving buildings, which appear to have probably been Barrows' main assembly buildings, fitting shops and stores, are on the Local List for their historical interest as a reminder of lost industry and a now vanished industrial heartland that stretched from Morrisons to Bridge Street. Since 2013 they have also been included within CDCs Oxford Canal Conservation Area, as part of the last small group of industrial buildings on the canal.

It would seem a great pity to lose this last reminder of a lost world to a new-build shed. The Northern Aluminium Company came to Banbury in 1931 because of the town's strategic location and its (then underemployed) high-skilled engineering workforce. If Banbury and Cherwell are to market themselves for the area's high-end engineering prowess, we're missing a trick if we pay no regard to the town's engineering tradition and heritage.

## 2) Effect on the Character and Appearance of the Oxford Canal Conservation Area

As a locally-listed building, the building is a non-designated heritage asset. As part of the Oxford Canal Conservation Area, the building is part of a wider designated heritage asset. It thus has statutory protection. The building was expressly included within the Oxford Canal Conservation Area when it was designated two years ago because the specialist consultants employed by the council, the council itself and the wider public who were consulted all agreed that, even in its present dilapidated condition, the building contribute positively to the character and appearance of the Oxford Canal corridor. If it did not, it would not have been included in the conservation area. The building also figures prominently in the defined 'Positive Vista' clearly shown on the conservation area mapping of this section of canal, looking north-westward from Tramway bridge.

The building is described at para 7.7.4, whilst para 7.7.1 states:

**'The section to the south of Bridge Street is strongly influenced by its industrial past, bounded either side with former industrial buildings, modern warehousing and a mobile home park. However, the area between the west bank of the canal and Lower Cherwell Street retains greater historical and architectural interest than the previous section, due to the lack of modern development.'**

The proposed development proposes to replace a genuinely historic and distinctive Victorian engineering works with a pastiche warehouse type building. At para 6.95 the Conservation Area Appraisal states **'Redevelopment of the southern (Banbury) section should be aimed at revitalising the area. However, careful high-quality design solutions would be required to prevent pastiche or warehouse-type structures which are often typical of redeveloped waterfronts.'**

Even without subjective opinions as the relative merits of former industrial buildings and the manner in which they contribute the historic character of canals, it is clear from the Council's own Oxford Canal Conservation Area Appraisal (an adopted Supplementary Planning Document) that replacing this locally listed building with a 'pastiche or warehouse-type structure' would be both inappropriate and harmful to the canal's established historic character.

The proposal is thus contrary to **paras. 130 and 131** of the NPPF, as well as **paras 132, 134 and 137** (Impact on Designated Heritage Asset (Conservation Area)) and **para 135** (Impact on Un-Designated Heritage Asset (Locally Listed Building)). If the planning authority permits loss without 'taking all reasonable steps to ensure the new development will proceed after the loss has occurred', it would also be contrary to **para 136**. The proposal is also contrary to **Policy ESD 16 and ESD 17** of the Cherwell Local Plan 2031 ('The Character of the Built and Historic Environment' and 'The Oxford Canal').

### 3) Failure to Demonstrate Redundancy

*Given that it is agreed that the building is of historic interest and that does, or could contribute positively to the character / appearance of the Oxford Canal Conservation Area, there would need to be very good reasons for consenting to its loss.*

*While the building has been allowed to fall into disrepair through wonton neglect by its former owners (British Waterways / Canal & River Trust), the NPPF is abundantly clear (para 130) that: **'Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.'** The manner in which British Waterways failed to market the building for sale or rent for over a decade, their lack of maintenance to it and their (refused) application to demolish only two years ago, all indicate a deliberate act of neglect. The applicants are not culpable for the building's decline, but they purchased the site knowing that consent to demolish had just been refused would be unlikely to be forthcoming in future.*

*It is claimed by the applicant's agent that the building is redundant and no longer has a viable use. National Planning Policy Guidance (NPPG) is unambiguous in its explicit interpretation of the NPPF: under **'What evidence is needed to demonstrate that there is no viable use?'** it states **'Appropriate marketing is required to demonstrate the redundancy of a heritage asset. The aim of such marketing is to reach all potential buyers who may be willing to find a use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but redundancy will not have been demonstrated.'***

*Having decided that, following purchase, they now consider the building to be have no viable use, the applicants need to demonstrate once again that the building is redundant. To do so, the applicants need to demonstrate that there is nobody else who is 'willing to find a use for the site that still provides for its conservation to some degree'. To do so, they would at the very least need to include an offer of the building or site to the local businessman who they narrowly outbid, at the price he offered, but they would really need to offer the building or site once again on the open market. This process has not happened, so, for the second time in two years redundancy has not been demonstrated.*

*The applicants bought this site with their eyes wide open. If they are unwilling to utilise the heritage asset at their disposal positively, then they are obliged to offer it to anyone who will.*

### 4) Regeneration Potential

*If the demolition would be harmful to the historic environment and redundancy has not been demonstrated, there would have to be some other overwhelming public benefit to compensate for the building's loss. The claim is that the new buildings would 'help revitalise the area'.*

*A consent is not a development. It is only a permission. A consent cannot revitalise an area, only a development can, and only the right sort of development at that. A consent will not guarantee a development, but it will increase land value and it will undoubtedly establish a precedent that cannot be rolled back on if the development does not take place. It will also establish the idea that if you neglect a building in a conservation area in Cherwell, you will eventually get consent to demolish. Neither an unbuilt development and a neglected site, nor a precedent that says 'neglect pays', can possibly be good for Banbury's canal-side.*

*Supposing the development was built, one is entitled to ask what these commercial units will do for the Cherwell Street / Canal Street area that the few score adjacent commercial units of similar type have failed to do for the area for the last three decades? The answer has to be 'very little indeed'. To regenerate, this area needs new ideas, new uses and new footfall. Six*

*more bland new-build commercial units located up a cul-de-sac will do nothing to revitalise the area. A revitalised heritage courtyard of diverse businesses and studio will.*

- 5.3. **Additional comments dated the 18<sup>th</sup> February 2016** were received in response to additional information submitted by the applicant; these are summarised below:

*The applicants presented additional costing of the works and the letting value of the completed works. This demonstrated that the works involved in conversion or new building were little different. It is not considered that suitable work has been carried out by the applicant to demonstrate whether others are willing to convert the building.*

*The impact on flooding has not been clearly demonstrated for the new build development.*

*In terms of the costs of works a conversion would result in high upfront costs whereas new building it is claimed would not. Works to address possible contamination of the site could be very costly.*

*The resulting yields from the two options are different due to a different footprint of the building.*

- 5.4. **Additional comments dated the 26<sup>th</sup> May 2016** were received providing additional information on the 'alternative conversion scheme' put forward by Banbury Civic Society.

*This application involves the demolition of an important locally-listed building in a conservation area, contrary to Cherwell Local Plan policies ESD 15 and Banbury 1: Banbury Canalside.*

*The applicant's argument for industrial units is thus based on claims that policy-compliant uses are not viable on this site and that the existing historic building is inherently incapable of being beneficially adapted to these, or other uses.*

*Over a period of one year and a half the Council has sought further reports from the applicant to justify the proposed development and demolition.*

*This historic building has been neglected and abused over a long period and it will require much work to transform it into an asset for the Canalside and Banbury. The purpose of the alternative proposal is simply to demonstrate that, beyond the peeling paint, damaged roof and blocked windows, the building could still be an asset that would benefit the regeneration of Canalside. It shows how, by working sensitively with the existing fabric, and without imposing in it unnecessary 'industrial' requirements such as 5 metre high eaves and 5 metre lorry doors, the building could be developed to form a versatile space for commercial workshops/studios.*

*Market intelligence would indicate that there is good potential demand for the sort of units envisaged (see Wild letter dated 21<sup>st</sup> February 2016).*

**Cherwell District Council:**

- 5.5. **CDC Planning Policy:** *No policy objection subject to the application proposals being carefully considered against the NPPF, government guidance and local planning Policy in relation to the conservation and enhancement of the historic environment.*

- *The application proposals which are for employment uses, are located in central Banbury in an existing commercial area. Policy SLE1 of the Local Plan 2011 to 2031 states that on existing vacant employment sites, employment development, including intensification, will be*

permitted subject to compliance with other policies in the Plan and other material considerations. In this regard the application proposals are consistent with policy SLE1. However it will be necessary for proposals to be considered against the policy criteria, other policies and other material considerations. The application of policy SLE1 in this case should be considered with regard to proposals set out in policy Banbury 1.

- The application site is located towards the southern part of a wider area which is a strategic allocation in the Local Plan 2011 to 2031 (policy Banbury 1: Banbury Canalside and Inset Map Banbury 1) to deliver mixed use regeneration. The policy explains that 700 new dwellings can be delivered on the site with some employment uses remaining on the site. Policy Banbury 1 states that the re-development of Canalside will provide businesses with the opportunity to expand and invest for the future and that a number of the older buildings and former industrial sites at the Canalside site offer considerable opportunities for re-use or redevelopment for industrial enterprises. In this regard the proposals (in terms of redevelopment) are consistent with policy Banbury 1.
- There are a number of elements of policy Banbury 1 that are of relevance to this application in terms of implementation and design. The policy states that ideally proposals should come forward for the whole of the Canalside site accompanied by a detailed masterplan but applications for parts of the site may be permitted provided that they clearly demonstrate their proposals will contribute towards the creation of a single integrated community. It states that applications should cover significant land area within the site in order to achieve continuity in design and delivery of the vision. The policy also states that the Council will expect an application to demonstrate it has complied with the SPD and has taken into account the known or anticipated implications of proposals on adjoining areas.
- Ad hoc new buildings within the Canalside site in principle could adversely affect the future delivery of comprehensive proposals at Canalside. However this needs to be balanced against the need to allow the area to continue to have a functional role allowing businesses to operate in a sustainable central location in Banbury. Proposals coming forward in advance of a masterplan for the site mean that the application should where possible cater for future non-industrial uses potentially being located adjacent to the application site. It will be important that particular attention is given to the integration of the scheme, layout and the design of the new buildings and its operations. Great importance should be attached to design including compliance with policies set out above relating to design and the NPPF. Relevant key site specific design and place shaping principles set out for Banbury policy 1 will also apply. Development proposals should consider the recreational role of the canal and comply with policies regarding its future use and policies relating to any impacts on it. It is noted these matters are considered by the applicant, including allowing for future residential conversion of the new proposed building. If the proposals are permitted it may be necessary to attach conditions to the planning permission which will ensure effective design, layout and integration.
- Montagu Evans LLP were commissioned by Cherwell District Council to provide delivery and viability advice in relation to the Canalside site and the Banbury Canalside Viability Study was produced in September 2013. The viability of development proposals at Canalside is highlighted as challenging. The application site is part of Zone B in this study, which is located at the south western part of the Canalside site. The study expects this area (Zone B) to come forward later in the Local Plan period, in at least 15 years' time and therefore it is not anticipated that there is immediate scope for comprehensive residential led development on this part of the Canalside site, unlike on other parts of the wider Canalside site.
- In November 2009 a draft Supplementary Planning Document (SPD) for the Banbury Canalside site was produced by consultants for public consultation. The new Local Plan

generally supersedes the draft SPD as it is based on more up to date information, takes account of representations received and is now adopted, but the draft SPD is a material consideration, particularly where the Local Plan is silent on matters in the SPD.

- *The application site is part of the 'Canal Walk' area shown at Figure 10 in the draft SPD and on page 65 the SPD shows that the area is expected to accommodate 100-200 dwellings. The SPD identifies the potential for the retention and refurbishment of listed and locally listed buildings to create start up units and the retention of the fine grain historic character of the area. However the draft SPD does not propose the retention of the former Burgess building.*
- *In general terms the application proposals (which are for employment uses) are inconsistent with the draft Supplementary Planning Document (SPD) for the Canalside site which sets out a comprehensive residential led re-development approach for the Canalside site with no new build employment development envisaged in this location. The draft SPD has in effect been superseded by the Local Plan in terms of its overall approach to re-development. The Council will be producing a revised SPD for public consultation later in 2016.*
- *The former Burgess building is included within the Oxford Canal Conservation Area. Figure 21 in the Oxford Canal Conservation Area Appraisal (October 2012) shows the area where the application site is located and the application site and its surroundings are described at paragraphs 7.71 to 7.74.*
- *The former Burgess building is included in the Council's local list of buildings of architectural or historic value. The application proposals will require careful consideration against the NPPF, government guidance, local planning policy and advice related to the conservation and enhancement of the historic environment. Adopted 1996 Local Plan policy C23 states that there will be a presumption in favour of retaining buildings, walls, trees and other features which make a positive contribution to the character or appearance of a conservation area. Policy EN45A of the Non-Statutory Local Plan requires that the inclusion of a building in a local list of buildings of architectural or historic interest adopted by the Council for planning purposes will be a material consideration in the determination of planning applications that would affect it. Policy D10 (criterion (i)) of the Non-Statutory Local Plan states that within Banbury, development proposals adjacent to the Oxford Canal will be approved provided that they retain buildings and wharves identified by the Council as being of historic interest associated with the Oxford Canal. Policy Banbury 1 requires the retention and integration of the most valuable historic buildings/structures and the integration of existing historic buildings which will enrich the environment and maintain the long term character of the area. Policy ESD15 will apply and policy ESD16 refers to the protection and enhancement of the Oxford Canal corridor including 'significant industrial heritage'. The policy states the length of the Oxford Canal through Cherwell District is a designated Conservation Area and proposals detrimental to its character or appearance will not be permitted. The Oxford Canal Conservation Area Appraisal is a material consideration in determining this application and the fact that recent work resulted in the inclusion of the building in the Conservation Area is of relevance.*
- *In March 2016 the Council published the draft Banbury Vision and Masterplan for public consultation. The document identifies the comprehensive redevelopment of the Canalside area and identifies that locally listed buildings will be retained if possible.*
- *The application proposals will result in the removal of a building which is in a state of disrepair, and are one way of contributing towards the regeneration of the area. They are on previously developed (brownfield) land in a sustainable location in Banbury close to services and facilities and potential labour supply for the proposed new companies. A key aim of the Local Plan and the NPPF is to provide for economic growth and jobs and the proposals would contribute towards achieving this. Market signals should be considered and proposals are*

*consistent with policy Banbury 1 in terms of its approach to the redevelopment of industrial premises for new employment uses. It is considered that proposals will not undermine and will contribute towards the delivery of the wider Canalside proposal (policy Banbury 1), which is a key element of the now adopted Local Plan.*

5.4. CDC Conservation Officer: *object to the proposal for the following reasons:*

- *The proposal to demolish the historic building will lead to the total loss of historic fabric as well as the essential form of the building and its historic integrity within the site. The proposed development causes substantial harm to the non-designated heritage asset of the Burgess Building.*
- *The proposed development would lead to less than substantial harm to the Oxford Canal Conservation Area (as the demolition of the building would not harm the heart of the significance of the Oxford Canal), but the harm is never-the-less significant. The harm relating to the loss of this individual building is greater because of the contribution the building makes to the group of historic industrial buildings in the immediate locality. The harm is to the character as well as the appearance of the conservation area.*
- *The replacement of the historic building by a modern constructed building of a similar footprint in a different location will not mitigate for the loss of this historic link to Banbury's past. The reconstruction of the existing building, replacing historic fabric where necessary, would retain the form, historic integrity and location of the building.*
- *Public benefit – there are concerns that the short term benefit of the finding suitable tenants to occupy the site is being outweighed by the long term benefits of the strategic development site Banbury 1, which would be compromised by the demolition of this building.*

5.5. CDC Contaminated Land Officer: *Recommend the full contaminated land conditions are applied to this development as my records indicate potentially contaminative land uses on this site which may mean this proposal would be affected by land contamination. As such, I will require sufficient assessment information to demonstrate land contamination has been fully considered and the development is suitable for its proposed land use with regard to contamination.*

5.6. CDC Estates:

**Comments dated the 19<sup>th</sup> April 2016 based on supporting planning statement and structural survey**

*It is quite evident that the building is in extremely poor physical condition. In order to bring the building up to current building control standards allied to adapting it to provide a level of specification to attract occupiers, substantial alteration and demolition would be required.*

*With the level of demolition and adaptation required, it is unlikely much of the existing structure would remain and therefore this would compromise and diminish the authenticity of the building and therefore its historical relevance.*

*However, there is clearly historical importance attached to the site and whilst this might not be possible to be reflected in the retention of the existing building, the applicant could reflect the history by incorporating some of the existing structure into the new build and/or by contributing to the preparation of a publication outlining the history of the site.*



## **Comments dated the 9<sup>th</sup> March 2016 on supporting planning statement**

*The building is located in a traditional industrial area where the surrounding occupiers and buildings are generally of a poor standard and this will undoubtedly influence the calibre of tenant who would be seeking a unit in this location regardless of the refurbishment or new build proposal.*

*As demand is high and supply low, provided the units are suitable for purpose by a hypothetical tenant I believe the level of rent achievable would not be differ between a refurbished option and a new development.*

*However, a minimum specification would need to be met by both options in order to attract tenants namely:*

*5 metre clear eaves height*

*3m x 3m goods access and personal door*

*3 phase power*

*Concrete floors*

*Parking and good circulation – There is no denying the circulation provided by the new development option is much better than what is currently available should the building be retained.*

*Although the rent per square foot will be the same for either option, the potential total rental return will be higher for the new development proposal because it provides for 124 sq metres (1,335 sq ft) of additional lettable floor space to be constructed.*

*With regards the yield which would be adopted to ascertain the value of each option, provided a full refurbishment is undertaken to a high standard and the minimum hypothetical tenants requirements, I believe the difference in yield to be applied to a capital valuation would be minimal as this is more dependent on the quality and surety of the tenants rather than whether a building has been adapted or is a new build.*

*Whilst the valuation argument is theoretical, one of the most important factors to consider is whether the existing building is able be physically adapted to provide the hypothetical tenants minimum specification to maximise its commercial value and whether the physical integrity of the existing building would tolerate large scale adaptation.*

*The existing building is in extremely poor condition and I suspect once large scale works were undertaken to adapt the building, some areas may collapse. Further the costs provided by the applicant to refurbish the building could well be compromised because inherently further costs for refurbishing old buildings only become evident once work starts. My initial view is that it would prove extremely difficult to convert the existing building to comply with modern commercial requirements and Building Regulations and even if they were undertaken, there would be very little fabric remaining of the existing building.*

## **Comments dated 20<sup>th</sup> May 2016**

*In the planning application submitted, the proposal is to demolish the existing former Burgess Building and provide six 'traditional' light industrial units. In this context, my previous comments regarding the hypothetical tenants preferred requirement including a clear eaves height of 5m remain. Therefore I still believe the state and condition of the existing building would prove difficult to convert and adapt to provide the requirements in order to maximise commercial viability and it is likely the majority of the original construction would be lost.*

Graphics have subsequently been submitted showing an alternative scheme for the building which illustrates a different type of development comprising more 'workshop/business' units. Whilst the graphics show an attractive aesthetically pleasing canal side scheme they are not supported with detailed costs to convert the existing building to provide the accommodation. I am therefore unable to comment on the commercial viability of this proposal but can make general comments regarding the concept.

The proposed refurbishment scheme provides a different type of unit to the light industrial units proposed in the original application and therefore it is likely to attract a different type of occupier to the type of company looking for a more 'industrial' environment. There is undoubtedly demand for small business units of this type but generally they are found more in rural locations where the rural environment forms an important consideration as opposed to being surrounded by buildings of poor quality in a more 'industrial' environment. However, I still consider there will be a level of demand from businesses looking for this type of accommodation regardless of the situation. I am unable to comment specifically on the level of demand or the level of rent which this type of units would attract and it would prove useful to see a market appraisal in this respect so this can be considered alongside the cost of conversion to fully assess commercial viability.

It is likely that the cost of construction will be less than the original proposal as much of the existing building would be retained for the development and there would be less adaptation required.

In summary, whilst the new proposed scheme provides an alternative to the scheme submitted in the original application there is insufficient information currently available to fully appraise whether the scheme is commercially viable.

### **Oxfordshire County Council:**

#### 5.7. Highways No objection subject to conditions:

The development proposals are unlikely to have a significant adverse impact on the transport network over and above that which the existing permitted use would generate. The site is located within a reasonable sustainable location within walking distance of the town centre and bus stops. No transport statement is required as the proposal is unlikely to have a significant adverse impact on the transport network over and above that which the existing permitted use would generate.

Site is located adjacent to the bus depot, which is used as a support base for all local bus routes within the town and for inter-urban routes. Unfettered access is required to this depot at all times to facilitate effective and efficient operation of these bus services. This scale of the operation at the bus depot is likely to increase with the additional housing in Banbury.

#### 5.8. Archaeology No objection subject to conditions:

The application site is of considerable archaeological potential with the potential for important post medieval industrial features surviving in situ. The site is the former Cherwell Iron Works or Barrows & Stewart, later Browns & Carmichael, manufacturers of portable steam engines and agricultural equipment. The manufacture of agricultural equipment was once a key Banbury industry, with three main makers. This is the only remaining site within which there is the potential, for surviving in situ features that relate to the on-site activities and the equipment utilised within them. The building to be demolished is likely to have been the main erecting shops, whilst the new build is going over the site of the likely forges and foundry. No records or historic plans are known to exist. The building lies in the Oxford Canal Conservation Area.

*It would be preferable if the demolition works are to the depth of the original ground slab to ensure any features below there are preserved in situ.*

*The building to be demolished is included in the Cherwell list of locally important buildings. Few other sites with the potential for in situ features survive.*

*Recommend that should permission be granted that a programme of monitoring and recording is undertaken. This can be ensured through the attachment of suitable conditions.*

## 5.9. **Historic England**

### **Comments on the originally submitted scheme:**

*Recommend Refusal: The demolition of the Former Cherwell Works would harm the significance of the Oxford Canal Conservation Area. As it has not been demonstrated that the building is incapable of being repaired and put it to a new use we do not consider this harm to be justified.*

*The development site contains the former Cherwell Works, a foundry which manufactured agricultural machinery and falls within the Oxford Canal Conservation Area. While the existing building is of little architectural value and there is little visual connectivity between the canal and the site we consider the building to be of historic interest as one of the last remnants of the once thriving agricultural engineering industry in Banbury and thus makes a positive contribution to the character of the conservation area and justifies its status as a locally listed building. Its demolition and replacement will therefore not only result in the loss of a building of local historical importance but also harm the significance of the conservation area as a whole. Given that so little remains of Banbury's Industrial heritage we counsel that this harm should not be regarded as trivial but taken seriously and only accepted if there is a very strong justification.*

*The current proposal differs from the 2012 application in that rather than simply demolition a replacement development of 6 industrial units is proposed. The Design and Access Statement submitted with this application recognises that the building is of historical importance but asserts that it is beyond economic repair and thus demolition is necessary in order to bring the site back into use. Paragraph 132 of the NPPF requires clear and convincing justification for any harm to a heritage asset while paragraph 134 of the Framework requires harm to the significance of a designated heritage asset, which includes conservation areas, to be weighed against the public benefits of the proposal. While we recognise that there is a public benefit in bringing this site back into use simply asserting that the building is beyond economic repair does not demonstrate this. As no firm evidence has been provided that the building is beyond economic repair we cannot accept that the harm entailed has been clearly and convincingly justified.*

*We are aware that the current owners have brought the site since the 2012 application. The purchaser was presumably well aware of the planning history of the site and the presumption that the building would need to be retained when they brought it and purchased it at a price assumed this and reflected its condition. Any development appraisal that is submitted in order to justify demolition will have to be examined carefully to ensure that the purchase price was not inflated by any hope value of the site as a development site, which would distort the calculations.*

*We recommend that this application is refused unless the applicants can demonstrate clearly and convincingly that retention and repair of the current building is not possible.*

**Comments on additional planning and heritage statement including Structural Report and approximate budget estimates:**

*Recommend Refusal: The additional information submitted does not amount to a clear and convincing justification for the demolition of the former Burgess Building. The Heritage Statement does not contain any information which causes Historic England to change its opinion on the significance of the building. The building is in a very poor state of repair and the key question is therefore whether it is capable of economic repair and finding a new use.*

*The budget estimates supplied suggest that the cost differential between refurbishing the existing building and replacing it is small. The report also states that 'New Bespoke buildings will be far more capable of securing long term investment that compromised renovation as they can be constructed to modern requirements,' However, there is no reason why a good refurbishment could not command a similar rental value as a new build given that the condition of the refurbished building and facilities offered could be as good as a new one. Furthermore, the report includes no development appraisal of the likelihood that any of the scheme considered would be commercially viable. The report does not present a clear and convincing case for demolition.*

**Further comments on supporting planning statement dated January 2016:**

*The revised information still does not resolve the issue of whether the Burgess Building is beyond economic repair. We recommend that the Council seek independent advice on this matter. The latest information on viability demonstrates that the total costs of demolition and building anew would cost slightly more (£22,800) and yield a smaller rental income (£12,648 less per annum). It also argues that the financial constraints on the current owner mean that refurbishment is not a viable option for them.*

*Economic repair should not be framed in terms of whether a particular applicant can afford to do the works, but whether the return generated would justify the investment. We are not convinced that that the case for demolition of the burgess building is convincingly justified, as required by paragraph 132 of the NPPF.*

**Further comments in email dated the 19<sup>th</sup> April 2016**

*As the Local Planning Authority have now taken advice on the viability of the scheme, the matter of economic viability has been fully considered and if the LPA conclude that the it would not be economically viable to retain the building we would not object as the matter has now been given proper consideration. Paragraph 134 of the NPPF requires the LPA to weigh harm against public benefit, including finding the optimum viable use for the site.*

**Comments dated the 19<sup>th</sup> May 2016**

*I am aware that this is to go to committee this afternoon with a recommendation to defer. I am at present in discussions with Victor Sye as it is becoming clear that his opinion was based on a 5m door height, which may not be necessary, and industrial use, which I understand would be contrary to the Council's aspirations for the area as set out in policy Banbury 1 of the local plan. I have asked for Victor's opinion on whether commercial use and a lower door height, which would involve less structural intervention, would result in a scheme that is viable in current market conditions. Consequently I would like to withdraw my recommendation that we would not object to demolition as I think a decision should be deferred until he has reported on these issues.*

*Having asked for independent advice to be taken I think it important that we accept the recommendations made. However, it is vital that the right question has been asked of the adviser if the advice is to be judged sound.*

#### **5.10. Environment Agency**

*We have no objection to the application as submitted, subject to the inclusion of a number of conditions, to deal with any contamination on the site to ensure no seepage to the canal/river. Without the inclusion of these conditions we consider the development to pose an unacceptable risk to the Environment.*

*The Flood Risk Assessment reference: Redevelopment of Former Burgess Site at Canal Street, Banbury dated December 2014 undertaken by Wellan confirms that the site is within the area benefitting from the Banbury Flood Alleviation Scheme (FAS).*

*We are pleased to see that the FRA confirms that the proposed finished floor levels of the buildings will be set at 90.8 m AOD, which is around 370 mm above the 1 in 200 flood level for the site (equivalent to the 1 in 100 plus climate change flood level) .*

*However, we would recommend that the finished floor level is set higher at 91.21 m AOD which is 300 mm above the 1 in 200 undefended flood levels. This is so that the proposed development is protected if the FAS fails during a flood event.*

*If the finished floor levels cannot be set at the recommended level then we would recommend that flood resilience/resistance measures are installed that provided a standard of protection up to the 1 in 1000 flood undefended flood level of 91.05 m AOD*

#### **5.11. Canals and Rivers Trust**

*While we have no concerns relating to the proposed design of the development we note that the offside wall of the Oxford Canal is currently in an unknown condition. We would therefore recommended that whilst the site is accessible the opportunity is taken to undertake a study of the condition of the wall and if necessary stabilisation of it by piling with a brick capping detail or similar, to be approved. This will require third party works approval.*

*The applicant should also ensure that the area behind the rear wall for the buildings, and adjacent to the canal edge is suitably maintained and access is available to it for maintenance of both the land and canal if necessary.*

*If the Council is minded to grant planning permission, it is requested that the following informative is attached to the decision notice:*

*“The applicant/developer is advised to contact Osi Ivowi on 01908 302 591 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.*

## **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

Policy PSD1: Presumption in Favour of Sustainable Development

Policy SLE1: Employment Development

Policy ESD6: Sustainable Flood Risk Management

Policy ESD8: Water Resources

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

Policy ESD15: The Character of the Built and Historic Environment

Policy ESD16: The Oxford Canal

Policy Banbury 1: Banbury Canalside

#### Cherwell Local Plan 1996 (Saved Policies)

Policy C23: Retention of features contributing to character and appearance of a conservation area

Policy C28: Layout, Design and external appearance of new development

Policy C29: Appearance of development adjacent to the Oxford Canal

Policy ENV1: Development likely to cause detrimental levels of pollution

Policy ENV12: Development on contaminated land

### **6.2 Other Material Planning Considerations:**

National Planning Policy Framework (The Framework) – 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 (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,
- Structural stability and economic viability;
- Impact on Heritage Assets;
- Accessibility, Highway Safety and Parking;
- Design, form and scale;
- Visual Impact;

- Flood Risk;
- Effect on Neighbouring Amenity;
- Trees and Landscaping;
- Ecological Implications;
- Archaeology;
- The Planning Balance.

#### Principle of development

- 7.2 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan-making and decision taking. Development proposals should be considered in accordance with the development plan, unless material considerations indicate otherwise.
- 7.3 The site is located to the south east of the town centre of Banbury, falling outside of the town centre designation (Policy Banbury 7). The site is considered to be within a sustainable location close to the town centre of Banbury, which offers a good level of services and public transport facilities.
- 7.4 The planning application proposals, which are for an employment use, are located in central Banbury in an existing commercial area. Policy SLE1 of the Local Plan 2011 to 2031 states that on existing vacant employment sites, employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations. In this regard the application proposals are consistent with policy SLE1. However it will be necessary for proposals to be considered against the policy criteria, other policies and other material considerations. The application of policy SLE1 in this case should be considered with regard to proposals set out in policy Banbury 1.
- 7.5 The application site is located towards the southern part of a wider area which is a strategic allocation in the Local Plan 2011 to 2031 (policy Banbury 1: Banbury Canalside and Inset Map Banbury 1) to deliver mixed use regeneration. The policy explains that 700 new dwellings can be delivered on the site with some employment uses remaining on the site. Policy Banbury 1 states that the re-development of Canalside will provide businesses with the opportunity to expand and invest for the future and that a number of the older buildings and former industrial sites at the Canalside site offer considerable opportunities for re-use or redevelopment for industrial enterprises. In this regard the proposals (in terms of redevelopment) are consistent with policy Banbury 1.
- 7.6 There are a number of elements of policy Banbury 1 that are of relevance to this application in terms of implementation and design. The policy states that ideally proposals should come forward for the whole of the Canalside site accompanied by a detailed masterplan but applications for parts of the site may be permitted provided that they clearly demonstrate their proposals will contribute towards the creation of a single integrated community. The policy also states that the Council will expect an application to demonstrate it has complied with the Supplementary Planning Document and has taken into account the known or anticipated implications of proposals on adjoining areas. Ad hoc new buildings within the Canalside site in principle could adversely affect the future delivery of comprehensive proposals at Canalside. Development proposals should consider the recreational role of the canal and comply with policies regarding its future use and policies relating to any impacts on it. These elements of Policy Banbury 1 have been considered by the applicant and the application advises that the new development will redevelop the site which is currently offering no economic role within the community as it is vacant and in decline. The proposed scheme has been designed to reflect the wider objectives of Policy Banbury 1 by incorporating in the design a walkway along the canal to ensure future pedestrian links within the site and to

ensure the recreational use of the canal and the proposed commercial units could be easily converted in the future to a number of uses including retail and residential. The proposed development is therefore considered to incorporate elements within the design which will allow the regeneration of the whole site and contribute to an integrated community in accordance with Policy Banbury 1.

- 7.7 Policy Banbury 1 seeks the retention and integration of the most valuable historic buildings on the site and the integration of existing historic buildings which will enrich the environment and maintain the long term character of the area. The proposal includes the demolition of the Burgess Building which is a locally listed building and has been identified by Historic England and the Council's Conservation officer as being of historical significance as part of a group of locally listed buildings in the Canal Conservation Area. The building is significant as one of the few remaining buildings of previous engineering companies based along the Canal, and the proposal to demolish it would be at odds with Policy Banbury 1.
- 7.8 The applicants have sought to demonstrate that demolition is the only viable option on the grounds that the existing building, due to its poor structural state which is detailed below, would require significant works to allow a suitable conversion. Therefore the principle of development will be in large part dependant on whether the case has been made for the demolition of the existing building. The issues of structural stability of the building and historical importance of the building will be covered in more detail in the following sections of this report.
- 7.9 Policy ESD 16 of the Cherwell Local Plan 2011-2031 Part 1 seeks to protect and enhance the Oxford Canal. Proposals which would be detrimental to its character or appearance will not be permitted. This policy also supports the enhancement of the canal through mixed use development within urban settings. Saved Policy C23 of the Cherwell Local Plan 1996 contains a presumption in favour of retaining buildings which make a positive contribution to the character or appearance of the conservation area. The proposed development will demolish a locally listed building within the canal conservation area. The harm caused to the conservation area needs to be balanced against the public benefit of bringing the site back into use which will be set out in the following sections of this report.
- 7.10 The proposed scheme does bring the site back into commercial use within a sustainable location which meets the requirements to support economic growth set out within Paragraph 19 of the NPPF. Significant weight should be placed on the need to support economic growth through the planning system. The proposed development includes the provision of 6 new build commercial units amounting to 1200 square metres of floor space. The proposed development would bring the site back into use and would therefore support economic growth within Banbury. At present the vacant site is offering very little economic benefit for the area.
- 7.11 In conclusion the proposed development provides for a sustainably located employment use within an existing commercial area of Banbury and has considered the future regeneration of the site which is sought under Policy Banbury 1. In principle the proposed new commercial building could therefore be acceptable and would not cause undue harm to the future intentions for the wider development area, but this is subject to the demolition of the existing building being fully justified. An assessment of the impact of the proposal under other policies in the Development Plan, including heritage, transport and flood risk, will be made under the headings below.

#### Structural Stability and Economic Viability

- 7.12 The existing building on the site is the subject of a structural survey submitted with the application. The conclusions of the structural survey highlight that the existing building and the ancillary aspects of the site are in a very poor structural state. The absence of a use for the



building for many years has resulted in the partial collapse of the roof and the dangerous condition of the building. The proposed development seeks to demolish the existing building and construct a new detached building along the southern boundary of the site.

7.13 As part of the assessment of the proposals consideration must be had as to whether the existing building is capable of conversion and whether such a conversion is economically viable. The existing building is in a very poor unstable structural state which is detailed within the submitted structural survey and additional information, Appendix A (drawing no. 1360-06 and SK/08) which illustrates the amount of built fabric which will have to be removed and rebuilt to allow a suitable conversion to B2 use. From the submitted structural information it is clear if a scheme for conversion of the building to B2 was being considered to provide a suitable and viable building to meet modern commercial build standards, substantial alteration and demolition would be required as follows:

- Entire roof to be removed and replaced with new construction
- Removal of roof may compromise the stability of the external walls which will require support during works;
- Much of the northern boundary wall is unstable and will require rebuilding;
- Southern elevation would need demolishing and rebuilding where they are rotating outwards;
- Significant rebuilding of brick walls – new openings to the south will lead to unstable elevation which will require rebuilding.
- New floor slab required at a higher level to address flooding issues.
- Much of the external walls are rendered and therefore extent of rebuilding of walls will only become clear once render is removed.
- Raising of the eaves height by approximately 1 metre to allow 5 metres clear eaves height.

7.14 With the level of demolition and adaptation required, the existing building would be significantly altered and is therefore not considered to be suitable for conversion for a B2 general industrial use as proposed as part of the new build scheme. However, Historic England and a number of third parties, including the Banbury Civic Society, consider that there may be a viable option for the existing building to be converted and reused for an alternative use to that currently proposed, such as small commercial workshop/studio uses. As evidence of this, Banbury Civic Society have put forward an alternative possible conversion scheme for the existing building for use as small workshop/studio uses (use class B1).

7.15 The Council's Estates and Facilities Department have reviewed the available evidence and agree that, from a commercial point of view, at the present time the existing building will prove very difficult to convert to B2 use to meet modern standards. However, having considered the alternative scheme for small workshop/studios put forward by the Banbury Civic Society, the Council's Estates and Facilities Management department consider that a conversion scheme for workshop/business units would likely require less adaptation of the building, and would likely cost less than the proposed new build scheme as much more of the building's fabric would be retained.

- 7.16 Unfortunately the alternative scheme put forward by the Civic Society is not presented with conversion costs to compare against the proposed scheme or a marketing exercise to assess the commercial viability of the alternative scheme. The alternative scheme is, however, evidence that there is a possible conversion scheme that is compliant with the aspirations of Policy Banbury 1 and which can retain the existing building with limited adaptation of the building. Furthermore the conversion scheme put forward by the applicant has been supported by costings and illustrates that a conversion scheme or new build scheme have similar total costs for a B2, 6 unit scheme. The budget estimates set out in the supporting planning statement submitted by the applicant details a total cost of £1,671,500 for a refurbishment scheme and £1,648,700 for a new build scheme. These figures illustrate that the building could be converted without greater cost to the developer. As the alternative conversion scheme put forward by Banbury Civic Society would likely require much less intervention (and so reduced costs), this adds weight to the view that the alternative conversion scheme could represent a more suitable and viable use for the building which does not require its demolition and new build.
- 7.17 In economic terms the building is located in a traditional industrial area where the surrounding buildings are generally of a poor standard and this will undoubtedly influence the calibre of tenant who would be seeking a unit in this location, regardless of a refurbishment or new build option. Nevertheless the Council's Estates department advises that demand for small units is high and supply is low, and providing that the units are suitable for purpose, the level of rent achievable would not differ significantly between a refurbished option or a new development.
- 7.18 There is no market appraisal submitted with the application to allow comparison between the new build B2 scheme proposed and alternative conversion schemes for other Policy Banbury 1 complaint uses. Therefore, it is your Planning Officer's opinion that without a full market appraisal and build costs of the proposed scheme and reasonable alternative conversion schemes, full and proper consideration for the retention of this important locally listed building within the canal conservation area has not been adequately demonstrated. This consideration is required in order to adequately justify the demolition of the building. The proposed development is therefore considered to be contrary to the requirements of Policy Banbury 1 of the Cherwell Local Plan 2011-2031 which seeks to retain and integrate the most valuable historic buildings into the redevelopment of the Canalside area.

#### Impact on Heritage Assets

- 7.19 The site is located within the Oxford Canal Conservation Area (designated heritage asset). The site comprises an existing building known as the Burgess Building which is a locally listed building (non-designated heritage asset). The proposed scheme must therefore be assessed taking into consideration the impact of the proposal on the setting of the Conservation area and the impact on the non-designated heritage assets.
- 7.20 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") sets out the duty of the Local Planning Authority in assessing applications which affect Conservation Areas. Subsection (1) of Section 72 provides: *"In the exercise (of its powers), with respect to any buildings or other land in a conservation area, ... Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*
- 7.21 Paragraph 131 of the National Planning Policy Framework sets out the factors to be taken into account when considering applications which affect designated heritage assets. Paragraph 135 of the National Planning Policy Framework (NPPF) sets out the assessment to be made in relation to an application which affects a non-designated heritage asset and indicates that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 7.22 The Conservation Officer has commented on the proposals and has raised an objection to the proposed development, to demolish the existing building. The Conservation Officer comments have identified the significance of the building and the Conservation Area. The existing building is an integral part of the industrial heritage of the canal side area and makes a positive contribution to the Conservation Area. The significance of the building predominantly relates to its historical importance rather than its architectural merit, although it is a representative building of its type and is a rare survival in the local context.
- 7.23 The building, now known as the Burgess Building, was previously Cherwell Iron Works and was originally built in 1862 for Barrows and Kirby. The firm was one of three large engineering companies in the area. The company produced pioneering portable steam engines, steam ploughing machinery and threshing machines. The surviving buildings are believed to have been the main assembly buildings, fitting shops and stores. The Burgess Building forms part of a group of locally listed buildings and the group value of these non-designated heritage assets contributes to their collective significance.
- 7.24 The site is located within the Oxford Canal Conservation Area and the Burgess Building is specifically referred to in the Canal Conservation Area Appraisal 2012 as one of the buildings included in a 'positive vista' from the south of the site and the significance of the area is identified in the appraisal as follows: *'The section to the south of Bridge Street is strongly influenced by its industrial past, bounded either side with former industrial buildings, modern warehousing and a mobile home park. The area between the west bank of the canal and Lower Cherwell Street retains greater historical and architectural interest than the previous section due to the lack of modern development'. 'A small office building and a warehouse, very rare survivals of canal related architecture with the town also remain'.*
- 7.25 The demolition of the existing building will lead to the total loss of the historic fabric as well as the essential form of the building and its historic integrity within the site, therefore the proposed development causes substantial harm to the non-designated heritage asset of the Burgess Building. Paragraph 135 of the NPPF advises that in weighing applications that directly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.26 Turning to the impact on the Conservation Area, the proposed demolition of the existing building would lead to less than substantial harm to the significance of the Oxford Canal Conservation Area. The Conservation Officer has advised that the harm is less than substantial because the demolition of the building would not harm the heart of the significance of the Oxford Canal, but the harm is never-the-less significant. Therefore, the harm needs to be justified and needs to be weighed against the public benefits of the proposal.
- 7.27 In weighing up the planning balance, it is first necessary to establish the level of significance of the building as a non-designated heritage asset. Given the building is recognised as one of the last remaining canalside buildings from Banbury's Victorian industrial heritage, and given it is specifically referred to in the Conservation Area appraisal as "a very rare survival" of canal related architecture which makes a positive contribution to this part of the Conservation Area, its significance as a heritage asset of local importance is considered high. The scale of harm or loss to the significance of the heritage asset would also be high, and so the level of justification that is required for its demolition is high.
- 7.28 The Council's Planning Officers consider that inadequate information has been submitted to demonstrate a full assessment has been carried out to consider whether the existing building can be viably converted, including proper consideration of alternative uses compliant with Policy Banbury 1, such that on the basis of the available evidence it would be premature to approve the demolition of this locally listed building. With regard to the impact on the

Conservation Area, Paragraph 132 of the National Planning Policy Statement seeks to ensure that any harm to a designated heritage asset, in this case the conservation area is clearly and convincingly justified. Following consideration of the possible alternative conversion scheme put forward by the Banbury Civic Society it would appear that there may be a viable conversion scheme which will retain the non-designated heritage asset and avoid demolition within the canal conservation area. The possible conversion scheme to reuse the units as small workshops/business units would reduce the amount of adaptation required, compared with the proposed general industrial uses, and based on the costs of conversion submitted by the applicants is likely to cost a similar amount as a new build scheme. Based on the lack of evidence of full consideration for alternative viable conversion schemes it is considered that adequate justification has not been provided for the demolition of the Burgess Building. Therefore, the proposal is considered to cause unjustified harm to the Conservation Area and would be contrary to paragraph 132 of the National Planning Policy Statement.

- 7.29 The site is of considerable archaeological potential with the potential for important post medieval industrial features surviving in situ. Few other sites with the potential for in situ features survive. However the County Archaeologist does not object to the proposal, and it is recommended that a programme of monitoring and recording is undertaken which can be secured through the attachment of a suitable condition.

#### Design, Form and Scale and Visual Impact

- 7.30 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. This includes a requirement for new development to respect the traditional pattern of routes, spaces and plots and the form, scale and massing of buildings. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography. Saved Policy C28 and C30 of the 1996 Local Plan seeks to ensure the layout, scale and design of development is of a high standard.
- 7.31 The impact of the proposed demolition of the existing building on the character and appearance of the area is considered above. However, and notwithstanding officers' conclusions on this matter, it is also necessary to consider whether the proposed building represents good design. The building measures a maximum 7 metres in height and has a footprint of approximately 65 metres long and 17 metres deep, with a maximum depth at the eastern end of 35 metres. The new building is of a scale and form which is considered to respect the scale and form of the development which surrounds the site. The external appearance of the building which is to be constructed from red brick, with a blue brick soldier course and elevation detailing and a natural slate roof is considered to be of a good quality design which will preserve the character and appearance of the Conservation Area.
- 7.32 The building will be visible from the canal and from the tow path. The view of the site from the canal is considered to be improved by the proposed development. This is due to the existing wall of the site immediately adjacent to the canal being in a very poor state, which will be replaced by a strip of land immediately adjacent to the canal to allow pedestrian access along the canal side within the site, and the new elevation of the building being of a good quality design comprising arched openings. The proposed development is considered to sit comfortably within the surrounding landscape and will improve views into the Conservation Area from the Canal.

#### Accessibility, Highway Safety and Parking

- 7.33 The Local Highway Authority has commented on the proposals and has raised no objection to the proposals. The development proposals are unlikely to have a significant adverse impact

on the transport network over and above that which the existing permitted use would generate. The site is in a reasonably sustainable location, being within walking distance of the town centre facilities and bus stop. The proposed development provides for 3 additional car parking spaces compared with the number available within the existing site. The proposed development will not cause an adverse impact on the safety of the highway within the locality.

### Flood risk

- 7.34 Paragraph 100 of the NPPF states that: *Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.* It also states that planning should use the: *opportunities offered by new development to reduce the causes and impacts of flooding.* The existing building is located within Flood Zones 2 and 3 and therefore is currently at a medium to high risk of flooding. The site was affected by flooding in 2007 and has not been affected by flooding since the Banbury Flood alleviation works have been carried out. The current building floor level lies at approximately 90.06 to 90.07 metres AOD. The modelled flood plain data shows that flood levels for the 1% probability (1 in 100 year) event as 90.08m AOD maximum. For the 0.5% probability (1 in 200 year) event the maximum level is 90.43m AOD and the Strategic Flood Risk Assessment advises that the 0.1% probability (1 in 1000 year) event gives a predicted maximum flood level of 91.04m AOD. Therefore, the existing building is at a high risk from flooding in its current location.
- 7.35 The proposed building has a finished floor level of 90.8m AOD which is set higher than the existing buildings finished floor levels and it is stated in the FRA that this will be adequate to prevent water entry for a 1 in 200 year case, 0.5% probability of flooding. The siting of the new building close to the southern boundary of the site and the higher finished floor level will reduce the risk of flooding to the building compared to the existing situation which could be affected by the 1 in 100 year event.
- 7.36 The Environment Agency (EA) have commented on the scheme and have advised that they are pleased to see that the proposed finished floor levels of the building are to be set at 90.8m AOD. However, the EA have recommended that the finished floor level is set higher at 91.21m AOD which is 300mm above the 1 in 200 undefended flood level. This is so that the proposed development is protected if the Flood Alleviation Scheme fails during a flood event. If the finished floor levels cannot be set at the recommended level then the Environment Agency would recommend that flood resilience/resistance measures are installed that provide a standard of protection up to the 1 in 100 undefended flood level of 91.05m AOD. The requirements of the EA can be secured through a suitably worded pre-commencement condition to seek details of the finished floor level and any additional resilience required.

### Contaminated Land

- 7.37 The Council's Environmental Protection Officer has commented on the proposal and has highlighted that the site could potentially be contaminated due to previous land uses and has therefore advised the use of phased conditions to deal with any contamination found on the site.
- 7.38 The Environment Agency in their comments have also identified the potential for contamination on this site due to previous land uses which may introduce a potential source of contamination such as fuel tanks and other oil storage and other sources of contamination given the history of the site. Furthermore, the site is located directly adjacent to the Oxford Canal and located above a secondary aquifer (Alluvium). These are controlled water receptors which could be impacted by any contamination present on this site. Further investigation would be required to determine the extent of any contamination present and to what extent it

poses a risk to controlled waters. Any risk identified would need to be adequately resolved to ensure that no risk is posed on controlled water receptors. This may include remedial works to resolve contamination issues.

- 7.39 The Council's Planning Officers are satisfied that suitable conditions can be attached to the recommendation to deal with contamination identification and any remediation required.
- 7.40 The Council's Environmental Protection Officer has identified that no information regarding air quality at the site has been submitted. The site comprises an existing building which is located within an existing commercial environment. The site already attracts a high number of vehicles to the site which is currently used for car parking in relation to the existing surrounding uses. The existing building has an established general industrial use based on its previous historic use which is considered to be an acceptable use in this area due to the existing surrounding uses. The proposed scheme comprises a building of a similar scale to the existing building which would not be considered to significantly increase the vehicle trips to and from the site and would therefore not be considered to further harm air quality in this location.

#### Effect on neighbouring amenity

- 7.41 The site is surrounded by a range of commercial uses within the vicinity of the site therefore the proposed commercial use of the site is considered to be a suitable use which would sit comfortably with the existing neighbouring uses without undue harm.
- 7.42 The closest residential properties are located at number 1 to number 8 Cherwell Wharf. These dwellings are separated by other commercial uses by the site which is the subject of this application, and therefore the proposed development would not be considered to adversely harm the residential amenity of the occupiers of these residential properties. The proposed development will therefore be in accordance with saved policy C28 of the Cherwell Local Plan 1996.

#### Ecological Implications

- 7.43 Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*
- 7.44 Paragraph 109 of the NPPF 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 where possible.*
- 7.45 The application is supported by a bat survey which confirms that there are no bats using the building. The use of this building by bats is highly unlikely due to the derelict state of the roof. There is some evidence of nesting birds using the site and therefore the applicant shall be made aware of this through a planning note attached to the recommendation.
- 7.46 The planting proposed will be beneficial to wildlife, especially if it is a berry bearing species. A suitable landscaping condition will be applied to ensure that the species comprised in the landscaping of the site are native to provide ecological improvements on the site.

## Conclusions

- 7.47 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. Paragraph 8 of the NPPF states that: *these roles should not be undertaken in isolation, because they are mutually dependant...therefore, to achieve sustainable development (the three dimensions) should be sought jointly and simultaneously through the planning system.*
- 7.48 The proposed development would deliver social, environmental and economic benefits with the opportunity of bringing the site back into an economically beneficial use, improving the flood risk of the site by resiting the building and raising the height of the floor level, improving the access and servicing at the site, and providing a modern and high quality-designed commercial building within a sustainable location.
- 7.49 However the proposals would also result in the loss of a locally listed building (non-designated building) within a Conservation Area, which is contrary to Policy Banbury 1 and Policy ESD15 of the Local Plan 2011-2031 Part 1 and saved policy C23 of the Local Plan 1996 which seeks to retain important buildings within this area and buildings which make a positive contribution to the Conservation Area. As such the proposals would result in clear environmental, and to a lesser extent, social harm. The building is recognised as being in a very poor structural state which would require extensive demolition and rebuilding to be successfully converted to B2 uses as proposed in this application. However, on the basis of the available evidence, including the possible alternative conversion scheme put forward by the Banbury Civic Society, it appears that the building could be converted to an alternative use, compliant with Policy Banbury 1, which requires less adaptation and would therefore not require substantial alteration. It is therefore the Council's Planning Officer's view that the application has provided inadequate evidence to allow full assessment of possible alternative uses for the building, and given the relative historic importance of the building these are required to be discounted as they could offer viable a use for the retention of the existing building. Therefore the proposal would cause unjustified harm to and loss of an important non-designated heritage asset, with associated harm to the Oxford Canal Conservation Area, and is therefore considered to be contrary to Paragraphs 132, 134 and 135 of the NPPF, furthermore, the proposal is contrary to Local Plan policy Banbury 1 and ESD 15 of the Cherwell Local Plan 2011-2031 and saved policy C23 of the Cherwell Local Plan 1996.
- 7.50 All-in-all, and in the absence of adequate justification for the demolition of the building, the adverse impacts of the proposal in terms of the considerable loss or harm to heritage assets and the resulting conflict with Development Plan policy and the guidance contained in the NPPF are considered to outweigh the benefits in this case.

## **9. Engagement**

- 9.1 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 due to on-going discussions with the applicant and consultees. It is considered that the duty to be positive and proactive will have been discharged through the Council's efforts to engage with the applicant to seek to address issues as far as possible, whilst being mindful of the need to make a timely decision.

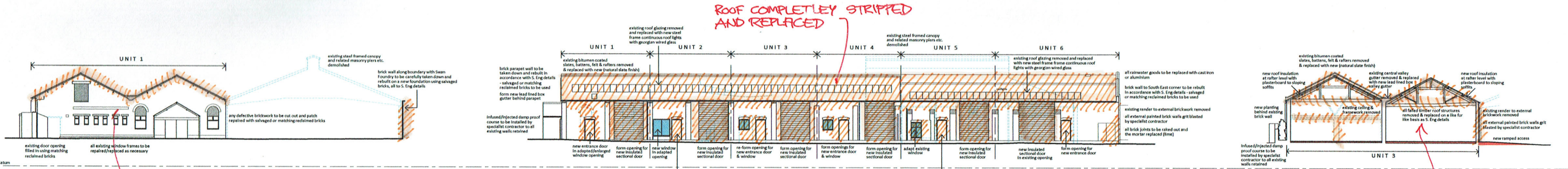
10. Recommendation: Refuse for the following reasons:

1. The proposed development comprises the demolition of a locally listed building within a conservation area which causes substantial harm to the locally listed building (non-designated heritage asset) and less than substantial harm to the Conservation Area (designated heritage asset). Based on the submitted supporting information it is considered that the demolition of the existing building has been inadequately justified by failure to provide building costs and a market appraisal to demonstrate whether there is a viable conversion scheme to retain the existing building, taking account of all reasonable alternative uses. Without this information the harm resulting from the demolition of an important non-designated heritage asset within a Conservation Area has not been justified, and therefore the application does not comply with paragraphs 132, 134 and 135 of the National Planning Policy Framework and is contrary to Policy Banbury 1 and ESD15 of the Cherwell Local Plan 2011-2031 and saved policy C23 of the Cherwell Local Plan 1996.

**CONTACT OFFICER:** Emily Shaw

**TELEPHONE NO:** 01295 221819





WEST (FRONT) ELEVATION

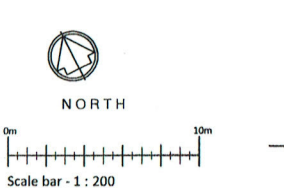
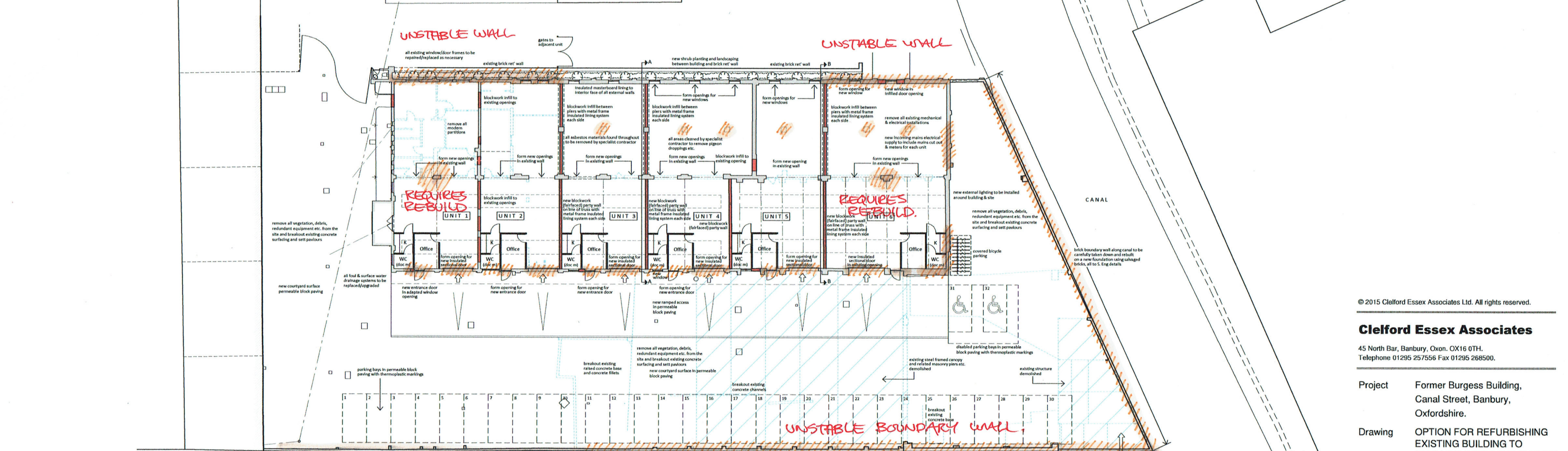
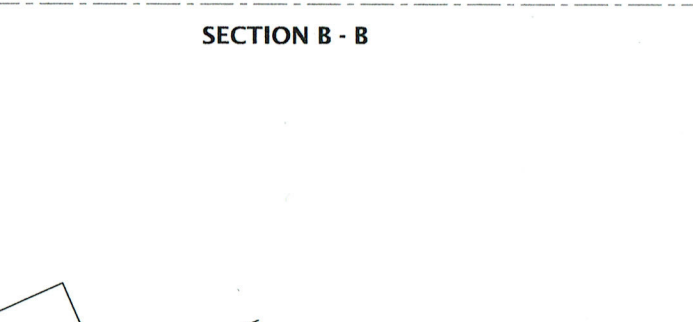
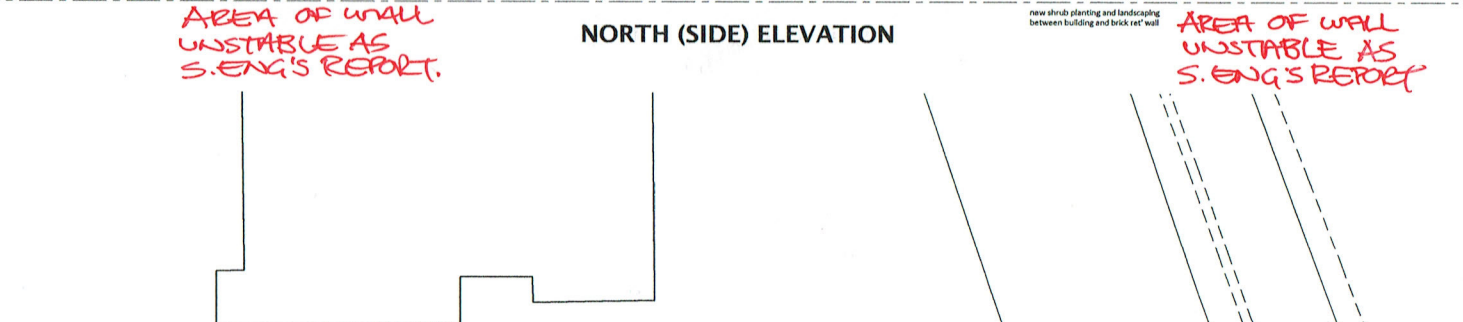
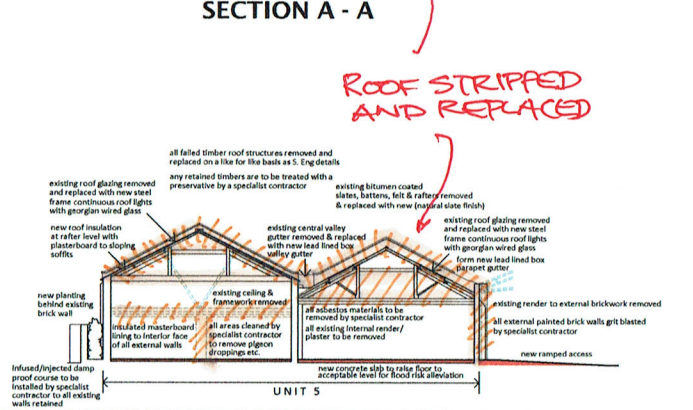
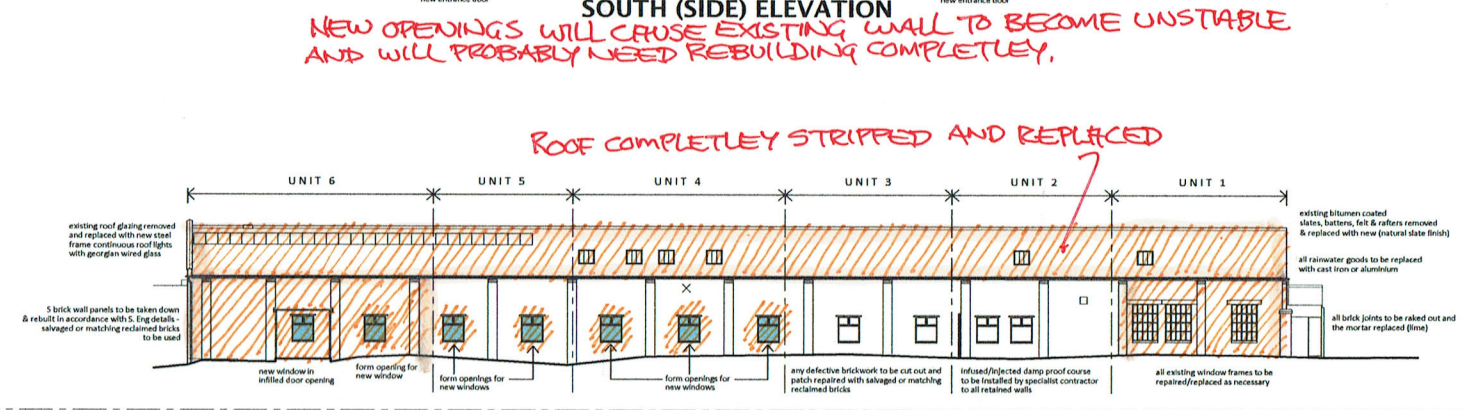
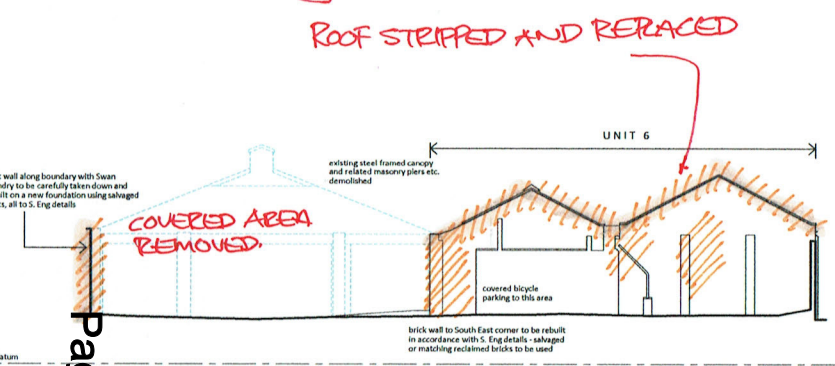
SOUTH (SIDE) ELEVATION

SECTION A - A

EAST (REAR) ELEVATION

NORTH (SIDE) ELEVATION

SECTION B - B



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Project Former Burgess Building, Canal Street, Banbury, Oxfordshire.

Drawing OPTION FOR REFURBISHING EXISTING BUILDING TO FORM SIX COMMERCIAL UNITS: Site, Floor Plan, Elevations and Sections

Scale 1 : 200

Date September 2015

Sheet Size A1

**DRAWING No. 1360 - 06**



**HEALTH & SAFETY WARNING**

ALL OF STRUCTURE SHOULD BE REGARDED AS POTENTIALLY UNSTABLE DURING & AFTER ROOF. TEMPORARY WORKS WILL BE REQUIRED.

**NOTE**

- 1) MANY BRICKWORK PANELS HAVE BEEN REMOVED ON SOUTH ELEVATION. OPENINGS HAVE BEEN INFILLED OR OPENINGS MADE & BRICKWORK IS IN POOR CONDITION. SOME ADDITIONAL PANELS ARE LIKELY TO REQUIRE REBUILDING.
- 2) OPENINGS TO BE MADE FOR INDUSTRIAL DOOR IN SOUTH ELEVATION WILL REQUIRE STEEL TRIMMING.

POSSIBLY REQUIRES REBUILDING

REQUIRES REBUILDING DUE TO INSTABILITY OF BRICKWORK LOCALLY.

REQUIRES REBUILDING DUE TO LEAN. DANGEROUSLY UNSTABLE WHEN ROOF IS REMOVED.

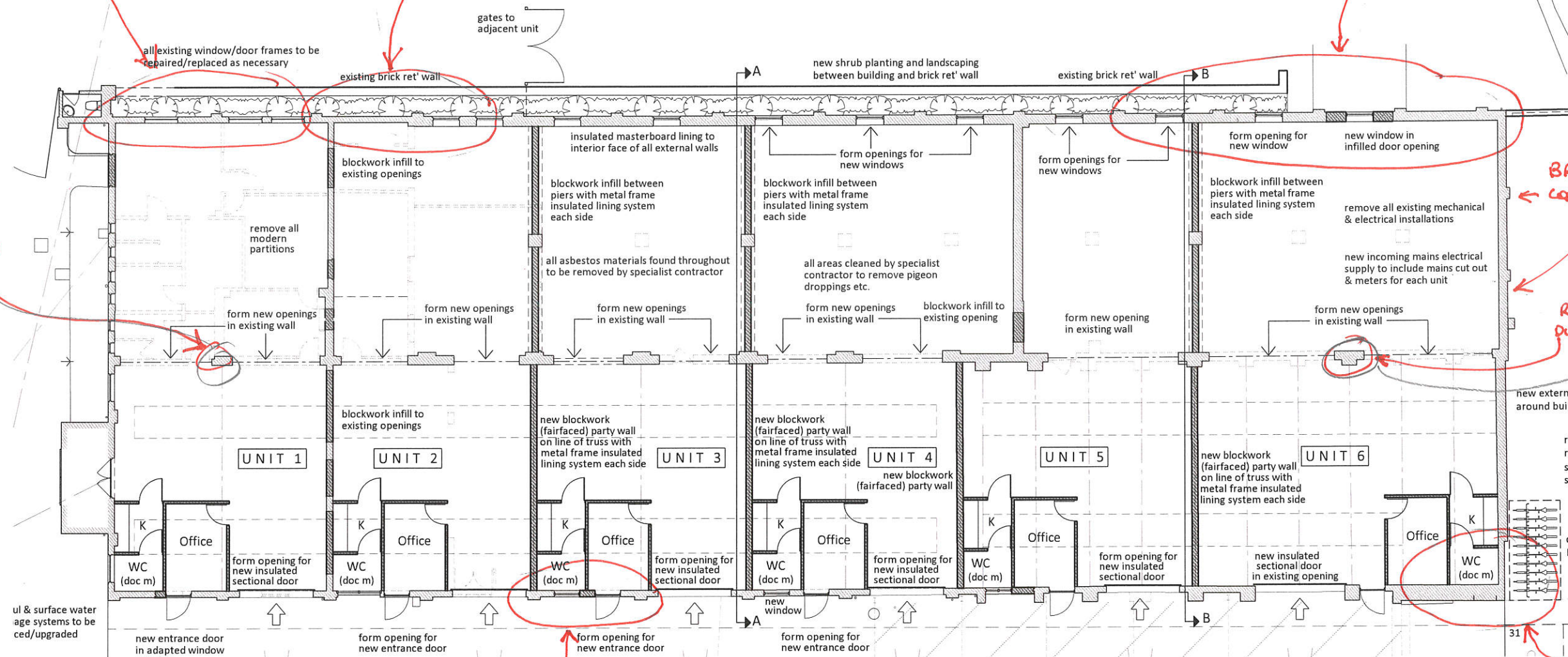
REQUIRES REBUILDING DUE TO LEAN

BRICKWORK IN POOR CONDITION

REQUIRES REBUILDING DUE TO LEAN

REQUIRES REBUILDING DUE TO LEAN.

REQUIRES LOCAL REBUILDING

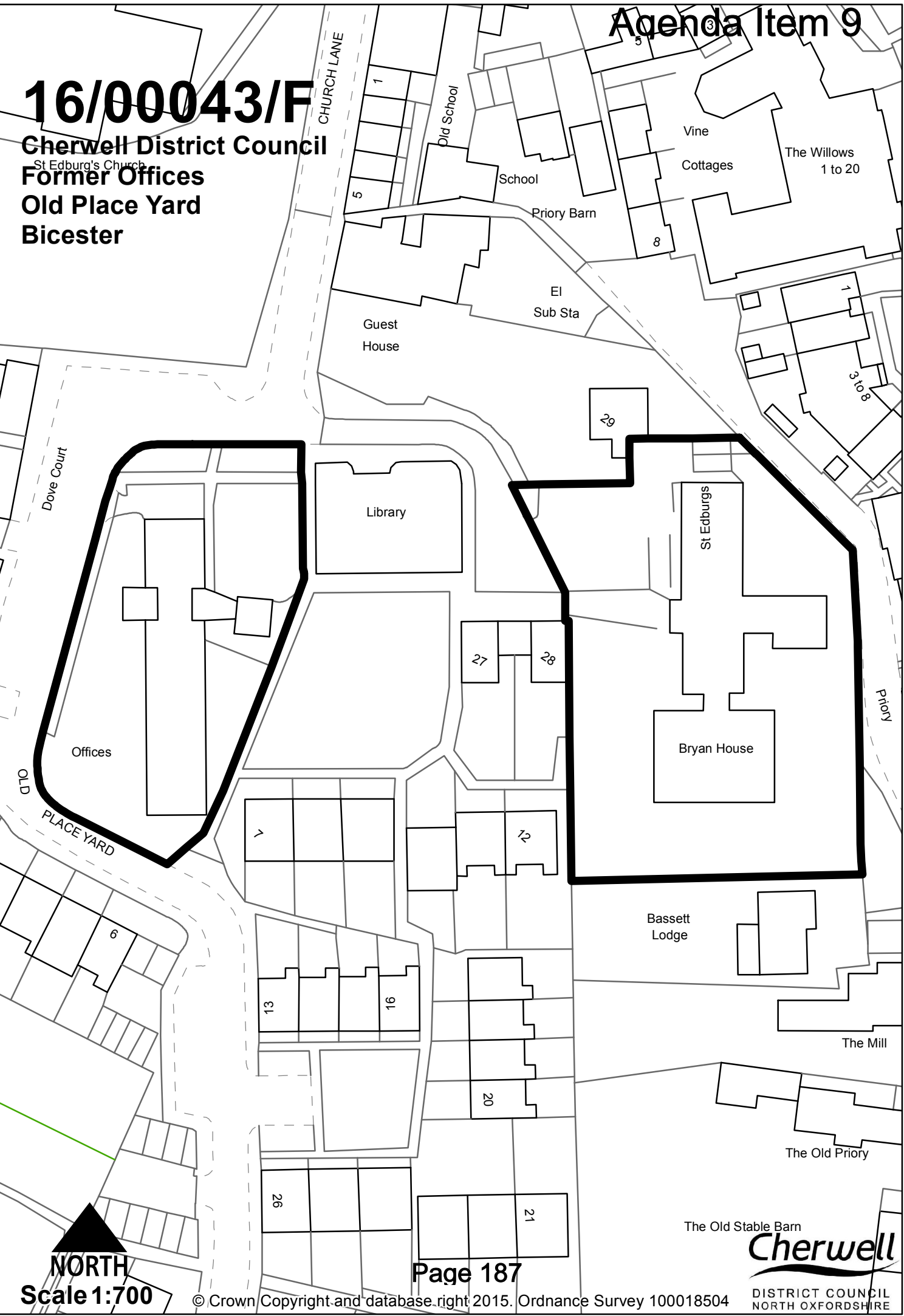


<b>Wellan</b> Tel 01608 685753	Wellan House, Aylesmore, Works, CV36 5EJ
Scale NTS Proj No 14-215	Title MARK-UP OF UNSTABLE WALLS
Date APRIL '16 Drg No SK/08	Project FORMER BURGESS BUILDING CANAL STREET, BANBURY

**16/00043/F**

**Cherwell District Council**

St Edburg's Church  
**Former Offices  
Old Place Yard  
Bicester**

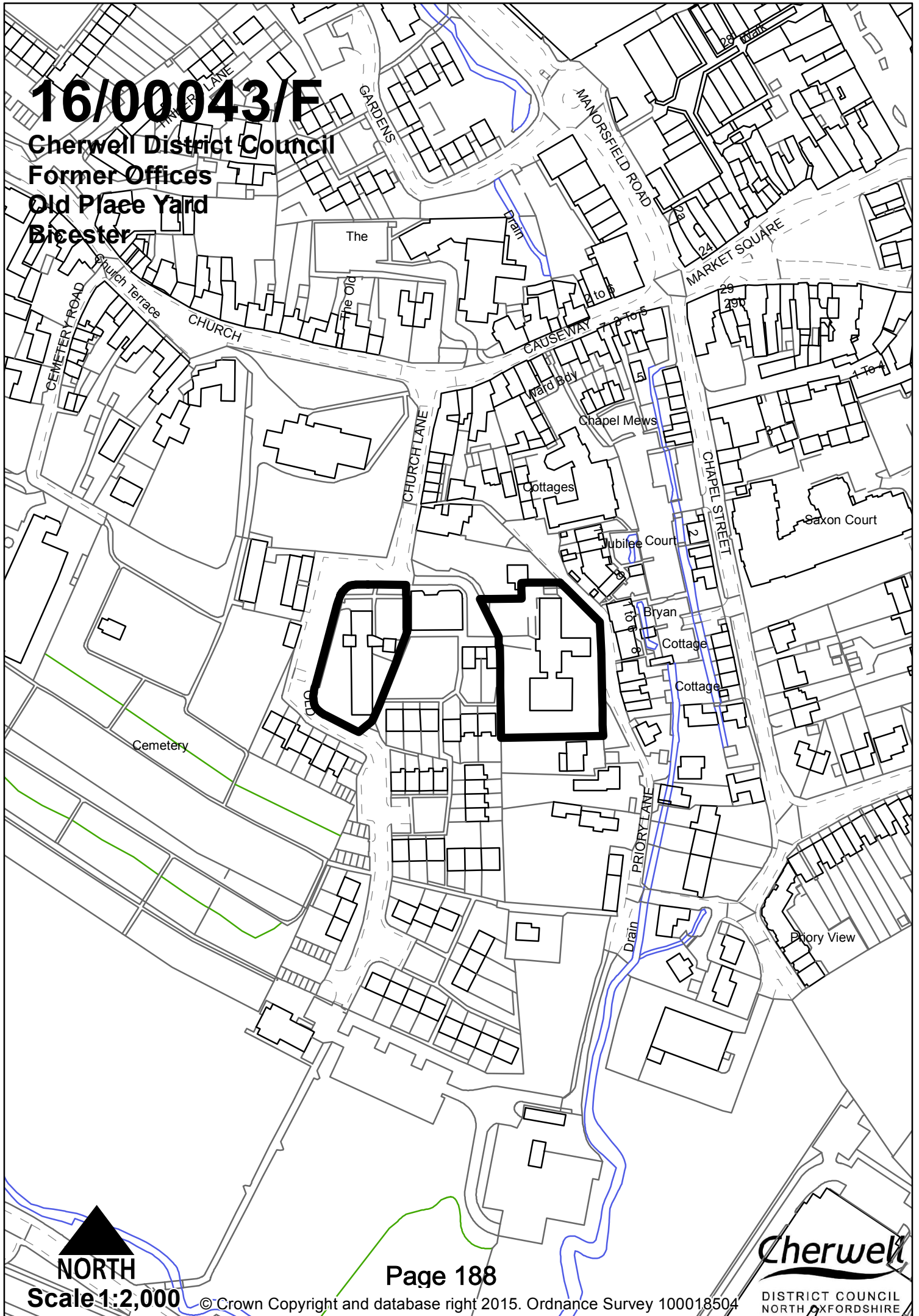


**NORTH**  
**Scale 1:700**



# 16/00043/F

**Cherwell District Council  
Former Offices  
Old Place Yard  
Bicester**



**NORTH**

**Scale 1:2,000**

**Case Officer:** Shona King                      **Ward(s):** Bicester South and Ambrosden

**Applicant:** Cherwell District Council

**Ward Member(s):** Cllr David Anderson, Cllr Nick Cotter and Cllr Dan Sames

**Proposal:** 11 self-contained flats for adults with physical disabilities, learning disabilities and autistic spectrum condition. Units single storey with shared landscaped gardens and associated parking areas. Staff accommodation and communal areas to be included

**Committee Date:** 09.06.2016                      **Recommendation:** Approve

**Reason for Referral:** Major Development, and Cherwell District Council is the applicant

## 1. Application Site and Locality

- 1.1 The application sites are located immediately to the south of Bicester town centre. They comprise two sites to the west (Site A) and east (Site B) of the library, and following demolition of the buildings that were previously on the sites, are currently vacant. Site A is an open site and previously contained a single storey office building. There are dwellings to the south, west and south east of the site; the library and an area of open space lie to the east. Site B is accessed from a parking court and is bounded on three sides by dwellings and on the fourth side (east) by the single track Priory Lane. There is currently a gated access into Site B from Priory Lane but it is intended to close this as part of the proposed redevelopment of the site.
- 1.2 Immediately adjacent to the westernmost site (Site A) is a Grade II listed dovecote; the dovecote is not proposed to be altered as part of the application. The sites are also within the setting of the Grade 1 listed St Edberg's Church and the Grade II\* listed building known as The Old Priory. The boundary wall to the east of the site, forming part of the boundary with Priory Lane, is listed. The sites lie outside but adjacent to the Bicester Conservation Area. The site lies within an area of significant archaeological interest and this is discussed in more detail below.
- 1.3 There is a public right of way running north/south along the eastern boundary of Site A.

## 2. Description of Proposed Development

- 2.1 Consent is sought for the erection of 11 self-contained single storey units for adults with physical disabilities, learning disabilities and autistic spectrum conditions. It is proposed to construct 5 units on Site A and 6 units on Site B. Site A is to have a communal garden whilst the units within Site B would have individual gardens as well as a communal garden. Both sites are to have car parking allocated to the units and Site B is to have a gated entrance to the units from the car park area.

- 2.2 The units are to be constructed from brick with plain clay tiles and timber windows. Amended plans have been accepted during the course of the application and these show minor revisions to the design of the building proposed on Site A, the walls to be faced in a traditional English Garden brick bond, and architectural detailing to the window cills, eaves and verges. The amended plans also position the dovecote outside the communal garden area serving the 5 units on Site A, and clarify that the railings proposed to enclose the communal garden would not be attached to the dovecote.
- 2.3 A Design and Access Statement, Flood Risk Assessment, Tree Survey Report and Arboricultural Method Statement, Ecological Appraisal, and Archaeological Written Scheme of Investigation have been submitted in support of the application. In addition a desk-based assessment has been submitted and archaeological investigations have been carried out on site during the course of the application, and an evaluation report of the findings of the on-site investigations has also been submitted.
- 2.4 As a consequence of discussions between the applicant, Historic England and the County Archaeologist regarding the findings of the archaeological investigations, a revised siting of the buildings on Site B is now proposed to reduce the impacts to a minimum, and amended plans have been submitted to show this along with details of the foundation design and amendments to the construction of the buildings; a lightweight structure is proposed with render on the inward facing elevations of the buildings. At the time of writing this Committee report, these elements are the subject of further consultation and publicity and Members will be updated on the outcome of this at the Committee Meeting.

### 3. Relevant Planning History

Prior approval was granted for the demolition of the buildings on the sites under application 13/01148/DEM4 in September 2013. The works have taken place and the sites are vacant.

### 4. Response to Publicity

- 4.1 The application has been advertised by way of site notice, press notice and neighbour letters. The final date for comment was the 4 May 2016. 20 representations (19 objecting and 1 in support) have been received in respect of the application and all representations can be viewed in full on the Council's website. In summary the following issues have been raised:

- Impact on:
  - Archaeological importance of the site and remains
  - Conservation Area
  - Listed buildings and their settings
  - Open/public space
  - Trees
- Design
- Accuracy of the planning statement accompanying the application
- Flooding/flood risk
- Parking
- Re-use of dovecote
- Good location for dwellings

### 5. Response to Consultation

- 5.1 **Bicester Town Council:** *Bicester Town Council welcomes this application. However care must be taken to ensure that the rich heritage and ecology of Old Place Yard is recognised, registered and as far as possible, retained for the benefit of this and future generations, even*

*if this means remodelling of the application. Such retentions if sensitively incorporated would further enhance the quality of life of those living in the area.*

*Old Place Yard is of significant local and regional and could be of national and international importance. It is essential that this heritage is fully investigated and recorded and where possible integrated into the application so it is not lost to Bicester. This is especially important as Bicester continues to expand rapidly so that historical continuity is embedded and becomes a cornerstone supporting the growing town. Bicester Town Council supports Bicester Local History Society's letter dated 13 February 2016 and requests that a full archaeological survey is carried out before any work takes place.*

## **5.2 Cherwell District Council:**

### **5.2.1 Planning Policy: *The Planning Policy Team's main observations are:***

- *The adopted Local Plan 2011-2031 suggests that the need for housing for those with care needs is significant. 'Extra care' housing comprises self-contained accommodation for older and disabled people which enables independent living by providing a range of support facilities on the premises and 24-hour care services. The proposal would contribute in achieving more social cohesion by providing an opportunity for community living and a better mix of housing within residential areas.*
- *Policy BSC 4 of the Local Plan 2011-2031 encourages extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs to be accommodated in suitable locations close to services and facilities.*
- *This application proposes residential development on brownfield land which is supported by Policy BSC 2 which encourages the re-use of previously development land in sustainable locations. The site is within the built-up area of Bicester, which is one of the two most sustainable settlements in the district with good accessibility to services and facilities, and employment opportunities.*
- *Bryan House/St.Edburg's building which was previously a care home that provided residential dwellings has been demolished, as well as the former Council offices (application ref. 13/01148/DEM4).*
  - *The site is identified for 15 affordable dwellings in the Non-Statutory Cherwell Local Plan 2011.*
- *The site is adjacent to the Bicester Conservation Area. Policy ESD 15 expects new development to complement and enhance the character of its context through sensitive siting, layout and high quality design. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.*
- *Informal development principles were approved for the site in 2007, which demonstrated that, although constrained, the site is suitable for residential development.*
- *The Informal development principles highlighted that the setting of the Conservation Area and all listed buildings in the proximity, in particular the dovecot, should be protected. Key views to the church and dovecote should be preserved.*
- *Careful consideration is needed for the grade II listed dovecote which lies adjacent to Site A.*
  - *The eastern part of the site where 'Site B' is proposed is within Flood Zones 2 and 3 therefore consultation with the Environment Agency would be required.*
- *The district has a 5.6 year housing land supply for the five year period (2016-2021) commenced on 1 April 2016.*
- *The site is included in the SHLAA Update 2014 (ref. BI063). The SHLAA concluded that "The site is considered initially deliverable in part for about 11 dwellings. Due to its*

*location and characteristics, the whole site would be suitable for about 25 dwellings. Any proposal would need to protect the historic and archaeology value of the area.”*

### **Policy Recommendation**

*From the observations above, there is no Planning Policy objection in principle subject to detailed consideration of the impact on the historic environment and consultation with the Environment Agency on the eastern part of the site.*

5.2.2 Conservation Officer (comments on original plans and submission) objects, expressing significant concerns regarding the design quality of the scheme and its impact on the Conservation Area and the setting of the Grade II listed Dovecote. The Conservation Officer states: *There are three aspects to this application that require consideration:*

1. *The archaeology of the site*
2. *The impact on the listed building*
3. *The design of the proposed buildings and their integration into the existing built environment.*

*The priory site is of particular archaeological sensitivity. The archaeological importance of the site is not addressed in this application. A full archaeological assessment of the site should be undertaken prior to the commencement of construction work.*

*The setting of the listed dovecote is not handled sympathetically as it appears the proposal is to incorporate three walls of the Dovecote into the boundary of the garden of one of the proposed developments. Any application must allow for a constructive reuse of the dovecote, this proposal would limit many potential uses.*

*The significant stone wall onto Priory Lane is to be retained.*

*This is an excellent opportunity to develop a centre town location in an interesting and vibrant ways. The proposed scheme is not that exciting opportunity it is a proposal that is pedestrian in the extreme. I therefore recommend that it is either withdrawn or refused in order that a more coherent proposal which integrates better with the historic context of the town can be put together.*

*Recommend refusal*

5.2.3 Conservation Officer (comments on amended plans and submissions received 6 May 2016):

*Further to my comments submitted on 17 February 2016 I am of the view that although changes have been made to the submitted scheme these do not go far enough.*

*The site remains an important one archaeologically and before being developed further should be the subject of an archaeological investigation as detailed by HE and the County Archaeologist.*

*The treatment of the listed dovecote and its setting remains unacceptable; moving the boundary and leaving a small gap between railings and dovecote does not meet a requirement for the dovecote to be able to sustain an independent, significance-sensitive use. On top of this observation the general relationship of proposed buildings to existing neighbouring buildings is poor.*

*The design of the proposed buildings remains pedestrian. This is a site within the historic heart of Bicester and whilst pastiche architecture is not the answer, the authors of the proposal should take something inspiration from the architectural inheritance of the district.*



*What is being built here is sheltered accommodation; in the past these were called 'almshouses'. A trawl throughout the district for almshouses throws up a subset of buildings; all but one set of buildings (Hornton cum Studley) having an upper floor, all are built as or in a row, all can be described using the word 'diminutive' when discussing either the height or massing of the building, all come easily within the historic architectural mainstream of the area. The modern bungalows proposed do not sit within this context.*

*The description states that this is accommodation for 'adults with physical disabilities, learning disabilities and autistic spectrum condition' as well as staff accommodation, also to include communal areas and shared landscaped gardens and parking areas. All of the people for whom this accommodation is being constructed will have family and friends (additional sleeping provision maybe needed), few will be unable to use a stair and if this is a case then a stairlift can be installed. Landscaping is uninspiring.*

*My view is that the proposed accommodation should be one and a half storeys to better fall within the architectural style of the area.*

*Recommend refusal. Policy reasons for refusal remain as previously specified.*

5.2.4 Landscape Services: No comment to date

5.2.5 Arboriculturalist: *Concerned about the removal of trees T1 (Cat A (1)), T9 (Cat B (1)). It should be possible to retain the viable T1 tree with an amended car park/access layout with an arboricultural method statement to support the continued existence of this tree. It is important to retain screen trees on the southern boundary to mitigate views of the development from local residencies.*

*Detailed landscape proposals, along with retained trees with protection areas indicated, are essential to ensure these constraints are addressed properly within the architectural and landscape layouts. Small garden trees are required on the southern boundary for both screening and amenity.*

*A landscaping maintenance specification is necessary to ensure the successful establishment of the landscaping.*

*Tree pit details and supporting specification for the successful establishment of proposed trees is essential.*

5.2.6 Waste Resource Manager: *the developer will have to satisfy the local authority that they have adequate provision for waste and recycling storage, before the application is agreed. For this type of development an area of 1.4 sqm needs to be provided for the Waste and Recycling provision. There will also need to be easy access to the bin store area for collection days and this needs to be no further than 25m from the vehicle access.*

*A Section 106 contribution of £106.00 per property will also be required.*

5.2.7 Strategic Housing Facilitator: *The Investment and Growth Team supports this application as Cherwell District Council are working closely with the County Council as well as specialist design consultants in order to deliver a supported housing scheme which will see the provision of two facilities which will provide specialist accommodation for those with Learning Difficulties and mobility issues.*

*The Council have secured grant funding from the Homes and Communities Agency in order to aid the delivery of this accommodation for the client group.*

### **5.3 Oxfordshire County Council:**

#### **5.3.1 Transport: No objection subject to conditions**

##### Key issues

- *The development is unlikely to have an adverse impact on the highway network.*
- *Proposed parking provision at the development is adequate.*
- *A resident's controlled parking zone could be introduced following a consultation exercise.*
- *Turning for service vehicles will need to be demonstrated.*
- *A stopping up order will be required.*
- *Cycle parking will need to be provided.*
- *Inadequate drainage information has been supplied*

##### Conditions

- 1. Parking and Manoeuvring Areas Retained*
- 2. Details of Turning for Service Vehicles*
- 3. Cycle Parking Provision*
- 4. 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*
  - *Soakage tests*
  - *Maintenance and management of SUDS features*
  - *Sizing of features – attenuation volume*
  - *Infiltration in accordance with BRE365*
  - *Detailed drainage layout*
  - *SUDS*
  - *Network drainage calculations*

##### Detailed comments

*The development is in a sustainable location with a short level distance to Bicester town centre shops, bus stops, and other facilities.*

*The nature and scale of the development is such that it is unlikely to generate a significant amount of vehicle traffic, and therefore unlikely to have an adverse impact on the capacity of the highway network.*

*Parking provision for both developments is adequate but not excessive. The staff parking to the north of Building B would need to be allocated as such.*

*There is a high and constant demand for on-street parking on Old Place Yard associated with town centre uses. This generates a significant amount of vehicle circulation whilst car drivers search for a space. The proposed parking to the south of Building A would result in the loss of some on-street spaces.*

OCC has already commented on the parking issues in the area and these comments, which are included in Section 9 of the Design and Access Statement, are still valid. In particular, the resident's controlled parking zone on Church Lane could be extended into Old Place Yard, but would require a consultation exercise to be undertaken.

The turning area annotated to the north west of Building B appears adequate. However, this will need to be demonstrated by swept path analysis.

There is a well-used north-south pedestrian route passing through the centre of the site and this will need to be preserved. The adoption plan for the area shows that a western branch of this route passes to the west of the Dovecote and joins the western branch of Old Place Yard. Site A occupies the space used by this route, and a stopping up order will be required.

A modest amount of covered cycle parking should be provided for the benefit of able bodied residents, staff, other carers and visitors.

#### Drainage

The Flood Risk Document is incomplete. The last few pages are blank. In particular OCC would like to see the soakage tests and unfortunately that is one of the blank pages.

#### 5.3.2 Archaeology (comments on original submission received 18 February 2016): Objection

Key issues: The proposed development is located in an area of considerable archaeological interest within the site of the medieval Bicester Priory. Historic England have identified that the site has the potential to contain nationally important archaeological deposits. An archaeological desk based assessment will need to be submitted with this application assessing the potential impacts of this proposal on any such deposits as set out in the NPPF paragraph 128.

The submitted written scheme of investigation is wholly inadequate to deal with the potential complexities of the archaeological deposits and should be withdrawn from the application.

The recommended DBA should provide the appropriate level of information to identify a suitable and appropriate mitigation methodology.

#### Detailed Comments:

The proposed development is located in an area of considerable archaeological interest within the site of the medieval Bicester Priory. Any development on this site has the potential to disturb archaeological remains related to this significant archaeological site.

The site was considered for scheduling by Historic England who concluded that they were not able to recommend the site for scheduling at that time as they were unable to confirm the extent to which the remains survive. They did however highlight that:

*'were survival to be of good quality so that most of the plan of the church and cloister could be interpreted from foundation trenches and wall footings, that would be enough to say that there was substantial survival and the potential for a greater understanding of Bicester Priory. In that case the Priory would undoubtedly be of national importance for its survival, potential, period and group value.'*

We have previously provided advice for this site as part of the County Council response to a pre application consultation (15/00182/PREAPP) where we recommended that an archaeological assessment (desk based assessment) would need to be submitted along with any planning application for the site in line with paragraph 128 of the NPPF. The requirement

was also reiterated to Cherwell District Council in an email to Peter Meadow, Construction Team Leader, on the 10th December 2015.

The NPPF states that:

*'Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment' (NPPF para 128).*

*A heritage statement has been submitted with this application. This however only considers the setting of the listed building on the site and does not assess the impacts on any below ground archaeological deposits. The heritage statement omits any reference to Historic Environment Record data also required by paragraph 128 of the NPPF.*

*A written scheme of investigation (WSI) has also been submitted by the applicant along with the planning application which sets out the applicant's proposed archaeological mitigation. At no time have we been consulted about the appropriate level of mitigation that the importance of the site justifies. The written scheme only considers the most recent archaeological reports relating to the site and there is no attempt to produce a full assessment of the archaeological interest or potential of the Priory Site. Only the plan of the Priory Church is included and the other important aspects of the Priory complex such as the cloisters, chapter house and kitchens are omitted. As a result there has been no consideration of the impact of this proposed development upon these features.*

*The submitted WSI highlights that the aim of the archaeological investigation is the preservation in situ of significant archaeological deposits. The WSI proposes a watching brief as the best way to achieve this but this approach would be wholly insufficient to achieve this. The WSI proposes that the significance of any archaeological deposits encountered would only be assessed after the watching brief is fully completed (5.11). If this approach were to be adopted then any consideration of the extent of the survival of the remains and their significance would not be possible until after the impact of the development had occurred. This is not an acceptable approach that is in line with the NPPF and the statement from Historic England.*

*The WSI states that previous investigations show that the archaeological deposits have been truncated but this is not the case over the whole site and seems to be based only on the watching brief within the footprint of the previous building. The two oven bases found within Trench 6 of the 2013 evaluation clearly show that relatively well preserved archaeological deposits do survive on the site. The WSI highlights that the proposed foundation design has not yet been determined for a number of areas and therefore the potential impacts on surviving archaeological deposits cannot be understood at this stage.*

*English Heritage states in the designation report that:*

*'Further excavation in an open area context would resolve the problem of its survival, and any such excavation would need to be conducted in such manner as to assume that the 2013 evaluation was correct and that the site was of national importance until proved otherwise.'*

*The proposed mitigation set out in the WSI is therefore not an acceptable scheme and would not provide any opportunity for deposits of national importance to be identified and protected. The WSI should therefore be withdrawn from this application.*

*We would recommend therefore that an archaeological desk based assessment drawing together the results of **all** previous archaeological investigations on the site and providing a full assessment of the archaeological significance and interest will need to be submitted with any planning application for this site before the application is determined in line with our previous*

*advice and paragraph 128 and 139 of the NPPF. This assessment should also set out a positive approach for the identification and preservation of important archaeological features.*

*Once this desk based assessment has been submitted we will be able to provide more detailed advice on this application.*

### 5.3.3 Archaeology (comments on additional information received 06 May 2016): Objection

*Key issues: The proposed development is located on the remains of Bicester Priory. This site is considered to be of National Importance. The level of proposed impact and the suggested archaeological mitigation would not be acceptable for a site of this significance and we would recommend that planning permission should not be granted at this stage.*

#### *Detailed comments:*

*The applicant has now submitted a desk based assessment for the site. This document does provide a fuller account of the archaeological background of the site than that contained within the written scheme of investigation. The assessment of the significance of the heritage assets however is based on the assumption the site is only of local or regional importance. The assessment highlights paragraph 135 of the NPPF which deals with non-designated assets but makes no reference to paragraph 139.*

*'Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.'*

*A further phase of archaeological evaluation has now been undertaken although the report for this has yet to be submitted. The evaluation work at the site has shown that the remains of the Priory do survive to such an extent that a clear understanding of the layout of the*

*Priory can be gained. English Heritage's scheduling report highlights that in such a case the site would be considered to be of national importance.*

*The application will therefore need to be determined in line with the policies within the NPPF for designated sites as set out in paragraph 139. There is the potential for development on the site but it will need to be carefully designed to minimise the impact on the significant archaeological deposits.*

*The current proposals for mitigation would not be acceptable. The archaeological method statement submitted with the application sets out a reactive approach to preservation with a watching brief undertaken during the development and suggests that 17.5% of the Priory would be impacted. This would not be an appropriate level of impact to preserve the site in situ and the watching brief is unlikely to be able to record the affected archaeological deposits in a manner proportionate to their significance as set out in the NPPF, paragraph 141.*

*A new foundation design is being considered following the recent evaluation with the aim of reducing the impacts considerably but we will not be able to assess this until details of the design and the evaluation report have been received.*

*The western side of the site does contain archaeological deposits related to the Priory site but these are not considered to be of national importance. They are however still significant deposits and the watching brief proposed in the method statement will not be a suitable method of preserving these deposits by record as required by paragraph 141 of the NPPF.*

*We would therefore not recommend that planning permission is granted at this stage.*

#### 5.3.4 Archaeology (comments on additional information received 23 May 2016):

*The submitted amendments do not alter our original comments as they only affect the standing buildings on the site. The advice of the Conservation Officer at the District Council should however be taken.*

#### 5.3.5 Archaeology (comments on additional information received 24 May 2016):

*The evaluation work at the site has shown that the remains of the medieval Priory survive to an extent that a clear understanding of the layout of the Priory can be gained. English Heritage's scheduling report highlights that in such a case the site would be considered to be of national importance (paragraph 139, NPPF 2012).*

*The application will therefore need to be determined in line with the policies within the NPPF for designated sites as set out in paragraph 139. There is the potential for development on the site but it will need to be carefully designed to minimise the impact upon the significant archaeological deposits.*

*A redesigned foundation plan has been submitted to us (H489-MO-Z2-FN-DR-S-21022-P1\_B) which sets out a piled design which reduces the impact of the proposed development considerably. Whilst the Priory remains are very significant the impact of this redesigned foundation plan is likely to be less than substantial. This scheme can form the basis of an agreed mitigation.*

*There will however still be a significant impact upon the archaeological remains and a programme of archaeological investigation would be required in line with paragraph 141 of the NPPF. This can be secured through appropriately worded conditions as set out below providing the finally agreed scheme is acceptable to Historic England and ourselves.*

- 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 and including details of the foundation design, 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).*

5.3.6 Education: No comment. The proposed mix of housing for this development generates no additional early years, primary, secondary or SEN pupils. Therefore we have no comment to make. Should the mix subsequently change, our response to the development may also change and we reserve the right to request contributions at a future date.

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

OCC is not seeking property contributions to mitigate the impact of this development on infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended).

If a S106 agreement is required to secure either transport or education contributions then the County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured. An administrative payment would also be required for the purposes of administration and monitoring of the proposed S106 agreement.

Conditions: The County Council as Fire Authority 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. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission.

Informative: the Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems

5.3.8 Ecology: The District Council should be seeking the advice of their in-house ecologist who can advise them on this application.

#### **5.4 Other External Consultees:**

5.4.1 Historic England (original comments received on 29 March 2016): It is the view of Historic England that the opportunity should be taken to improve the design of the proposed development, and in particular the choice of material for the roofs, in order to avoid harming the significance of the designated heritage assets within the vicinity, particularly the grade I listed Church of St Edburg and the grade II\* Old Priory buildings.

Significant archaeological remains are known to survive on this site. These remains are not scheduled but could be considered to be of national importance. A detailed desk-based archaeological assessment should be submitted in order for the impact of the proposals to be properly understood. Once we have received a detailed assessment, we would be happy to advise further on appropriate mitigation.

#### Significance

The proposed development area is located on the site of Bicester Priory, a medieval religious house belonging to the order of St Augustine. Such sites are illustrative of a time when monasteries were centres of worship, learning and charity and they usually included a church, cloister and inner courtyard with guest accommodation, kitchens and other functional buildings. Very little of the monastery survives above ground at Bicester but some of the surrounding buildings do contain medieval fabric. The Old Priory and attached garden walls to the south-east of the development site are listed grade II\* and may represent the former hospice of Bicester Priory. Old Place Yard House to the north is listed grade II, dates from the sixteenth century and was probably part of a gatehouse to Bicester Priory. The Church of St

*Edburg, to the north-east of the site, is listed grade I and is the oldest building in the vicinity, with historic fabric dating back to the 11<sup>th</sup>-12<sup>th</sup> centuries. The Church provides an important link back to the origins of the monastic site. Bicester Priory was dissolved in 1536 and its own church was demolished at this time. The other Priory buildings were adapted for private use before eventually being demolished in the later seventeenth century.*

*Several archaeological investigations have taken place on or close to the proposed development area. An archaeological excavation in 2011 (JMHS) uncovered the east end of the church to the east of Priory Lane and a number of burials. A burial has been recorded in the vicinity of the existing library, where the lay cemetery is believed to have been located. A trial trench evaluation of the proposed development area in 2013 revealed surviving wall foundations, floor bedding surfaces, ovens and stone robbing trenches surviving beneath the ground.*

*The site clearly has evidential value. It is known that significant buried archaeological remains do survive on this site but how they relate to each other is not properly understood. The site has historical value in its link to the Augustinian Order and the dissolution of the monasteries. Communal value is demonstrated by the fact that a community still lives within and around the Priory site, which has a certain aesthetic value provided by its open green spaces. These values combine to give the heritage asset its significance.*

*Part of Bicester Priory at Old Place Yard was considered for scheduling by English Heritage (as was) in 2015. The decision was taken not to schedule the site because of uncertainty over the extent and quality of a surviving coherent plan of the medieval Priory. In their advice report English Heritage (25/03/2015) recommended that "Further excavation in an open area context would resolve the problem of its survival, and any such excavation would need to be conducted in such a manner as to assume that the 2013 evaluation was correct and that the site was of national importance until proved otherwise. Therefore at present we feel that the site is best managed through the planning process but if during this process substantial survival is demonstrated, we would consider the site to be of national importance".*

#### Impact

*The proposed development would be located in two areas. Site A would be located to the west, on the site of the former Council offices. Area B would be located to the east, on the site of a former care home. The proposals are for eleven self-contained flats for people with physical disabilities, learning disabilities and Autistic Spectrum Condition. Both buildings would be single storey with photo-voltaic panels on the roofs. Fencing and hedge planting is proposed around the perimeter of the site.*

*With regard to the listed buildings, there would be no meaningful intervisibility between nearby designated heritage assets and site B. The roofs of site A would be visible from within the churchyard, particularly in winter, when the trees on the edge of the churchyard shed their leaves. The setting of the church is defined by the small scale vernacular buildings that surround it. These make an important contribution to its significance: historically they are a reminder that the church was at the centre of medieval Bicester. The appreciation of the architectural qualities of this grade I listed building is greatly enhanced by the surrounding vernacular buildings. Development on site A which was unsympathetic, either due to being out of scale or of an unsympathetic design has the potential to harm the significance of the church as the sense that it is at the centre of a historic settlement would be eroded.*

*The design proposed is disappointing architecturally but, as it is relatively low and features traditional roofs it need not have an adverse impact on the setting of the church providing a high quality material, such as natural slate or tile, is used. The concrete tile currently proposed would not fit well with the surrounding buildings and would not create an attractive foil for the church. We therefore conclude that there would be an element of harm to the*



*significance of this grade I listed building.*

*There may also be an impact on the setting of the grade II listed 17<sup>th</sup> century Dovecote, which is located directly adjacent to Site A. The District Conservation Officer should be consulted on this matter.*

*With regard to the buried archaeological remains, we support the advice already provided by the Planning Archaeologist at Oxfordshire County Council. A thorough desk-based assessment of the proposed development area would be worthwhile to draw together the results of all the previous investigations and to enable a more detailed understanding of the buried archaeology. The Heritage Statement provided by EDP does not adequately cover the archaeological impacts and we do not consider an archaeological watching brief to be an appropriate form of mitigation for this site. We would be happy to advise further once such an assessment has been submitted.*

#### *Policy considerations*

*Paragraph 132 of the NPPF advises that substantial harm to a designated heritage asset harm is necessary to achieve substantial public benefits that outweigh that harm. Paragraph 134 advises that where a development proposal will lead to less than substantial harm this needs to be weighed against the public benefits of the proposal.*

*As the harm to the church could be avoided by using a better quality roofing material we do not consider the harm entailed by this application justified. Public benefits could include better interpretation of the Priory site, perhaps using the listed Dovecote as an interpretation centre.*

#### *Conclusion*

*In conclusion, it is the view of Historic England that the opportunity should be taken to improve the design of the proposed development, and in particular the choice of material for the roofs, in order to avoid harming the significance of the designated heritage assets within the vicinity, particularly the grade I listed Church of St Edburg and the grade II\* Old Priory buildings.*

*Significant archaeological remains are known to survive on this site. These remains are not scheduled but could be considered to be of national importance. A detailed desk-based archaeological assessment should be submitted in order for the impact of the proposals to be properly understood. Once we have received a detailed assessment, we would be happy to advise further on appropriate mitigation.*

#### *Recommendation*

*We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.*

#### 5.4.2 Historic England (additional comments received 9 May 2016):

*We have received amended proposals for the above scheme. This amended advice is based on a site visit made on 26th April 2016 and subsequent discussions with the agent.*

#### *Summary*

*A detailed desk-based archaeological assessment has been submitted and further evaluation trenching has been undertaken since we last commented on this scheme on 28th March 2016. Significant archaeological remains are proven to survive on this site, including well-preserved remains of Bicester Priory church foundations, cloister walls and the possible chapter house in the eastern half of the site. These remains are not scheduled but appear to be of national importance and therefore should be considered of equivalent importance to scheduled monuments. The proposed scheme, as submitted, would be harmful to the*

significance of the heritage asset through its impact on the buried archaeological remains. A design solution could be found to preserve the remains in situ beneath the proposed buildings but further details would be required to ensure this would work, including revised design drawings and the results of the archaeological evaluation (report forthcoming). However, as submitted, the scheme is considered to be too harmful and we therefore recommend that consent should be refused. We would be pleased to advise on an alternative scheme for the eastern half of the site.

#### Historic England Advice

Our previous advice outlined the significance of the site in detail. This has also been further addressed through the submission of an archaeological desk-based assessment and a trial trench evaluation carried out by Headland Archaeology. We are awaiting the report detailing the results of the evaluation.

As you are aware, part of Bicester Priory at Old Place Yard was considered for scheduling by English Heritage (as was) in 2015. The decision was taken not to schedule the site because of uncertainty over the extent and quality of a surviving coherent plan of the medieval Priory. In their advice report English Heritage (25/03/2015) recommended that "Further excavation in an open area context would resolve the problem of its survival, and any such excavation would need to be conducted in such a manner as to assume that the 2013 evaluation was correct and that the site was of national importance until proved otherwise. Therefore at present we feel that the site is best managed through the planning process but if during this process substantial survival is demonstrated, we would consider the site to be of national importance".

Following the most recent evaluation, it appears that substantial survival has been demonstrated in the eastern part of the development area. These remains should be preserved in situ.

#### Impact

The proposed development would be located in two areas. Site A, located to the west, on the site of the former Council offices, contains archaeological remains considered to be of regional/local importance. The impact of the development on this part of the site could be mitigated through an appropriate programme of archaeological work. The County Planning Archaeologist is best placed to advise on this. Area B, located to the east, on the site of a former care home, is where the most significant archaeological remains have been found to survive. The proposals are for eleven self-contained flats for people with physical disabilities, learning disabilities and Autistic Spectrum Condition. The foundation design, as submitted, is considered likely to cause substantial harm to the archaeological remains in the eastern part of the site. We have received some alternative design proposals from the applicant which would go some way to ensuring preservation in situ of the significant archaeological remains. However, without details relating to the depths of the buried remains and proposed depths of foundations we do not have enough information to advise whether this design solution would work.

#### Policy considerations

Paragraph 139 of the NPPF states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets. Paragraph 132 of the NPPF advises that substantial harm to a designated heritage asset should be wholly exceptional and paragraph 133 advises that consent should be refused unless the harm is necessary to achieve substantial public benefits that outweigh that harm. Paragraph 134 advises that where a development proposal will lead to less than substantial harm this needs to be weighed against the public benefits of the proposal.

### Recommendation

Significant archaeological remains are proven to survive on this site, including well-preserved remains of Bicester Priory church foundations, cloister walls and the possible chapter house in the eastern half of the site. These remains are not scheduled but appear to be of national importance and therefore should be considered of equivalent importance to scheduled monuments. The proposed scheme, as submitted, would be harmful to the significance of the heritage asset through its impact on the buried archaeological remains. A design solution could be found to preserve the remains in situ beneath the proposed buildings but further details would be required to ensure this would work, including revised design drawings and the results of the archaeological evaluation (report forthcoming). However, as submitted, the scheme is considered to be too harmful and we therefore recommend that consent should be refused. We would be pleased to advise on an alternative scheme for the eastern half of the site.

- 5.4.3 Historic England (additional comments received 24 May 2016): We have received amended proposals for the above scheme. This amended advice is based on the additional information recently received by Historic England

### Summary

Significant archaeological remains are proven to survive on this site, including well-preserved remains of Bicester Priory church foundations, cloister walls and the possible chapter house in the eastern half of the site. These remains are not scheduled but appear to be of national importance and therefore should be considered of equivalent importance to scheduled monuments. The revised scheme, as detailed in the drawings submitted to Historic England, would cause significant harm to the significance of the heritage asset through its impact on the buried archaeological remains. However, the proposed design solution shows that the developer has made efforts to reduce the level of harm and to preserve the remains in situ beneath the proposed buildings. The local planning authority will need to weigh the public benefits of the proposals against the harm likely to be caused.

### Historic England Advice

We previously commented on the proposed scheme on 28th March 2016 and 9th May 2016. Since we last commented on this scheme we have received revised foundation and drainage drawings and the archaeological evaluation report (Headland Archaeology 2016). Our previous advice letters outlined the significance of the site in detail. This has also been further addressed through the submission of an archaeological desk-based assessment and a trial trench evaluation carried out by Headland Archaeology.

As you are aware, part of Bicester Priory at Old Place Yard was considered for scheduling by English Heritage (as was) in 2015. The decision was taken not to schedule the site because of uncertainty over the extent and quality of a surviving coherent plan of the medieval Priory. In their advice report English Heritage (25/03/2015) recommended that "Further excavation in an open area context would resolve the problem of its survival, and any such excavation would need to be conducted in such a manner as to assume that the 2013 evaluation was correct and that the site was of national importance until proved otherwise. Therefore at present we feel that the site is best managed through the planning process but if during this process substantial survival is demonstrated, we would consider the site to be of national importance".

Following the most recent evaluation, it appears that substantial survival has been demonstrated in the eastern part of the development area. We advised that these remains should be preserved in situ and the developer has redesigned the foundations to reduce their impact.

### Impact

*The proposed development would be located in two areas. Site A, located to the west, on the site of the former Council offices, contains archaeological remains considered to be of regional/local importance. The impact of the development on this part of the site could be mitigated through an appropriate programme of archaeological work. The County Planning Archaeologist is best placed to advise on this.*

*Area B, located to the east, on the site of a former care home, is where the most significant archaeological remains have been found to survive. The proposals are for eleven self-contained flats for people with physical disabilities, learning disabilities and Autistic Spectrum Condition. The revised foundation design, as detailed in MONSON drawings H489-MO-Z2-FN-DR-S-21022; H489-MO-Z2-FN-DR-S-21023; H489-MO-Z2-XX-DR-C-31103; H489-MO-Z2-XX-DR-C-31104, is considered likely to cause significant harm to the archaeological remains in the eastern part of the site. It will thus impact upon the significance of the site through the impact upon its archaeological interest. However, the use of piles and shallow foundations and the routing of drainage through previously disturbed areas should ensure preservation in situ of most of the significant archaeological remains.*

*More extensive area evaluation in advance of the design of the final pile layout would ensure avoiding major obstacles and significant buried remains. The guidelines and best practice on Piling and Archaeology provided by Historic England (revised 2015) should be followed in this case.*

### Roof design

*We had previously advised that the use of concrete roofing tiles was not appropriate for the proposed buildings. We understand that clay plain tiles are now proposed, which would be in keeping with the adjacent, listed dovecote. Historic England approves of this amendment.*

### Policy considerations

*Paragraph 139 of the NPPF states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets. Paragraph 134 advises that where a development proposal will lead to less than substantial harm this needs to be weighed against the public benefits of the proposal.*

*While the harm that would be caused by the impact upon the archaeological interest by this development would not be substantial, it is nevertheless significant, and the provisions of paragraph 134 need to be met.*

### Recommendation

*It is the view of Historic England that the proposed development will cause significant harm to the significance of this nationally important site. The local planning authority will need to weigh very carefully the public benefits of the scheme and satisfy itself that they outweigh that harm. If the local planning authority is minded to grant consent for the revised scheme we would recommend the following conditions:*

- 1. No development shall commence until the applicant or their agents or their successors in title has submitted a method statement detailing the piling methodology and foundation design which has been submitted by the applicant and approved in writing by the local planning authority, advised by Historic England.*
- 2. No development shall commence until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological evaluation work in*

order to inform the pile location plan in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority, advised by Historic England.

It is not necessary to consult us again on this application. Please send us a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

5.4.4 Bicester Local History Society: Bicester Local History Society are designated consultees for this application as it will affect the setting of nearby listed buildings including the Dovecote and is in the Area of Archaeological Interest (Bicester Conservation Area Appraisal 2011).

- The Society objects to the proposals for Site A which reduce the open and unencumbered setting of the listed Dovecote by the incorporation of three of its external walls into a private garden. The building should be accessible to the public from all sides. The other external boundaries of the garden encroach on existing public open space and this detracts from the setting of the listed building.
- **The Society objects to the application being approved, until further archaeological work has been conducted and the results assessed.** The rationale for this is as follows:

The important document to consider is the English Heritage report that was prepared in 2014/15 following a proposal to have the whole area scheduled as an Ancient Monument. In relation to buried archaeology, English Heritage have advised:

“were survival to be of good quality so that most of the plan of the church and cloister could be interpreted from foundation trenches and wall footings, that would be enough to say that there was substantial survival and the potential for a greater understanding of Bicester Priory. **In that case the Priory would undoubtedly be of national importance for its survival, potential, period and group value**” ‘However, because we are unable, as yet, to .....confirm this survival, we feel that we are unable to recommend the site for scheduling at this time. However the evidence of substantial survival of fabric from the 2013 archaeological evaluation must be taken into account. **Further excavation in an open area context would resolve the problem of its survival, and any such excavation would need to be conducted in such a manner as to assume that the 2013 evaluation was correct and that the site was of national importance until proved otherwise.**’

The written scheme of investigation for archaeological mitigation prepared by EDP ignores the English Heritage advice that **‘the site was of national importance until proved otherwise’**, and proceeds on the basis that the development would go ahead anyway. This was the approach taken on the adjoining Bryan House site where an almost complete plan of the Priory chancel, choir and chapels and part of the north transept were discovered. Finds included a reliquary and burials with traces of wooden coffins, charnel pits and a stone-lined cist. All of this was destroyed because planning permission had already been given. We urge the Council not to take this damaging approach on this larger site which includes the body of the priory church and cloister.

The mitigation scheme acknowledges that there will be ‘impacts’(destruction) of archaeology from excavation for foundations, service runs and an underground storage tank. The report only allows that these will be mitigated ‘where possible’. **This is not an approach that the Society can support.**

The mitigation proposals submitted in support of this application do include a ‘Set- piece Excavation’ (paras 6.18-6.22) but only after development had been approved and begun. This

arrangement is inconsistent with the English Heritage advice and would inevitably compromise survival of the archaeology. **The Society believes that a stand-alone 'set-piece excavation' should take place to confirm if the 2013 evaluation was correct and if the site is of national importance.**

*In these circumstances we formally object to the development proposals and urge the applicants to withdraw the application. Failing that, the Planning Committee should defer its consideration until after a 'Set- piece excavation' has been carried out so as to inform a balanced decision.*

*The historic town of Bicester has played and continues to play, a very substantial part in absorbing development pressures within the district. More development has taken place within the last 30 years than the previous 1000, but there is a serious danger that history and heritage of this ancient place will become unrecognisable. Historic assets are a finite and increasingly endangered resource. It is vital that these sites are properly protected and that new development is sensitively designed to complement them.*

*The Society fully understands that the Council has to strike a balance between the need for development and Local Plan Policy ESD 15 which seeks to ensure that the character of the built and historic environment is respected. If the area is properly investigated and found to be of significant importance, consider the economic benefits of developing the area as a historic site and thus attract visitors to the town. What an incredible asset for the town!*

*We hope that the weight of considerations on each side will be fairly balanced before a decision is made.*

#### 5.4.5 Environment Agency:

*Flood Risk Sequential Test - The site of the proposed development is located within flood zones 1 and 3. Building A of the proposed development is located within flood zone 1 defined by the National Planning Policy Framework (NPPF) and the associated National Planning Policy Guidance (NPPG) as having a 'low probability' of flooding from rivers. However, our detailed flood modelling indicates that Building B of the proposed development is located within the 1% annual exceedence probability (AEP) flood extent. This is classified by the NPPF and associated NPPG as flood zone 3a and as having a 'high probability' of flooding from rivers.*

*The NPPF and associated NPPG classify development types according to their vulnerability to flood risk and give guidance on which developments are appropriate in each flood zone. The development type in the proposed development is classified as 'more vulnerable' development.*

*Therefore, in accordance with paragraphs 101 to 102 of the NPPF the proposed residential development must successfully pass the flood risk sequential test. It is for the applicant to clearly demonstrate and for you (Cherwell District Council) to assess and determine if the sequential test has been passed and there are no other reasonably available sites at lower risk of flooding suitable for this development. Failure of the sequential test is in itself a reason for refusing planning permission.*

#### Environment Agency Position

*The Flood Risk Assessment (FRA) carried out by Moson Engineering and the submitted drawings demonstrate that the proposed Building B represents a reduction in built footprint and therefore it will provide an improvement in the current flood plain storage within the 1% AEP plus 20% allowance for climate change flood extent.*

We consider that planning permission could be granted to the proposed development if the following **PLANNING CONDITIONS** are included as set out below. Without these conditions the proposed development poses an unacceptable risk to people and the environment and we would object to the application.

1. The development permitted by this planning permission shall only be carried out in accordance with the approved FRA by Moson Engineering and the following mitigation measures detailed within the FRA:
  - Finished floor levels of Building B will be set no lower than 69.05m above Ordnance Datum (AOD).

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

Reason: This is sought in accordance with paragraph 103 of the NPPF to reduce the risk of flooding to the proposed development and future occupants.

2. There shall be no land raising on site unless otherwise agreed in writing with the local planning authority.

Reason: This is sought in accordance with paragraph 103 of the NPPF to ensure that the risk of flooding on-site and elsewhere is not increased.

The following issues are important to consider for managing flood risk for the proposed development. We recommend that due consideration by you (Cherwell District Council) is given to the issue below.

#### *Flood Risk – Safe Access and Egress*

In accordance with paragraphs 101 to 104 of the NPPF, you must ensure that the 'development is appropriately flood resilient and resistant, including safe access and escape routes where required...' (NPPF) paragraph 103. This is on the understanding that you have concluded that the proposed development has passed the Sequential Test.

Within the application documents the applicant should clearly demonstrate to you that a satisfactory safe access and egress is achievable. If it is for you to assess and determine if this is acceptable.

- 5.4.6 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.

There are public sewers crossing or close to your 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 3 metres of, a public sewer. Thames Water will usually refuse such approval in

*respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.*

*Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.*

*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.*

*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*

5.4.7 Thames Valley Police Design Advisor: No comment 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

PSD 1: Presumption in Favour of Sustainable Development  
BSC 1: District Wide Housing Distribution  
BSC 2: The Effective and Efficient Use of Land – Brownfield land and Housing Density  
BSC 3: Affordable Housing  
BSC 4: Housing Mix  
ESD 1: Mitigating and Adapting to Climate Change  
ESD 2: Energy Hierarchy and Allowable Solutions  
ESD 3: Sustainable Construction  
ESD 7: Sustainable Drainage Systems (SuDS)  
ESD 15: The Character of the Built and Historic Environment  
Bicester 5: Strengthening Bicester Town Centre

#### Cherwell Local Plan 1996 (Saved Policies)

C23: Retention of features contributing to character or appearance of a conservation area  
C28: Layout, design and external appearance of new development  
C30: Design control  
C31: Compatibility of proposals in residential areas  
C32: Provision of facilities for disabled people

#### Non-Statutory Cherwell Local Plan 2011

Policy H1b: Proposed housing sites. (The site was identified for 15 dwellings.)



## 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.

Bicester Masterplan Draft SPD – This will establish the long term vision for the town and integrate committed and planned schemes with new proposals to contribute to the creation of a sustainable town. This is draft guidance only to which only limited weight can be attached.

## 7. Appraisal

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

- Principle of the development
- Archaeology
- Impact on the setting of listed buildings and the Conservation Area
- Visual amenity
- Design
- Residential amenity
- Highway safety
- Flood risk
- Protected species

### **Principle of the development**

7.2 The application sites are located within the built-up area of Bicester which has good accessibility to services and facilities and employment opportunities. The sites were previously occupied by an office building and a care home and the redevelopment of the sites for residential purposes is considered to comply with Policy BSC2 of the Cherwell Local Plan 2011 - 2031 Part 1 which encourages the re-use of previously developed land in sustainable locations. This policy is supported by the NPPF.

7.3 The adopted Local Plan 2011-2031 suggests that the need for housing for those with care needs is significant. 'Extra care' housing comprises self-contained accommodation for older and disabled people which enables independent living by providing a range of support facilities on the premises and 24-hour care services. The proposal would contribute in achieving more social cohesion by providing an opportunity for community living and a better mix of housing within existing residential areas.

7.4 Policy BSC 4 of the Local Plan 2011-2031 encourages extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs to be accommodated in suitable locations close to services and facilities.

7.5 The sites are included in the SHLAA Update 2014 (ref. BI063). The SHLAA concluded that "The site is considered initially deliverable in part for about 11 dwellings. Due to its location and characteristics, the whole site would be suitable for about 25 dwellings. Any proposal would need to protect the historic and archaeology value of the area."

- 7.6 The sites are adjacent to the Bicester Conservation Area, within the setting of listed buildings and are of high archaeological interest. Policy ESD 15 expects new development to complement and enhance the character of its context through sensitive siting, layout and high quality design. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential. The Policy also requires that new development proposals conserve, sustain and enhance heritage assets and their settings.
- 7.7 Therefore, whilst the broad principle of developing these sites for extra care housing is supported, the acceptability of any proposal will be dependent on other material considerations, not least whether the historic significance and archaeological value of the site and surrounding area can be adequately protected.

### **Archaeology**

- 7.8 The NPPF (paragraph 128) states that in determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected. It continues that where an application site includes or has the potential to include heritage assets with archaeological interest local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation. The applicant originally submitted a written scheme of investigation with the application that proposes a watching brief as the method for recording and preserving archaeological remains, with the general strategy being to preserve, as far as possible, surviving remains in site. However, on the advice of the County Archaeologist and Historic England, it was considered that this is insufficient to assess the importance of the archaeological remains on the site.
- 7.9 The application sites are located on the site of Bicester Priory, a medieval religious house belonging to the order of St. Augustine. In 2015 English Heritage (now Historic England) decided not to schedule the site because of uncertainty over the extent and quality of the surviving features and plan of the Priory. However, English Heritage recommended that any future excavation of the site should: *be conducted in such a manner as to assume...the site was of national importance until proved otherwise.*
- 7.10 Further work has now taken place during the course of the application including a desk-based assessment and a field evaluation.
- 7.11 Historic England and the County Archaeologist have advised that the additional work has identified that the remains of the Priory do survive to such an extent that a clear understanding of the layout of the Priory can be gained. Part of the site, Site B, is to be considered to be of national importance (and so of equivalence to a scheduled monument) and paragraph 139 of the NPPF states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets (paragraphs 132, 133 and 134 of the NPPF refer). Site A does contain archaeological deposits related to the Priory site but these are not considered to be of national importance. They are however still significant deposits and the County Archaeologist advises that the watching brief proposed in the method statement will not be a suitable method of preserving these deposits by record as required by paragraph 141 of the NPPF. A strip map and sample excavation on the western side of site A will be required along with a written scheme of investigation.
- 7.12 With regard to Site B, following the most recent evaluation it appears that substantial survival has been demonstrated in the eastern part of the development area. Historic England has advised that the remains should be preserved in situ and the County Archaeologist has

advised that whilst there is the potential for development on the site it will need to be designed very carefully to minimise the impact upon the nationally important archaeological remains.

- 7.13 Following the most recent evaluation and in response to the advice of Historic England and the County Archaeologist, a redesigned foundation plan has been submitted which sets out a piled design which reduces the impact of the proposed development considerably. The County Archaeologist has advised that whilst the Priory remains are very significant the impact of the redesigned foundation plan is likely to be less than substantial. Likewise Historic England states that while the harm that would be caused by the impact upon the archaeological interest of the site by this development would not be substantial, it is nevertheless significant and the provisions of paragraph 134 of the NPPF apply.
- 7.14 Paragraph 134 states that where development would lead to less than substantial harm, “this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.
- 7.15 The provision of much needed specialised housing in the District, in a sustainable town centre location, and on a site that was previously occupied by a residential care home, is considered to be of significant public benefit. Conversely whilst the proposed scheme would clearly cause harm to the important archaeological remains that appear to survive on the site, the amended foundation design along with securing a programme of archaeological investigation as required by Historic England and the County Archaeologist is considered to minimise the impact to the minimum possible for this scheme. Therefore on balance, and subject to the re-consultation on the additional information and amended plans raising no additional issues or concerns, it is considered that the harm caused to the heritage assets is outweighed by the public benefits of the development in this case.

#### **Impact on the setting of listed buildings and the Conservation Area**

- 7.16 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...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*.
- 7.17 The application sites are located outside but adjacent to the Bicester Conservation Area. The scheme has been amended during the course of the application, including amendments to the design of the buildings which show the use of traditional details and materials such as tile cills, timber windows and doors, an English Garden Wall brick bond to the external walls, and a simple low-key single storey plan form. Whilst the reservations of the Council’s Conservation Officer are noted, having regard to the unsympathetic modern development that existed on the site until very recently, the proposed redevelopment of the sites (as amended) will in your planning officers’ opinion at least preserve, if not enhance, the character and appearance of the adjacent Conservation Area.
- 7.18 With regard to the impact on listed buildings, St Edberg’s Church is sited to the north west of the site and is separated from the proposed development sites. It is Grade I listed and Historic England has commented that the proposed development of Site A will affect its setting. They have stated that whilst they consider that the design proposed is disappointing architecturally, as it is relatively low and features traditional roofs it need not have an adverse impact on the

setting of the church providing a high quality material, such as natural slate or tile, is used. It is considered that the use of a clay tile as proposed in the amended drawings will overcome the potential harm to the setting of the Church.

- 7.19 The Grade II listed Dovecote is immediately adjacent the proposed development of Site A, and its setting will be effected. The Council's Conservation Officer has raised concerns about this impact. However the proposed building would create open space around the Dovecote so that it is read in a more open setting than previously existed, and this is considered to be sympathetic to how the building would originally have been experienced. The amendments to the layout of the communal garden and the simplified design of the railings enclosing the garden will also ensure that, in your planning officers' opinion, there is no undue harm to the setting or significance of this listed building. The development of Site B is considered to preserve the setting of nearby listed buildings.

### **Visual amenity and Design**

- 7.20 Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 states new development will be expected to complement and enhance the character of its context through sensitive siting and layout and states all development will be required to meet high design standards. It goes on to state development should respect the traditional pattern of plots and also respect the form, scale and massing of buildings. Development should be designed to integrate with existing streets and buildings clearly configured to create defined active public frontages. Saved Policy C28 and C30 of the 1996 Local Plan also seek to ensure high quality development, consistent with Paragraphs 58 and 60 of the NPPF which state that development proposals should respond to the local character and surroundings and reinforce local distinctiveness. Paragraph 64 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 7.21 The proposed buildings are designed specifically for occupancy by adults with physical disabilities, learning disabilities and autistic spectrum conditions. They are therefore required to meet certain design standards, such as accessibility, means of escape and window sill heights. The proposed units are very simple in terms of the appearance and reflect in general scale and form the existing buildings between the two sites.
- 7.22 The application drawings have been amended to continue the pitched roof along the southern part of the building on Site A, to introduce architectural interest into the elevations of all of the buildings whilst retaining their simplicity, and to improve the quality of the materials. It is now proposed that the roofs are covered with plain tiles and the bricks for the external walls will be laid using a more decorative and traditional 'English Garden Wall' bond. Timber windows are also proposed. Historic England objected to the roofing materials as originally submitted but has raised no objections to the use of plain tiles.
- 7.23 The open character between the two sites is to be retained with the provision of low planting around Site A with railings and planting adjacent to the public footpath and dovecote giving security and some privacy to the shared garden and occupiers of that site. The car parking to the south of Site A will be prominent but it will be seen in the context of similar existing parking areas in Old Place Yard.
- 7.24 The buildings to be provided on Site B will not be as prominent in public views as the Site A building due to the location and enclosure provided by the boundary walls. The use of render is not considered to be ideal in terms of creating a simple, traditional appearance to the buildings. However the use of render is necessary to reduce the archaeological impacts to the minimum possible, and as the site is the less prominent of the two and the render is to be used on the inward facing elevations of the buildings only, it is considered that this element is acceptable. Therefore the buildings at Site B are considered to be acceptable in design terms.

- 7.25 It is considered that with the submission of the amended plans the development will not detract from the visual amenities of the area and is an acceptable form of development in design terms, in compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

### **Residential amenity**

- 7.26 Both the NPPF and Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.

#### **Site A**

- 7.27 It is considered that the development will not adversely affect the living amenities of the neighbouring dwellings by reason of overlooking or loss of light due to the relationship between the proposed development and the surrounding dwellings/flats. It is considered that the size and form of the units along with the amenity space to be provided will result in adequate levels of amenity for the proposed occupiers.

#### **Site B**

- 7.28 The units are single storey and as such will not result in detriment to the living amenities of neighbouring properties due to overlooking or loss of light.
- 7.29 It is considered that the size and form of the units along with the amenity space to be provided will result in adequate levels of amenity for the proposed occupiers. However, there are habitable room windows in the side elevation of No.28 Old Place Yard that could potentially overlook the garden and habitable room windows of the first unit in Block B1. The windows in the western elevation of this unit serve a communal kitchen and a staff garden area and the difference in land levels between the proposed and existing buildings are such that it is unlikely that the overlooking will be of such a level as to provide unacceptable living amenities for the staff using the unit/ garden. There is also the potential for the overlooking of the private rear gardens of the units backing onto Priory Lane (Block B2) from the flats and dwellings in Priory Lane. However the boundary wall is low enough for views to be gained over the wall by pedestrians walking along Priory Lane. Therefore the overlooking from the dwellings/flats to the east is not considered to be significant. Planting is proposed adjacent to the eastern boundary which could in time reduce any impact from overlooking still further.

### **Highway safety**

- 7.30 The Highway Authority has advised that the development is unlikely to have an adverse impact on the highway network and that the proposed parking provision at the development is adequate. Whilst it will result in the loss of on-street parking to the south of Site A this on-street parking is not allocated and cannot be relied upon by residents of the houses in Old Place Yard. Off-street parking is provided for these dwellings elsewhere. Comments have been raised in the representations that parking for Site A could be provided to the north of the site rather than to the south. This would have a far greater impact on the appearance of the scheme and upon the character and appearance of the Conservation Area and setting of the Grade I listed church with vehicles dominating the street scene due to the location of existing parking areas in this location.
- 7.31 The Highway Authority has suggested that a resident's parking scheme is introduced in the area but this is not a matter that can be considered as part of this application.

## **Flood risk**

- 7.32 The sites are located within Flood Zones 1 and 3. Site A is located within Flood Zone 1 which is defined as having a 'low probability' of flooding from rivers. Site B however is located within Flood Zone 3a and is defined as having a 'high probability' of flooding from rivers.
- 7.33 The NPPF and NPPG classify development types according to their vulnerability to flood risk and give guidance on which developments are appropriate in each flood zone. The development type in the proposed development is classified as 'more vulnerable' development. Because of this the proposed development must pass the flood risk sequential test in accordance with paragraphs 101 to 102 of the NPPF.
- 7.34 A flood risk assessment (FRA) has been submitted with the application and this states that whilst the proposed development has a 'more vulnerable' classification this is the same as the former and current uses on the site.
- 7.35 The NPPF Technical Guidance states that in Flood Zones 1 and 2 'more vulnerable' uses are appropriate if supported by an acceptable site-specific FRA. The Environment Agency has not raised any objections to the redevelopment of Site A.
- 7.36 With regards to Site B which is in Flood Zone 3 the proposal needs to pass a sequential test. The FRA considers that the sequential test has been satisfied for the following reasons:
- The site is specifically allocated for future development in the Non-Statutory Local Plan (NSLP), Strategic Flood Risk Assessment (SFRA) and Strategic Housing Land Availability Assessment (SHLAA) documents.
  - Section 3.76 of the NSLP refers specifically to the site and its preferred development for residential purposes. The site is indicated for development on the accompanying Proposals Plan.
  - Section 805 of the draft Bicester Masterplan refers to the proposed relocation of the existing library, social services offices and old persons' home buildings from the site.
  - The SHLAA contains a resumé of the development potential of the site in Appendix C. It concludes that the site is 'developable and deliverable' and that 30 residential units could be accommodated. As previously stated, however, it does not include flood risk in the 'physical constraints' to development listed.
- 7.37 The NPPG advises that "When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken". It goes on to state that "it is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case... Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere".
- 7.38 The Environment Agency has not raised any objections to the redevelopment of Site A and has advised that the redevelopment of Site B represents a reduction in built footprint to the previous building on the site and therefore it will provide an improvement in the current flood plain storage. They have recommended conditions relating to implementation of the development in accordance with the submitted flood risk assessment and that land levels on the sites should not be raised without prior agreement.
- 7.39 Having regard to the previous uses on the site, the Environment Agency's advice, and the guidance contained in the NPPG, the Council's Planning Officers are satisfied that the

sequential test has been passed in this case. With regard to the exception test, The NPPG at Table 3 of the Flood Zones and Flood Risk Tables states that 'more vulnerable' development is acceptable provided the Exception Test is satisfied. Section 102 of the NPPF refers to the requirements to pass the exception test, these are:

- a) that wider sustainability benefits result which outweigh potential flood risk issues;
- b) a site-specific FRA demonstrates that the proposal will not lead to flood risk to the site or surroundings and that overall flood risk will be lessened if possible.

7.40 Officers consider that the requirements of the Exception Test have been met. The development is considered to result in wider sustainability benefits and this is informed by the SFRA which indicated that the site was appropriate for future development. Furthermore, the Environment Agency has advised that the proposals will lead to an improvement in the current flood plain storage. Therefore the proposals are considered acceptable in flood risk terms.

### **Protected species**

7.41 Paragraph 109 of the NPPF – Conserving and enhancing the natural environment requires 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 Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.

7.42 Paragraphs 192 and 193 further add that “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”. One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

7.43 Paragraph 18 states that “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”

7.44 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.

- 7.45 The Ecological Appraisal submitted with the application concluded that the *“habitats within the two areas of the site are of very low importance and are not significant”*. This is due to the location and nature of the sites and because of this there is limited potential for protected species. The survey covered plants, invertebrates, amphibians, reptiles, birds, bats, badgers and other mammals. The Appraisal also concluded that *“there is some minor bird nesting value in the shrubs and ivy scrub along the wall, but no other important or protected species will be implicated in the redevelopment of the site.”*
- 7.46 Mitigation measures for the loss of any bird nesting and invertebrate habitat are proposed by way of introducing bird nesting boxes and insect boxes within the sites. Therefore officers are satisfied that the proposal is acceptable in ecological terms.

### **Other matters**

#### Trees

- 7.47 The tree adjacent to the proposed vehicular access into Site A is considered to make an important contribution to the street scene. Whilst it may be desirable for this tree to be retained, given the location of the parking for the units this is not possible. Altering the layout of the parking to enable the tree to be retained may result in the parking being displaced to a more sensitive part of the site, with resulting harm to the character and appearance of the Conservation Area. Therefore it is considered that the benefits of development outweigh any harm to visual amenities of area due to loss of the tree.
- 7.48 A number of trees will be lost from within Site B, and whilst the site is not within the Conservation Area it is adjacent to it and the loss of the trees is regrettable in terms of the impact on the setting of the Conservation Area. However the trees are not protected and it is considered that the benefits of the development, providing much needed specialised accommodation in a sustainable location and on a previously developed site, outweigh any harm to the visual amenities of area as a result of the loss of these trees.

#### Footpath diversion

- 7.49 There is a public right of way running north/south to the east of the dovecote. The Highway Authority has highlighted that the adoption plan for the area also shows that a western branch of this route passes to the west of the Dovecote and joins the western branch of Old Place Yard. Site A occupies the space used by this route, and the Highway Authority has advised that a stopping up order will be required in order to construct the development on Site A. However the Highway Authority do not object to the stopping up of this route, and as the principal north-south route between the sites will remain open, the stopping up of this branch route is considered acceptable in planning terms and is necessary to enable the development to take place. The stopping up of the branch route will have to be applied for following any planning permission being granted, and this can be drawn to the applicant's attention by way of a Planning Note, should permission be granted.

#### Fire hydrants

- 7.50 The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There is a requirement to affix fire hydrants within the development site and this can be dealt with by a Planning Note on any consent.



## **Planning Obligations**

- 7.51 Significant 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 necessary to make the development acceptable. Obligations are the mechanism to secure these measures.
- 7.52 In respect of planning obligations the NPPF advises at paragraph 204 that these should be sought where they meet all 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.
- 7.53 In respect of this development the only contribution that could be sought is a financial contribution towards off site sports and recreation provision in the locality along with a payment of the Council's monitoring costs. However these have not been requested by the relevant consultees, and in any case given the specialist nature of the accommodation being provided, it is considered unreasonable to seek such contributions. The provision of refuse/recycling bins is more properly dealt with by condition.

## **Planning Balance**

- 7.54 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.
- 7.55 Economic role – The NPPF states that the planning system should do everything it can to support sustainable economic growth. It is considered by officers that the benefits to the local economy will not be significant due to the relatively small scale of the development.
- 7.56 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 give rise to significant social benefits as the development of the site will provide 11 additional dwellings for adults with physical and learning disabilities and autistic spectrum conditions helping to ease a shortfall in current provision within the District.
- 7.57 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. It has now been demonstrated with the submission of an evaluation report and foundation design details that the development will result in significant, albeit it less than substantial, harm to or loss of the significance of heritage assets, namely the archaeological remains of Bicester Priory which are considered to be of national importance and so equivalent in significance to a scheduled monument. There would also be some limited harm to the amenity and setting of the Conservation Area as a result of the loss of trees.
- 7.58 When considering the economic, social and environmental impacts of the development as a whole, officers are of the opinion that the significant social benefits of the amended proposal

in terms of providing much needed specialised accommodation in a sustainable, previously developed town centre location, outweigh the harm that would be caused, in particular the harm that would result to the significance of the nationally important archaeological remains found at the site. Therefore, and applying the presumption in favour of sustainable development contained in the NPPF, your officers have concluded that permission should be granted subject to the conditions set out at section 10 below.

## 8. Engagement

8.1 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the Local Planning Authority have sought to work with the applicant to resolve the issues in respect of archaeology prior to the determination of the application. It is considered that the duty to be positive and proactive has been discharged by the Council providing the opportunity for pre-application discussions to take place prior to the application being submitted, and advising the applicant of the Council's concerns with the development prior to determination.

## 9. Conclusion

9.1 The proposal is considered to be acceptable in housing location terms, and compatible with the appearance character, layout, scale and density of existing dwellings in the vicinity. It is considered that the proposal will not cause harm to the amenity of existing and proposed residents nor result in significant detriment to highway safety. Whilst harm will be caused to the significance of heritage assets, namely the nationally important archaeological remains of Bicester Priory, this harm is considered to be less than substantial and the public benefits of providing much needed specialised housing outweighs the adverse impacts in this case. The proposal is considered acceptable in other respects (e.g. flood risk, visual amenity, ecology), and therefore the proposal complies with the Policies listed at Section 6 of this report and planning permission should be granted.

## 10. Recommendation

**APPROVE** subject to the re-consultation on the amended plans and additional documents raising no new material planning issues, and subject to the following conditions:

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

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, Tree Survey Report, Flood Risk Assessment, Ecological Appraisal and drawings numbered: Proposed site plan S2-P15, Building A Site Plan S2-P14, Building A Ground Floor Plan S2-P15, Building A Elevations (1 of 2) S2-P13, Building A Elevations (2 of 2) S2-P04, Building A Roof Plan S2-P06, Building A Site Section S2-P02, Existing Site Plan Building B S2-P01, Site Plan Building B S2-P13, Building B Ground Floor Plan S2-P11, Building B Elevations (1 of 2) S2-P11, Building B Elevations (2 of 2) S2-P11, Roof Plan Building B S2-P08, Site Sections Building B S2-P03, Building B proposed alternative Foundation Layout, Building B proposed alternative Foundation Sections, Proposed Alternative Building B Foul Water Drainage Layout, and Proposed Alternative Building B Surface Water Drainage 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.

3. The development permitted by this planning permission shall only be carried out in accordance with the approved FRA by Moson Engineering and the following mitigation measures detailed within the FRA:

- Finished floor levels of Building B will be set no lower than 69.05m above Ordnance Datum (AOD).

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

Reason: This is sought in accordance with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and paragraph 103 of the NPPF to reduce the risk of flooding to the proposed development and future occupants.

SITE A ONLY (as shown on Drawing No: Site Plan Building A S2-P14)

4. Prior to any demolition and the commencement of the development on Site A, 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.

5. Following the approval of the Written Scheme of Investigation referred to in condition 4, and prior to any demolition on the site and the commencement of the development on Site A (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).

SITE B ONLY (as shown on Drawing No: Site Plan Building B S2-P13)

6. Prior to any demolition and the commencement of the development on Site B, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area and including details of the piling methodology and foundation design, 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.

7. No development shall commence on Site B until the applicant or their agents or their

successors in title have secured the implementation of a programme of archaeological evaluation work in order to inform the Pile Location Plan in accordance with the Written Scheme of Investigation approved under condition 6.

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).

8. Following the approval of the Written Scheme of Investigation referred to in condition 6, and prior to any demolition on the site and the commencement of the development on Site B (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).

9. Prior to the commencement of the development hereby approved on Site B, a plan showing full details of the finished floor levels for the proposed buildings in relation to existing ground levels on Site B shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

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.

SITES A AND B (as shown on Drawing No: Proposed site plan S2-P15)

10. Prior to the construction of the development above slab level, 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, shall be 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.

Reason: To ensure that surface water resulting from the development will be managed effectively, to reduce the risk of flooding, in accordance with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the construction of the development above slab level, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m<sup>2</sup> in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and saved Policy C28 of the Cherwell Local

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

12. Prior to the construction of the development above slab level, samples of the tile to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and saved Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. Prior to the construction of the development above slab level, a render sample panel, to demonstrate the colour and texture, (minimum 1m<sup>2</sup> in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the parts of the external walls of the development to be rendered (as shown on the approved plans) shall be rendered in strict accordance with the approved render sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and saved Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and saved Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. Prior to the construction of the development above slab level, full design details (at a scale of 1:20) of the railings hereby approved along the eastern boundary of Site A, to include their height, colour/finish, and the junction with the Dovecote, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the railings shall be installed in accordance with the approved details.

Reason – To ensure the satisfactory appearance of the development and to protect the setting and significance of the Grade II listed Dovecote, and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and saved Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. Prior to the construction of the development above slab level, 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, and the locations, specifications and construction methods for all tree pits, together with grass seeded/turfed areas,
- (b) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps,

(c) details of all boundary treatments and means of enclosure.

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

17. 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 adopted Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

18. Prior to the construction of the development above slab level, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the external lighting shall be installed in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

19. Prior to the construction of the development above slab level, 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.

20. Prior to the construction of the development above slab level, and notwithstanding the application details, full details of refuse, fire tender and pantechnicon 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 - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

21. 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.

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.

22. Prior to the occupation of any of the buildings hereby approved the bird and invertebrate boxes shall be installed on the site in accordance with the details contained within the Ecological Appraisal submitted with the application and prepared by ELMAW Consulting dated August 2015.

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

23. Prior to the first occupation of the development hereby approved, a scheme for the provision of refuse and recycling bins, including their number, size, type and arrangements for their storage and collection (including the 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 any dwelling, refuse and recycling bins shall be provided in accordance with the approved scheme.

Reason - To ensure the satisfactory appearance and operation of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

#### **PLANNING NOTES**

1. In respect of Condition 4 above the Written Scheme of Investigation covering Site A there is a requirement for a strip map and sample of the footprint of the main building and the area to the south.
2. You are advised that 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.
3. There are public sewers crossing or close to your 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 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
4. 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. With regard to condition 8, the surface water drainage scheme should include:

- Discharge Rates
- Discharge Volumes
- Soakage tests
- Maintenance and management of SUDS features
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout
- SUDS
- Network drainage calculations

6. In accordance with current Building Regulations, fire hydrants will need to be provided or enhanced on the site. For further advice please contact Cherwell Council Building Control on 0300 003 0200.

7. There is an existing public right of way crossing Site A, which will need to be stopped up as a result of the development. You can apply to Cherwell District Council to stop up the footpath prior to development commencing, under s257 of The Town and Country Planning Act 1990 (as amended). Alternatively, you may apply to the Oxfordshire County Council under the Highways Act 1980 (as amended). For further information and guidance please contact Amy Jones, Legal Assistant, on 01295 221987.

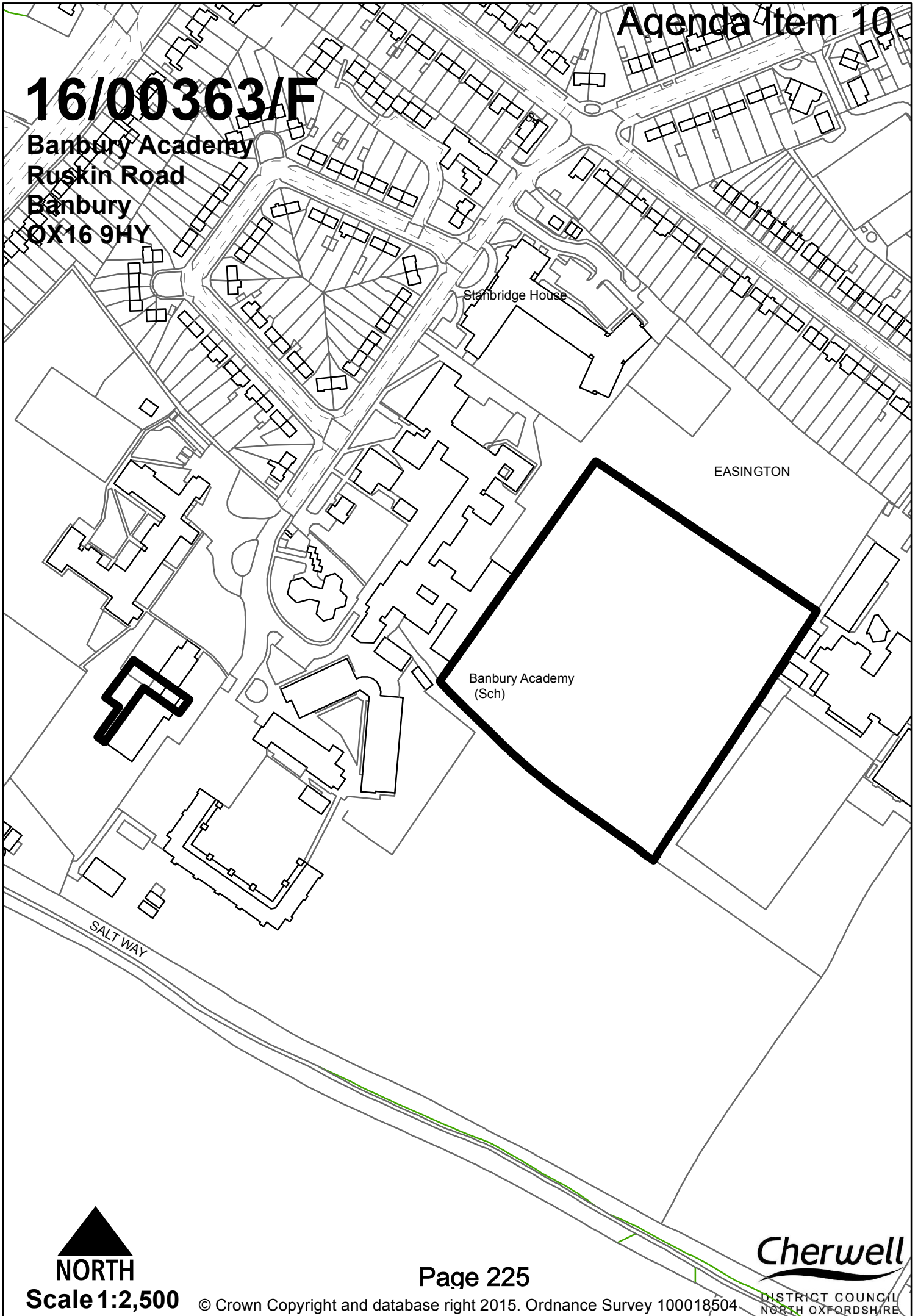
**CONTACT OFFICER:** Shona King

**TELEPHONE NO:** 01295 221643



**16/00363/F**

Banbury Academy  
Ruskin Road  
Banbury  
OX16 9HY

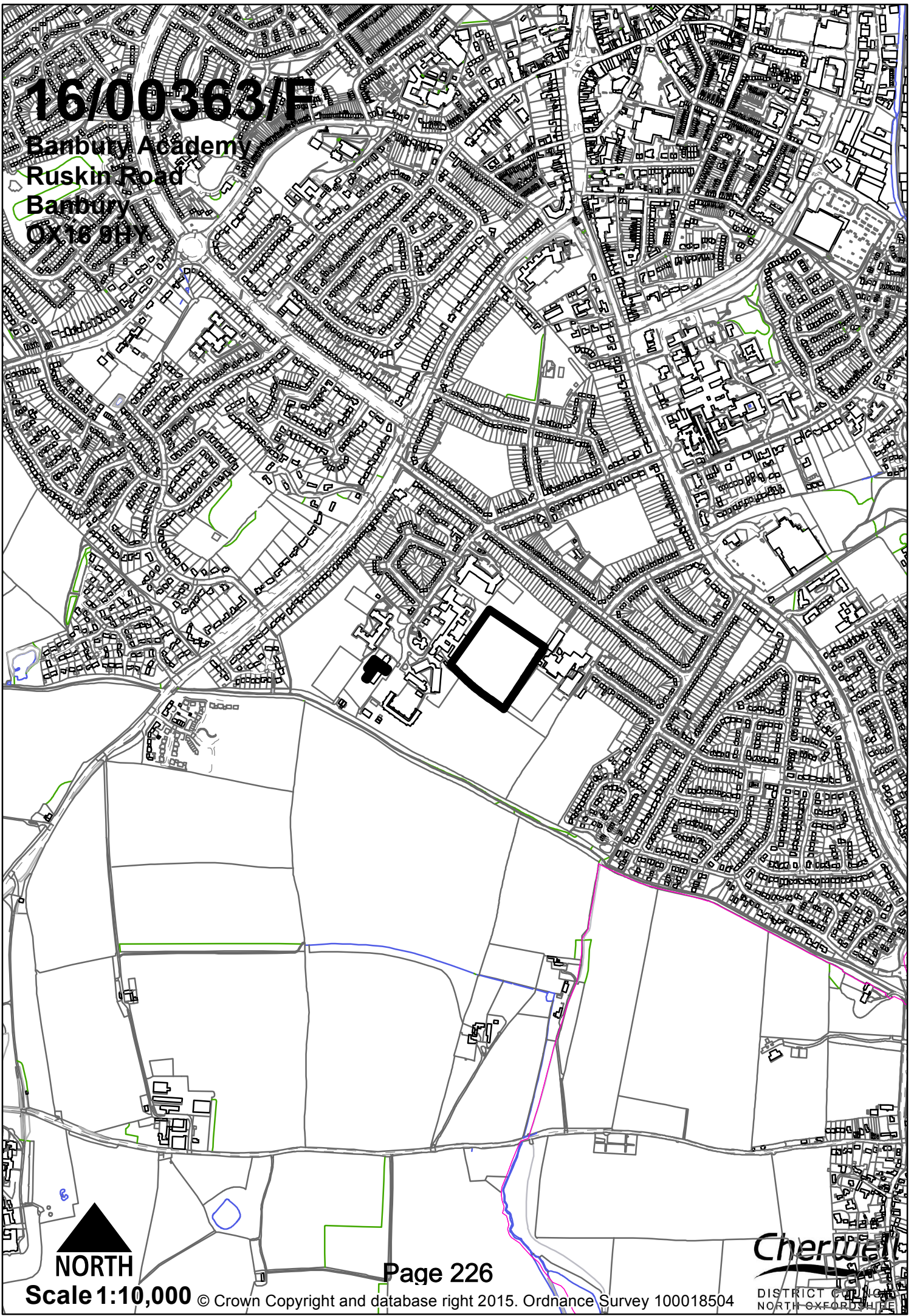


**NORTH**  
**Scale 1:2,500**



**16/00363/F**

**Banbury Academy  
Ruskin Road  
Banbury  
OX16 9HX**



**NORTH**

**Scale 1:10,000**

**Case Officer:** Bob Neville                      **Ward(s):** Banbury Calthorpe And Easington

**Applicant:** Mr M Gough

**Ward Member(s):** Cllr Colin Clarke  
Cllr Kieron Mallon  
Cllr Nigel Morris

**Proposal:** The provision of an all-weather astro turf pitch and lighting, and alteration of the existing sports hall and changing facilities including the provision of an external climbing wall

**Committee Date:** 09.06.2016                      **Recommendation:** Approval

**Committee Referral:** Major application due to site area (2.3Ha)

## **1. Application Site and Locality**

- 1.1 The site is comprised of two areas of land within the Banbury AAT Academy school site. The school site sits within a residential area of Banbury with residential properties to the west/north-west and north-east, Blessed George Napier School to the south-east and open countryside to the south. The boundaries of the school are predominantly made up of mature hedgerow, trees and fencing. The school site is accessed off Ruskin Road and has an existing car parking area within the complex.
- 1.2 The application site is divided into two areas. The first area is part of the playing field and is located south-east of the main complex of school buildings. This area is currently used as a seasonal grassed sports area, accommodating such sports as cricket, athletics and rugby. The construction of an all-weather pitch with lighting and metal boundary fence is proposed in this area.
- 1.3 The second area of the application is part of the school sports hall building. It is proposed to improve the changing facilities at ground floor level and to construct a first floor extension above to accommodate 3 no. individual suites of changing facilities, educational uses with separate facilities for the school; rooms for the disabled to shower and change and further ancillary rooms including: staff changing, referees changing and a first aid room. A 4m high climbing wall is also proposed to the north-western elevation of the outside of the building.

## **2. Description of Proposed Development**

- 2.1 The application follows the granting of outline permission 13/00265/OUT for 'Residential development with access and associated infrastructure; the provision of a new all-weather Astro Turf Pitch (ATP) with lighting; and the extension and alteration of the Sports Hall and changing facilities including the provision of an external climbing wall'. This was subsequently

amended by permission 14/01482/OUT; which amended the wording of the conditions to allow for the development to be brought forward in phases.

- 2.2 This application seeks detailed planning permission for the all-weather astro turf pitch and flood-lighting (8 x 15m high lighting columns), the alteration/extension of the existing sports hall (two storey infill extension to the sports hall and single storey flat roof extension to the north-west elevation of the sports hall) and the external climbing wall elements of the outline permission (14/01482/OUT), for both school and community use; the principle of which was considered acceptable at the outline stage. No residential development is proposed as part of this application.
- 2.3 The application has been submitted as a full planning permission application, as opposed to a reserve matters application, because of a change in the red-line site boundary area from the outline permission, necessary due to a re-orientation and re-siting of the proposed ATP, further away from the neighbouring residential property (Stanbridge House) to enable the accommodation of a full-sized football pitch on the all-weather surface.
- 2.4 Further information and documentation has been submitted to supplement the documentation initially submitted with the application, during the course of the assessment process, in response to case officer and consultee comments. These additional documents and revisions have included:
- An update to the Design and Access Statement; which clarified the surface of the ATP;
  - An ecological statement; reviewing the lighting strategy for the ATP and potential ecological impacts;
  - Transport
  - Noise Impact Assessment;
  - An updated Flood-risk assessment and infiltration testing report;
  - Arboricultural Report;

### 3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>
12/00240/OUT	Residential development with access and associated infrastructure; the provision of a new all-weather Astro Turf Pitch with lighting; and the extension and alteration of the Sports Hall and changing facilities including the provision of an external climbing wall. Withdrawn in light of an objection by Sport England.
13/00265/OUT	Residential development with access and associated infrastructure; the provision of a new all-weather Astro Turf Pitch with lighting; and the extension and alteration of the Sports Hall and changing facilities including the provision of an external climbing wall - Re-submission of 12/00240/OUT. Permitted
14/01482/OUT	Variation of conditions 1, 6, 9, 10, 11, 12, 13, 14, 18, 20, 21, 24, 31, 32, 33, 36, 38, 39, 40, 42, 43, 44 and 46 of 13/00265/OUT - Vary wording of

conditions to allow development to come forward in phases. Permitted

15/00674/REM Reserved Matters to 14/01482/OUT - New all-weather astro turf pitch and extension and alteration of sports hall and changing facilities. Withdrawn following concerns being raised by Sport England regarding the size of the proposed pitch.

*(Please note that this is not a complete summary of the planning history at the site and that there have been further applications at the site).*

#### **4. Application Publicity**

- 4.1 The application has been advertised by way of neighbour letter, site notice and press advert. The final date for comment was the 25.05.2016. Correspondence has been received from, and on behalf of, residents of Stanbridge House, adjacent the site, in objection to the proposals, as a result of this process.
- 4.2 Full details of the issues raised in objection are available to be viewed via the Council's website. Below is a brief summary of the material planning considerations raised in objection correspondence:
- Detrimental impact on neighbour amenity; in terms of noise and light pollution as a result of the proposed flood-lighting;
  - Detrimental impact on highway safety; through increased traffic and parking requirement;
  - Detrimental impact on the character of the area;
  - Potential flood-risk;
  - The need for and suitability of the proposed ATP; including potential health hazards from proposed surfacing and risk of fire.
- 4.3 Comments have also been made with regard to potential loss of view and property devaluation. These are not considered to be material planning considerations and therefore have not been addressed in the context of this report and overall assessment of the application.

#### **5. Response to Consultation**

Parish/Town Council:

**Banbury Town Council:** No objections

Cherwell District Council:

**Anti-Social Behaviour Team:** No objections following the submission of the Noise Impact Assessment on the 06/05/2016. *'We have had a look at the noise risk assessment for the sports pitch and are satisfied with its contents. In my opinion the report does show that there is no need for mitigation however it might be considered neighbourly to use matting behind the goals to reduce the noise impact of ball strikes - perhaps an advisory on this would be useful'.*



**Arboricultural Officer:** No objections subject to the proposals being carried out in accordance with the Arboricultural Impact Assessment.

**Ecologist:** No comments received.

**Landscape Officer:** Existing trees near Changing Room/Climbing Wall building will mitigate this development for the benefit of site users and visual receptors of the PRoW to the northwest. There are trees within an influencing distance of the changing room/climbing wall extension that do not appear to have been surveyed under BS5837. This is to be done with root protection areas indicated. A detailed hard and soft landscape layout of the Changing Room/Climbing Wall building is required, with vehicular, maintenance and pedestrian access indicated. I also note that the root protection areas are not indicated on the Tree Survey drawing because the artificial pitch appears to impinge on the tree protection areas on the south eastern and northern boundaries. The existing trees of the northern boundary of the playing field and residents gardens should be retained in order to restrict views and mitigate the flood lighting of the artificial pitch. The above existing trees, if retained, reduce the amount of new mitigating landscaping to the artificial pitch.

Oxfordshire County Council:

**Highways Liaison Officer:** No objections.

**Drainage:** No objections subject to a condition requiring submission and approval of a 'Drainage Strategy' detailing full design and future management and maintenance plan. Commenting:

Drainage Design

*There appears to be no drainage system drawings accompanying the application, the piped network from the proposed permeable paving to the outfall.*

*It appears the feasibility of the outfall is not resolved. Has the feasibility of the sewer outfall been considered and discussed with Thames Water and approved by them? Is the alternative option of the outfall at the watercourse feasible? – Is there safe access for maintenance of the outfall and sufficient capacity of the watercourse to accept the flow? Is any 3rd party agreement or permissions required to discharge to the receiving outfall?*

*How is it proposed to store the long term storage volume element of the runoff under the proposals? According to Ciria C753 SUDS Manual guidance this should be discharged from the site at 2 l/s/ ha or less. Could this be achieved by use of a small pond? Is this considered practical?*

Maintenance arrangements

*The SUDS Maintenance arrangements appear very briefly described in the revised FRA submitted. No details are given for the proposals to maintain the permeable paving. Para 6.4.2 simply refers to the SUDS Manual, but gives no assurance these will be followed or by whom. There are no details given as to who will be responsible for maintain the permeable paving as the reference given refers to the 'Onsite Sewer Network'. A more comprehensive statement and plan should be provided.*

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

**Minerals and Waste:** This proposed development would not adversely affect mineral resources; and it does not have any waste planning implications. The County Council therefore has no minerals or waste planning comments to make on this application.

Other External Consultees:

**Sport England:** No objections subject to conditions following the submission of the Noise Impact Assessment on the 06/05/2016. **Commenting:** *“Sport England has reviewed the findings of the noise impact assessment dated 6<sup>th</sup> May 2016, and is pleased to note that the level of noise produced by the ATP, over a 1-hour period, falls below the criteria value detailed in its Design Guidance Note: Artificial Grass Pitch (AGP) Acoustics.*

*In light of the amendments, Sport England’s position on the application remains such that it does not wish to raise an objection, as it is considered to broadly meet policy exceptions E3 and E5. The absence of an objection is subject to conditions being attached, as advised in Sport England’s response dated 11<sup>th</sup> April 2016”.*

Full details of Sport England’s comments are available on the Council’s website. Below are Sport England’s initial conclusions and recommendations:

*“In principle, there is a need for a 3G AGP, but the proposal is for 40mm, not the recommended 60mm. However, football and hockey training can take place on the proposed surface. There are two competitively compliant hockey AGPs within 150m of the proposal, the nearest competitively compliant football AGP is 29 miles away.*

*We would not want to see the applicant go to the expense of constructing an AGP which later causes problems for the users, as the pitch is not compliant for competitive football. Furthermore, if the applicant is seeking external funding for the AGP, the above concerns may affect the funding decision (these comments are made without prejudice to any decision that a funding body may make). Sport England has therefore copied this letter to the applicant.*

*To my mind there is a necessity for a community use agreement to cover all sports facilities to meet our planning policy exception along with a maintenance condition. I am also of the opinion that an acoustic survey should be carried out before work commences in order to protect the amenity of existing and future residents and to protect users of the AGP.*

*Recommendations:*

*Therefore, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exceptions E3 and E5 of the above policy. The absence of an objection is subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application:*

*Within 12 months of the date of this permission, a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Artificial Grass pitch, Natural turf pitches and sports hall and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.”*

*Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy \*\*.*

*Informative: Guidance on preparing Community Use Agreements is available from Sport England [www.sportengland.org](http://www.sportengland.org).*

*Before the Artificial Grass Pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. This should include a sinking fund to ensure the replacement of the Artificial Grass Pitch within a specified period given by the manufacturers. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.*

*Reason: To ensure that a new Artificial Grass Pitch capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy \*\*\*.*

## **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 (CLP 2031)

BSC 11: Local Standards of Provision - Outdoor Recreation

BSC 12: Indoor Sport, Recreation and Community Facilities

ESD 7: Sustainable Drainage Systems (SuDS)

ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD 15: The Character of the built and historic environment

Banbury 11: Meeting the Need for Open Space, Sport and Recreation

#### Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)

C28: Layout, design and external appearance of new development

C31: Compatibility of proposals in residential areas

ENV1: Development likely to cause detrimental levels of pollution

### **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
- Highway Safety
- Visual amenity
- Neighbour Amenity
- Flood-risk/Drainage
- Ecology and Biodiversity

### Principle

7.2 The National Planning Policy Framework (the Framework) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

7.3 Paragraph 6 of the Framework sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced.

7.4 Policy PSD1 contained within the CLP echoes the Framework's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

7.5 The principle of the proposed development of a sports hall extension and new ATP has been assessed and considered acceptable through the granting of outline planning permission 13/00265/OUT and again with 14/01482/OUT.

7.6 The Council sets out its commitment to encouraging the provision of indoor and outdoor sporting facilities to enhance the sustainability of communities with Policies BSC 11 and BSC of the CLP 2031. This includes:

- Protecting and enhancing the quality of existing facilities;
- Improving access to existing facilities;
- Ensuring that development proposals contribute towards the provision of new or improved facilities where the development would generate a need for sport, recreation and community facilities which cannot be met by existing provision.

7.7 The site represents part of the sporting facilities at the existing school site and proposes new and enhanced facilities to be used by both the school and wider community. Sport England has assessed the proposals and raises no objections, considering that there is an unmet need and that the proposals are appropriate to meet this need. Officers see no reason disagree with this opinion.

- 7.8 The principle of the proposed development is considered acceptable but having regards to policies within the development plan with regard to visual and residential amenity, highway safety, ecology and biodiversity and drainage matters discussed further below.

### **Highway Safety**

- 7.9 The Highways Authority (HA) has assessed the proposals and whilst they initially raised objections due to the lack of information supporting the application in terms of potential traffic impacts, these objections were withdrawn following the submission of a transport statement; which set out the potential usage of the new facilities, trip generations and parking provision at the site.
- 7.10 The facilities are to be used by both the school and the wider community. The school has an existing car park, which the applicant indicates has 180 spaces, which is used by the school through the day and would be available to users of the proposed new facilities out of school hours. It is considered that there is adequate parking provision within the site for the proposed new facilities.
- 7.11 Whilst the proposals would increase the amount of traffic to the site, this would generally be at times that would not conflict or compound traffic generation during school times. On balance it is considered that the proposals would not result in a detrimental impact on the safety and convenience of highway users and is therefore acceptable in this regard.

### **Visual Amenity**

- 7.12 The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP 2031 and Saved Policy C28 of the CLP 1996 which looks to promote and support development of a high standard which contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and being sympathetic to the context.
- 7.13 As noted above there are two distinct elements to the proposed scheme, the sports hall extension/alterations and the construction of the ATP.
- 7.14 The sports hall extension/alterations are considered to be of a functional design that is sympathetic to the context and are largely to be finished in materials consistent with materials found on the existing building and the varied palette of materials found throughout the wider school site. The changing room extension is to be finished in vertical timber cladding and will provide a contemporary contrast to the existing render finish on the existing building. Some glimpsed views may be possible through the boundary hedgerow from a Public Right of Way (ref. FP 120/40) which runs along the boundaries of the school site and properties in Lansdown Close and along Bloxham Road, and would be seen in the context of the existing school buildings. The new extension would be set within the existing landscaped school site and is not considered to be detrimental to the visual amenities of the existing building or wider school site.
- 7.15 The proposed ATP is located on existing sports fields and would be surrounded a 4.5m black metal 'Weldmesh' fence, typical of installations of this nature. Views of the proposals would be localised and limited to those from within the site and surrounding properties, particularly residents of the adjacent Stanbridge House. Some glimpsed views may be possible from a Public Right of Way which runs along Salt Way along south-western boundary of the wider

school site, although these would be interrupted by an existing tree belt adjacent the proposed site of the new ATP.

- 7.16 On balance, subject to existing school boundaries being retained and maintained going forward, Officers consider that the proposals would not appear out-of-place in the context and would not have a significant detrimental impact on visual amenities and are acceptable in terms of any potential visual impacts.

### **Residential Amenity**

- 7.17 Saved Policy C31 of the CLP 1996 requires that in existing residential areas any development which is not compatible with the residential character of the area, should not cause an unacceptable level of nuisance or visual intrusion. These provisions in terms of protecting residential amenity are echoed in Policy ESD15 of the CLP 2031 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 7.18 Again the two elements require separate consideration in terms of any potential impacts on the residential amenity of neighbouring properties. As noted above the principle of the proposed development has previously been considered acceptable including the potential impacts on the amenity of neighbouring properties. The ATP has the greatest potential of impacting on neighbour amenity and it should be noted that this element has been re-orientated and re-sited so that it is some 32m further away (at the closest point of the pitch to the Stanbridge House building) than the location of the pitch assessed and considered acceptable under application 13/00265/OUT.
- 7.19 The sports hall extensions and alterations are located well within the school complex and it is considered that this element of the proposals is unlikely to result in any impact on the amenity of neighbouring residential properties.
- 7.20 The ATP is located ~100m south of the neighbouring residential property Stanbridge House and properties further north-east along Springfield Avenue. There is the potential for the operation of the ATP to impact on these properties as a result noise emanating from the sports pitch and light pollution from the proposed floodlighting; and such concerns have been raised by the residents of Stanbridge House.
- 7.21 In terms of assessing the potential impacts of the proposed flood-lighting of the proposals, the application is supported by a 'Light Impact Study by Halliday Lighting' which demonstrates the potential light spill from the proposed flood-lighting. The Council's Anti-social Behaviour (ASB) Officer has reviewed the report and is satisfied with the conclusions that although the flood-lighting and pitch will be visible from neighbouring properties (most notably Stanbridge House) that the proposals would not result in significant light pollution being experienced by neighbouring residential properties. Retention of existing boundary hedgerows and trees would further mitigate any impact on properties along Springfield Avenue north-east of the site, and that this could be secured through appropriate conditions.
- 7.22 Concerns were initially raised by the Council's ASB officer and Sport England with regard to the lack of information submitted with the application in terms of an assessment of potential noise impacts; an issue also raised in objections received from the residents of neighbouring Stanbridge House. However, these concerns were withdrawn by both our internal consultee and Sport England following the submission of Noise Impact Assessment prepared by

Resource & Environmental Consultants Ltd on the 6<sup>th</sup> May. This report was considered acceptable by the ASB officer and whilst noise from the ATP will be evident, it demonstrated that the levels that are likely to be experienced would not be at such a level that it would result significant harm to residential amenity.

7.23 Comments were made by objectors in relation to the Noise Impact Assessment, questioning its validity and the methodology of the assessment process. In response to these comments the ASB officer made the following comments clarifying the details of the report:

- *“Concerns that the noise survey was carried out at a time when no other school activities or ATP activities were taking place – this was in order to take background readings when the noise level was lowest. If it was carried out when the school was busier then the background readings would be higher meaning any impact of the proposed pitch would lessened.*
- *Every location is different so the impacts of any noise will be different. Therefore the relevance of the other reports that have been carried out on other sites is diminished.*
- *The consultants followed the published guidance by Sport England as best practice for this type of development as would other consultants at other sites. BS4142:2014 specifically excludes recreational activities from its scope. Sport England requested the noise assessment as well as CDC and are happy with its findings.*
- *The meaning of significant impact refers to the Noise Policy Statement for England (NPSE) and to Planning Practice Guidance (Noise) which has table to describe the levels of impact.*
- *There is a difference between hearing noise and it having an adverse impact. There is no right to absolute quiet.*
- *The under 3dB change requirement comes from the Sport England guidance and relates to the minimum noise increase required to be audible to the human ear.*
- *A one hour period was used as a 16 hour period would reduce the impact of any peaks of noise. Therefore the hour measurement is better suited to this type of assessment. This is also the typical time of a hiring/use of the pitch.*
- *With regards to the “guesstimate” the noise level has been calculated back from the 58dB given as the average noise level by Sport England (again for a 1 hour average, not 16). For every doubling of distance away from a source the noise level drops by 6dB which is how they have been able to calculate the impact on Stanbridge House, there is also a calculation to be added in for the noise attenuation of soft ground. To get a new noise level you do not add together the existing noise level with the new noise level but it is based on the difference between the two noise levels (see table below), therefore they have calculated that at no time is it expected that the noise level increase will be over the 3dB audibility level.*

<i>Difference between the two levels [dBA]</i>	<i>Addition to higher level [dBA]</i>
<i>0</i>	<i>3</i>
<i>1</i>	<i>3</i>

2	2
3	2
4	1
5	1
6	1
7	1
8	1
9	1
10 and over	0

*Other points to note:*

- *The 60dB mentioned in World Health Organisation Guidelines (taken as an international standard) is a peak level, not an average one so it could happen only once a night, for example a door being shut or someone coughing. 50dB is recommend by the WHO as the upper limit for a 1 hour average. In this one hour there could be peaks of 60 (or higher) dB but it could also be a lot lower than 50dB to give an average of under 50dB or under.*
- *The background noise reading was taken where it was to give a representative background reading for the area, not just for Stanbridge House as this report was also to calculate the impact on the future residents of the proposed new dwellings to be built on the pitch. I would not expect the background reading to be dramatically different nearer to Stanbridge House - if anything it could be higher which allow for more noise to be ok from the pitch.*
- *Even if the residents go to bed early the less than 3dB difference in noise levels would make the impact inaudible in comparison to current levels.*
- *The measurement was carried out until 22.00 so that the impact of any overrun could be considered. I view this as good practice. This doesn't imply that the pitch will be used until 22.00.*
- *The ambient noise levels means the noise levels now – i.e. the current noise levels in the area are above 50dB”.*

7.24 The report's conclusion that there will not be an adverse impact on the existing residents at Stanbridge House or other nearby residents is also based on there being a restriction on the hours of use of the ATP; this is acknowledged within the application and was also conditioned on previous outline consents. It is considered appropriate to apply a condition to any such permission restricting the hours of operation to ensure the protection of the living amenities of the nearby residential properties and to comply with Policy ENV1 of the CLP 1996, Policy ESD15 of the CLP 2031 and Government guidance contained within the Framework – see conditions 3 and 10 below.

7.25 On balance, it is considered that subject to the proposed conditions discussed above being attached to any permission, that the proposals would not result in significant

detrimental impacts on neighbour amenity that would warrant a reason to refuse the application on these grounds alone and therefore the proposals are considered acceptable in terms of residential amenity.

## **Drainage**

- 7.26 Concerns have been raised with regard to the potential for flooding of the proposed ATP and flood-risk being exacerbated at the site as a result of the development of the ATP. The site is not within an area identified by the Environment Agency of being at higher risk of flooding. However, third parties have provided photographic evidence of the current sports pitches being prone to flooding, with standing water being evident.
- 7.27 The proposals are unlikely to increase the risk of flooding to neighbouring properties; the main issue of flooding would be to the operation of the pitch. The proposed surfacing is designed to be permeable, with the base being constructed on a free-draining stone layer.
- 7.28 The application is supported by a Flood Risk Assessment (FRA) and an Infiltration Testing report. Whilst the FRA concluded that the risk of the Proposed Development exacerbating flood risks from tidal/coastal, fluvial, groundwater and artificial sources to neighbouring property is also assessed to be very low to low, the soakage tests indicate that infiltration rates at the site are low and that soakaway drainage is unlikely to be viable at this location. A sustainable drainage system has therefore been proposed:

*'It is proposed that surface water runoff will infiltrate into the free-draining stone layer beneath and be conveyed via piped drainage within the proposed development prior to discharge to the surface water sewer network.*

*The above drainage strategy demonstrates that the proposed development can be drained in a sustainable manner without increasing the risk of flooding to neighbouring properties for events up to and including the 1% annual exceedance probability plus climate change (40% increase in rainfall intensity) return period'.*

- 7.29 The County Council's Drainage Engineers has assessed the proposed 'Drainage Strategy' and whilst they do not object to the principle of the strategy adopted, they consider that further information is required in terms of its design and how it would be managed and maintained in the future. It is considered that these details could be secured through appropriate conditions attached to any permission, to ensure that the proposals are adequately sustainably drained and that flood-risk is not exacerbated at the site in accordance with ESD 7 of the CLP 2031 and Government guidance within the Framework see condition 5 below.

## **Ecology and Biodiversity**

- 7.30 The Framework – Conserving and enhancing the natural environment, requires 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 Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (Para. 109)
- 7.31 Paragraphs 192 and 193 further add that, “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of

development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question". One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

- 7.32 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".
- 7.33 The development is proposed on areas of managed land and sports pitches within the existing school site and would not result in the loss or impact on any significant features of ecological interest.
- 7.34 There are records of protected and notable species (Pipestrelle Bats and Common Sparrows) within the vicinity of the site. No comments have been received from the Council's Ecologist at the time of the preparation of this report. However, comments made at the time of the outline application by the Ecologist suggested that regard would need to be had for the potential impacts on foraging bats, as a result of the proposed flood lighting of the ATP. A condition was attached to the outline consent (13/00265/OUT) requiring that: "*Prior to any works commencing on site an assessment of the impact of the proposed lighting on bats shall be submitted along with any mitigation plan, lighting design and usage times/frequency proposals for written approval by the Local Planning Authority*".
- 7.35 The applicant has submitted a statement by 'Aspect Ecology' which looks to address the requirements of the condition and the case officer is generally satisfied that the statement demonstrates that the proposed flood-lighting is unlikely to have a significant detrimental impact on foraging bats or their habitats that may be present within the vicinity. However, the professional opinion of the Council's Ecologist has been sought and any further comments will be conveyed to the committee.
- 7.36 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with the Framework - Conserving and enhancing the natural environment and Policy ESD 10 of the CLP.
- 7.37 There are a number of trees adjacent both to the site of the proposed extension and the ATP. The applicants have submitted an Arboricultural Impact Assessment which identifies the trees on site, the protection zones around these trees and construction safeguarding methods. It is considered that subject to the proposals be carrying out in accordance with the recommendations set out within the report in terms of protection of trees during the construction phase of the development and replacement planting, which could be secured

through an appropriate landscaping conditions, that there would no significant detrimental impact on any trees supporting biodiversity at the site.

## **Other Matters**

- 7.38 Concerns have been raised with regard to the suitability of the surfacing of the ATP and the potential for health risks to users of the pitch, which has recently been reported in the media. From reviewing media reports it is clear that no conclusive evidence has been put forward to substantiate the claims made and officers are not aware of any current regulatory or otherwise restrictions precluding the use of the surfacing proposed within the application. Sport England raises no concerns with regard to the proposed surfacing, which is consistent surfaces currently in use throughout the UK and the proposals are therefore considered acceptable in this regard.
- 7.39 Comment has also been made as to the financial viability of the proposed scheme and whether the Academy can sustain the facilities going forward. No financial viability information has been submitted with the application and none is considered necessary. The costs of constructing the proposals are a matter for the applicant and are not considered a material planning consideration, and therefore have not been assessed.
- 7.40 Sport England has proposed a condition to secure the future upkeep and maintenance of the ATP. Whilst a Management and Maintenance Scheme has been submitted with the application it is considered that further information is required in relation to a sinking fund to ensure the replacement of the Artificial Grass Pitch within a specified period given by the manufacturers, as required by Sport England in their response. It is considered that this condition would be appropriate to secure the well managed safe community access to the sports facility/facilities and to ensure sufficient benefit to the development of sport in line with policies within the development plan (BSC 11 and BSC 12) and guidance within the framework.

## **8. Conclusion**

- 8.1 The principle of the proposed development has been previously been assessed and considered acceptable in outline form under ref. 13/00265/OUT. It is considered that the detailed proposals now assessed within this application are an acceptable form of development, within the context of the school site which would not appear out of place, or have a detrimental impact on the visual amenities of the site or surrounding area.
- 8.2 The proposals would result in an increase of traffic to the school site, above that which is currently experienced at the site. However, it is considered that this would not have a significant impact on the local road network and that there is suitable and adequate access and parking provision within the school site to ensure that the proposals would not have a detrimental impact on the safety and convenience of highway users.
- 8.3 Whilst the proposals will be seen and heard from neighbouring properties, most notably Stanbridge House, the impacts are considered to be no more than that previously approved and such that it would not result in a significant detrimental effect on the residential amenity, which would warrant a reason to refuse the application and are therefore considered acceptable in this regard.



- 8.4 The proposals are considered acceptable on their planning merits and would provide valuable educational and community sports facilities. The proposals are considered to comply with the above mentioned policies and are therefore recommended for approval, subject to conditions, as set out below.

**9. Recommendation - Approval subject to the following conditions:**

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

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement (April 2016), Framptons' Construction Travel Management Plan, Halliday Lighting Impact Study, Ecological Consultancy letter from Aspect Ecology Ltd dated 29 April 2016, Transport Statement (May 2016), Arboricultural Impact Assessment (May 2016), Noise Impact Assessment dated 6<sup>th</sup> May 2016, Flood Risk Assessment (March 2016) and drawings labelled: 0300 Rev. C, 0312 Rev. 01, 0313 Rev. 00, 0314 Rev. B, 0315, 0316 Rev. A, 0317 Rev. A, 0321 Rev. B and GUK-MUK231-09.

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. Within 12 months of the date of this permission, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Artificial Grass pitch, Natural turf pitches and sports hall and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policies BSC 11 and BSC 12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. Before the Artificial Grass Pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. This should include a sinking fund to ensure the replacement of the Artificial Grass Pitch within a specified period given by the manufacturers. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.

Reason: To ensure that a new Artificial Grass Pitch capable of being managed and

maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Policies BSC 11 and BSC 12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Prior to commencement of the development hereby approved, the SuDS design for the site shall be required to be submitted to and approved in writing by the Local Planning Authority. These details must demonstrate how the system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason – In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell local plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out 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; and that any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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 Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell local plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Saved Policy C28 of the Cherwell Local

Plan 1996, Policy ESD 15 of the Cherwell local plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework..

9. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the [insert].

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 Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. That the areas all-weather Astro-Turf Pitch shall not be used between the hours of 21.00 and 08.00.

Reason - To protect the living amenities of the nearby residential properties and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**PLANNING NOTES:**

1. The Authority considers that the sports facilities proposed in this full application will constitute a ‘qualifying application’, with respect to the outline planning applications for the sports facilities/residential development (ref. 13/00265/OUT and 14/01842/OUT) and the requirements of clause 8.1 of the associated s106 agreement.
2. With regard to condition 3, guidance on preparing Community Use Agreements is available from Sport England [www.sportengland.org](http://www.sportengland.org).
3. The applicant should employ ball impact sound mitigation measures on the Astro-Turfed Pitch, in accordance Sport England design guidance document ‘Artificial Grass Pitch (AGP) Acoustics - Planning Implications - 2015’, available from Sport England [www.sportengland.org](http://www.sportengland.org).
4. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

5. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
6. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), any problems or issues that have arisen during the application have been dealt with in consultation with the applicant's agent and has resulted in additional supporting information being submitted. It is considered that the duty to be positive and proactive has been discharged through the interaction with the agent and the efficient and timely determination of the application.

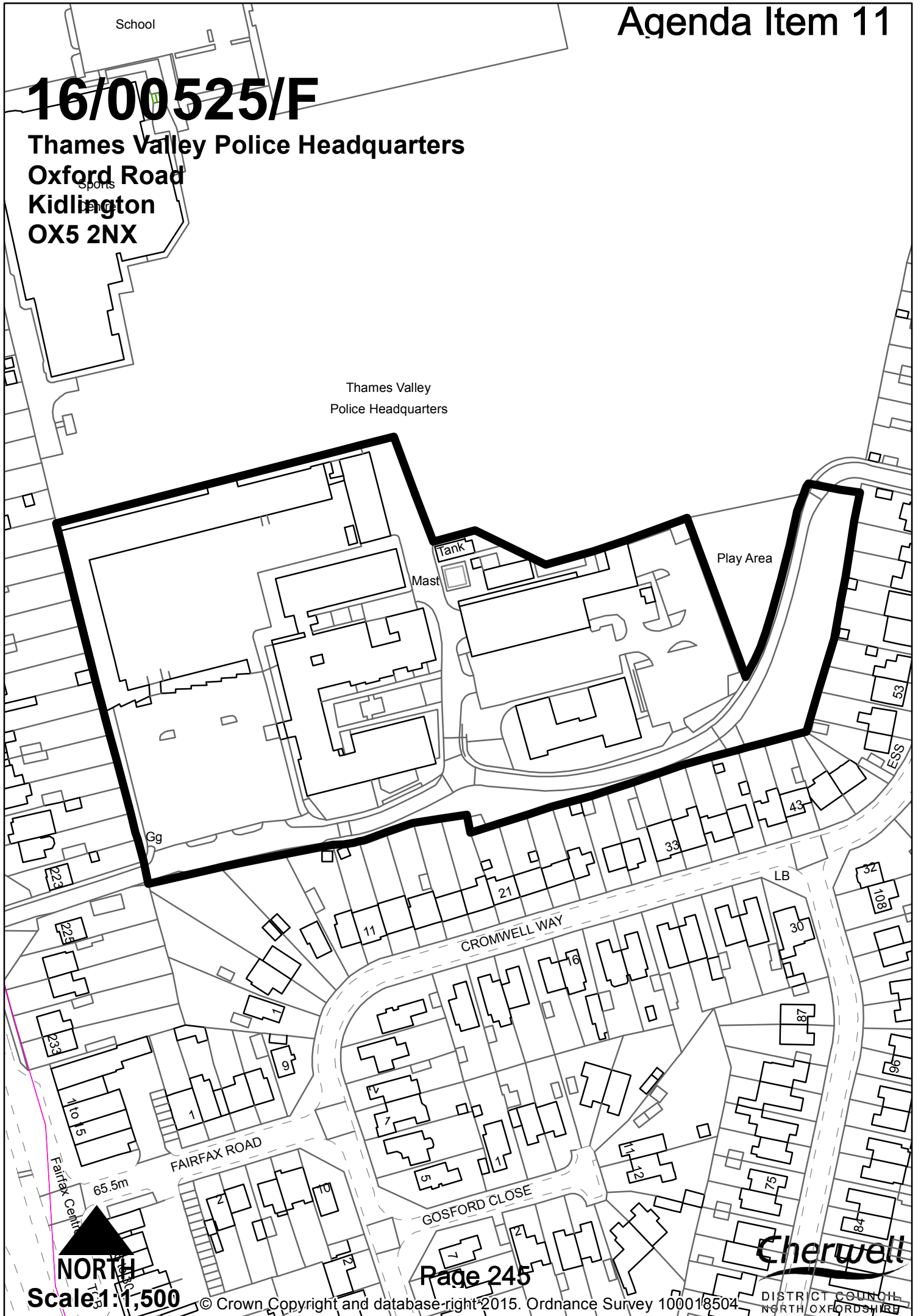
**CONTACT OFFICER:** Bob Neville

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16/00525/F

Thames Valley Police Headquarters  
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Thames Valley  
Police Headquarters

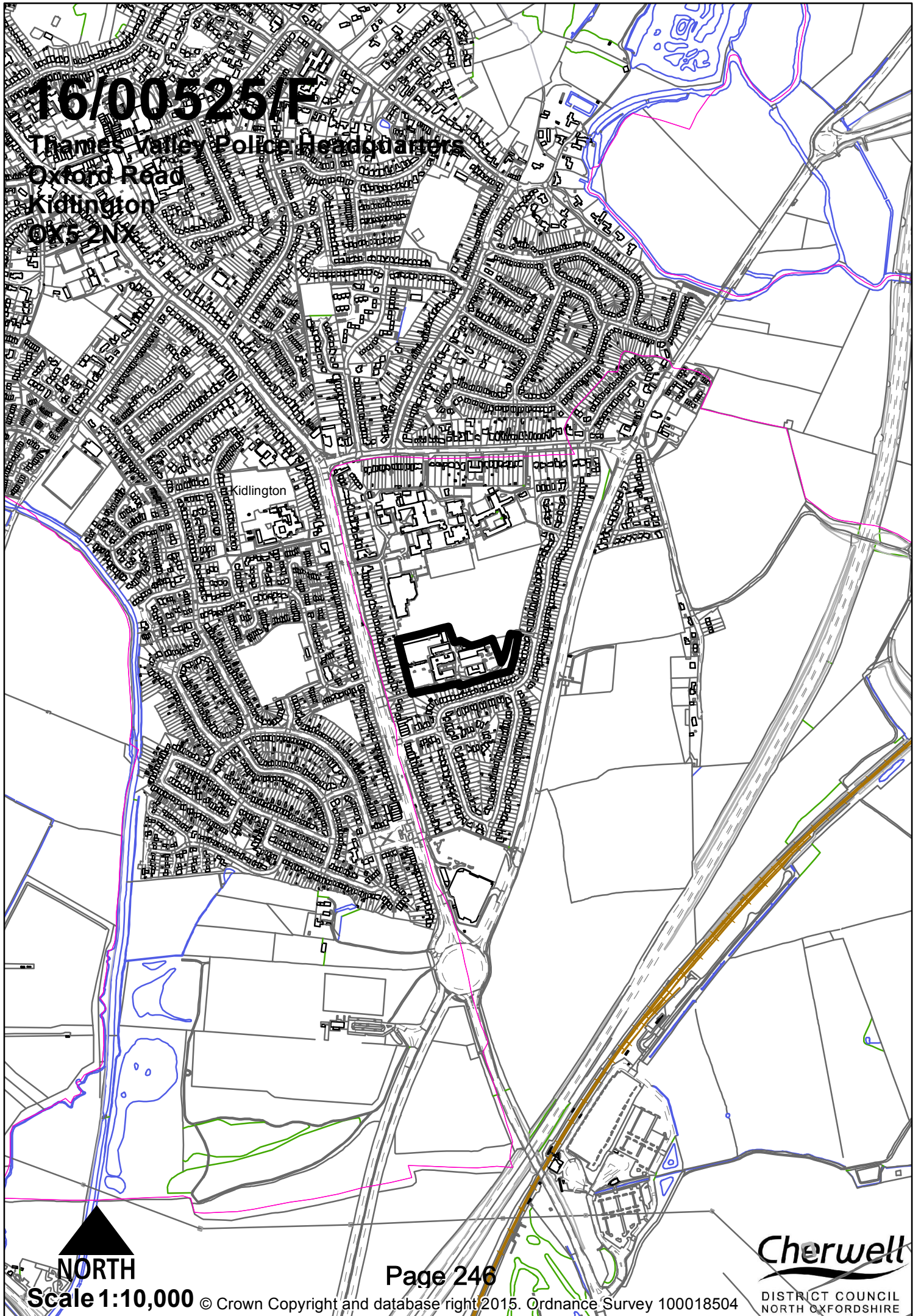


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**16/00525/E**

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Kidlington  
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**NORTH**

**Scale 1:10,000**

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Site Address: Thames Valley Police      16/00525/F**  
**HQ. Oxford Road, Kidlington**

**Ward:** Kidlington East      **District Councillor:** Cllrs Billington, Griffiths and Prestidge

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

**Applicant:** Thames Valley Police

**Application Description:** Proposed demolition of `C` and `G` blocks to erect replacement office building, in addition to associated works

**Committee Referral :** major application

**Committee Date:** 9 June 2016

**1. Site Description and Proposed Development**

- 1.1 The Thames Valley Police (TVP) Head Quarters site is situated just off the east side of the Oxford Road in Kidlington and accessed via a cross over by the slip road. The site is surrounded by residential properties to the east, south and west boundaries, with school playing fields and the Kidlington and Gosford sports centre to the north. The site is outside of a conservation area and there are no listed buildings within proximity. A public right of way runs to the south of the site, along the road, which connects the site to the Oxford Road and Cromwell Way. The site may also have some ecological potential.
- 1.2 The compound consists of several, large office buildings used for administration and supporting the activities of TVP. These are set amongst large, open areas of hardstanding, pedestrian paved areas and access roads. There are no areas of flood risk or features of significant heritage or ecological value in the vicinity of the site.
- 1.3 'A', 'B' and 'D' Blocks form a single, connected unit and have recently been renovated and redesigned in a consistent, contemporary architectural style. The remainder of the compound's buildings consist of a mix of older offices, support buildings and storage sheds variously constructed from brick, masonry, steel and concrete.
- 1.4 This proposal proposes the demolition of `C` and `G` blocks and the erection of replacement a replacement office building on the site of `C` block. The current buildings are showing their age and are of a low-quality design that does not relate well with the surrounding built environment in terms of appearance, materials, style or character. They therefore have an unattractive appearance that adversely affects the amenity of the local area, while the facilities are in a poor condition and are said to not meet the current requirements of TVP.

- 1.5 The new office building will represent a largely 'like-for-like' replacement of the existing building in terms of scale, albeit with a slight increase to the building's height and footprint. The new building will be constructed of contemporary, high-quality materials that emulate the appearance and character of the existing 'A', 'B' and 'D' Blocks. The number of storeys in the new block will remain unchanged, while the existing foundations and hard surfacing beneath the buildings will be retained.
- 1.6 The changes in floorspace are specifically
- C Block Existing 882 sq.m Proposed 1,128 sq.m
  - G Block Existing 537 sq.m Proposed Nil
- Therefore overall there is a reduction in floorspace of 291 sq. metres
- 1.7 The new office building will represent a largely 'like-for-like' replacement of the existing building in terms of scale, albeit with a slight increase to the building's height and footprint. The new building will be constructed of contemporary, high-quality materials that emulate the appearance and character of the existing 'A', 'B' and 'D' Blocks. The number of storeys in the new block will remain unchanged, while the existing foundations and hard surfacing beneath the buildings will be retained.
- 1.8 Additionally there will be an upper-storey skybridge that will directly connect the upper storeys of 'B' Block and the proposed 'C' Block
- 1.9 In place of 'G' Block it is proposed to utilise the existing hardstanding to extend the compound's secure northern car park. This will lead to the creation of an additional 23 car parking spaces. The scheme has been amended since the original submission to propose the retention of part of the western boundary wall of 'G' Block to maintain existing views from the adjacent residential properties . It is proposed that the existing brick wall would be reduced in height by approximately 0.4m from ca. 3.3m to 2.9m. The wall would then be capped with sloping Haddon capping stone, measuring 425mm wide, and between 90mm and 65mm in height along the western and eastern sides, respectively.

## **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 3 May 2106
- 2.2 5 letters of objections have been received from local residents raising the following subjects , one being on behalf of 7 local residents
- Inadequacy of the travel plan
  - Continued issue of on-street parking to the detriment of the amenity and convenience of local residents
  - Concern about the level of parking provided on the site and as a function of this proposal
  - Concern that the demolition of G Block will allow full view from the houses in Oxford Road into the HQ site
  - Consequent loss of privacy to adjacent properties



- Potential light pollution from removal of G Block

### 3. Consultations

- 3.1 **Parish Council:** Gosford and Water Eaton PC have no objections to the proposal

#### **Cherwell District Council Consultees**

- 3.2 **Scientific Officer** raises no objection but suggests a condition concerning construction management

3.3 **Ecology officer**

The submitted ecological appraisal for this site is fine. There are few ecological constraints, with the potential for bats judged as negligible. Adherence to the recommendations in the ecological appraisal to check for nesting birds if the buildings are demolished during the bird nesting season is a sensible precaution. I have no objections to the proposals therefore, however as we should be seeking a net gain for biodiversity where possible within development in line with NPPF guidance there are opportunities to include enhancements here on what is currently a site with limited ecological value.

There are numerous records of house sparrows and hedgehogs in the vicinity of this site (both Priority species) and therefore enhancements aimed at these species would be appropriate. The introduction of a blackthorn hedgerow to the West as suggested by the landscape officer if also including a few other hedgerow species mixed in would be beneficial to a range of wildlife. Wildlife friendly planting, integrated sparrow terraces within the new building itself or external insect boxes would also be beneficial.

3.4 **Landscape Officer:**

Has suggested the planting of hawthorn edge on the western boundary to replace the loss of G Block, Additionally he comments that The existing trees on the playing field immediately east of a rebuilt Block C will help to mitigate the visual impact of this building for the benefit of users of the PRow users of the playing field, and residents west of the playing field. There no additional landscaping required in respect of Block C bit the aforementioned trees are to be protected from damage during the course of demolition and construction: surface levels and material should remain the same.

#### **Oxfordshire County Council Consultees**

3.6 **Transport**

Raises no objections and comment that

- The proposed increase in staff numbers as a result of the proposal will generate at worst a small number of additional vehicle movements in the

peak hours. Existing site access arrangements and the local transport network can accommodate these additional movements

- The proportion of staff travelling to the site is currently very high – a revised travel plan will need to be submitted with targets to increase non-car driving modes.
- No cycle parking is being proposed for the additional staff – levels of cycle parking are already low for a site of this size.

Conditions are suggested covering the car parking areas, cycle parking, and a workplace travel plan

## **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 SLE1	Employment Development
Policy SLE4	Improving Transport and connections
Policy ESD1	Mitigating and adapting to climate change
Policy ESD2	Energy hierarchy
Policy ESD3	Sustainable Construction
Policy ESD7	Sustainable Drainage Systems
Policy ESD10	Protection of Biodiversity

Policy ESD15                      The Character of the Built Environment

Adopted Cherwell Local Plan (Saved Policies)

EMP3                      Employment policy for Kidlington  
C28                      Layout, design and external appearance of new development

#### **4.2 Other Material Policy and Guidance**

National Planning Policy Framework

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 EMP4      Existing employment sites

### **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Planning Policy and the Principle of Development
- Design
- Ecology
- Transport Assessment and Access
- Car parking

#### **Planning Policy and Principle of Development**

5.2 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.

5.2 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

5.3 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

5.4 This site is an established employment site to which Policy SLE 1 of the adopted Local Plan applies. This policy supports existing businesses and indicates (in para B.38) that the Council will seek to ensure that operational activity is not compromised wherever possible. The policy includes the following section re the assessment of employment proposals in Banbury, Bicester and Kidlington

Employment proposals at Banbury, Bicester and Kidlington will be supported if they meet the following criteria:

- Are within the built up limits of the settlement unless on an allocated site
- They will be outside of the Green Belt, unless very special circumstances can be demonstrated
- Make efficient use of previously-developed land wherever possible
- Make efficient use of existing and underused sites and premises increasing the intensity of use on sites

- Have good access, or can be made to have good access, by public transport and other sustainable modes
- Meet high design standards, using sustainable construction, are of an appropriate scale and respect the character of its surroundings
- Do not have an adverse effect on surrounding land uses, residents and the historic and natural environment.

This proposal meets all these criteria and is considered acceptable in policy terms

### **Design & Layout**

- 5.5 The new office building is largely a like for like replacement of the existing building in terms of location and scale, albeit that there is a slight increase in the building's height and footprint. The new building will be constructed of contemporary high quality materials that emulate the appearance and character of the recently rebuilt adjacent blocks. The result is an attractive modern replacement that will sit well with the existing buildings. There will be no greater impact upon the amenity of surrounding residential properties, which are in any event some 120 metres to the west in Oxford Road. The building, being of similar scale and massing will not have any greater impact upon the adjacent school playing fields to the north.
- 5.6 Block G is a single storey garage and store building which runs on the northern and western sides of the secure parking area in the north-west corner of the HQ site. In the original proposal that part of the Block along the western boundary of the site was to be demolished to allow increased car parking to be formed in this area. Following suggestions from the case officer and objections from the affected residents the proposal has now been amended to remove the same section of building but retaining back brick wall almost in its entirety. It is proposed to lower the wall by approx. 400mm, leaving at 2.9 metres high, with a new capping on top. This will ensure the necessary security of the site but still provide the residents with a familiar screen to the activities on the HQ site in visual and aural terms. This element is now also considered acceptable.

### **Ecology**

- 5.7 It will be seen from Paragraph 3.3 above that the Council's ecologist is content with the proposals. Comments about a western hedge are now redundant given the intention to retain a brick wall on this side of the site.

### **Transport assessment**

- 5.8 Oxfordshire County Council have raised no objections to the proposal and have stated in their response that the increase in staff numbers as a result of the development would generate at worst a small number of additional movements during peak hours. The say, and your officer agree, that this will not have an unacceptable impact upon local congestion. There are in addition no safety concerns arising

## **Car parking**

- 5.9 The Thames Valley Police HQ site has for a long time been the subject of complaints from a small number of local residents about the insufficiency of car parking provision, and it is reported that in consequence on-street parking occurs in surrounding streets to the detriment of the convenience and amenity of those complainants.
- 5.10 With regards to this application the numbers of employees associated with the replacement of C Block is barely altered. The applicants indicate that the current building housed at peak usage around 76 staff whereas the new building as a capacity to house 80 full time staff and around 20 part time staff

Currently, there are 100 car parking spaces within the inner car park for the use of TVP staff, including 11 spaces that are occupied by trailers and other operational equipment. There are also 264 additional parking spaces across the remainder of the TVP HQ site, as well as approximately 20 to 30 unofficial, on-site parking spaces, where parking is tolerated where there are no obstructions or negative impacts on safety.

The demolition of 'G' Block will allow for the creation of an additional 23 parking spaces, resulting in a capacity of 387 official parking spaces on-site, including 123 parking spaces at the inner car park. In conjunction with space for up to 30 unofficial spaces, there will therefore be a total capacity of 417 parking spaces at the TVP HQ site. This more than provides for the proposed, minor increase in capacity of 10 employees at 'C' Block.

Furthermore, the proposed demolition of 'G' Block forms part of the applicant's wider strategy of relocating the existing operational equipment at the car park to an alternative TVP site in Upper Heyford. This will therefore result in the release of 11 parking spaces currently used for other purposes for staff use.

- 5.11 Therefore, notwithstanding comments received , it is considered that these proposals will not worsen the adequacy of car parking provision on this site, indeed it should result in an eased situation

## **Engagement**

- 5.38 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

## 6. Recommendation

**Approval**, subject to:

a) the following conditions:

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

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms Design and Access Statement; Transport Statement; Planning Statement; Ecological appraisal; Supplementarty statement received 5 May 2016 and drawings numbered 0007/PO1; 0002/PO1; 1210/PO1; 3100/PO1; 3101/PO1; 4100/PO1; 0009/PO1; 0005/PO2 013/PO2

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

3. Prior to the commencement of the development hereby approved, a detailed schedule of materials and finishes for the external walls and roof(s) of the development hereby approved in general accord with the information contained on the approved elevations shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

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

4. Prior to the commencement of the development hereby approved, full details of any external lighting to be provided in the car parking area or on the building 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 C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

5. Prior to the commencement of all other development hereby approved, the buildings and structures on the site at the date of this permission shall be

demolished and the debris and materials removed from the site.

Reason - In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

6. Prior to the commencement of the development hereby approved, full details of the new boundary wall formed from the partial demolition of G Block shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the new boundary treatment shall be erected, in accordance with the approved details, and retained and maintained in situ at all times.

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 Policies C28 and C30 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

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

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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

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

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



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

9. Prior to the commencement of the development hereby approved, details of the revised car parking provision 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, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework

10. 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.  
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

11. 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

12. 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 Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

13. 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 1<sup>st</sup> March and 31<sup>st</sup> 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 ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework

14. Prior to the commencement of development, including any demolition or site clearance a method statement for enhancing biodiversity on site shall be submitted to and approved by the Local Planning Authority. Thereafter the biodiversity enhancements 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

## **Planning Notes**

### **1. Construction Sites**

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

### **2. Disabled People**

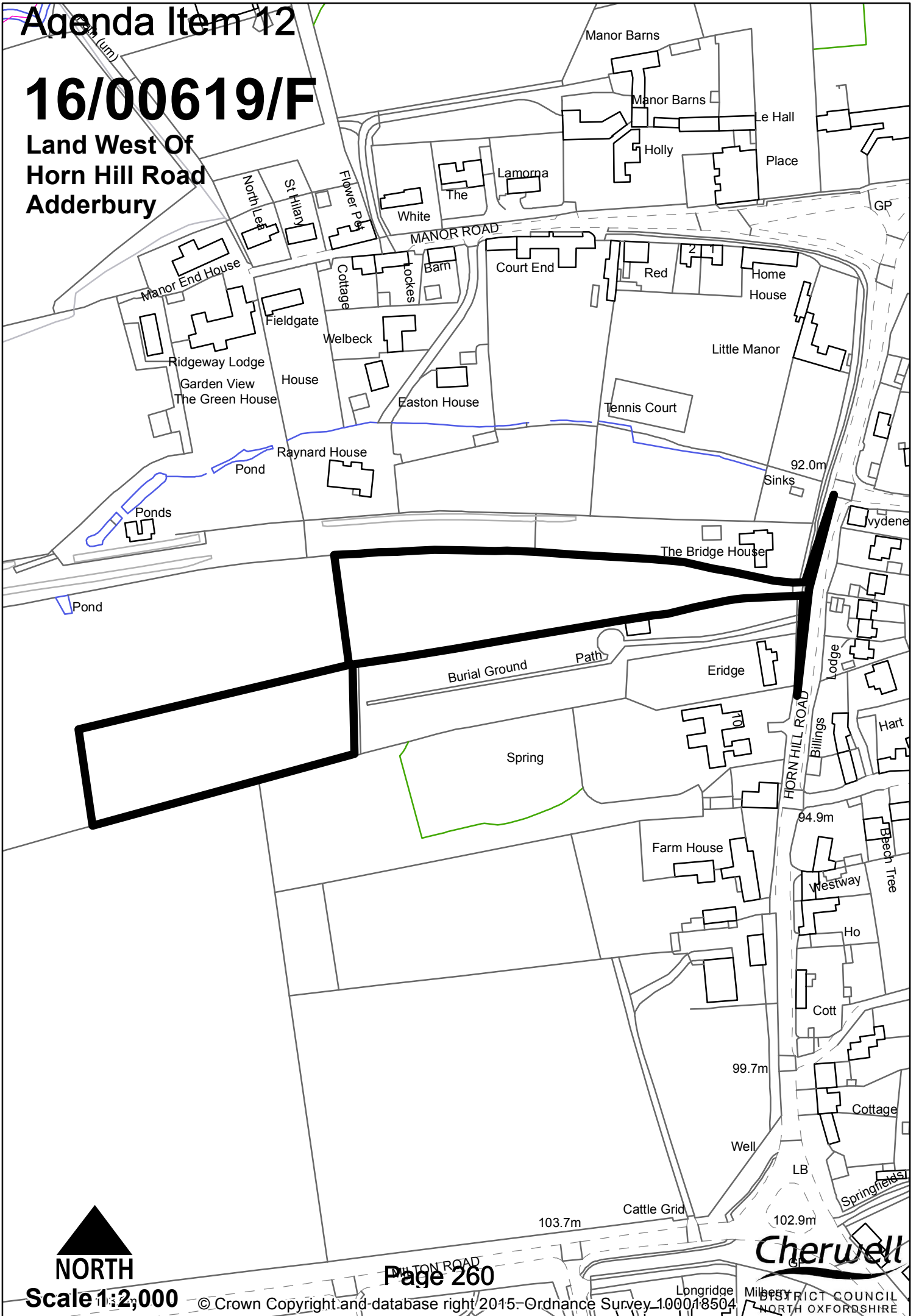
The Applicant is reminded that the premises should be made accessible to all disabled people, not just wheelchair users, in accordance with the provisions contained within the Disability Discrimination Act 1995. This may be achieved by following recommendations set out in British Standard BS 8300: 2001 – "Design of buildings and their approaches to meet the needs of disabled people – Code of Practice", or where other codes may supersede or improve access provision. Where Building Regulations apply, provision of access for disabled people to the premises will be required in accordance with Approved Document M to the Building Regulations (2004) – "Access to and use of Buildings", or codes which contain provisions which are equal to or exceed those provisions contained within Approved Document M.

**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.

# 16/00619/F

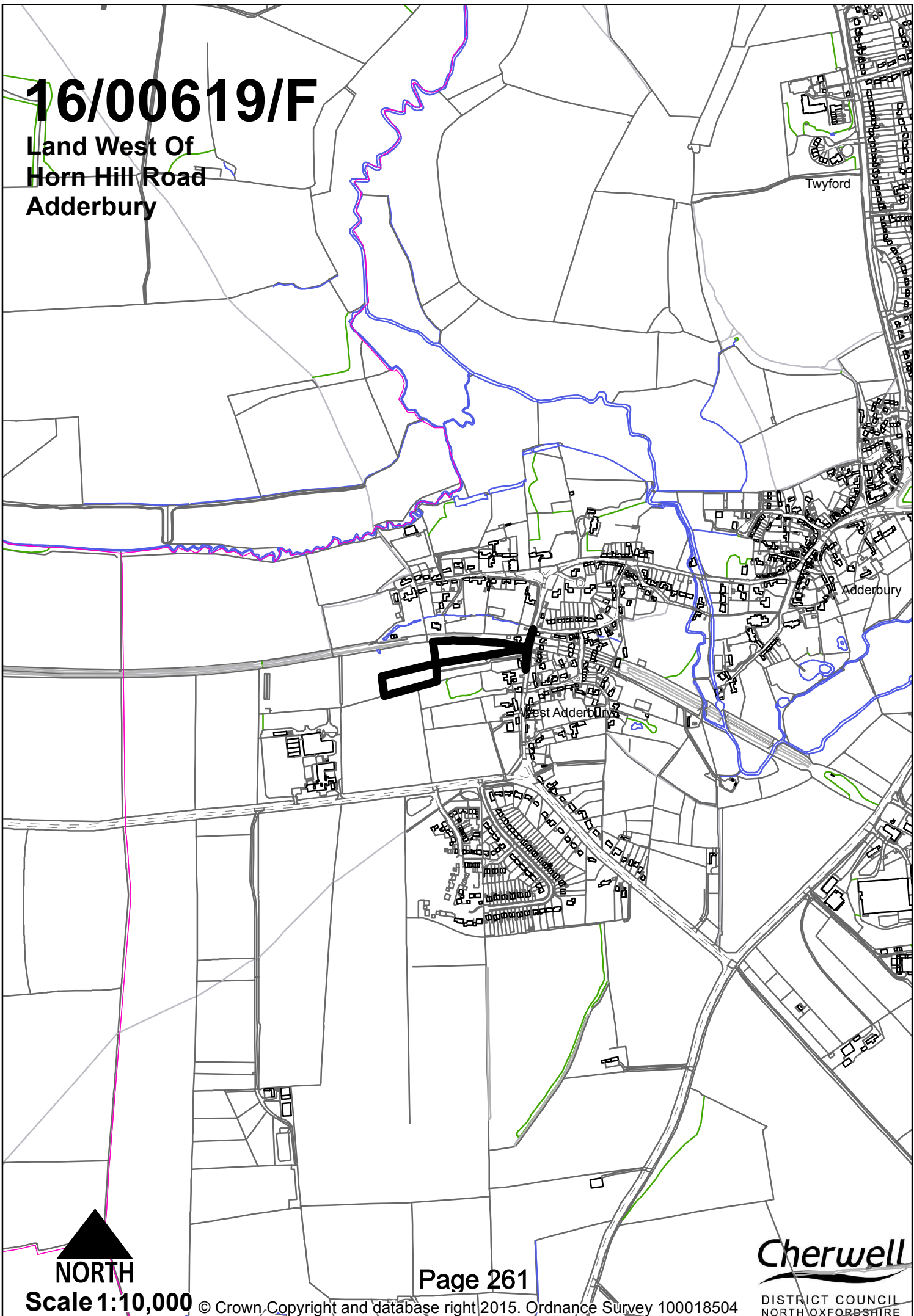
## Land West Of Horn Hill Road Adderbury



Scale 1:2,000

# 16/00619/F

Land West Of  
Horn Hill Road  
Adderbury



**NORTH**

**Scale 1:10,000**

**Land West Of  
Horn Hill Road  
Adderbury**

**16/00619/F**

**Case Officer:** Bob Neville                      **Ward(s):** Adderbury, Bloxham And Bodicote

**Applicant:** Mr M Gough

**Ward Member(s):** Cllr Mike Bishop  
Cllr Chris Heath  
Cllr Nigel Randall

**Proposal:** Residential development of a single dwelling with associated landscaping and land for an extension to the existing village burial ground - Resubmission of 15/01048/F

**Committee Date:** 09.06.2016                      **Recommendation:** Refusal

**Committee Referral:** Major application due to site area (1.1Ha) and public interest.

**1. Application Site and Locality**

- 1.1 The site is an area land at the edge of the village of Adderbury with an existing gated access off Horn Hill Road. There are residential properties to the north of the site, accessed from within the village off Manor Road and further residential properties along Horn Hill Road east of the site. Immediately adjacent the site to the south is an existing burial ground and Grade II\* listed 'Friends Meeting House' and there is open countryside to the west. The land is classified as Grade 2 agricultural land; although at the time of application the land had the appearance of unused scrub land.
- 1.2 In terms of site constraints, the site is situated partially within the designated Adderbury Conservation Area; although the majority of the site and area for the proposed dwelling and burial site extension sit outside of the Conservation Area boundary. There are several listed Heritage Assets adjacent and in close proximity and along Horn Hill Road, north-east and south-east of the site and the site is within an area of medium archaeological interest. Land adjacent and north of the site is designated as a BAP Priority Habitat and there area records of Swifts being present within the vicinity of the area. The site is within a buffer zone surrounding an area of potentially contaminated land and also the geology in the area is known to contain naturally occurring elevated levels of arsenic, chromium and nickel, as is seen in many areas throughout the district. There are no other significant site constraints relevant to planning and this application.

**2. Description of Proposed Development**

- 2.1 The application seeks permission for the erection of a single two storey 4-bedroom dwelling house with associated access drive, parking and landscaping; and also for an extension to the existing burial ground to the south of the site. The dwelling is proposed to be constructed of natural stone under a slate roof with a footprint of ~232m<sup>2</sup>, located ~135m west of Horn Hill Road and ~130m south of Manor Road. The extension of the burial ground would see an additional 0.424Ha of land incorporated into the overall burial site.

- 2.2 The application comes following pre-application discussions, in which officers raised concerns in relation to the principle of development and the harm that would be caused, not only to the intrinsic value of the open countryside and rural character but also to identified Heritage Assets i.e. the setting of the Friends Meeting House and the Conservation Area. It also follows the refusal of a similar scheme under reference 15/01048/F; refused for the reasons detailed below.
- 2.3 This resubmission of application 15/01048/F looks to address the previous reasons for refusal and includes a re-siting of the proposed dwelling eastwards closer towards Horn Hill Road by some 15m and additional information submitted with regard to Landscape and Visual Appraisal and Landscape Strategy.

### 3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>
10/00509/F	Change of use of land to form extension to burial ground. Permitted subject to conditions.
10/00510/OUT	Erection of 3 no. dwellings and access to burial ground. Withdrawn following the case officer indicating that the application was to be recommended for refusal, as the site was not within the built up limits of the village and that insufficient information had been submitted to demonstrate that the proposals would not be detrimental to the setting of the Friends' Meeting House.
15/01048/F	Residential development of a single dwelling with associated landscaping and land for an extension to the existing village burial ground. Refused on the following grounds: <ul style="list-style-type: none"> <li>• The proposed development constituted sporadic development beyond the built up limits of the Adderbury, which would cause harm to the intrinsic value of the open countryside and rural character, by intrusion into such, which would fail to reflect or reinforce local distinctiveness or preserve the natural environment at this location;</li> <li>• Insufficient information had been submitted in relation to the proposed burial site in terms of land levels and ground conditions to clearly establish whether the land was suitable for use as a burial site or whether its use as such would likely cause a risk of groundwater pollution.</li> </ul>

### 4. Application Publicity

- 4.1 The application has been advertised by way of neighbour letter, site notice and press advert. The final date for comment was the 25.05.2016. 107 items of correspondence have been received from local residents in objection to the proposals and three in support, as a result of this process.

4.2 Full details of the issues raised in objection are available to be viewed via the Council's website. Below is a brief summary of issues raised in objection correspondence:

- Development on a greenfield site beyond the existing boundaries of the village;
- Detrimental impact on highway safety;
- Detrimental ecological impact; including the potential to impact on Great Crested Newts indicated as being present adjacent the site, and the wildlife and flora and fauna on the site;
- Detrimental impact on the character and appearance of the locality;
- Detrimental impact on the grade II\* listed Friends Meeting House and its setting;
- Detrimental impact on neighbour amenity;
- Inappropriate location for extension of burial ground given high water table and existing flooding issues;
- Pollution risk to local ground water;
- Contrary to Adderbury Neighbourhood Plan;
- Disruptions and safety issues during construction;
- It will set a precedent for further development.

## 5. Response to Consultation

### Parish/Town Council:

**Adderbury Parish Council:** Supports the application and makes the following comments:

1. The Parish Council does not believe the proposed dwelling will detract from or harm the setting of the Grade 2\* listed Friends Meeting House.
2. Although this proposed dwelling is just outside the built up limits of Adderbury, the Parish Council believes there is provision in the NPPF to allow support for it, namely NPPF paragraph 140. This states that 'LPAs should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweighs the dis-benefits of departing from those policies.' In this case, the Parish Council believes this applies.

The funds proposed for the Friends Meeting House would be used for renovating this Grade 2\* building, not just for normal repairs. This would be a carefully planned restoration project, working with Conservation officers and including items like replacing the 1960's cement tiles currently on the roof with stones field slate (or the heritage equivalent).

3. The Parish Council believes this also fits with English Heritages policies for Enabling applications.

The Parish Council welcomes the proposed offer of land for an extension to the existing cemetery. The PC will need to find further cemetery space in the near future (probably within 10 years) as the existing cemetery is becoming short of useable space.

The PC realises this would be subject to a survey for suitability but we have discussed the proposed extension land with Craig Hampton of the Environment Agency (EA) and held a site meeting with him. He has confirmed that much of the land could be used and he also



confirmed to CDC previously that the EA have no objections to this land for cemetery use (subject to the normal survey).

The Parish Council believes this offer is of substantial community benefit and would allow the PC to begin preparing the area, as well as organising the existing cemetery differently. Previously, CDC was not convinced that the extension land will be useable, but the Parish Council believes this application could be allowed, subject to a survey being carried out.

Cherwell District Council:

**Conservation Officer:** This proposal comprises two elements (i) a residential development of a single dwelling with associated landscaping, and (ii) land for an extension to the existing village burial ground.

The impact of any development on this site on the tranquillity and setting of the Grade II\* Friends Meeting House adjacent is a paramount conservation consideration.

Whilst the extension of the burial ground is considered commensurate with the functioning of this religious building, the revised scheme brings the proposed new dwelling into a more central location on the site, and therefore into closer proximity to the meeting house. My concern is that the ambiance of the meeting house which is integral to its significance will be eroded once there is a domestic residence sited deep in the adjacent plot. Residential occupation comes with the commensurate expectation of domestic noise.

Recommend refusal

NPPF 134 - It is anticipated that the proposal to build a new dwelling would lead to less than substantial harm to the significance of the meeting house which is not outweighed by public benefit. The extension of the village burial ground is independent of the building of the house, the granting of the one is not dependent on the granting permission for the other.

**Ecologist:** My comments for this application are similar to those previously submitted for 15/01048/F. The submitted ecological appraisal is fine although if more than two years elapse before the use of the area of burial ground further up-date surveys may be needed. The main constraints on site are the value of the habitats present, nesting birds and the assumed presence of reptiles and Great Crested Newts. The ecological appraisal makes a number of suggestions for enhancements on site which if carried out on the land surrounding the proposed dwelling and the burial ground land would be likely to result in no net loss to biodiversity overall. These include bat tubes in the dwelling itself and a fair amount of planting as well as wildflower meadow grassland on some areas of the burial ground. Ideally they should submit a management plan for the burial ground land. It seems unclear to me who would be responsible for the management and protection of biodiversity for this area?

I would recommend the following conditions to any permission:

*Use of Native Species*

*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.*

*Construction Environmental Management Plans (CEMP) for Biodiversity*

*Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include those measures outlined in section 6.4 of the Ecological Appraisal submitted with the application which was prepared by EDP dated March 2016 and any other measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.*

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

#### *Landscape and Ecological Management Plan (LEMP)*

*Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) to include the new burial ground area 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 protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.*

#### *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 to include recommendations in sections 5.7-5.12, 5.24, 5.35 and 5.36 of the Ecological Appraisal which was prepared by EDP dated March 2016, 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 protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.*

**Environmental Protection Officer:** My records indicate potential contaminative sources adjacent the north of the site i.e. the dismantled railway and the site is underlain by soils likely to contain naturally elevated concentrations of arsenic. As this is a proposal for a sensitive development, I recommend the applicant provides information to demonstrate they have considered the risk from land contamination in order to ensure the development proposals are safe. A desk study and walkover should be provided if already available. I recommend the phased land contamination assessment conditions (J12 -1J16) are applied to demonstrate the proposed development is safe, or can be made so through remedial works.

**Landscape Officer:** I have read the submitted Landscape and Visual Impact Assessment (LVIA) and visited the viewpoints chosen.

I was disappointed to see that the LVIA makes very little reference to the historic Quaker Friends Meeting House and does not examine the effect of the proposed dwelling on it. Both Tim and I are of the opinion that the Burial Ground is a public place and that the impact of the

dwelling on the Meeting House should have been assessed. A photograph and wire-line of the building as viewed from the Meeting House should have been provided.

In 4.7 the effects on the landscape within the immediate setting of the site are assessed as minor/negligible. This seems to ignore the Meeting House.

In consideration of visual effects, EDP seems to be assessing the site rather than the dwelling on the site.

My own assessment is as follows:

While I agree that the proposed development will not be visible in the wider landscape. I am concerned that no assessment has been made from the burial ground. It is likely that at the very least the roof will be visible if not more of the dwelling. And the dwelling is within the visual envelope of the Meeting House.

The proposed dwelling will be located at a point level with the burial ground where there is no perception of dwellings around, it will therefore intrude on the tranquillity of the setting for the Meeting House and burial ground. There will be disturbance to the tranquillity from cars using the drive and people occupying the house. There is no traffic intrusion into the surroundings as all the dwellings on Horn Hill have access directly off the highway. In addition there will be domestic garden paraphernalia on site. The proposed dwelling is over 100m from the rear of the nearest dwelling on Horn Hill which locates it well away from other dwellings.

The site of the dwelling is not inside the conservation area which forms the edge to the village at this point. And therefore is beyond the built up limits of Adderbury and in open countryside.

I think that the original reasons for refusal still stand.

#### Oxfordshire County Council:

**Highways Liaison Officer:** No objections subject to conditions

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

#### Other External Consultees:

**Environment Agency:** Due to increased workload prioritisation we are unable to make a detailed assessment of this application. We have checked the environmental constraints for the location and have the following guidance.

The proposal is for a residential dwelling and an extension to the existing village burial ground and the environmental risks in this area relate to:

Groundwater Protection - the site lies in SPZ 2/3, and/or secondary aquifer, and/or medium risk previous use in principal aquifer (add section 2)

#### Groundwater Protection

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<sup>1</sup>. In addition, they must not be constructed in ground affected by contamination.

**Historic England:** Historic England state that their primary concern when considering this application is to protect the significance of the grade II\* listed Friends' Meeting House and the contribution that setting makes to this significance.

The 17th century Meeting House is of great importance historically as an unusually early surviving example of a non-conformist place of worship. The simplicity of its architecture has an inherent beauty but is also a powerful illustration of the Quaker approach to worship and life. The tranquil semi-rural setting of the building enhances its simple aesthetics and the semi-rural nature of the meeting house, in contrast to that of the parish church in the centre of the village, alludes to the fact that to be a Quaker in the 17th century was to belong to a group set apart from the rest of society and often regarded as dangerous or subversive.

Preserving the sense of isolation and tranquillity is therefore very important to sustaining the significance of this building. We were content with the previously submitted proposals as these were for a single house employing traditional materials and design set well to the rear of the adjacent plot. While this would be just visible in views of the Meeting House from within the burial ground we concluded that glimpses of a stone slate roof some way from the listed building itself would be unlikely to detract from the setting of the building. Furthermore, it would be barely visible from the road, and the sense that this is a semi-rural part of the village would be sustained.

The current application retains the same design but moves it forward, closer to the Meeting House and the road. Thus it has the potential to have a greater impact than the previous application. A very long Heritage Setting Assessment has been submitted in support of the application, which asserts that there would only be glimpsed views of the proposed new building from the environs of the Meeting House. However, it does not demonstrate this, so it is unclear whether the current proposals would result in a glimpse or a rather more substantive presence in within the setting of the building. My own assessment is that there would probably not be more than a glimpse of the building in its new position, but I cannot be certain. It would not take much to demonstrate the impact of the proposals (a series of photographs taken from just west of the Meeting House with a wire frame showing the outline of the building would suffice - or even ranging poles reaching to eaves height held in place while the photo is taken) but evidence rather than assertion is needed if we are to be confident that the current proposals would not have an adverse impact on the setting of the listed building. Paragraph 128 of the NPPF states that: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance." At present it is not possible to properly understand the potential impact of the proposal and further work is needed before we think it proper to determine the application.

Recommendation:

It is recommended that your Council seek further information from the Applicant clarifying the likely impact on views from the grade II\* listed Friends' Meeting House and its tranquil rural setting. It would be inappropriate to grant permission unless the Council were convinced that the impact of the proposal on the setting of this building was slight and its significance was not harmed. At present insufficient information has been supplied to be confident of this.

**Following the submission of further information by the applicant, in line with their request, Historic England made further comment:**

In response to our letter of 21 April photomontages have been prepared showing the likely view from outside the grade II\* Friends' Meeting House. This confirms that only the roof of the new building would be visible. We are therefore content that the new building would not be a strong presence within the setting of the listed building. If this roof was constructed out of traditional local materials, such as Stonesfield slate with stone gables, its presence would be benign and would not be considered to harm the significance of the Meeting House.

**Recommendation**

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**Thames Water:** No objections

**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 (CLP 2031)

Policy PSD1: Presumption in Favour of Sustainable Development

Policy Villages 1: Village Categorisation

Policy ESD 8: Water Resources

ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD13: Local Landscape Protection and Enhancement

ESD 15: The Character of the built and historic environment

Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)

H18: New dwellings in the countryside

C8: Sporadic development in the open countryside

C28: Layout, design and external appearance of new development

C30: Design of new residential development

ENV1: Development likely to cause detrimental levels of pollution

ENV12: Development on contaminated land

## 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
- Highway safety
- Neighbour and Visual amenity
- Heritage Impact
- Ecological Impact
- Environmental Issues

### Principle

7.2 The National Planning Policy Framework (the Framework) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

7.3 Paragraph 6 of the Framework sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.

7.4 Policy PSD1 contained within the CLP echoes the Framework's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

7.5 The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (para. 12). Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5.6 year housing land supply. The presumption in favour of sustainable development, as advised by the Framework, will therefore need to be applied in this context.

7.6 As with the previous submission (15/01048/F), whilst the application stands to be considered as a whole it is considered that the proposals have two distinct elements that require consideration: 1) The extension to the burial ground; 2) The construction of a single dwelling house and associated parking, landscaping and access.

- 7.7 The principle of the extension of the burial ground has to some extent been established through the granting of permission (subject to conditions) (10/00509/F) in 2010, albeit on a much lesser scale and on an area of land which now forms part of the current site. Whilst the extension of the burial site would encroach into the open countryside, the use is considered to be unobtrusive and it is considered that subject to appropriate landscaping, and further considerations relating to potential contamination issues discussed further below, that in principle it could be an acceptable use in this location.
- 7.8 Policy Villages 1 of the CLP 2031 groups villages into three separate categories (A, B and C). Adderbury is recognised as a Category A village, considered to be one of the most sustainable villages within the district given its services and facilities. Within category A villages new residential development will be considered for the conversion of non-residential buildings, infilling and minor development within the built up area of the settlement.
- 7.9 Within the original application (15/01048/F) the applicants contended that the context of the site and the settlement pattern had been significantly altered, with the approval of residential development on the north side of Milton Road and the further gifting of land for recreational use on land adjacent to that residential development, since pre-application discussions and advice. Whilst officers acknowledge these factors, they remain of the opinion that the site is beyond the built up limits of Adderbury and the approval of the residential development north of Milton Road does not directly affect the context of the application site.
- 7.10 Further information has been submitted with this application which furthers contends, within the LVIA, that the site of the proposed dwelling is within the 'perceived settlement edge' (as shown on Plan EDP 3: Findings of Visual Analysis), and by association would constitute development within the built-up limits of the village. Officers dispute this assertion and consider that the 'perceived settlement edge' boundary shown on the plan does not reflect the built-up limits and the loose-knit settlement pattern as seen along this part of Horn Hill Road.
- 7.11 The site is bounded to the north by a former railway line and following its removal this has provided a substantial naturalised boundary to the gardens of residential development south of Manor Road. The proposed dwelling is set within a substantial plot at the rural edge of the village and is located some distance from existing dwellings, the nearest being Reynard House some ~45m to the north-west. Given its somewhat divorced siting, south of the former railway line and ~135m west of Horn Hill Road, on agricultural land, it is therefore not considered to be within the built up limits of the village.
- 7.12 As the site is clearly not within the village, new residential development stands to be assessed against Saved Policy H18 of the CLP 1996; this sets out that a new dwelling in the open countryside will only be granted planning permission where it is considered to be essential for agriculture or another existing undertaking or where it meets the criteria for the provision of affordable housing and in either case where it does not conflict with any other policy in the development plan. No case has been, or can be, made for consideration as a rural exception site or other essential undertaking. The proposal clearly does not comply with this policy criterion and therefore represents a departure from the Development Plan and is unacceptable in principle.
- 7.13 Notwithstanding that the proposals (by virtue of the dwelling being sited beyond the built up limits of the village) are considered unacceptable in principle, due regard must also be had to other policies within the development plan and further considerations relating to visual and residential amenity, highway safety, heritage impact and are discussed below.

## **Highway Safety**

- 7.14 The Highways Authority has again assessed the proposals and raises no objections subject to conditions being applied to any permission requiring that: the access to the site is created in accordance with the geometry indicated on the submitted plans and in accordance with Oxfordshire County Council's specification and guidance, and further that prior to the commencement of any development that full specification details (including construction, layout, surfacing and drainage) of the access drive and parking and manoeuvring areas are submitted to and approved in writing by the Local Planning Authority; this is in line with previous recommendations on application 15/01048/F. I see no reason not to agree with this opinion and consider the proposed conditions would be appropriate in the interests of highway safety and ensuring that the site is adequately surfaced and drained, should permission be granted.
- 7.15 The proposed site is served by an existing access off Horn Hill Road. The scheme has a driveway and parking provision which is considered appropriate for the level of accommodation proposed, and would not lead to a demand for on-street parking. Whilst Horn Hill Road is fairly constrained with instances of on-street parking, it is considered that the modest increase in traffic associated the development of a further dwelling can be accommodated without significant detrimental impact on the safety and convenience of highway users and is acceptable in this regard.

## **Neighbour and Visual Amenity**

- 7.16 The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP which looks to promote and support development of a high standard which contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 7.17 Policy ESD13 of the Cherwell Local Plan 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. It goes onto state that proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements. Further, Policy ESD15 of the CLP 2031 requires new development to complement and enhance the character of its context through sensitive siting, layout and high quality design. New development should, amongst other things, respect the traditional pattern of routes, spaces, blocks, plots and enclosures as well as the form, scale and massing of buildings. Development should be designed to integrate with existing streets and buildings should be configured to create clearly defined active public frontages.
- 7.18 Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the urban context of that development. Further, saved Policy C30 of Cherwell Local Plan 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density with existing dwellings in the vicinity. This policy continues by stating that a development must also provide standards of amenity and privacy acceptable to the local planning authority.
- 7.19 As with the previous application (15/01048/F) concerns have again been raised with regards to the potential impacts on neighbour amenity in terms of loss of privacy. Whilst the proposed



new driveway would run through land adjacent the existing garden of Bridge House, which has a relatively open boundary, with post and wire fencing, the proposed dwelling itself is sited as such that it would not directly impact on this garden area. Given the separation distances between the proposed and existing dwellings, the existing boundary hedgerow/trees, which would interrupt views to the north, it is considered that the impact on neighbour amenity is not such that it would warrant a reason to refuse the application on these grounds alone and is acceptable in this regard.

- 7.20 The proposal looks to introduce residential development on agricultural land. The visual impact of the proposed development would not only be of a new residential dwelling house but also the domestic appearance of a significant residential curtilage (0.58 Ha). The applicants have submitted an LVIA which concludes that: *'the proposals represent a small-scale development which is entirely in-keeping with the local landscape character and would not therefore result in any material landscape or visual effects or policy contravention'*.
- 7.21 Views of the proposals from the public domain would be fairly limited, with principal views coming from surrounding properties, the adjacent cemetery and glimpsed views through the access from Horn Hill Road; which currently provide a view through the built form of the village to the open countryside beyond. The proposed development would be characteristic of a traditional farmhouse and would be constructed of materials which would integrate well with those of both the neighbouring properties and the wider village, and in a different context could be considered acceptable in design terms. Whilst views of the proposed dwelling could in some ways possibly be screened by the proposed landscaping scheme and the existing boundary hedgerows to the burial ground, officers consider that views would be had of a significant residential plot from the burial ground and glimpsed views from Horn Hill Road. These views would be of a residential dwelling with large residential curtilage set on the edge of and beyond the built up limits of the village extending the built form out into open countryside. Furthermore, it would fail to accord with the established pattern of development in the wider village which is generally characterised by dwellings having a much closer association with, and fronting onto, the highway. Whilst there are a number of examples of properties with larger than average degrees of setback, there are very few examples which would be comparable to the proposed scheme. The proposal is considered back-land development in the context of the existing settlement pattern experienced along Horn Hill Road.
- 7.22 The proposed dwelling and associated residential curtilage would have a detrimental impact on the localised landscape (albeit less than significant), wider rural character and established settlement pattern of the area, by this introduction of back-land residential development on a significant area of land which is clearly beyond the built up limits of the settlement and currently agricultural in its nature. It is considered that the provision of a residential dwelling in this location represents an unnecessary and sporadic development in this part of the countryside which would cause material harm to the rural character and appearance of the area and which fails to respect the established settlement pattern within the village.
- 7.23 Whilst there would be benefits to the applicant in bringing forward residential development on the land, the public benefit would be limited. It is considered that the potential benefits of providing the proposed development do not outweigh the harm having regard to what the Framework says about the importance of conserving and enhancing the natural environment, protecting valued landscapes, and would be contrary to paragraph 109 of the Framework. Therefore in this regard, the proposal would not constitute sustainable development and,

consequently, the presumption in favour does not apply in accordance with Paragraph 14 of the Framework.

7.24 It is considered that the extension of the burial site by its very nature is likely to be unobtrusive, and, subject to appropriate landscaping and boundary treatments, it is unlikely that it would have a significant detrimental impact on the character and appearance the landscape within which it sits. Whilst there is little supporting information within the application relating to the actual burial site extension, with no specific details of landscaping and boundary treatments, it is considered that details of these elements could be secured through appropriate conditions should any such permission be granted.

### **Heritage Impact**

7.25 As noted above the site straddles the boundary of the Adderbury Conservation Area and there are Grade II\* and Grade II listed buildings within proximity to the site. The Conservation Area and listed buildings are defined as designated Heritage Assets in the Framework.

7.26 The Framework requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of Heritage Assets and seeks to ensure that new development should make a positive contribution to local character and distinctiveness. It goes on to state when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of a Heritage Asset and any harm or loss should require clear and convincing justification. It goes onto state that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy ESD 15 of the CLP echoes this advice.

7.27 Furthermore Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving a listed building or its setting should be taken and Section 72 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

7.28 Historic England has assessed the proposals and whilst initially raising concerns regarding the potential impacts on the setting of the adjacent Grade II\* listed Friends Meeting House, does not now object to the proposals, following the submission of additional information demonstrating the potential visual impacts of the proposed development; advising that: *'the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice'*.

7.29 The Council's Conservation Officer raises concerns with regards to the potential impacts of the proposals on the tranquillity and setting of the adjacent Grade II\* listed Friends Meeting House, through the domestication of the site; similar concerns were also raised by the Council's Landscape Officer with regard to the visual impact on the setting of the listed building. No such objection was raised with regard to the previous application 15/01048/F. However, it should be noted that that whilst the Conservation Officer did not sustain an objection to the previous application, concerns were raised both at the pre-application stage and during the application.

7.30 As can be seen from the historical map (Plan EDP 2: Extract from First Edition Ordnance Survey Map (1881-1882)) within the applicant's 'Heritage Setting Assessment', the Friends Meeting House was originally divorced from the village providing a tranquil setting for the

Quaker Meeting House and burial ground; this tranquillity and remoteness is considered to contribute to the historical significance of the Heritage Asset. However over time the meeting house has become a more integral feature of the village, through surrounding incremental development, and the remoteness has become eroded.

- 7.31 The applicants have demonstrated that, subject to quality materials being used in the construction, the proposed new dwelling would not have a significant detrimental visual impact on the setting of the listed building and associated boundary walls. On balance, it is considered that whilst the domestication of the site adjacent the Friend's Meeting House would have an impact on the setting of this building, that it would not be so significant that it would be to the detriment of the historic or architectural significance of the Heritage Asset and a reason to refuse the application. It is considered that the specific appropriate detailing and choice of construction materials could be dealt with through pre-commencement conditions should permission be granted.

### **Ecological Impact**

- 7.32 The Framework – Conserving and enhancing the natural environment, requires 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 Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (Para. 109)
- 7.33 Paragraphs 192 and 193 further add that “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”. One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
- 7.34 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”.
- 7.35 In respect to the application site, an Ecological Appraisal was undertaken by The Environmental Dimension Partnership in 2015 and report dated March 2016 submitted with the current application. The Council’s Ecologist has reviewed the appraisal report and its findings and recommendations. The report is considered largely acceptable; although it is considered that some further information would be required to the outline protection of the current biodiversity interest on site (trees, hedges and wildlife) in a Construction

Environmental Management Plan (CEMP) and further specific details in relation to the biodiversity enhancements suggested throughout the ecological appraisal. Further, that given the age of the report, that an update may be required prior to the commencement of the development, should permission be granted. The report makes several observations and recommendations; it is considered that it would be appropriate to condition that, if the application should be approved, it is carried out in accordance with the details of this report and the further information considered necessary by the Ecologist, to ensure that the development does not cause harm to any protected species or their habitats and provides a net gain in biodiversity.

- 7.36 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land could be safeguarded, subject to appropriate conditions attached to any such permission, notwithstanding the proposed development. It is therefore considered that the proposal therefore is acceptable in this respect having regard to the Framework - Conserving and enhancing the natural environment and Policy ESD 10 of the CLP.

### **Environmental Issues**

- 7.37 Part of the site where the proposed dwelling is to be sited is within a buffer zone surrounding an area of potentially contaminated land (associated with the historical railway line which bounds the site to the north) and the geology in the area is known to contain naturally occurring elevated levels of arsenic, chromium and nickel. The Framework (para. 120) advises that to prevent unacceptable risks from pollution decisions should ensure that new development is appropriate for its location and where a site is affected by contamination the responsibility for securing a safe development rests with the developer and/or landowner.
- 7.38 The Environmental Protection Officer raises concerns in relation to the potential for ground contamination from potential contaminative sources adjacent the north of the site i.e. the dismantled railway and that the site is underlain by soils likely to contain naturally elevated concentrations of arsenic. Given that the proposals constitute a sensitive form of development (i.e. residential development), it is considered that further investigative work is required to be undertaken to ensure that risks from land contamination are minimised and that adequate measures can be taken to remove any threat of contamination to future occupiers of the site, in accordance with Policy ENV12 of the CLP 1996. However, it is considered that the potential for land contamination affecting the proposed development is relatively low risk and that this matter could potentially be dealt with through the application of appropriate pre-commencement conditions attached to any permission, should the Authority be minded to approve the application.
- 7.39 Concerns have again been raised by local residents with regard to both existing and proposed burial sites and their susceptibility to flooding, and instances of graves within the existing burial site needing to be pumped out, and these have also been confirmed in correspondence to the Environment Agency (EA) submitted within third party correspondence. The EA raised no issues within its formal response to consultations on the previous application, however, in their response to the current application they suggest that further information is required to demonstrate that the development would not result in groundwater contamination.
- 7.40 The EA has previously confirmed that the site lies close to a spring line and they do not want to see any new development cause pollution. Their general advice is to avoid burials direct to groundwater. And further, in their response to the application for the previously approved

smaller extension to the burial site (10/00509/F) the EA required conditions to be imposed on the permission to ensure the prevention of any negative impacts on surface and ground water quality. These conditions were:

*Condition 3 of 10/00509/F*

*No burials to take place within 250 metres of any borehole, well or spring used for public water supply. No burials to take place within 30 metres of any other spring or watercourse  
No burials to take place within 10 metres of any field drain*

*Reason - To prevent any negative impact on groundwater and surface water quality.*

*Condition 4 of 10/00509/F*

*A minimum unsaturated zone of 1 metre should be maintained between the base of any interment and the maximum seasonal groundwater level*

*Reason - To prevent any negative impact on groundwater quality.*

- 7.41 No information has been submitted by the applicant in relation to such matters and water table levels cannot be confirmed. It is therefore considered that it would not be appropriate to consider applying such conditions in this instance; as such conditions would not be precise and could not be enforced without a greater understanding of the context, and therefore would fail to meet the tests set out in current national guiding policy (i.e. the Framework Para. 206), with regards to making otherwise unacceptable development acceptable through the use of conditions.
- 7.42 The EA has previously indicated that further investigation is required to establish what areas of the proposed burial extension site could be potentially be used for burials. The applicant states within the supporting Planning Statement that they would consider ground water investigations of the land for the extension to the burial ground if it is agreed necessary during the determination of the application. This offer of further information has not been explored as officers considered that it would be unreasonable to put the applicant to further expense of obtaining such reports, given the 'in principle' objection outlined above. Given the limited information that has been submitted in relation to the proposed burial site in terms of landscaping, boundary treatments, land levels and ground conditions, it is considered that it cannot be clearly established whether the land is suitable for use as a burial site or whether its use as such would likely cause a risk of groundwater pollution contrary to the provisions and aims of Policy ENV1 and guidance within the Framework.

### **Other Matters**

- 7.43 The applicant proposes within the application to convey the land necessary for the extension to the burial ground to the Parish Council and also a £100,000 contribution towards the works necessary for the upkeep of the Friends Meeting House. It is considered that it would be necessary for interested parties to enter into an appropriate legal agreement/undertaking to secure these contributions; however no such undertaking has been progressed, again due to the 'in principle' objection.
- 7.44 The Friends Meeting House is currently maintained by the Parish Council whilst financial contribution to the upkeep of the building would ease the financial burden on the Parish, it is considered that this payment does not make the proposed dwelling any more acceptable in planning terms and in accordance with the policies of the development plan. Further, given the concerns raised with regard to the suitability of the land for the burial site extension, discussed

above, it is considered that the public benefit that would be gained from the proposed contributions is somewhat limited.

7.45 Comment has been made with regard to the emerging Adderbury Neighbourhood Plan and possible conflicts between the development and this plan. The plan is still in its early stages of preparation at the present and it is considered that no significant weight can be given to it as a material consideration at this time.

## **8. Conclusion**

8.1 Given the above assessment in the light of current guiding national and local policy context, it is considered that proposals represent an inappropriate form of development beyond the built up limits of the village, which would cause harm to the intrinsic value of the open countryside and rural character. Whilst the proposals are considered acceptable in terms of highway safety and any potential neighbour impacts, it is considered that they fail to preserve the overriding character and appearance of the area or reflect or reinforce local distinctiveness and the existing settlement pattern by virtue of constituting back-land development which would intrude into the open countryside. And further that the suitability of use of the site for an extension to the burial site has not been demonstrated. It is further considered that any potential benefits of providing the proposed development or contributions to the Parish Council do not outweigh the significant harm identified above and the proposals are therefore considered contrary to the above mentioned policies; as such the application is therefore recommended for refusal for the reasons set out below.

## **9. Recommendation - Refusal for the following reasons:**

1. The proposed dwelling constitutes sporadic development beyond the built up limits of the Adderbury and, in the absence of an appropriate justification, conflicts with saved Policy H18 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework. Furthermore by virtue of its siting, scale and design, the proposed dwelling would cause harm to the intrinsic value of the open countryside and rural character, by intrusion into such, which would fail to reflect or reinforce local distinctiveness and existing settlement pattern or preserve the natural environment at this location. The proposals would therefore be contrary to saved Policies H18, C8, C28 and C30 of the Cherwell Local Plan 1996, Policies Villages 1, ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
2. Insufficient information has been submitted in relation to the proposed burial site in terms of land levels and ground conditions to clearly establish whether the land is suitable for use as a burial site or whether its use as such would likely cause a risk of groundwater pollution. The proposals would therefore be contrary to the provisions and aims of Policy ENV1 of the Cherwell Local Plan 1996, Policy ESD 8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**PLANNING NOTES:**

For the avoidance of doubt, the plans and documents considered by the Council in reaching its decision on this application are: Application form, Design and Access Statement (March 2016), Planning Statement (March 2016), Heritage Setting Assessment (March 2016), Ecological Appraisal (March 2016), Findings of Arboricultural Baseline Assessment (May 2015), Landscape and Visual Appraisal (March 2016) and drawings numbered: PL-01a\_Location Plan, HT-01B\_Plans, HT-02\_Elevations, HT-03a\_Sections, PL-03c\_Planning Layout, PS-01\_Perspective 1 and PS-01\_Perspective 2.

**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), no problems or issues have arisen during the application. The applicant's agent has been made aware of the case officer's concerns during the course of 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.

**CONTACT OFFICER:** Bob Neville

**TELEPHONE NO:** 01295 221875

# Agenda Item 13

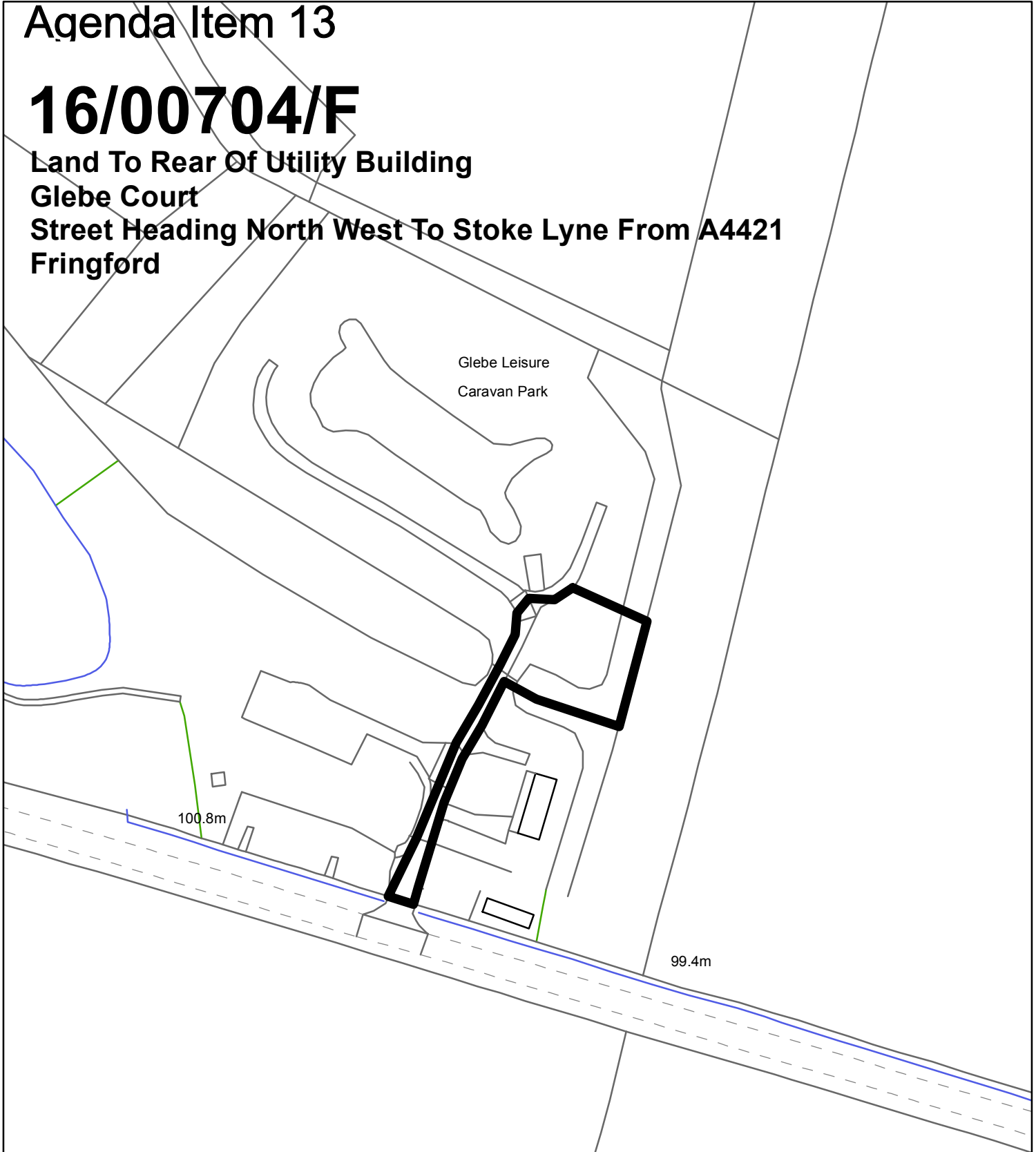
## 16/00704/F

Land To Rear Of Utility Building

Glebe Court

Street Heading North West To Stoke Lyne From A4421

Fringford



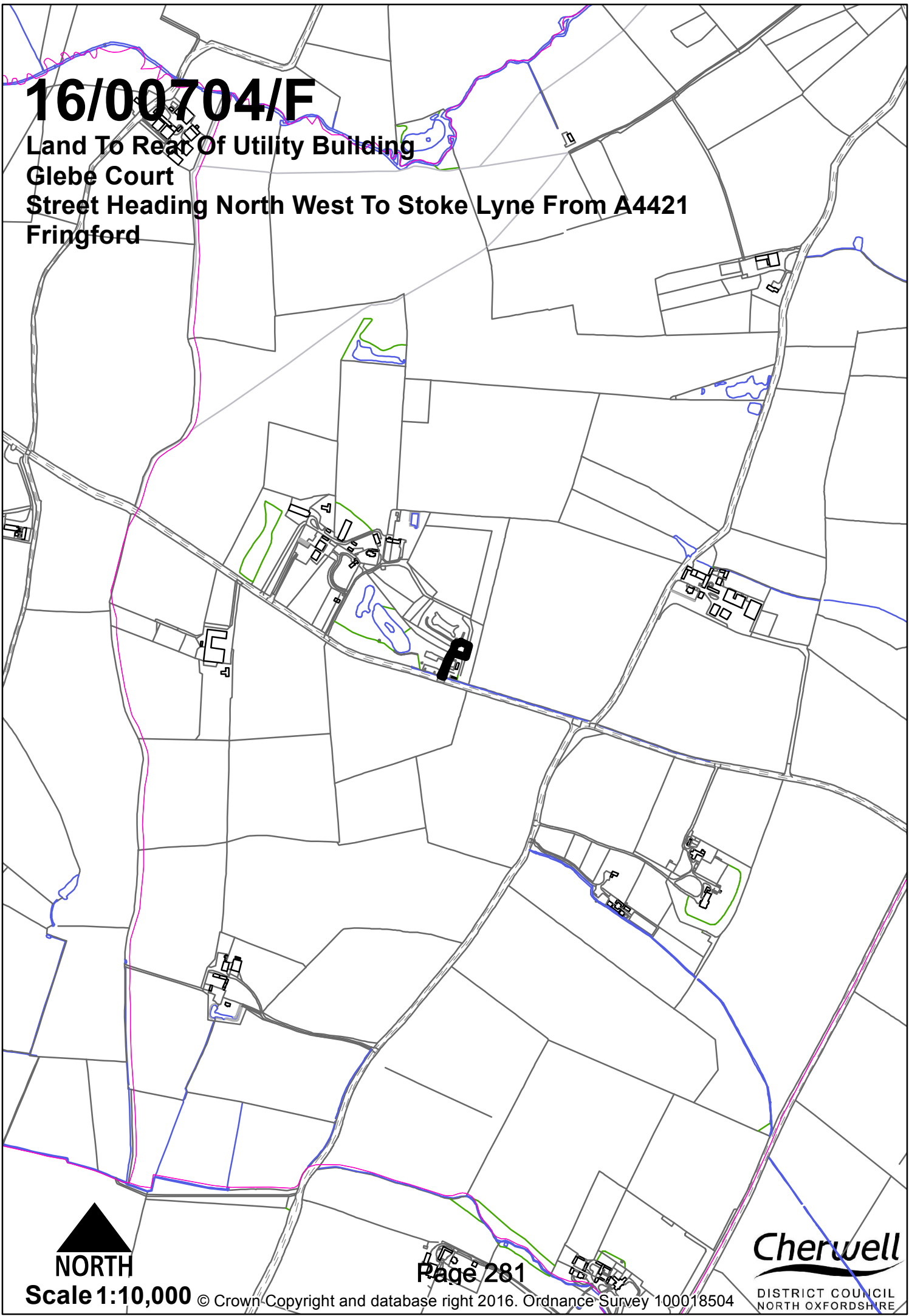
NORTH

Scale 1:1,250



# 16/00704/F

Land To Rear Of Utility Building  
Glebe Court  
Street Heading North West To Stoke Lyne From A4421  
Fringford



**NORTH**

**Scale 1:10,000**

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Site Address: Land To Rear of Utility  
Building, Glebe Court, Fringford**

**16/00704/F**

**Ward: Fringford and Heyfords**

**District Councillor: Cllr I Corkin, Cllr J  
Macnamara & Cllr B Wood**

**Case Officer: Gemma Magnuson Recommendation: Refusal**

**Applicant: Glebe Leisure – Mr R Herring**

**Application Description: Erection of warden's dwelling**

**Committee Referral: Called in by Cllr Wood**

**Committee date: 09 June 2016**

**1. Application Site and Locality**

1.1 The site consists of an established touring caravan site with associated facilities, including two fishing lakes with car park for users, situated south-west of the village of Fringford. The site sits within a rural context is of high archaeological interest as part of a historic battlefield of an unknown date. The land is potentially contaminated. A SSSI is within 2km of the site.

**2. Description of Proposed Development**

2.1 The proposed development would involve the erection of a one and half storey dwelling, with stone and timber clad walls, slate or tile roof and timber openings. The living accommodation would consist of one bedroom, with study, utility, kitchen, dining, sun room and sitting room at ground floor level.

2.2 The intention is for the dwelling to be occupied by a permanent warden; currently the applicant and his wife. The submission seeks to demonstrate that the dwelling is essential for the proper functioning of Glebe Leisure Caravan Park and that a warden needs to live permanently on site.

2.3 The current application follows three refused applications for a dwelling on the site, and a pre-application enquiry, and attempts to address the previous reasons for refusal.

**3. Relevant Planning History**

App Ref

Description

Status

06/01392/F - Change of use of land to caravan park to provide 20 no. touring van pitches and new toilet/utility building – granted

Condition 6 of this decision stated that no caravans, motor caravans or tents shall be stationed anywhere on the land for more than 28 consecutive nights and a register of occupiers shall be kept and made available for inspection by an authorised Officer of the Local Planning Authority at all reasonable times – Reason – In order to limit the use of the site to that of touring and not long stay residential caravans and tents to comply with Policy T8 of the adopted Cherwell Local Plan.

14/00698/F - Erection of a permanent Warden's dwelling – refused

Refused on the following grounds:

The applicant has failed to establish that the dwelling is essential for the proper functioning of Glebe Leisure Caravan Park and that a warden needs to live permanently on site. The proposal therefore fails to meet the requirements of the National Planning Policy Framework and saved Policy H18 of the adopted Cherwell Local Plan 1996.

The proposal represents sporadic development in the open countryside that would be detrimental to the open rural character and appearance of the area and the environment within the designated Area of High Landscape Value, contrary to Government guidance contained within the National Planning Policy Framework, saved Policies C7, C8, C9, C13 and C28 of the adopted Cherwell Local Plan 1996 and Policies ESD 13 and ESD 16 of the Submission Cherwell Local Plan.

14/01953/F - Erection of a permanent Warden's dwelling - Re-submission of 14/00698/F – refused

Refused on the following grounds:

The applicant has failed to establish that the dwelling is essential for the proper functioning of Glebe Leisure Caravan Park and that a warden needs to live permanently on site. The proposal therefore fails to meet the requirements of the National Planning Policy Framework and saved Policy H18 of the adopted Cherwell Local Plan 1996.

The proposal represents sporadic development in the open countryside that would be detrimental to the open rural character and appearance of the area and the environment within the designated Area of High Landscape Value, contrary to Government guidance contained within the National Planning Policy Framework, saved Policies C7, C8, C9, C13 and C28 of the adopted Cherwell Local Plan 1996 and Policies ESD13 and ESD16 of the Submission Cherwell Local Plan.

15/00124/PREAPP - Erection of permanent warden's dwelling

Officer conclusion: I am of the opinion that the additional information provided as part of this submission has failed to demonstrate the essential need for a permanent dwelling at the caravan park, and that the proposal is contrary to Government guidance contained within the NPPF and saved Policy H18 of the Cherwell Local Plan 1996. As a consequence, the proposal would represent sporadic development in the open countryside that would be detrimental to the open and rural character and appearance of the area, contrary to Government guidance contained within the NPPF, Policies ESD 10, ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policies C8 and C28 of the Cherwell Local Plan 1996.

15/02349/F - Erection of a wardens dwelling – refused

Refused on the following grounds:

The applicant has failed to establish that the dwelling is essential for the proper functioning of Glebe Leisure Caravan Park and that a warden needs to live permanently on site, contrary to the requirements of the National Planning Policy

Framework and saved Policy H18 of the Cherwell Local Plan 1996.

The proposal to represent sporadic development in the open countryside that would be detrimental to the open rural character and appearance of the area contrary to Government guidance contained within the National Planning Policy Framework, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and saved Policies C8 and C28 of the Cherwell Local Plan 1996. The proposal to represent sporadic development in the open countryside that would be detrimental to the open rural character and appearance of the area contrary to Government guidance contained within the National Planning Policy Framework, Policies

#### **4. Publicity**

- 4.1 The application was publicised by way of neighbour notification letters and a notice displayed near to the site. The final date for comment was 26 May 2016. Twelve responses were received; ten letters and one petition with seven signatures and comments in support of the application, and one objection to the application. The following issues were raised (please note that these have been summarised – refer to electronic file for full versions):

##### Support

- Their presence on the site is a reassurance to us residing in the small hamlet of nearby properties, to maintain our privacy and security
- The applicants have created a delightful setting in the countryside for others to enjoy, the upkeep of their boundaries and management of visitors on site is very important to us
- Aware the applicants need to provide surveillance 24/7 and we believe that can be achieved by them living on site as they would be best placed to represent our interests
- A resident warden would bring confidence to people on site in an emergency situation as they would be familiar with hospitals, doctors etc. if needed. Also added security to an already existing system
- A resident warden is something that is expected of a site of this standard, most sites have a warden on site 24 hours
- If the applicants would stay on site permanently it would benefit everyone
- It is insane not to have planning for an on site warden, perhaps the Council would like to think about the tourist cash this site brings to the area
- An on site dwelling for a permanent warden would be an advantage and probably encourage more use of the site; it would not detract from the general appearance of the site or area
- This is the only site we visit that does not have someone on site 24/7 for the security of the site
- It would be beneficial to be manned 24 hours to maintain the grounds and communal areas, also in the event of an emergency or late arrival – help would be available instantly

- Don't need 24/7 security; we look after our own stuff, but a visible presence on site would be to everyone's benefit

- We have had experience personally of an event of not having a resident warden housed on site, our son having set fire to his tent and himself then had to wait whilst owners were contacted to open gates for emergency services to take him to hospital all taking more time than necessary. We can see no legitimate reason why this application should be turned down as the site should bring a lot of business to locals. It's no good in an emergency if the warden etc. is living in a house in Bicester what a ridiculous comment. I hope the local planners see some sense.

- A beautiful tranquil site perfect for relaxation. The grounds are well kept, the only downfall is no warden on site at all times, something we believe the site would benefit greatly from

- Always arrive out of hours, a warden's dwelling would facilitate us locating our pitch more quickly and also make contact available for questions and advice on local attractions. Caravanning is not just pitching up in a field, but exploring the local countryside and attractions

- The opportunity to contact the owners 24/7 would make this site perfection, whilst they are available on a phone the peace of mind of them located on site would make you feel more secure that should you need assistance, they would be instantly on hand

- The owners and others involved do a wonderful job of keeping their guests safe and well catered for. It is such a difference when you go to sites and no-one is around to help. We had a few enquiries and they were there ready to hand to answer our queries – brilliant in our opinion a house here would be beneficial to all those concerned with the site whether campers, fishers (remainder of comment illegible)

- As the owner of Barnstones Caravan Park I confirm I created the park 40 years ago, first 5cl and is now one of the premier sites in North Oxfordshire with 40 pitches. Its development has been possible because of my presence on site to oversee and manage its day to day running. It would have been impossible to achieve this without living in a bungalow on the site as there is a demand for personal attendance from my visitors 24/7. Because of these demands and its expansion, I found it necessary to provide an additional member of staff to assist me in the running of the site, so 15 years ago I provided a permanent caravan pitch. This allows for a warden to be in attendance at all times and enables me to share the work load.

- My husband and I have run and owned Anita's Caravan Park from its inception in 1993, developing the site from scratch. We have expanded over the years providing camping and glamping experiences as well as pitches for tourers. We would never have started this venture had we not been able to be present at all times; this is possible as our house The Yews is on the site area. It is essential to provide security at all times for a successful facility as it is for the benefit of campers. Their safety and feeling of security is paramount when camping either alone or with a family. Applications for a warden on a lone campsite should be viewed with favour and encouragement. The surrounding area, as we have found, benefits financially and socially.

Object

- No objection to a full time warden but object to building a house on a very small caravan site

- Two practical alternatives to a new build; already a static caravan in situ ideal for a site warden, that has previously been inhabited by a member of the applicant's family. Since the last application the applicant has bought a house, a warden could occupy the Winnebago that has accommodated applicant and his wife over last two years. These would not alter appearance of site and surroundings, and would be similar to other sites noted by the Council

- Although the applicant and his wife have been living on site for over two years, during the day they both work at Globe Works, Stoke Lyne Road, Fringford. This is the applicants other company Bicester Sweepers. As a consequence, neither the applicant or his wife appear to be on the caravan site during the day. I don't believe that changing the Winnebago for a permanent dwelling will make a difference to their daytime occupation.

- I don't believe the business would be compromised if the dwelling is refused as there has never been a permanent warden in attendance.

- Although there are recorded cases of minor crime on the site, this is not a high crime area. The level of crime noted in Mr Herring's application seems a small amount taken over the 20 or more years that the site has been operating.

- This is the fourth application for a wardens dwelling and there does not appear to be any new and compelling evidence offered which could change the Council's original decision. This would be an unnecessary and spurious development in an area already under siege from developers.

4.2 Correspondence connected to the proposal was also provided in the Design and Access and Planning Statement accompanying the application at Appendices 1 and 3 from Thames Valley Police and NFU Mutual Insurance.

4.3 Thames Valley Police have provided best practice points relating to Crime Prevention Through Environmental Design (CPTED) and Safer Places – The Planning System and Crime Prevention, with links to Secured By Design New Homes Guide 2014, Safer Places The Planning System and Crime Prevention and ICO CCTV Code of Practice.

## **5. Response to Consultation**

5.1 Fringford Parish Council: no comments or objections

5.2 Cherwell District Council Environmental Protection: no objection

5.3 Oxfordshire County Council Highway Authority: no objection subject to condition

5.4 Thames Valley Police: no comments received

## **6. Relevant National and Local Planning Policy and Guidance**

### **Development Plan Policies**

6.1 The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though

many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

#### Cherwell Local Plan 2011 - 2031 Part 1

VIL1 - Village Categorisation  
ESD13 - Local Landscape Protection and Enhancement  
ESD15 - The Character of the Built and Historic Environment

#### Cherwell Local Plan 1996 (Saved Policies)

C8 - Sporadic development in the open countryside  
H18 – New dwellings in the countryside  
C28 - Layout, design and external appearance of new development  
C30 - Design of new residential development

### **Other Material Planning Considerations**

National Planning Policy Framework (“the Framework”)  
Planning Practice Guidance (“nPPG”)

## **7. Appraisal**

7.1 The key issues for consideration in this case are:

- Principle of the development
- Visual impact
- Residential amenity
- Highway safety

### Principle of the Development

- 7.2 Government guidance contained within the Framework explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are three dimensions to sustainable development; economic, social and environmental. The central thrust of the Framework (cf. para 14) is that development must be sustainable, i.e. *capable of being sustained*, and the business planned on a sound financial basis.
- 7.3 Policy Villages 1 of the Cherwell Local Plan 2011-2031 relates to residential development within the built-up limits of villages, where development is directed towards those villages best able to accommodate limited growth.
- 7.4 The Cherwell Local Plan 1996 is considered to be out of date with regards to the Framework in some respects as it was adopted prior to 2004. However, it also advises that due weight should be given to relevant Policies within existing plans according to their degree of consistency with the Framework. The Cherwell Local Plan 1996 does contain a number of saved Policies which are consistent with the Framework and relevant to the consideration of the proposal. The site is located within the open countryside, beyond the built-up limits of a settlement. The acceptability of the principle of the development therefore stands to be considered against Government guidance contained within the Framework and saved Policy H18 of the Cherwell Local Plan 1996.

- 7.5 With regard to new isolated homes in the countryside, the Framework advises that they should be avoided unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling. It is considered that the applicant's case is predicated on the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 7.6 Saved Policy H18 of the Cherwell Local Plan 1996 states that planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when: it is essential for agriculture or other existing undertakings, or the proposal meets the criteria set out in Policy H6 (affordable housing), and the proposal would not conflict with other Policies in the Plan. It is considered that the applicant's case is predicated on the essential need for 'other existing undertakings'. It is necessary to establish whether the proposed dwelling is,
- (a) Essential - including its provision, its siting and its size*  
*(b) Economically sustainable - i.e. capable of being sustained by the enterprise*
- 7.7 As previously stated, this is the fourth attempt by the applicant to demonstrate that there is an essential need for a rural worker to live permanently on site. All previous submissions have, in the opinion of the LPA, failed to demonstrate an essential need. The current application follows pre-application advice where, again, it was considered that the case then put forward did not demonstrate an essential need.
- 7.8 The current submission explains that Glebe Leisure is an established rural leisure and tourist site located near Fringford that comprises two enterprises – a holiday caravan and camping site with 3 AA pennant award rating and fishing lakes. The leisure park has been created from scratch by the owners – the applicant and his wife. The applicants would like to achieve four AA pennant status for the site. The criteria for the achievement of a four AA pennant rating, as set out in the AA Quality Standards, is as follows:
- 7.9 Parks with this rating have achieved an extremely high standard in all areas. As well as fulfilling all the criteria for lower rated establishments, four pennant parks must offer additional facilities.
- 25 pitches per campable acre (maximum)
  - Quality shop on-site (or within a reasonable distance)
  - 24-hour warden
  - Reception area open during the day, with tourist information available
  - Internal roads, paths and toilet blocks lit at night
  - Spacious vanity-style washbasins or similar, including some in cubicles
  - Fully-tiled or equivalent shower cubicles with doors, dry areas, shelves and hooks (at least one per gender for every 30 pitches)
  - Some combined toilet and washing cubicles, at least 2 for up to 150 pitches, 4 for over 150, and 6 for over 300
  - Toilet blocks heated October to Easter
  - Baby changing facilities (if applicable)
  - At least half of all pitches must have electric hook-ups
  - Minimum 10% hardstandings, where necessary
  - A late arrivals enclosure or arranged agreement for late arrivals
  - Good security and supervision



- 7.10 The LPA must consider whether the case put forward by the applicant demonstrates an essential need for a permanent dwelling on the site. Many of the issues with regard to the acceptability of the principle of the dwelling have been previously considered as part of the three previous applications and one pre-application request 14/00698/F, 14/01953/F, 15/00124/PREAPP and 15/02349/F, where in all cases the Local Planning Authority were unconvinced of the need for a permanent dwelling on the site.
- 7.11 Please refer to the Officer reports for 14/00698/F, 14/01953/F, 15/00124/PREAPP and 15/02349/F for the full assessment of the cases previously put forward. The main issues have been summarised below:
- CCTV can be monitored remotely, including contacting emergency services. A number of settlements are nearby: Bainton, Stoke Lyne, Fringford, Stratton Audley, Caversfield and Bicester where alternative accommodation could be sought, and any resultant delay in reaching the site would not be significant.
  - Campers could contact the emergency services themselves if required, potentially using an emergency telephone within the site.
  - The dwelling was discreetly positioned away from view; the entrance would not be visible from the dwelling and vice versa.
  - The site benefits from an office that could be used as a base for a night time security guard. Daytime activities could also operate from here. The office is ideally situated within the site to view both the campsite and fishing lakes.
  - Apparent lack of attempt to secure the site via alternative means. Suggestions were made within both Officer reports for 14/00698/F and 14/01953/F, although no alterations appeared to have occurred.
  - The applicant or a family member has been living on site unauthorised for the last 2 -3 years in different accommodation, although the level of anti-social behaviour on the site does not appear to have reduced during this period, suggesting that human presence on the site does not act as a deterrent itself, or at least, not in the location in which it has been situated (static caravan adjacent to the entrance and Winnabego in position of proposed dwelling).
  - Existing staff are employed at the site including two part-time office/booking clerks providing 24/7 cover for the site. Could these not perform the roles of a warden? A fishing warden is also employed from dawn until dusk. Perhaps these could alleviate the inconvenience of opening the gate to the car park?
  - Lack of detail regarding the extent or frequency of the specified incidents – police incident reports were supplied although these were undated. A journal was also supplied that was assumed to represent a fair reflection of the activity that occurred since 2006 (please note this was mislaid as a result of the use of external consultants and does not appear on the electronic file). This information has not been submitted with the current application.
  - Similarly priced dwellings to the proposed build cost of the proposed dwelling existed within the vicinity of the site at the time of the applications.
  - Financial information was provided with 14/01953/F that raised questions with regard to the ability of the business to finance the dwelling. The Officer noted that the dwelling would initially be paid for by the applicant who would then repay himself over ten years, which would absorb all the profit from the business for the next

decade and mean that no income could be taken for the applicant who would need to be the primary wardens on site in order to occupy the proposed dwelling. The dwelling did not, therefore, appear to be a viable proposition.

- With regard to precedent, it had been understood at the time that, with the exception of Barnstones Caravan and Camping Site, the campsites in the District have developed around existing dwellings, mostly farms, where the owners and applicants reside. However, the owner of Barnstones has confirmed as part of the current application that they did live on site during the development of the Caravan and Camping Site.

- Glebe Court, a permanent, open market dwelling adjacent to the site was marketed on 09 March 2013 and subsequently sold on 06 January 2014 for £720,000. This was considered material to the case although the reasons behind the sale had not been supplied.

- An AA Inspection report dated June 2015 indicated that the applicant and his wife worked off-site and visitors were asked to call a mobile number on arrival. This was supported by a response from a neighbour suggesting that the applicants work at the adjacent Bicester Sweepers site during the day, and was considered material to the case although no further information had been supplied with regard to the situation.

- The applicant considered that the incidents cited in the submission would have been more severe if no-one had been living on or adjacent to the site at the time they occurred, although there was no evidence to support this claim. There has always been someone living on or adjacent to the site and so nothing to compare with.

- The benefits of natural surveillance are understood, although it was considered that the visitors themselves provide surveillance and can alert the emergency services if necessary.

- CCTV has been installed on the site and signage erected at the entrance. It was suggested that this may have had some success, since there had been no reported incidents at the site since May 2014. (It is worth noting that this signage now appears to have been removed).

- Alternative methods of securing the site have not been explored.

- Could the employment of a temporary night time warden during off-peak season overcome the problems identified at the site without the financial burden of a year round warden?

- It was not considered that the relevant planning Policy was overburdening the business; the planning system does not seek to restrict the growth of rural enterprises and tourism, but the NPPF and saved Policy H18 are clear that an essential need must be provided for new dwellings in the countryside.

- On 23 February 2016 there were 11 dwellings available for sale within 3 miles of the site priced between £179,950 and £230,000. Rental properties were also available starting at £680pcm although these had not been explored.

7.12 With regard to the current submission, the applicant considers that an on-site presence is necessary for the proper management, maintenance and security of both the fishing lakes and the camping and caravan site. There is currently no

permanent residential property within the site for the owners or a warden or site manager to live in.

- 7.13 The applicant took the decision to sell their permanent dwelling, Glebe Court, which was ideally positioned to serve the purpose of a warden's dwelling directly adjacent to the site to the north-west, during January 2014.
- 7.14 The reasons behind the decision to sell the dwelling are stated to be that the growth of the business associated with the caravan park proved that it was impossible to run and monitor the site without actually being on site and seeing caravanners in and out of the site, and that the dwelling was not considered well located to see what was happening on site due to the landscaping between the two. In addition, the separation of the activities at Glebe Leisure from the remaining dwellings was considered to be of benefit to the hamlet, and the size of the dwelling was considered unsuitable for a dedicated warden for the site due to its large size and running costs.
- 7.15 Since the sale of the existing dwelling for the sum of £720,000 in January 2014, the applicants have purchased a retirement home, with the remainder of funds intended to finance the construction of the warden's dwelling now proposed. The applicants have also been living on site in an unauthorised Winnebago since December 2013, a matter that the Enforcement Team are currently seeking to resolve. A static caravan was positioned adjacent to the entrance to the site in February 2011 that was occupied by the son of the applicant, although this is understood to be vacant at the time of writing.
- 7.16 The construction of the dwelling would not, therefore, be financed by the Glebe Leisure enterprise. The cost of the dwelling is not reliant upon a profit turnover of Glebe Leisure. Typically, such dwellings would need to be capable of being supported in business terms for the cost of construction and loan repayments in order to provide assurance to the Local Planning Authority that there is a direct link between the business and the dwelling. If this is not the case, there would be no incentive for the business venture to continue following erection of the dwelling.
- 7.17 Full account details have not been supplied with any submission to date, although noting - as stated above - that it is not the intention for the dwelling to be reliant upon the profits of Glebe Leisure.
- 7.18 The applicant considers that it would be more costly to buy a small dwelling off-site as opposed to building from new, that it would be inconvenient, and that it would not meet the business needs of Glebe Leisure. No information has been submitted in support of these statements. Renting is also considered to represent a poor business choice, given the substantial annual costs with no end return.
- 7.19 Information supplied with the application ref: 14/01953/F indicates that the applicants are ultimately responsible for supervising the duties performed by 7 employees on the site consisting of the following (on 07 January 2015):
- 1 no. cleaner working 20 hours per week
  - 1 no. gardener performing ground maintenance 5 hours per week
  - 1 no. fishing warden working dawn until dusk for cash commission plus free fishing
  - 1 no. grass mower and woodland maintenance person working 30 hours per week in high season
  - 2 no. part-time office/booking in clerks covering 24/7
  - Bi-annual hedge cutters

- 7.20 In addition, the applicants would share some of the above duties, especially during unsociable hours.
- 7.21 The signed affidavit dated 26 March 2016 suggests that the staffing levels have now significantly decreased to consist only of cover by other family members during the Christmas period, including one part time employee covering daytime hours and management of the fishing lakes during this time. No further explanation regarding the loss of staff, including the 24/7 employees, has been supplied with the submission.
- 7.22 A summary of the warden's role has been supplied at Appendix 2 of the Design and Access and Planning Statement and would include the following:
- Signing in of campers to the site
  - Hospitality services
  - Allocation of eco-pods
  - Cleaning and preparation of pods
  - General site and facilities cleaning and maintenance
  - Service failures
  - Fish husbandry
  - Walking the site
  - Security
- 7.23 The applicant advises that he has investigated the employment of a night time warden, although it is not considered the best option for the business as it would be expensive and would only perform the role of security rather than general maintenance, requiring them to be called out to the site in any case.
- 7.24 The applicants are the site owners, site managers and profit benefactors, and whilst Glebe Leisure does provide them with some income, the email dated 07 January 2015 confirms that they have other business interests. One of these is understood to be 'Globe Works/Bicester Sweepers' adjacent to the site to the north-west, although the applicant has confirmed in their affidavit that *at least one of them* is on site at all times.
- 7.25 The applicant has explained that the reason behind the reluctance to explore alternative methods for securing the site, such as a new entrance barrier, is that it would not help to achieve the 24 hour presence required on site in order to achieve the desired 4 AA pennant status, and that it would not be economically viable to employ a night-time warden for this purpose. However, neither of these are sufficient reasons to justify the erection of a permanent dwelling at the site.
- 7.26 A search undertaken on 31 May 2016 indicates that the following dwellings are available for sale within 3 miles of the site:
- £175,000 – 1 bed terrace, Bicester
  - £180,000 – 1 bed flat, Bicester
  - £190,000 – 1 bed terrace, Bicester
  - £195,000 – 1 bed terrace, Bicester
  - £199,950 – 2 bed maisonette, Bicester
  - £200,000 – 1 bed terrace, Bicester
  - £205,000 – 1 bed terrace, Bicester
  - £219,950 – 3 bed semi-detached, Bicester
  - £220,000 – 1 bed terrace, Bicester
  - £229,995 – 1 bed terrace, Bicester
  - £230,000 – 1 bed flat, Stratton Audley
  - £230,000 – 1 bed flat, Stratton Audley

- 7.27 Rental properties are also available within a 3 mile radius starting at £625pcm.
- 7.28 Officers remain of the view that the need for a permanent dwelling on the site has not been sufficiently demonstrated. The submission continues to lack the necessary detail to provide a clear and compelling case for the erection of a permanent warden's dwelling on the site.
- 7.29 It is an established principle that rural workers proposing a remotely located dwelling have to demonstrate that it is essential for there to be an on-site presence, that the business itself can support the construction of that dwelling, and that the dwelling is capable of being sustained by the enterprise. In summary, the applicant has so far failed to provide sufficient evidence on all three points.
- 7.30 The need should arise from the needs of the business, and not the personal wishes of the applicant, e.g. to achieve a particular pennant status. The fact that the applicant chose to sell a permanent dwelling that, through some modification of landscaping, could have provided the 24 hour presence now desired severely weakens their case.
- 7.31 The dwelling would not be financially linked to the business and as a result, no assurances that Glebe Leisure would continue to operate following construction of the dwelling can be provided.
- 7.32 The site appeared to be operating with 24/7 staff, managed by the applicants, on 07 January 2015, although the reasons as to why this is no longer the case have not been fully explained.
- 7.33 There do not appear to have been any police incidents in the last two years, indicating that the installation of CCTV and signage may have been (and may still continue to be) a successful deterrent. Were security to be pursued as a justification for the dwelling, it is considered that there are alternative methods of securing the site, and these must be fully explored before any permanent dwelling is considered.
- 7.34 In summary, it has not been demonstrated that there is an essential need for a dwelling at the application site, or for a dwelling of this size and in the location proposed, or that the dwelling is economically sustainable. It is therefore considered that the enterprise would be unable to sustain the proposal in the long-term and the proposal therefore fails to accord with the presumption in favour of sustainable development, and would fail to accord with saved Policy H18 of the 1996 Plan and paragraphs 14, 30, 55, 93 and 95 of the Framework.

### Visual Impact

- 7.35 Government guidance contained within the Framework 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. Planning decisions should aim to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should also respond to local character and history, and reflect the identity of local surroundings and materials. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Further, the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

- 7.36 Saved Policy C8 of the Cherwell Local Plan 1996 seeks to resist sporadic development in the open countryside. Sporadic development in the countryside must be resisted if its attractive, open, rural character is to be maintained. Saved Policies C28 and C30 of the adopted Cherwell Local Plan state that control will be exercised over all new development to ensure that it is sympathetic to the character of its context. Further, all new housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 7.37 Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 continue the general thrust of Government guidance contained within the Framework and the Cherwell Local Plan 1996.
- 7.38 Viewed in isolation, the design of the dwelling is not considered offensive, and the site is within close proximity to a small cluster of buildings that appear to be associated with Glebe Farm to the north-west. However, the proposed dwelling would not appear as part of this cluster, instead being positioned over 250 metres to the south-east, and it remains that the case the site is positioned within the open countryside beyond the built-up limits of a settlement.
- 7.39 Whilst the site benefits from dense boundary vegetation that would screen the dwelling from view of the public domain, officers consider the proposal to constitute sporadic development within the open countryside that would not be sympathetic to its rural context.
- 7.40 By virtue of its location, the proposed development would represent sporadic development in the open countryside and would not be sympathetic to the rural character and appearance of the landscape, contrary to Government guidance contained within the Framework, Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policies C8 and C28 of the Cherwell Local Plan 1996.

#### Residential Amenity

- 7.41 The proposed development is a sufficient distance from all neighbouring properties in order to avoid significant harm in terms of a loss of amenity or privacy.
- 7.42 The proposal accords with Government guidance contained within the Framework that seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and saved Policy C30 of the Cherwell Local Plan 1996 that seeks standards of amenity and privacy acceptable to the LPA. Further, the development accords with Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 that states that development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.

#### Highway Safety

- 7.43 Oxfordshire County Council Highway Authority has assessed the proposal and raises no objection subject to conditions requiring the dwelling to be used as a warden's dwelling and the provision of off-street parking spaces. The first of these conditions is considered unreasonable; a warden dwelling is not expected to generate movements that differ so significantly from a private dwelling as to warrant a restriction of use on the grounds of highway safety.
- 7.44 The provision of parking spaces is considered reasonable. The dwelling would make use of the existing access and there is sufficient space on site for the spaces to be provided. The proposed development accords with Government guidance

contained within the Framework in terms of the promotion of sustainable transport that states that developments should create safe and secure layouts.

## **8. Conclusion**

- 8.1 The proposal would not adversely affect residential amenity or highway safety. However, it has not been demonstrated that the proposed dwelling is capable of being sustained by the current enterprise, or that there is an essential need for a dwelling to serve the business. Further, if a need could be substantiated, it has not been demonstrated that there are no other buildings or locations within close proximity to the site capable of meeting the needs of the business. In addition, it has not been demonstrated that the current enterprise would be able to sustain the cost of the dwelling.
- 8.2 The proposal would therefore represent an inappropriate form of development within the open countryside; that would not comply with the Framework's presumption in favour of sustainable development; and insufficient justification has been provided to demonstrate why the proposed development should override local or national planning policy
- 8.3 It is therefore considered that the proposal is contrary to Government guidance contained within the Framework, Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policies H18, C8 and C28 of the Cherwell Local Plan 1996. Furthermore, if this proposal were granted planning permission based on the submitted cases, the decision is likely to set an unwelcome precedent for future dwellings to be erected in association with rural businesses in the open countryside. It is for the above reasons that I recommend that the application is refused.

## **9. Recommendation - Refuse, on the following grounds,**

1. The applicant has failed to demonstrate that there is an essential need for a dwelling to serve Glebe Leisure Caravan Park or that there are no other buildings within close proximity to the site capable of meeting the needs of the business should such a need be demonstrated. In addition, the applicant has failed to demonstrate that the proposed dwelling is capable of being sustained by the enterprise. The proposal therefore represents an inappropriate and unsustainable form of development that is contrary to the requirements of the National Planning Policy Framework and saved Policy H18 of the Cherwell Local Plan 1996.
2. The proposal represents sporadic development in the open countryside that would be detrimental to the open rural character and appearance of the area contrary to Government guidance contained within the National Planning Policy Framework, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and saved Policies C8 and C28 of the Cherwell Local Plan 1996.

## **STATEMENT OF ENGAGEMENT**

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

**CONTACT OFFICER:** Gemma Magnuson

**TELEPHONE NO:** 01295 221827

# Agenda Item 14

## Cherwell District Council

### Planning Committee

9 June 2016

**Rosemary, Main Street, Fringford**

#### **Report of Head of Development Management**

This report is public

#### **Purpose of report**

The purpose of the report is to notify members of an issue relating to the conditions imposed in respect of on-going remedial works to a dwelling constructed on a plot of land in Fringford.

#### **1.0 Recommendations**

- 1.1 The meeting is recommended to:
- 1.2 Note the decision to allow the owners of the site to carry out the approved remedial works in accordance with approved plan P11/055/003 Rev F.

#### **2.0 Report Details**

- 2.1 In 2011 approval (our reference 11/01160/F) was given for two detached dwellings sited on a plot in Fringford which was formerly occupied by a property known as Rosemary. During construction it was discovered that the development was being built in the wrong position (just over 1 metre closer to the road than had been approved). Whilst the finished dwellings were unauthorised as built, a scheme was approved, at appeal in 2014 (our reference 13/00718/F), to resolve the identified harm to the street scene and neighbouring residential amenity. This decision allowed for the retention of the dwellings providing that the modifications to one of the two dwellings were made within 6 months of the date of decision.
- 2.2 The owners of the site decided not to implement this approved scheme, but rather, submitted three alternative proposals for consideration. All three applications were refused. Earlier this year the Planning Inspectorate resolved to allow one of the subsequent appeals (our reference 15/01190/F).
- 2.3 Building works are now under way to carry out these approved modifications. However, recently it became evident that the Inspector had imposed two conditions **Page 296** in conflict with each other.



- 2.4 Condition 1 of the permission requires that the remedial works be carried out in accordance with the approved plans. Plan P11/055/003 Rev F shows the approved floor plans and elevations. There is an annotation on this plan which states that the reworked first floor side elevation shall have a “*Stone return with rendered flank wall*”.
- 2.5 As the two dwellings have been constructed out of stone with no other examples of render on the finished building, the aforementioned annotation contradicts condition 3 of the permission which states: *The materials to be used in the reconstruction of the walls and roof of Plot 1 shall match in terms of colour, type, and texture those used on the existing dwelling.*
- 2.6 Officers consulted the Council’s Legal Team who concluded that, in this instance, condition 1 should take precedence. There is no existing render on the dwelling to match the new render. The Inspector considered the approved plans that show the render and clearly considered this was acceptable. The Council would be acting unreasonably if it sought to require the owners to construct the flank wall out of stone and in contradiction with the approved plans.”
- 2.7 On the basis of this advice, Officers have advised the owners that works can continue in accordance with the approved plan.

### **3.0 Consultation**

- 3.1 None

### **4.0 Alternative Options and Reasons for Rejection**

- 4.1 The following alternative option have been identified and rejected for the reasons as set out below:

Option 1: To note the decision made in respect of the conditions

Option 2: Not to accept the Officers’ decision. 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](mailto: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 and Litigation, 01295 221687,  
[nigel.bell@cherwell-dc.gov.uk](mailto:nigel.bell@cherwell-dc.gov.uk)

## 8.0 Decision Information

**Wards Affected:** All

**Lead Councillor:** Cllr Clarke, Lead Member for Planning

## Document Information

Background Papers	
None	
Report Author	Paul Ihringer (Team Leader – Enforcement)
Contact Information	01295 221817 <a href="mailto:paul.ihringer@cherwell-dc.gov.uk">paul.ihringer@cherwell-dc.gov.uk</a>

## Cherwell District Council

### Planning Committee

9 June 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 **16/00137/DISC – Land North of Gaveston Gardens, Banbury Road, Deddington.** Appeal by David Wilson Homes (Mercia), against the refusal of discharge of Condition 4 (Drainage Strategy) of 13/00301/OUT.

**16/00141/DISC – Land North of Gaveston Gardens, Banbury Road, Deddington.** . Appeal by David Wilson Homes (Mercia), against the refusal of discharge of Condition 10 (Landscaping) of 13/00301/OUT.

**16/00143/DISC – Land North of Gaveston Gardens, Banbury Road, Deddington.** Appeal by David Wilson Homes (Merica), against the refusal of discharge of Condition 18 (Landscape drawings) of 14/02111/REM.

**16/00526/F – The Gables, 4 Westbourne Court, Bloxham, Banbury, OX15 4HD.** Appeal by Mr Tibbetts against refusal of planning permission for single storey extension to ancillary building with garage and garden store (revised scheme of 15/01513/F).

- 2.2 Forthcoming Public Inquires and Hearings between June 9<sup>th</sup> and 7<sup>th</sup> July 2016.

**Public Inquiry commencing Tuesday 14<sup>th</sup> June 2016 at 10am Banbury Cricket Club, White Post Road, Bodicote, OX15 4AA.** Appeal by CPG Development Projects Ltd against the refusal of outline planning permission (15/00250/OUT for 3 No Class A1 (retail); 3 No Class A3 (cafe and restaurants); 1 No Class D2 (gym); surface level car park, access, servicing and associated works. Land South of and adjoin Bicester Services, Oxford Road, Bicester.

## 2.3 Results

Inspectors appointed by the Secretary of State have:

**1) Dismissed the appeal by Mr Hardy against the refusal of planning permission for the erection of one dwelling. Land to the rear of 62 High Street, Kidlington. 15/01683/F - (Delegated).**

The appeal related to the erection of a one and a half storey dwelling in the rear garden of 62 High Street, on the corner of Exeter Road and High Street in Kidlington. The Inspector identified the main issues as being the effect of the proposed development on the character and appearance of the area.

The Inspector noted that “until recently the gap between the rear of the houses along High Street and the first dwellings on both sides of Exeter Road meant that long rear gardens were a visible feature that gave the area a distinctive and spacious layout. On this basis, a previous Inspector found that a proposal on the appeal site for a house and a separate proposal for a flat with a garage below would be incompatible with existing development”. However, since this previous appeal decision two detached houses opposite the appeal site have been developed across the gardens to the rear of 64 and 66 High Street and thus the view of long rear gardens is no longer a prominent feature of the streetscene, and it was considered that the proposal would complement rather than be at odds with the pattern of development in the area.

The proposed dwelling had large rectangular dormers on its front elevation facing Exeter Road. The Inspector noted that the fenestration of dwellings along the road – including the new dwellings opposite the appeal site – had a predominately horizontal emphasis and that dormers were not a common feature of the area. Where they did exist, they were small and subservient to the size of the roof. The dormers on the proposed dwelling were considered to dominate the roof and have a top heavy and incongruous design.

The Inspector concluded that the poor design of the dormers in the proposed development would unacceptably harm the character and appearance of the area. This would be contrary to Policy Villages 1 and policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, saved policies C28 and C30 of the Cherwell Local Plan and a core planning principle of the Framework.

**2) Allowed the appeal by Mr White against the refusal of planning permission for construction of 3 new houses and associated parking with access from Westbeech Court - Re-submission of 15/00300/F. Garage Block Adjacent 29. Westbeech Court, Banbury. 15/01144/F – (Committee).**

The proposal was for a construction of a pair of semi-detached dwellings and a detached dwelling in Westbeech Court close to Banbury town centre. The application was reported to Planning Committee with a recommendation for approval however Councillors refused the application as they considered it would adversely impact on the character and appearance of the area.

The inspector considered that whilst the buildings would be situated forward of the neighbouring properties and would be taller they would not appear unduly prominent. The gable projections and fenestration would add interest to the street. The proposal was within the setting of the Conservation Area but given its design was not harmful to the significance of the Conservation Area. Overall it was considered that the scale form and architectural features of the proposed houses would mean the proposal would be a well-designed development.

Whilst the Council did not refuse the application on parking grounds residents had raised concern over parking. In this respect the inspector noted that whilst the width of Westbeech Court was substandard compared to current requirements, given the number of dwellings already served by the road the new development would not increase vehicles to the extent that highway safety would be harmed. It was also concluded that 2 off road spaces for each dwelling was adequate and whilst the loss of 3 on street parking spaces would be inconvenient to residents in an area where parking pressure already exists, given the existing parking controls and the low speed of traffic this would not result in displacement of parking to the extent that highway safety would be harmed.

In relation to conditions the inspector noted that the requirement for details relating to foul and surface water drainage was covered by Building Regulations and therefore failed the test of necessity contained within paragraph 206 of the Framework. The Inspector also considered that exceptional circumstances did not exist to justify removing permitted development rights in relation to houses.

**3) Dismissed the appeal by Gladman Developments for the refusal of outline planning permission for demolition of existing bungalow and agricultural buildings and residential development of up to 75 dwellings including highway works, landscaping and public open space. Land West Of Oxford Close And North Of Corner Farm, Station Road, Kirtlington. 14/02139/OUT – (Committee).**

The appeal related to an outline application for up to 75 dwellings on land off Lince Lane, Kirtlington. An appeal for up to 95 dwellings on the same site was dismissed following a public inquiry held in August last year. However the Inspector considered that the appeal proposal before him was “materially different from the scheme for the site that was dismissed at appeal in 2015 (Ref: APP/C3105/W/14/3001612)”. The Inspector also considered that there were “Justified grounds” to reconsider the Council’s 5 year housing land supply position given the publication of the Council’s Annual Monitoring Report for 2015 in January 2016.

The Inspector identified the two main issues to be whether the local planning policies for the supply of housing are up-to-date, and the effect on the character and appearance of the area.

### **Housing land supply**

On the first issue, the Inspector had regard to the matter of whether a 5% or 20% buffer was appropriate (dependant on whether the Council had a record of persistent under-delivery), and the matter of supply.

On the matter of the buffer, although the Inspector noted that the Council had fallen short of meeting its housing targets in recent years, he also considered that “before reaching any conclusions as to whether persistent under-delivery exists there is a need to take account of local circumstances, including the Council’s approach to boosting significantly the supply of housing”. The Inspector acknowledged that the Cherwell Local Plan 2011-2031 Part 1 promotes a high level of employment and housing growth in the District, and seeks to “increase substantially” the amount of housing to be delivered. He observed that such a significant change “cannot occur on the ground over-night” particularly in view of the reliance on the delivery of strategic sites, and as such he considered that “it is inevitable that there will be some time before the large sites start to contribute in a meaningful way to meeting the District’s housing needs”. Therefore the Inspector was satisfied that persistent under-delivery had not yet occurred and a 5% buffer remains appropriate, albeit “the tipping point (for persistent under-delivery) is not too far distant if the number of homes provided continues to fall below (the Local Plan’s) housing requirement”.

On the matter of supply, the Inspector adopted a more cautious approach than that advocated by the Council in respect of some of the strategic sites (north west Bicester Phase 2, land at Salt Way and west of Bloxham Road, and Graven Hill). He also considered it was appropriate to apply the 5% buffer to the shortfall since 2011. Nevertheless he still concluded that the District is currently capable of delivering “some 8,654 dwellings over the next 5 years”. The requirement is for 8, 637 and on this basis the Inspector was satisfied that the Council can, at present, demonstrate a 5 year supply of housing land.

Having found that the Council can demonstrate a 5 year supply of housing land, the Inspector concluded on the first issue that the local planning polices for the supply of housing are up-to-date.

### **Character and appearance of the area**

On the second issue, the Inspector expressed “serious reservations” about the impact on the local landscape and the setting of the village. He considered that at present “the site makes an important contribution to the pleasant rural setting of the southern part of Kirtlington”. Whilst he noted the scheme was an improvement on the scheme for 95 dwellings dismissed in 2015, he concluded that “the construction of up to 75 dwellings on the eastern part of the appeal site would substantially reduce the open nature of the field and suburbanise this edge of the village to an undesirable extent”. He found that this would result in unacceptable and significant harm, and this could not be addressed by detailed design, siting, layout, or landscaping.

### **Other matters and the Planning Balance**

The Inspector did not consider there were other matters or issues (e.g. highway safety, social cohesion, biodiversity) that would justify dismissing the appeal. Nevertheless, in coming to the overall planning balance, the Inspector did give

“considerable weight” to the appeal scheme being at odds with the local planning policies relating to the supply of housing, insofar as the proposal would have resulted in significant development outside the built-up limits of the village and in the absence of an essential need for the development, this ran contrary to the Plan strategy of steering most new housing towards the main towns. Whilst the Inspector did give substantial weight to various economic, social and environmental benefits he identified as resulting from the scheme, including those that would be secured via the planning obligation, he concluded that “in view of the fundamental conflict with the adopted strategy for the location of housing in the District and the significant environmental harm identified I do not consider the proposed scheme constitutes sustainable development”.

### **Costs Decision**

The Council had sought a partial award of costs on the basis that the appellant had acted unreasonably in appealing a decision that raised substantially similar issues to those that were only recently considered in depth at a public inquiry into the 95 scheme that was dismissed. However the Inspector refused a partial award of costs on the grounds that he had found the appeal scheme for 75 dwellings to be materially different, and new evidence was available in respect of the Council’s housing land supply position, in the form of the AMR 2015.

#### **4) Allowed the appeal and awarded costs to Mr D Berlouis against the non-determination of alterations and erection of extension. Orchard Way, Heyford Road, Somerton, OX25 6LN. 15/01895/F – (Committee).**

The application sought consent for the erection of a single storey extension to an existing building to include a log store and canopy at Orchard Way, Heyford Road, Somerton. Internal alterations would also be made to the building, and a flue and rooflights would be installed. The existing building is used as a home office although it also benefits from planning permission for a self-contained dwelling.

The application was refused contrary to Officer recommendation by Members at Planning Committee meeting on 21 January 2016. The application was refused as the proposed extension to the home office use would, by virtue of its siting, design and scale, result in a visually prominent and intrusive addition on a loosely developed and elevation important gap of land that forms part of the character of the loose knit settlement of Somerton and the setting of the designated Conservation Area, resulting in harm to the significance of the setting of the heritage asset where no public benefits arising from the proposal have been identified.

An appeal was lodged against the failure to give notice within the prescribed period of a decision on an application for planning permission. An application for costs against Cherwell District Council was also made.

The Council’s case can be summarised as follows: The village of Somerton has a loose knit settlement pattern, and as the Appeal site is relatively open and undeveloped, it is considered to contribute positively to the character and setting of the designated Conservation Area. Expansion of the building was considered to increase the prominence of the building and further erode this important area of land, causing less than significant harm to the character and appearance of the Conservation Area. Government guidance advises that where a

development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It was considered that the public benefit gained would not outweigh the harm that would be caused in this instance. Furthermore, the submission did not include information on the existing tree coverage at the site, preventing a full assessment of the impact of the development upon the trees. If any trees were to be removed from the site this would detrimentally impact upon the visual amenities of the site, the setting of the Conservation Area and result in a net loss to biodiversity at the site.

The Inspector disagreed with the Officer's assessment and allowed the appeal. The siting of the extension to the rear of Somerfields, coupled with its modest size and scale, was held to significantly restrict views of the proposed extension from the public realm. The extension was considered to integrate well with the existing building and its impact upon both immediate surroundings and the nearby Conservation Area was held to be limited. The contribution of the site to the overall character of the area was acknowledged, although the modest extension was not considered to alter this in a material way. Furthermore, although the concerns regarding the impact of the development upon the trees were acknowledged, it was considered that any harm likely to arise could be adequately guarded against by the imposition of a condition requiring the submission of an arboricultural survey and method statement. In summary, the extension was not considered to result in an unacceptable form of development which would result in harm to the settlement of Somerton, or the Conservation Area or its setting.

With regard to costs, the application was made based on the delay in issuing a decision notice and the Council's failure to notify the applicant of the decision made.

Due to an administration error, the minutes for the meeting incorrectly stated that the application had been approved in accordance with Officer recommendation. A delay in excess of two weeks was also experienced as the Development Services Manager and Chairman of the Planning Committee discussed the final reason for refusal.

Whilst the Inspector acknowledged that it is sometimes necessary for discussions to take place following the Committee meeting in order to determine the reason for refusal, the reasons for refusal stated at Committee are a matter of fact and should be clear and cogent in planning terms. Accordingly, such post decision discussions need not normally be prolonged or extensive, and the Council was unable to provide any further explanation for this delay. Furthermore, the Inspector considered that, having regard to the provision of the development plan, national planning policy and material considerations, the development proposed should have been permitted without unnecessary delay. The Inspector concluded that the refusal of the planning application, together with the delay in issuing a decision notice, constituted unreasonable behaviour that resulted in the appellant having incurred wasted expense in pursuing the appeal. The application for costs was allowed.



**5) Dismissed the appeal by Green Lives against the refusal of planning permission for the erection of a detached dwelling and garaging with access, parking and amenity space – re-submission of 15/01344/F. Land to the rear of May House, Station Road, Lower Heyford. 15/01967/F. (Delegated).**

The proposal was for the erection of a large farm house within Lower Heyford in the Rousham Conservation Area.

The inspector noted that Lower Heyford was characterised by a mostly sporadic and loose-knit pattern of development with most properties either directly fronting onto the highway or set back by modest degrees. The Inspector considered the application as ‘minor development’ and assessed it against Policy Villages 1 and the criteria for assessing whether development constituted ‘acceptable minor development’ at paragraph C.262 of the Local Plan.

The inspector considered the proposal would be characteristic of a traditional farmhouse and would be constructed of appropriate material. He noted the site was set amongst smaller modest properties with a close and more intimate relationship with the street scene. The inspector considered the proposed set back position of the dwelling from the road, the centralised position in the plot and the size of the dwelling would be in stark contrast to that of the adjacent properties and significantly out of keeping the predominant pattern of development. This would be harmful to the character and appearance of the area and which would be exacerbated by a tree lined drive which added a sense of grandeur to the overall scheme. Furthermore the inspector considered the development would fail to accord with the established pattern of development in the village.

### **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:

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[Denise.Taylor@cherwellandsouthnorthants.gov.uk](mailto: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,  
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### Risk Management

- 5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

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## 6.0 Decision Information

### Wards Affected

All

### Links to Corporate Plan and Policy Framework

A district of opportunity

### Lead Councillor

None

### Document Information

Appendix No	Title
None	
Background Papers	
None	
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