

Public Document Pack



Committee: Planning Committee
Date: Thursday 16 March 2017
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

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

Substitutes

Councillor Ken Atack	Councillor Maurice Billington
Councillor Hugo Brown	Councillor Nick Cotter
Councillor Surinder Dhesi	Councillor Carmen Griffiths
Councillor Timothy Hallchurch MBE	Councillor Andrew McHugh
Councillor Sandra Rhodes	Councillor Bryn Williams
Councillor Barry Wood	Councillor Sean Woodcock

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 - 20)

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

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

7. **Proposed Himley Village North West Bicester, Middleton Stoney Road, Bicester, Oxfordshire** (Pages 23 - 137) **14/02121/OUT**
8. **Barn, Bramshill Park Farm, Horley** (Pages 138 - 156) **16/02355/F**
9. **60-62 Broad Street, Banbury, OX16 5BL** (Pages 157 - 176) **16/02529/F**
10. **The Hill, Dover Avenue, Banbury, OX16 0JE** (Pages 177 - 187) **17/00197/CDC**
11. **Former garage Block adjacent and South East of 2 Fenny Compton Road, Claydon** (Pages 188 - 190) **16/00560/DISC**
12. **Land to the rear of The Methodist Church, The Fairway, Banbury** (Pages 191 - 194) **17/00017/DISC**
13. **Cherwell District Council, Former Offices, Old Place Yard, Bicester** (Pages 195 - 198) **17/00051/DISC**
14. **OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury** (Pages 199 - 202) **17/00071/DISC**
15. **OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury** (Pages 203 - 206) **17/00076/DISC**

Review and Monitoring Reports

16. Appeals Progress Report (Pages 207 - 215)

Report of Head of Development Management

Summary

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

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

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

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

Evacuation Procedure

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

Access to Meetings

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

Mobile Phones

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

Queries Regarding this Agenda

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

Sue Smith
Chief Executive

Published on Wednesday 8 March 2017

Agenda Item 5

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 16 February 2017 at 4.00 pm

- Present: Councillor David Hughes (Chairman)
Councillor James Macnamara (Vice-Chairman)
- Councillor Hannah Banfield
Councillor Andrew Beere
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Chris Heath
Councillor Alastair Milne-Home
Councillor Alan MacKenzie-Wintle
Councillor Richard Mould
Councillor D M Pickford
Councillor Lynn Pratt
Councillor Barry Richards
Councillor Nigel Simpson
Councillor Les Sibley
- Substitute Members: Councillor Ken Atack (In place of Councillor G A Reynolds)
Councillor Barry Wood (In place of Councillor Mike Kerford-Byrnes)
- Also Present: Councillor Carmen Griffiths as Ward member for Kidlington East for application 15/01872/F
Councillor Bryn Williams as Ward Member for Deddington for application 16/02442/LB
- Apologies for absence: Councillor Mike Kerford-Byrnes
Councillor G A Reynolds
Councillor Nicholas Turner
- Officers: Bob Duxbury, Team Leader (Majors)
Caroline Ford, Principal Planning Officer
Stuart Howden, Senior Planning Officer
Matthew Coyne, Planning Officer
Nigel Bell, Team Leader - Planning / Deputy Monitoring Officer
Aaron Hetherington, Democratic and Elections Officer

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Declarations of Interest

7. Co-op, 26 High St, Kidlington.

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.

8. 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 was consulted on the application.

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

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

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

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

12. Farima Properties, Mercia House, 51 South Bar Street, Banbury.

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

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

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

14. 33 Waller Drive, Banbury, OX16 9NS.

Councillor Andrew Beere, Declaration, as the applicant was known to him and would leave the meeting for the duration of the item.

Councillor Barry Richards, Declaration, as the applicant was known to him and would leave the meeting for the duration of the item.

Councillor Hannah Banfield, Declaration, as the applicant was known to her and would leave the meeting for the duration of the item.

Councillor Les Sibley, Declaration, as the applicant was known to him and would leave the meeting for the duration of the item.

15. Fairway Methodist Church, The Fairway, Banbury.

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

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

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

Councillor Colin Clarke, Declaration, as a member on Banbury Town Council which was consulted on the application and a seperate declaration as a member of the Executive and would leave the meeting for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

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

Councillor Ken Atack, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

148 **Requests to Address the Meeting**

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

149 **Urgent Business**

There were no items of urgent business.

150 **Minutes**

The Minutes of the meeting held on 19 January 2017 were agreed as a correct record and signed by the Chairman.

151 **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.

152 **Co-op, 26 High St, Kidlington**

The Committee considered application 15/01872/F for the erection of new buildings off Sterling Road Approach to contain 44 x 2 bedroom flats, the conversion of offices above existing retail store to form 8 x 2 bedroom flats, and alterations to existing retail store including the construction of new accesses, car parking, service and turning areas and landscaping at Co-op, 26 High Street, Kidlington for Midcounties Cooperative Society and Cantay Estates Ltd.

Councillor Carmen Griffiths addressed the committee as local Ward member.

David Betts, a Kidlington Parish Council Councillor, addressed the committee in objection to the application.

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

Resolved

That application 15/01872/F be refused, for the following reasons:

1. The proposed development is contrary to Policy Kidlington 2 of the adopted Cherwell Local Plan 2011-2031 and the aspirations of the recently adopted Kidlington Framework Masterplan supplementary planning document in that it does not allow for the meeting of the objectives and aspirations of the latter document for the strengthening of the village centre through use of mixed use redevelopment opportunities and through improving connectivity between areas of the village centre, and consequently does not contribute significantly to the regeneration of the village centre as required by Policy Kidlington 2
2. In the absence of the completion of a satisfactory Planning Obligation the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off the site, including the provision of appropriate affordable housing, will be provided. Therefore the proposal would be contrary to Policies INF1, BSC3, BSC10 and BSC11 of the adopted Cherwell Local Plan 2011-2031 and the advice contained in the National Planning Policy Framework

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

The Committee considered application 16/01210/F for the erection of 20 No. houses, associated highways access and parking at OS Parcels 4083 And 6882 Adjoining and North of Broken Furrow, Warwick Road, Banbury for Persimmon Homes Ltd.

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

Resolved

That application 16/01210/F be approved, subject to:

- (i) no new issues being raised in response to public consultation finishing on 9 March 2017
- (ii) an appropriate Section 106 agreement
- (iii) the following conditions:
 1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: "P.0918_59 Rev H" (Site layout), "P.0918_60 Rev C", "P.0918_61 Rev B" (site location plan), "P.0918_62 Rev C" (Enclosures), "P.0918_64B" (Garages), "P.0918_65A" (Enclosure details), "P.0918_63D-1", "P.0918_63D-2", "P.0918_63D-3", "P.0918_63D-4", "P.0918_63D-5", "P.0918_63D-6" and "P.0918_63D-7".
 3. Notwithstanding the details submitted, the walls providing means of enclosure to new Plots 1, 9, 10 and 15 shall be laid in English Garden Wall bond.
 4. Notwithstanding the plans hereby approved, no development shall commence above slab level on the respective plots (namely new plots 15-18 inclusive) until a sample of the slate to be used in the construction of the roofs of the plots stated in approved drawing "P.0918_60 Rev C" (Materials Plan) to have natural slate roofs has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out fully in accordance with the samples so approved.
 5. Notwithstanding the details submitted, no development shall commence above slab level until a revised schedule of external surfaces (including facing brick and roof tile) has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out fully in accordance with the samples so approved.
 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no

development with Part Classes A - E (inclusive) shall take place on the dwellinghouses hereby permitted or within their curtilage.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no additional windows, doors or any other openings shall be inserted at first floor level or above in the any of the dwellings of hereby approved.
8. Before the respective dwelling is first occupied the first floor side-facing openings to Plots 6, 8, 16 and 18 and the first floor rear-facing openings to Plots 1, 5, 9, 13, 14 and 15 shown to serve a 'landing' shall be glazed with obscure glass (at least Level 3) only and fixed with a ventilation stay restricting the opening of the window to no more than 30 degrees from the elevation in question, and must be permanently maintained as such at all times thereafter.
9. Notwithstanding the details submitted, no development shall commence above slab level on the plots named in this condition until amended plans for Plots 5 and 15 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out fully in accordance with the samples so approved.
10. No walls, gates, fences or planting shall be erected or allowed to grow on or adjacent to the highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.
11. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, an amended 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.
12. 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.

13. No development shall commence on site until details of the existing and proposed ground levels and finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented fully in accordance with the approved details.
14. New Estate Roads - Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footways (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.
15. Estate Accesses, Driveways and Turning Areas – Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.
16. Turning Area for Service Vehicles – Prior to the commencement of the development hereby approved, vehicle tracking shall be submitted to and approved in writing by the Local Planning Authority that will show that a refuse vehicle of not less than 11.6m in length can enter and exit the development safely in forward gear. Thereafter, and prior to the first occupation of the development, construction of the turning areas shall commence in accordance with the approved details.
17. Drainage – Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - Discharge Rates
 - Discharge Volumes

- Maintenance and management of SUDS features
 - Sizing of features – attenuation volume
 - Infiltration in accordance with BRE365
 - Detailed drainage layout with pipe numbers
 - SUDS – Permeable Paving, Rainwater Harvesting, Green Roof
 - Network drainage calculations
 - Phasing
 - The plans must show that there will be no private drainage into the public highway drainage system
18. Cycle Parking – 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.
19. Pedestrian Access: Full Details – Prior to the commencement of the development hereby approved, full details of the means of pedestrian access between the land and the highway, including, position, layout, construction, and drainage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
20. Construction Traffic Management Plan (CTMP) – Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation of the development, construction shall only commence in accordance with the approved details (see section on informatives below).
21. Travel Information Pack – Prior to the first occupation of the development hereby approved, a Travel Information Pack 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 Information Pack shall be implemented and operated in accordance with the approved details.

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Land West Of M40 Adj To A4095, Kirtlington Road, Chesterton

The Committee considered application 16/01780/F for the change of use of land to use as a residential caravan site for 8 gypsy families, each with two caravans and an amenity building. Improvement of existing access, construction of driveway, laying of hard standing and installation of package sewage treatment plant at Land West Of M40 adj To A4095, Kirtlington Road, Chesterton for Clifford Smith and Robert Butcher.

In introducing the application, the Development Control Team Leader referred Members to the written update and that the officer recommendation had changed from approval to deferral.

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

Resolved

That application 16/01780/F be deferred, to await the submission of an Air Quality assessment and its consideration.

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Land To The West Of Garners House, Main Street, Great Bourton

The Committee considered application 16/01979/F for the erection of 43 No dwellings, a new community hall, associated infrastructure and two vehicular accesses from Main Street on land west of Garners House, Main Street, Great Bourton at Land to the West Of Garners House, Main Street, Great Bourton for Hayfield Homes Ltd and Mr and Mrs Townsend .

Tim Brooks and Steven Warr, neighbours to the application site, addressed the committee in objection to the application.

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

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

Resolved

That application 16/01979/F be approved, subject to

1. The development to which this permission relates shall be begun not later than the expiration of one year 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, [Documents and drawing numbers need to be added]

3. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the plots identified on drawing number 100 Rev A as being constructed from stone and the Community Hall 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, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) shall be constructed on site, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the plots identified as being constructed from brick on drawing number 100 Rev A shall be constructed in strict accordance with the approved brick sample panel.
5. Prior to the commencement of the development hereby approved, samples of the tile and slate to be used in the construction of the roofs of the development, the distribution of which is indicated on drawing number 100 Rev A 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, full details of the doors and windows hereby approved, at a scale of 1:20 including elevations, vertical and horizontal cross sections, cill, lintel and recess detail, materials and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
7. Prior to the commencement of the development, full details of the eaves and verge details of the dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the agreed details.
8. Prior to the commencement of the development, full details of the porches for the dwellings including the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the agreed details.
9. Notwithstanding the submitted details and prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed 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 approved finished floor levels plan.
10. Notwithstanding the details submitted and prior to the commencement of the development hereby approved; full details of the enclosures

along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.

11. Prior to the construction of each road or footpath, full details of the final surface treatment for that element of the highway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the road or footpath shall be constructed in accordance with the approved details.
12. Prior to the commencement of the development hereby approved, full details of both 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 and any land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.
13. Prior to the commencement of the development hereby approved, full specification details of the estate roads, vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.
14. Prior to the commencement of the development hereby approved, 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.
15. 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.
16. No development shall commence on site until a Construction Traffic Management Plan providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to

include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

17. 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.
18. Prior to first occupation a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.
19. Prior to the commencement of any part of the development hereby approved the public right of way shall be protected in accordance with details to be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the public right of way shall remain protected and available for use throughout the construction phase. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.
20. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process.
21. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Impact Assessment and Method Statement (AMS) Revision A and the Tree Protection Plan (drawing number HAY20809-03A) prepared by ACD Environmental revised on the 13th January 2017 including where no dig construction is required. The identified Tree Protection measures shall be installed prior to the commencement of the development.
22. Except to allow for the means of access and vision splays the existing hedgerow/trees along the north, west and south boundaries of the site shall be retained and properly maintained and any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.
23. Notwithstanding the submitted details and 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.
24. 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.
25. Prior to the commencement of the development, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features for hard and soft landscaped areas, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, 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. Tree pits shall be constructed concurrent with the construction of any hard surfaced areas into which they are to be installed.
26. Notwithstanding the submitted information and prior to the commencement of the development, full design details of the equipment and layout of the Local Area of Play (LAP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LAP shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
27. Notwithstanding the submitted information and prior to the commencement of the development hereby approved, including any works of site clearance, a Landscape and Ecology Management Plan (LEMP) and method statement for protected species and biodiversity

enhancements, together with long-term maintenance, has been submitted to and approved in writing by the local planning authority. The LEMP and method statement shall be carried out and retained in accordance with the approved details.

28. No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
29. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a report regarding badgers, which shall include details of a recent survey (no older than six months), any mitigation, 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.
30. Notwithstanding the submitted details and 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 and for the provision of bat and bird boxes 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.
31. All species used in the planting proposals associated with the development shall be native species of UK provenance.
32. Drainage (potential need for a drainage condition – to be added if required)
33. The garage(s) shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.
34. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the dwelling(s) and the highway without the prior express planning consent of the Local Planning Authority.
35. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended),

have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details.

36. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
37. Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.
38. The development shall be constructed so as to achieve a demand for potable water that does not exceed 110 l/p/d and details of measures to be used to achieve this demand shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase. The development shall be carried out in accordance with the details so approved.
39. The dwelling(s) hereby approved shall not be occupied until domestic bins for the purposes of refuse, food waste, recycling and green waste have been provided for each of the approved dwellings, in accordance with the Council's current bin specifications and requirements.

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Land South West Of Woodbank, Mill Lane, Kirtlington

The Committee considered application 16/02295/OUT, an outline application for the erection of 10 No dwellings at land South West of Woodbank, Mill for Mr E & G King.

Helen Macbeth, Deputy Chair of Kirtlington Parish Council, addressed the committee in objection to the application.

Paul Brailsford, agent for the applicant and Keith Neill Smith, the architect for the applicant, addressed the committee in support of the application.

Councillor Macnamara proposed that application be refused as it would be contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policies C8 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. Councillor Wood seconded the proposal.

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

Resolved

That application 16/02295/OUT be refused for the following reasons:

1. The development proposed, by reason of its poorly integrated relationship with existing built development and its extension beyond the built limits of the village, would cause significant and unacceptable harm to the historic linear form of the village and the rural landscape setting of the village as experienced by local residents, visitors and users of Mill Lane and the existing Public Right of Way which runs through and within close proximity to the site. The development would detract from the area's established character and would fail to reinforce local distinctiveness. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policies C8 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
2. In the absence of adequate detail of how the footpath link from the site to Hatch Way would be provided it has not been demonstrated that the development would not have an unacceptable impact upon the three Beech trees protected by TPO, and so the proposed development would potentially have a detrimental impact upon the health and amenity value of these trees and the rural character and visual amenities of the area. The development therefore fails to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
3. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of supporting the sustainability of the village and the development, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, SLE4, ESD1, BSC11 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1 a

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Farima Properties, Mercia House, 51 South Bar Street, Banbury

The Committee considered application 16/02363/F for the conversion of an existing office building to form 10 No residential apartments with new aluminium windows to rear building, painting existing East façade off white, some alterations to existing windows on South and West Elevations and bin storage and cycle storage areas at Farima Properties, Mercia House, 51 South Bar Street, Banbury for Farima Properties. The application was a resubmission of 16/00120/F.

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

Resolved

That application 16/02363/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 submitted with the application;
 - Design and Access Statement (Ref: WG299-DaS Rev A – October 2016) by Walker Graham Architects submitted with the application; and
 - Drawing Numbers: WG299-001; WG299-003 Revision J; WG299-004 Revision H; WG299-005 Revision D; WG299-010; WG299-011; and WG299-016 submitted with the application.
3. Prior to the installation of the wall mounted lights hereby approved, full details of the design, appearance, luminance and siting of the proposed wall mounted lights shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the details so approved.
4. Notwithstanding the details shown on the approved plans, prior to the commencement of the development of the bin storage area hereby approved, full details of the design, appearance, materials and siting of the bin storage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the details so approved.
5. Notwithstanding the details shown on the approved plans, prior to the commencement of the development of the cycle storage hereby approved, full details of the design, materials, appearance and siting of the cycle storage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the details so approved.
6. Prior to the commencement of the development, full details of the new and altered doors, windows and roof lights 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. The doors, windows and rooflights shall be installed within the building in accordance with the approved details and retained as such thereafter.

Duke Of Cumberland's Head, Main Street, Clifton, Banbury, OX15 0PE

The Committee considered application 16/02442/LB for the opening the rear wall of the fireplace to link two rooms Duke of Cumberland's Head, Main Street, Clifton, Banbury, OX15 0PE for Mr Tim Catling.

Councillor Bryn Williams addressed the committee as Ward member.

Mrs Rebecca Catling, the applicant and David Rogers, Chairman of Deddington Parish Council, addressed the committee in support of the application.

Councillor Heath proposed that application 16/02442/LB be approved, subject to conditions to be delegated to officers. Councillor Richards seconded the proposal.

In reaching their decision, the committee considered the officers report, presentation and the presentation of the local Ward member and the address of the public speakers.

Resolved

That application 16/02442/LB be approved, subject to the following conditions:

1. The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Heritage Statement ('Statement of Historic Significance') and with drawings numbered: JEW-00545883; 1250/2 Rev C; and 'Photo 1.0 (as labelled by the LPA).
3. Prior to the commencement of the development hereby approved, full details of the lintel, including the type of wood and its finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
4. All work of demolition of any part of the building shall be carried out by hand methods only and without the use of machinery.
5. Any remedial stonework necessary for the repair or making good of the walls shall be carried out in natural stone of the same type, texture, colour and appearance as the stone on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building.

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33 Waller Drive, Banbury, OX16 9NS

The Committee considered application 16/02499/F for a single storey front and side extension and two storey rear extensions 33 Waller Drive, Banbury, OX16 9NS for Mr and Mrs B Dhesi.

Robert Gough, neighbour, addressed the committee in objection to the application.

Councillor Clarke proposed that application 16/02499/F be refused as the proposal would result in overdevelopment of this site which would be detrimental to the character and appearance of this residential area and harmful to the residential amenities of adjacent properties. Councillor Heath seconded the proposal.

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

Resolved

That application 16/02499/F be refused for the following reasons:

1. The proposal would result in an overly large extension that by reason of its siting and design would represent an overdevelopment of this site which would be detrimental to the character and appearance of this residential area and harmful to the residential amenities of adjacent properties. As such the proposal would be contrary to Policy ESD 15 of the adopted Cherwell Local Plan 2011- 2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996.

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Fairway Methodist Church, The Fairway, Banbury

The Committee considered application 17/00010/NMA for an amendment to the previously application 13/01153/CDC - Area hatched on drawing 007/06 rev E to be 600x600x50mm grey concrete paving slabs with 10mm gap filled with pea shingle for drainage of surface water and there would also be a planted border against the church elevation at Fairway Methodist Church, The Fairway, Banbury for Trustees For Methodist Church Purposes

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

Resolved

That Cherwell District Council, as Local Planning Authority, hereby approves application 17/00010/NMA for the non-material amendments described in the application in accordance with drawing numbers: 007/06 E.

161 **Cherwell District Council, Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA**

The Committee considered application 17/00030/DISC for the discharge of condition 4 (waterproof membrane) of 16/00936/LB at Bodicote Housem White Post Road, Bodicote, Banbury for Baily Garner.

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

Resolved

That in accordance with details contained within document titled: 'Specification of Works' 27527 Rev B (18/01/2017). The development shall then be carried out fully in accordance with the approved details.

162 **Appeals Progress Report**

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

Resolved

- (1) That the position statement be accepted.

The meeting ended at 7.59 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

16 March 2017

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

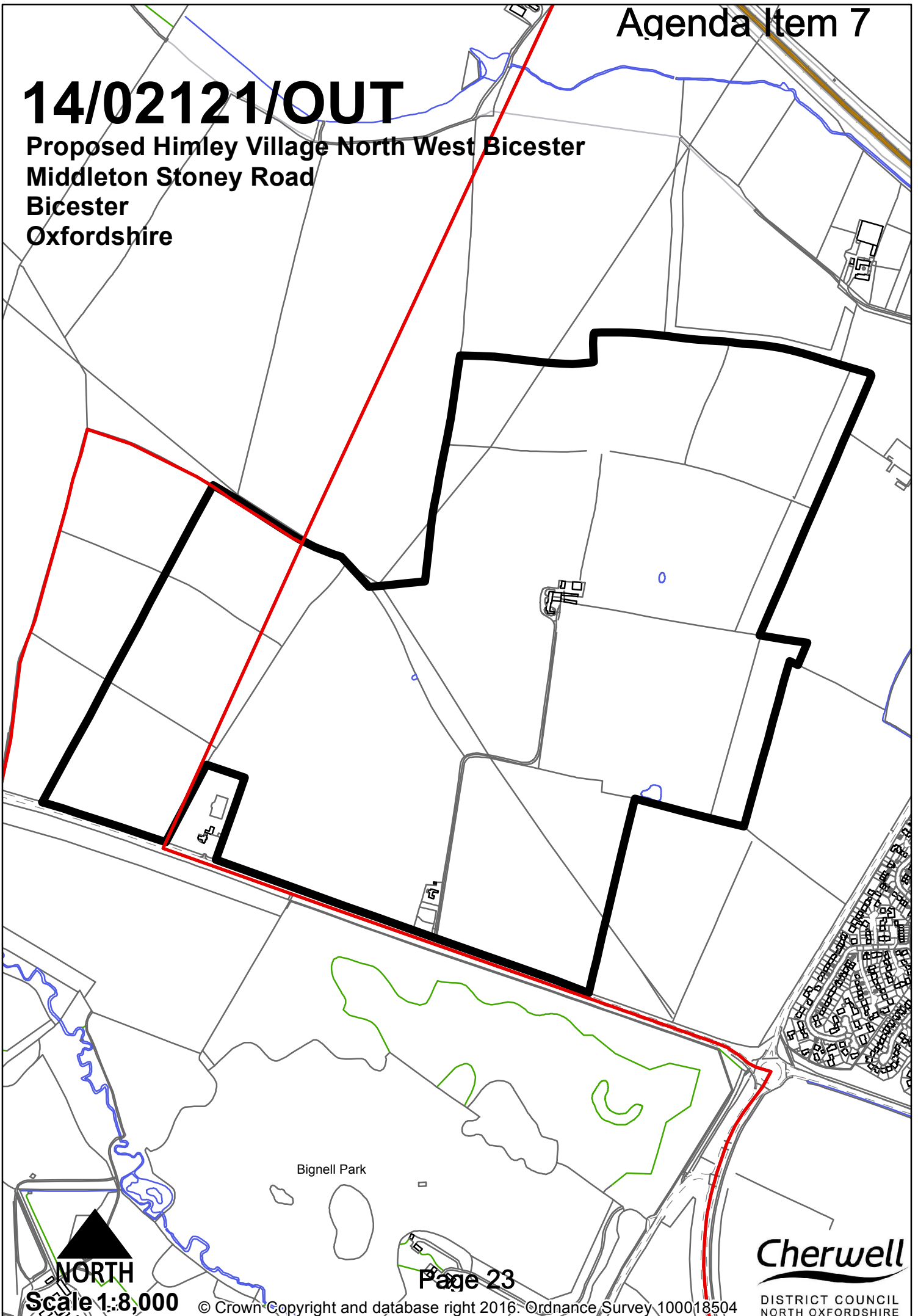
Background Papers

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

	Site	Application No.	Ward	Recommendation	Contact Officer
7	Proposed Himley Village North West Bicester Middleton Stoney Road Bicester Oxfordshire	14/02121/OUT	Bicester North And Caversfield	Approval	Caroline Ford
8	Barn, Bramshill Park Farm, Horley	16/02355/F	Cropredy, Sibfords and Wroxton	Refusal	Gemma Magnuson
9	60-62 Broad Street Banbury OX16 5BL	16/02529/F	Banbury Cross and Neithrop	Approval	Matthew Chadwick
10	The Hill Dover Avenue Banbury OX16 0JE	17/00197/CDC	Banbury Ruscote	Approval	Matthew Chadwick
11	Former garage Block adjacent and South East of 2 Fenny Compton Road, Claydon	16/00560/DISC	Cropredy, Sibfords and Wroxton	Approval	Rebekah Morgan
12	Land to the rear of The Methodist Church The Fairway Banbury	17/00017/DISC	Banbury Ruscote	Approval	Bob Neville
13	Cherwell District Council Former Offices Old Place Yard Bicester	17/00051/DISC	Bicester South and Ambrosden	Delegate authority to officers to determine the application once comments have been received from the Highway Authority.	Shona King
14	OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow Warwick Road Banbury	17/00071/DISC	Banbury Hardwick	Delegate authority to officers to determine the application once satisfactory revised drawings have been received.	Bernadette Owens
15	OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow Warwick Road Banbury	17/00076/DISC	Banbury Hardwick	Delegate authority to officers to determine the application once satisfactory revised drawings have been received.	Bernadette Owens

14/02121/OUT

Proposed Himley Village North West Bicester
Middleton Stoney Road
Bicester
Oxfordshire



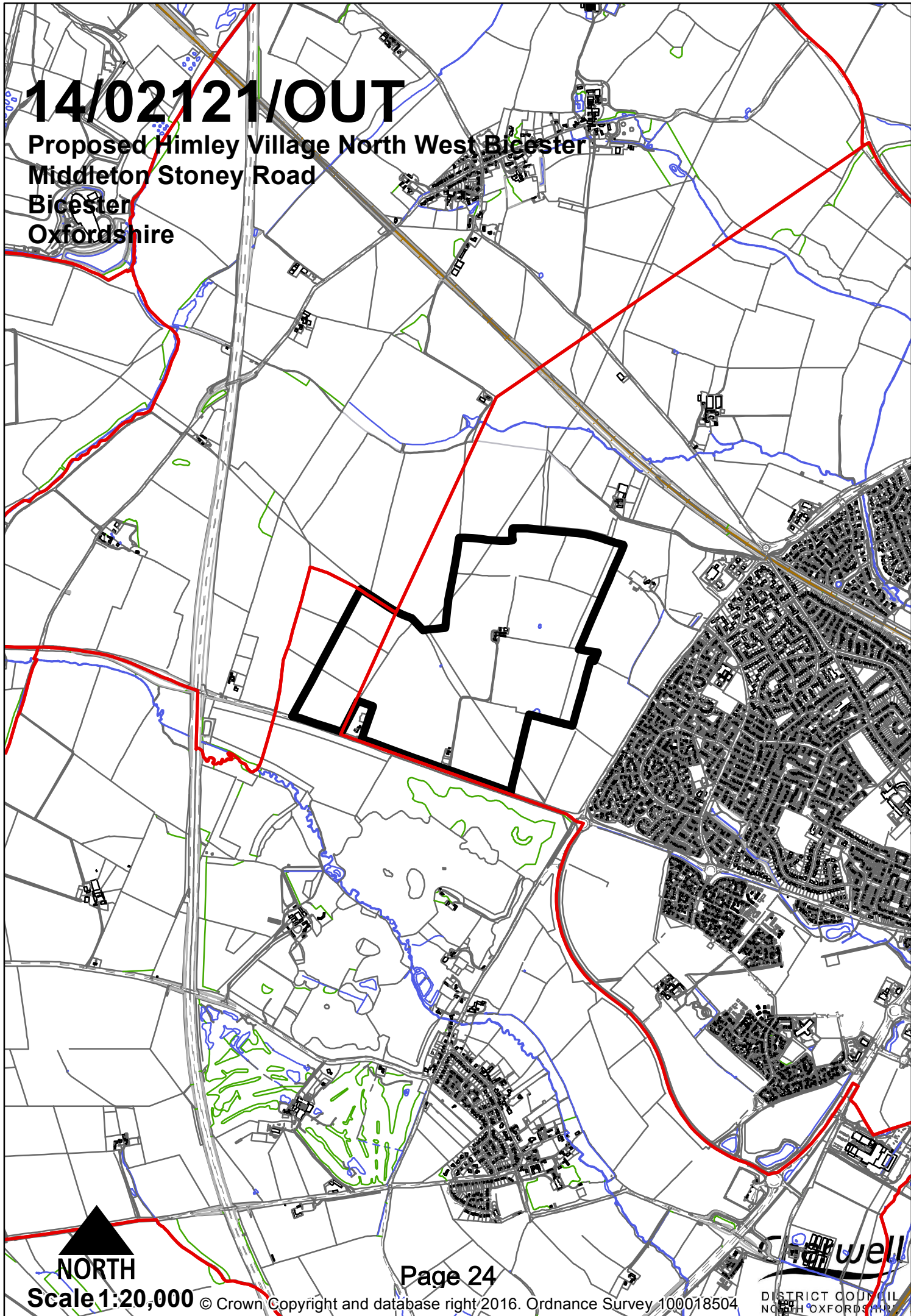
Bignell Park

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

14/02121/OUT

Proposed Himley Village North West Bicester
Middleton Stoney Road
Bicester
Oxfordshire



NORTH

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

Applicant: Portfolio Property Partners Ltd

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

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

Committee Date: 16.03.2017 **Recommendation:** Approve subject to the requirements at the end of this report

Committee Referral: Major

1.

1.1 This application was reported to Planning Committee in February 2016 with a recommendation of approval. This report is presented at appendix A. That report provides a site description, provides details of the proposal, identifies the relevant planning policy, the range of publicity and consultation responses received to the application and the Officer appraisal of the scheme.

1.2 The application was deferred by Members at the February 2016 committee in order to allow for further negotiations and to allow for responses to be provided to Members comments/queries in relation to the following matters:

- Transport and the deliverability of the proposal;
- Affordable Housing;
- Clarification over matters relating to bus stops, play areas, the response from Network Rail and the proposed sports pitches and associated facilities.

1.3 This report seeks to update Members on the progress made since the February 2016 committee and provide an updated recommendation. The report does not seek to repeat the issues set out within the earlier report but will provide an overview of the transport issues to provide Members with a comprehensive update.

2. Description of Proposed Development

- 2.1 The proposed development remains as set out within the February 2016 Committee report and which is described at paragraph 1.4 of that report. Since the February 2016 Committee, and particularly due to the transport position set out within that report, the applicant has proposed an 'interim highway scheme' that is described within a Transport Assessment Addendum submitted in October 2016. In summary, this interim highway scheme proposes changes to the Bucknell Road junctions with Lords Lane and Howes Lane by signalling both junctions. The Assessment is accompanied by a range of technical appendices including a Safety Audit of the highway changes that form part of the interim scheme. The submission is also accompanied by an addendum to the Environmental Statement which assesses the Environmental Impacts of the interim scheme.
- 2.2 Further information has also been submitted on the likely rate of delivery of development at NW Bicester to support the applicant's assertion that, within the level of development the County Council has accepted prior to the tunnel under the railway, there is capacity for development at the application site.

Environmental Statement

- 2.3 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Regulation 3 requires that Local Authorities shall not grant planning permission or subsequent consent pursuant to an application to which the regulation applies unless they have first taken the environmental information into consideration, and they shall state in their decision that they have done so.
- 2.4 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, the consultation responses and the addendum to the ES has thus been taken into account in considering this application and preparing this report. The ES identifies mitigation and this needs to be secured through conditions and/or legal agreements. The conditions and obligations proposed must incorporate the mitigation identified in the ES.

3. Relevant Planning History

- 3.1 There is no other relevant history for this particular application site; however there is a range of planning applications that have been made across the Masterplan site including Elmsbrook. These are summarised at paragraphs 5.1-5.3 of the February 2016 committee report.

4. Response to Publicity

- 4.1 One additional third party response has been received, raising the following points:
 - No need for more commercial facilities to be added to the already massive approved and waiting for approval ones.
 - Howes Lane is overflowing with traffic and it is a Lane so would not cope with more trucks running up and down it.

Barton Willmore in a letter dated 14/11/2016 on behalf of A2 Dominion have commented as follows:

- In principle, A2D support the phased implementation of the NW Bicester Masterplan. There is a need for a pragmatic approach to be taken in respect of the timing of key infrastructure, however this should not be at the expense of creating unacceptable impacts of traffic on the road network nor undermine the ability to provide the required infrastructure for the masterplan.
- Arcadis have reviewed the technical highway work on behalf of A2D and their view accords broadly with the objections of OCC in respect of the highways assessment. It is the view of Arcadis that the addendum has failed to present an appropriate design or to properly assess the likely impacts of the proposals. A number of detailed points relating to the way the proposed interim scheme has been assessed are raised.
- The submission identifies an impact upon Shakespeare Drive but fails to provide any mitigation. The assessment is silent as to the impact upon the Howes Lane/ Middleton Stoney Road/ Vendee Drive junction as well as measures to bring forward the improvements to the Banbury Road roundabout. These junctions are shown to be effected by the interim scheme to a greater extent than assessed by A2D as the traffic signal scheme displaces traffic elsewhere. It also makes no reference to the substandard nature of the existing Howes Lane and the impact the 1700 homes would have on this link.
- The scheme relies upon a signalised junction as an interim scheme with no provision for the realignment of Howes Lane and the removal of the constraint at Howes Lane/ Bucknell Road.
- The interim scheme proposed fails to make adequate provision for pedestrians and cyclists and would result in a detrimental impact upon the local road network.
- At early stages of the masterplan analysis, traffic signalised options were dismissed by Arcadis as not offering an improvement in capacity on the existing layout due to the constraints under the railway bridge.
- A2D would also question whether the scheme would be comprehensive and whether it would be consistent with the masterplan. Would it fetter or undermine the delivery of the masterplan in respect of the wider area of land identified in the masterplan including the proposals submitted by A2D.
- The application makes no provision for secondary education facilities within the master plan area. The master plan requires the provision of a secondary school to be provided on part of the land subject to application 14/01641/OUT. Permission has not been issued for that site and occupations within Himley Village would need to be restricted until such provision is made. OCC has suggested that Himley Village would be required to reserve a site for a secondary school. This would be inconsistent with the masterplan and would require a substantial amendment to the proposals.
- The Council must assure itself that the scheme can be implemented in a way that is consistent with the master plan, takes a comprehensive approach including access and circulation within the masterplan area and would not jeopardise nor fetter the implementation of the remainder of the masterplan scheme.
- The applications submitted on behalf of A2D are consistent with the adopted masterplan and provide for the timely provision of schools as well as the realignment of Howes Lane and the railway underpass. The applications benefit from a resolution to approve and negotiations are ongoing as to the terms of the various S106 agreements. The current proposal is for A2D to provide for the key infrastructure necessary to enable the implementation of the masterplan including not only the bridge and link but also the land for the new schools, energy and

waste provision. The developers of Himley Village and other parts of the masterplan area that are not under the control of A2D will be able to connect to and derive benefit from the key infrastructure but only on terms that prior to implementation they pay to the Council their fair contribution to the cost of that key infrastructure which will be reimbursed to A2D. The grant of permission for Himley Village without such enforceable arrangements in place would jeopardise the implementation of the masterplan.

Barton Willmore (on Behalf of A2 Dominion) have also provided a number of letters dated 06/02/2017 commenting upon the applicant's submissions of the 01/02/2017 and these are summarised as follows:

Regarding A2 Dominion's intentions with regard to delivery of Application 1 [LPA REF 14/01384/OUT], Application 2 [LPA REF 14/01641/OUT] AND Application 3 [LPA REF 14/01968/F]:

- The above referenced applications, inter alia, seek permission to develop some 3,500 new homes out of the local plan allocation of 6000 together with new schools, access and infrastructure. The Council has resolved to grant permission in respect of three of the applications, with the grant of permission dependent on the completion of the relevant S106 agreements.
- The continued development of the site is predicated upon the delivery of a new crossing or bridge below the railway.
- OCC have imposed a limitation of 900 homes across the entire masterplan area until the bridge and link are operational. Permission has been granted for the exemplar phase of 393 dwellings and construction is underway.
- The exemplar is to be built out as follows – Phase 1: first occupations April 2016 (90 dwellings), Phase 2: Construction underway 5 August 2016 (71 dwellings) and Phases 3/ 4: Construction to commence in December 2017 (232 dwellings).
- Work on the local centre has commenced with a forecast completion of 2020, whilst the new primary school has a completion forecast of Summer 2017.
- A2D intend to commence construction on the first phase of Application 1 in tandem with the continuing build out of the exemplar, enabling the expansion of the primary school and for these early phases to benefit from access to the local centre and the efficient and practical extension to the bus service.
- A drawing has been submitted showing the first phase of development providing 507 new homes, the first phase of the burial ground and the first phase of the water treatment centre.
- Assuming the timely grant of permission, A2D anticipates the submission of details pursuant to reserved matters later in 2017 with the commencement of works in January 2019 with first occupations in August 2019. The first phase is forecast for completion at the end of 2021.
- A2D's intention is to provide the site wide key infrastructure in a timely manner to enable the continued provision of new homes. Delivery of the railway underpass is anticipated Christmas 2019.

In response to the Alan Baxter Highway Technical reports, the following comments are made:

- Reference is made to the OCC objection to the scheme dated 09/01/2017 (summarised below).
- The additional submissions and OCC responses have been reviewed by Arcadis on behalf of A2D. Arcadis undertook the strategic assessment of the Masterplan as well as the transport assessments of the impacts of the various applications submitted on behalf of A2D including for 14/01968/F for the new bridge and spine road. This has been resolved to be granted and A2D are progressing the technical approval process with Network Rail.

- Arcadis agree with the conclusions of OCC and maintain their view as set out in the letter dated 14/11/2016 (summarised above).
- It would be useful to have sight of the draft heads of the agreement proposed by the applicants. They appear to rely upon delivery outside of the application site by others. That being the case, and in the event that the Council grants permission notwithstanding the objections of the highway authority, limitations will be required to restrict occupations and development as appropriate until such necessary infrastructure is provided or a mechanism is put in place for the contribution to be made towards wider infrastructure.
- The current proposal is for A2D to provide for the key infrastructure necessary to enable the implementation of the masterplan, including not only the bridge and link but also the land for the new schools, energy and waste provision. The developers of Himley Village and other parts of the master plan area that are not under the control of A2D will be able to connect to and derive benefit from the key infrastructure but only on terms that prior to implementation they pay to the Council their fair contribution to the cost of that key infrastructure, which will be reimbursed to A2D. The grant of permission for Himley Village without such enforceable arrangements in place would jeopardise the implementation of the masterplan.

In response to the submissions by Turley on behalf of the applications relating to housing delivery, the following comments are made:

- Turley seek to argue that due to delays in the rate of delivery at the Exemplar, and in the absence of the grant of permission for applications 1 - 14/01384/OUT and 2 - 14/01641/OUT, that there is 'headroom' in the 900 capacity agreed with OCC before the bridge and link is put in place. Put simply, if this capacity is allocated to A2D in respect of applications 1 and 2, A2D will not build quickly enough to maintain supply in advance of the bridge. The proposed solution is to allow 680 homes to come forward at Himley Village in advance of the bridge and link which can be fast tracked as they will be constructed in a modular form with a factory coming on stream, adjacent to the site (details of permission and construction not provided) which in order to be viable requires 680 dwellings.
- As referred to above, the current proposal for the construction of dwellings in advance of the bridge delivery is to achieve the first phase, beyond the exemplar, by the end of 2021. It is A2D's intention to build out the Exemplar and the first 507 on Application 1 in tandem.
- A2D have instructed Peter Brett Associates to progress the design and approval of the bridge through the GRIP process. A2D are working in partnership with OCC and CDC to conclude the process with Network Rail to facilitate the delivery of the tunnels within the masterplan. This work is at an advanced stage and is ongoing with an anticipated delivery of the tunnel for Christmas 2019.
- Subject to the satisfactory grant of permission (e.g. the apportionment of the 900 capacity to A2D), then A2D will not only seek to secure consent and funding for the bridge and link (and other elements of the key infrastructure) but will deliver as such in accordance with an agreed programme.
- The exemplar phase already benefits from permission without any restriction on occupations. Even if Turley were correct in their assumptions, the available capacity (on the basis of the 900 OCC dwelling threshold before the bridge is in place) is 507.
- The applicant's reliance upon modular construction is noted. It would be useful to see details for the construction/ fit out, consenting programme for the new factory as well as associated labour force and how this relates to the commencement of works. If this is material to the consideration of the application, then the permission will need to secure the use of such modular construction. It is argued that the apportionment of 680 dwellings pre-bridge is required to render the scheme

financially viable. If this is an enabling/ facilitating case, then viability information will be required.

- The transport impact assumptions are queried based upon the baseline situation and the modelling work that is undertaken. No assessment is made of impacts on junctions or links elsewhere beyond the Howes Lane/ Bucknell Road junction.
- It is unclear how suggesting that the situation would be satisfactory in 2019 given a different delivery profile is relevant, given that A2Dominion will be developing 900 homes between 2019 and 2021 prior to the link road.
- The technical note suggests there would be headroom in traffic capacity based on their analysis. However, the modelling work by Arcadis showed the junction to be over capacity with 900 homes and this situation was accepted by OCC as an interim solution, on the basis that it facilitates the delivery of the strategic link road improvements by A2 Dominion.
- The proposed phasing of 507 dwellings enables the logical build out of the development in accordance with the masterplan. This enables development to benefit from the proximity to the primary school and local centre provided under the terms of the Exemplar and the extension of that school. It also provides for a logical extension to the bus services and utilities and infrastructure.
- The short point in dispute is the apportionment of the 507 capacity in advance of the bridge.
- This has been agreed to be apportioned to A2D on the basis that A2D has the ability to fund and deliver. This remains the case and the phasing scheme submitted demonstrates that the full capacity will be delivered in advance of the bridge and maintain a logical and consistent flow of dwellings.
- Turley are silent as to any alternative mechanism to deliver the bridge and other elements of the key infrastructure relying simply upon a contribution to the costs.
- If the 507 capacity is not retained as agreed by Committee, to the benefit of A2 Dominion, then A2D will need to rely upon a similar approach. The result being that the bridge will not be progressed and development will stall at 900 across the master plan until such alternative arrangements are put in place by the Council.

5. Response to Consultation

Bicester Town Council: generally welcomes this application but has concerns regarding access on to the Middleton Stoney Road as there appears to be no access point from Himley Village on to the Middleton Stoney Road plus traffic building up in the area causing pressure on the roundabout at Vendee Drive and Howes Lane. The various classes of commercial units are welcomed but it must be ensured there will be no B8 buildings.

A further set of comments received confirm that Bicester Town Council has concerns that the signalling of the junction through the railway bridge on Bucknell Road will cause further congestion at busy times instead of alleviating traffic flows. The Town Council has concerns that this plan and the number of houses proposed is in conflict with the Local Plan, which restricts development to 900 houses prior to the realignment of Howes Lane complete with the railway underpass.

Middleton Stoney Parish Council: No objection to the proposed interim junction scheme. The Parish Council remain concerned as to the realignment of Lords Lane/ Howes Lane (as reported in the February 2016 committee report) and it is considered that this interim proposal may well become permanent. The Parish Council do object to the Middleton Stoney traffic calming proposals for the following reasons:

- The main access to the Himley Village site is on the Middleton Stoney road and so is bound to adversely affect the village. It would be inappropriate for development traffic to access the M40 through Middleton Stoney and so there should be a clear statement of intent that traffic from NW Bicester must access M40 J9 using Vendee Drive.
- There must be a routing agreement in place to ensure that HGV traffic to and from NW Bicester does not use the B430/ B4030 junction in Middleton Stoney.
- Vehicles often use the village as a diversion route and so mitigation measures for the village must recognise this fact to reduce the level of rat running, particularly HGVs. A northbound weight limits on the B430 for HGVs should be imposed.
- A study of traffic impacts should focus on a complete picture of all new developments in and around Bicester that are set out within the Cherwell Local Plan. The document seems to have adopted a piecemeal approach concentrating on the impact of the Himley Village development only.
- It is unclear what the kerb radii tightening is meant to achieve if it still ensures that HGVs can turn left to Oxford when approaching from Bicester on B4030. It is considered that the level of traffic turning left at this junction when approaching from Bicester is modest when compared to traffic which carries on towards Enstone on the B4030 or turns right towards J10 of the M40 on B430 and where kerb radii tightening would not achieve anything.
- The proposals for traffic calming and speed reduction are appreciated and it is considered that some are viable. However, the impact of traffic when considering the bigger picture of all development, means that it is necessary to consider a more comprehensive suite of measures than those proposed and the Parish wish to be involved with discussions with OCC. Local knowledge must be used alongside desktop modelling.

Chesterton Parish Council: Main concerns are the increase in traffic and the comment that 50% of trips by sustainable modes (cycling and buses) is laudable but will not be implemented in practice. This needs to be enforced, not simply agreed.

Cherwell District Council:

Ecology: The latest amendments (the addendum to the environmental statement) do not have an ecological aspect or reference to biodiversity therefore no further comments at this stage.

Landscape: Orchards need further consideration. Questions posed in relation to the pedestrian underpass rail crossing.

Environmental Protection: The findings of the Waterman report of October 2016 are agreed with relating to noise and there are no further comments over those already provided.

Waste and recycling: Sufficient provision for waste and recycling storage is required as well as a S106 agreement to secure contributions for waste infrastructure.

Oxfordshire County Council:

Strategic comments which provide a summary are provided below. Detailed comments are used to inform the assessment in this report and are available in full through the Council's website.

08/11/2016

This consultation response addresses the additional information submitted in October 2016 which proposes interim junction works and to bring forward the Himley development ahead of the tunnel and realigned road. All points raised in OCCs previous consultation responses dated 16 October 2015 and 20th May 2015 still apply, other than those addressed in the individual team responses within the document.

OCC has a transport objection to the developer's proposal to bring forward the entire development ahead of delivery of the strategic road link (Howes Lane Realignment) and tunnels under the railway. On the basis of the information submitted and on further technical work commissioned by OCC, no development at Himley Village should take place until the tunnel and realigned road are in place.

Specific transport reasons for objection are:

- Because of the methodology used to take account of traffic using unsuitable routes in the model such as Shakespeare Drive, the TA Addendum does not demonstrate that the interim mitigation proposed at the junction of Howes Lane/Bucknell Road/Lords Lane will be sufficient to avoid a severe impact at the junction by 2024 if the strategic infrastructure has not been delivered by then. OCC is also concerned over the longer term ability of the interim scheme to mitigate the development if the strategic infrastructure does not come forward.*
- Because of the level of detail of the design work carried out, the applicant has not fully demonstrated the feasibility of the scheme.*

Further transport concerns are as follows:

- Potential impact on the delivery of the key strategic infrastructure for NW Bicester.*
- The proposed interim scheme has weaknesses in terms of pedestrian/cycle provision which it may not be possible to overcome through further design; or, in addressing them, the capacity benefits may be eroded so that the scheme is ineffective.*
- Vehicle tracking issues mean that at best, adjustments could be required that would erode the additional capacity provided by the scheme, or that the scheme could be deemed unsafe even after the next stage of design, fail a technical audit and not be granted a S278 agreement.*
- Concern over deliverability of crucial key walking/cycling routes as they cross land outside the applicant's control*
- Concern over walking distances to facilities in advance of key on-site facilities being delivered.*
- Location of proposed bus turning area.*
- Inconsistency with the North West Bicester masterplan/Supplementary Planning Document, Cherwell Local Plan (Policy Bicester 1), and with the basis of decisions on other planning applications, particularly in relation to the triggers and phasing for site-wide infrastructure.*

If the Himley development were to go ahead early, additional Education requirements would be as follows:

- Earlier delivery of the primary school*
- A financial contribution will be required towards off-site temporary classrooms to provide early secondary school pupil places generated by the development (a temporary classroom for 30 pupils costs c. £0.25 million) would be required if this*

development is delivered ahead of the planned new secondary school within application 14/01641/OUT,

- Until it is confirmed that the planned secondary school within application 14/01641/OUT will be constructed, this development site will need to protect a fully serviced secondary school reserve site of 5 ha. The site must be free from encumbrances and delivered in accordance with Oxfordshire County Council requirements.*
- If the planned secondary school within application 14/01641/OUT is not constructed, this development will need to provide funding for a 600 place zero carbon secondary school, which is approximately £15,931,575 (1Q14).*

OCC Bicester Members also have the following concerns:

- Capacity issue with the use of existing Howes Lane: Members report that at times this road is already at capacity and would not be able to take additional traffic from the Himley development. If the Albion Land site were to come forward this would only exacerbate the capacity problem. The strategic infrastructure (tunnel and realigned road) should be in place before this development is allowed to proceed.*
- There should be a restriction on HGVs turning right onto the B4030*

10/11/2016

Based on the information submitted by the applicant and on further technical work commissioned by OCC, our overall assessment is that no development at Himley Village should take place until the tunnel and realigned road are in place.

With regard to theoretical modelling work alone, although there are inherent uncertainties in the level of background growth (which has been based on trajectories in the Annual Monitoring Report), we recognise that the additional work commissioned by OCC indicates that the proposed interim junction operates within acceptable capacity at 2019 with 485 dwellings at Himley Village (para 3.1.16 of the technical report appended to OCC's consultation response). However, after 2019 the junction is over capacity and at this stage there is no certainty that the realigned road and tunnel will be delivered by then. In these circumstances, the interim scheme could not be considered adequate to mitigate the impact of the development after 2019.

Additionally, the feasibility of the interim scheme (in terms of being both safe for all road users and providing sufficient traffic capacity) has not been fully demonstrated and OCC have serious doubts as to whether this will be possible. The scheme has weaknesses in terms of pedestrian/cycle provision which it may not be possible to overcome through further design; or, in addressing them, the capacity benefits may be eroded so that the scheme is ineffective.

OCC recommended that should the application be reported to Planning Committee (December 2016), it should be subject to a number of points requiring further work before planning permission is formally granted.

01/12/2016

The following comments were made on the basis of the a submission in November 2016 which included a general arrangement drawing, a TA Addendum response, drawing number 1665/75/300 and accompanying swept path analysis, which was prepared on the basis of a topographical survey, as requested, to determine whether the scheme was feasible. The topographical survey resulted in a need for changes to the layout, including increases in carriageway width to accommodate large vehicles. A number of concerns are raised and the considered view is that the interim scheme is not acceptable in highway safety terms for the following reasons:

- There is a pinch point in Howes Lane where the footway has been made only 800mm wide. This is too narrow and pedestrians would be hemmed in by the close boarded fence at the back of the footway. This is also on a bend and there is a risk of users meeting head on with consequent safety risk. This is also a barrier for disabled and some elderly pedestrians. This section of footway does not have a high footfall but it is the only access for pedestrians to the Avonbury Business Park.
- There are other changes which would be detrimental to pedestrian safety including the loss of a sort section of footway on the SW side of the Bucknell Road adjacent to the bridge abutment, the position of pedestrians crossing the junction, the lack of the full intervisibility zone.
- Concern over the position of traffic signal heads and signage.
- Concern over the vehicle tracking, which would interfere with the efficient movement of traffic at the junction and dilute the capacity benefits that the scheme may offer.
- Potential concern over pedestrian safety and possible damage to centre islands/ signal equipment and the bridge itself should vehicles have any kind of overhang.
- The carriageway is moved to within 700mm from the bridge abutment. At this point there is uncertainty over whether Network Rail would give permission for the kerblines to be so close to the bridge structure due to the risk of damage.
- If this design were to come forward as a S278 scheme, the Road Agreements team doubt that the Highway Authority would be able to give technical approval. Amendments to address the concerns would reduce the capacity of the junction.
- It is felt that whilst the scheme provides refuges at the signals to allow pedestrians to cross, the pinch points and loss of footway result in an overall deterioration in conditions for pedestrians. It not only causes safety concerns but is at odds with policy to encourage sustainable travel and Bicester's Healthy New Town ambitions.
- There is no identified need for safety improvements and so OCC does not have a duty to address safety concerns with the existing junction arrangement.
- The change to the design proposed via this submission would result in a reduction in capacity and require the modelling to be re-run.
- The revisions result in the carriageway and vehicle movements in close proximity to the garden fences of properties backing onto Howes Lane and the loss of some small trees.

15/12/2016

Concerns made under the following headings:

Pedestrian Facilities:

- Concern over the pinch point on Howes Lane in terms of pedestrian safety remains
- Concerns remain over the safety of pedestrians crossing Bucknell Road at the proposed crossing point; in particular west to east the new layout does not result in an improvement for pedestrians. There would be a restricted view of southbound Bucknell Road traffic until close to the kerb. It is agreed that the intervisibility zone to be provided appears to comply with standard. It is agreed that the scheme could create more gaps in the traffic for pedestrians to cross, however the introduction of signals (without pedestrian phases) will change driver behaviour and patterns of accelerating and decelerating, making movements less predictable to the pedestrian, who will not be able to see or make sense of the various signal phases. This could introduce hesitation or over confidence in pedestrian decision making, which could be particularly hazardous at this location due to there being no refuge.
- The report asserts that the proposed interim mitigation scheme represents an improvement over current conditions for pedestrians at the junctions. It is agreed that the introduction of refuges would provide some benefit to pedestrians, although as they are narrow, they do introduce the risk of overhanging pedestrians with bikes or

prams being clipped due to the tight tracking. Concerns about the crossing of Bucknell Road between Howes Lane and Lords Lane are reiterated.

- The overall view is that it is still considered that the scheme with the additional footway is detrimental to pedestrian safety.
- It is not agreed that OCC has a common law duty of care to address existing highway deficiencies. If OCC were to proceed to approve and essentially construct (authorised works by a developer would equate to highway authority construction) highway works of a deficient design, and an accident occurred, there may be grounds for a successful claim against the highway authority. It is for this reason that the Highway Authority are reluctant to agree to a scheme that, in their professional opinion, has a negative impact on road safety. The current layout operates safely with an exceptionally low number of reported injury accidents and there is no reason to suppose that intensification of use will lead to increased safety risk.

Signal equipment and traffic signs

- It is likely that the position of signs can be worked around in terms of fitting them into highway areas. OCC are not convinced by the reports assertion that footway widths could be increased to address the concerns.

Vehicle tracking issues

- The submitted report acknowledges that there are issues with tracking but concludes that there is scope and space within the limits of the public highway for further refinement of the layout to address these issues. OCC are not convinced and believe that the scheme could fail technical audit at S278 stage.
- The submission dismisses the problem of tracking issues for large vehicles passing one another, OCC consider that as this is an A classified road, in an area likely to experience significant construction traffic and general traffic growth, that large vehicles needing to pass one another will be a common occurrence. The scheme does increase carriageway space; however the signalisation would reduce the flexibility of drivers to negotiate the road space between themselves as they currently do.
- The proposal to use vehicle containment kerbs reinforces the fact that there could be issues with the design and that vehicles need to be constrained to prevent damage both to the highway and to other road users.
- It is not accepted that the risks identified would be mitigated by the low pedestrian footfall, which will in any case increase over time.

Increased proximity of carriageway to railway bridge

- The document states that the risk of bridge strikes due to the carriageway moving to a position only 700mm from the bridge structure would be mitigated by the use of containment kerbs. This would need approval from Network Rail and there is no suggestion that Network Rail have been consulted. The feasibility of the scheme could depend on this approval. The bridge has been struck in the recent past and Network Rail will be reluctant to approve anything that unacceptably increased the risk given the serious disruption it can cause to rail travel.

Lane Lengths

- The document acknowledges that the changed lane lengths in the new design could affect capacity but that the lane length can be reinstated to that of the previous design on Howes Lane whilst also providing the additional footway on the north side. Modelling would be required.
- The latest design has not been re-modelled in LinSig and the OCC traffic signals team have reviewed the design and found that there would be some slight changes needed to the LinSig parameters to reflect the differences in turning radii.

Impact on properties in Howes Lane

- The submission acknowledges that the interim scheme would bring vehicles closer to the existing gardens and fences that back onto Howes Lane. Noise, vibration and air quality impacts would need to be considered by the LPA. A noise impact assessment would be required at S278 stage. The changed way traffic moves through the junction could impact air quality.

Conclusion:

- *Overall, the proposed interim scheme has a negative impact on road safety*
- *Proposals have been made to address some of the deficiencies, but these would need to be demonstrated through a further iteration of the design.*
- *The concern over the crossing point under the bridge has not been addressed*
- *Assurance would be needed that Network Rail are content in principle with the scheme.*
- *OCC recommend that the above points are addressed prior to a planning decision being made. As it stands, given the constraints, we are still uncertain as to whether the scheme could be redesigned to meet S278 technical approval. Therefore if required by condition or obligation prior to occupation it may not be possible to discharge, thus preventing occupations from going ahead.*

09/01/2017

This consultation response updates OCC's response of 08 November 2016 which addresses the proposal for interim junction works and bringing forward the Himley development ahead of the tunnel and realigned road. All points raised in OCCs previous consultation responses dated 08 November 2016, 16 October 2015 and 20th May 2015 still apply, other than those addressed in the individual team responses within this document.

Additional information was received from the applicant on 21 December 2016 which sought to overcome concerns previously raised by OCC regarding the proposed mitigation scheme of traffic signalisation at the junction. In response to this information:

- OCC maintains its objection to the proposed interim scheme because the submission does not demonstrate that previously identified problems can be remedied. Space at the junction is so constrained that it would not pass a technical and safety audit and as a result the interim scheme is not feasible. Full details are set out in the Transport response below.
- With regard to road network capacity, advice from OCC's consultants is that the latest changes to the proposals would not have a significant impact on the capacity.
- OCC maintains the transport objection to the developer's proposal to bring forward the entire development ahead of delivery of the strategic road link (Howes Lane Realignment) and tunnels under the railway because this would result in a severe traffic impact at the Howes Lane/Bucknell Road/Lords Lane junction.
- OCC also wish to reiterate that it is critical that the tunnel and realigned road scheme are delivered and that the applicants are required to commit to paying their share of this strategic infrastructure.

OCC recommend that no development should take place before the road and tunnel are in place. However, if members of CDC's planning committee are minded to grant planning permission this should be subject to agreed phasing that is linked to the delivery of the road and tunnel.

03/02/2017 (in response to a technical note submitted on the 01/02/2017):

- OCC welcome that P3 Eco are now concentrating on the delivery of the tunnel and realigned road to unlock a key capacity constraint – the county council as Highways

Authority sees this as the critical piece of transport infrastructure that the NW Bicester masterplan area needs to deliver.

- OCC reiterate that the agreed trigger point for the critical infrastructure being required is 900 houses and 4 hectares of employment land. Based on their modelling work, which OCC have not fully signed off but which is in part based on the recently updated Bicester Transport Model, P3 Eco has shown that the traffic impact (in terms of numbers of vehicles) of this quantum of development, assuming all the housing to be north of the railway, would be greater in 2021 than in the original scenario of 2024 on which the trigger point was based. This makes it all the more important that we do not increase the trigger point overall.
- Placing a restriction on A2D to restrict them to less than 900 homes north of the railway including the exemplar site, would jeopardise their ability to secure the funds to deliver the strategic infrastructure (strategic link road and tunnel) which is vitally important for the whole of Bicester, and without which it would not be possible to deliver the NW Bicester strategic site.
- OCC support the principle that, subject to a S106 being in place that secures the funding for the tunnel and realigned road, the Himley Village planning application could take up any slack in the delivery of the 900 houses (although it is assumed that replacing employment delivery with further housing would not be a preference). We also accept that development south of the railway has a lesser impact on the critical junction than development to the north. However, the problem arises in recommending individual conditions which restrict the amount of development that can come forward before the tunnel: to protect against severe transport impact the caps should not add up to more than 900 homes plus 40% of employment, but for commercial reasons the developers need to demonstrate the possibility of delivering more, whether or not they actually could.
- Based on advice received from CDC regarding possible development trajectories for the NW Bicester application sites, we share the district council's view that there is likely to be considerable slack, and also that the Himley Village development would, in practice, be developed out more slowly than they claim it can be. Between an optimistic and a realistic scenario, there is significant risk that traffic flows at the critical junction would be higher than the 900 homes plus 40% of employment scenario, creating a temporary severe impact of congestion and unsuitable routing of until the tunnel is delivered. During this time there would be the additional burden of large volumes of construction traffic on the town, although we would seek wherever possible to route this away from the critical junction.
- Whilst allowing any development at Himley Village prior to the tunnel would mean an increase over the 900 trigger point, reducing the amount allowable at Himley Village to a lesser sum than 680 would go towards mitigating the risk. However, at the moment there are too many unknown factors to recommend what that lesser sum might be: we have no confirmed delivery date for the tunnel and no certainty of trajectories, which could vary considerably. It is worth pointing out that we have no evidence of delivery rates for modular housing.
- The Highway Authority needs to protect the road network and recommend a course of action that does not jeopardise the delivery of the critical infrastructure necessary for Bicester's transport network, so whilst we understand the benefits of bringing more employment to Bicester through a modular housing factory, we cannot recommend that 680 homes are permitted to be built at Himley Village prior to the tunnel.

Other External Consultees:

Historic England: The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Network Rail: No further comments to add to their original submission (summarised in the February 2016 report).

6. Relevant National and Local Planning Policy and Guidance

6.1 The range of relevant National and Local Policy and Guidance is provided at paragraphs 4.1-4.10 of the February 2016 Committee report. All documents and policies identified remain relevant, however there is one update as follows:

6.2 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 NW Bicester SPD was adopted by the Council on Monday 22 February 2016. The SPD is based on the A2Dominion master plan submitted in May 2014 and seeks to embed the principle features of the master plan to provide a framework to guide development.

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.

7. Appraisal

7.1 As described, the full range of relevant considerations, as well as the appraisal of each matter is included within the February 2016 Committee report. This report therefore seeks to provide an update to Members in relation to the specific matters that were the reasons for deferring the consideration of the application in February 2016. In these terms, the relevant matters are:

- Transport and the deliverability of the proposal;
- Affordable Housing;
- Clarification over matters relating to bus stops, play areas, the response from Network Rail and the proposed sports pitches and associated facilities.

Transport and deliverability of the proposal

7.2 The first matter to be discussed in this report is the issue of transport. Before providing an overview of the proposed interim scheme and the issues surrounding this, Officers consider it necessary to provide an overview to Members of the position taken with regard to Transport considerations to date.

Background

7.3 As Members will be aware, there has been recognition for a number of years 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. These improvements are required for planned growth around Bicester, including North West. Policy Bicester 1 identifies that a key infrastructure need will be the need for *proposals to include appropriate crossings of the railway line to provide access and integration across the North West Bicester site. Changes and improvements to Howes Lane and Lords Lane to facilitate integration of new development*

with the town. This requirement has been incorporated within the Masterplan for the site, now established within the North West Bicester Supplementary Planning Document (February 2016). The SPD identifies the provision of a new tunnel, to the west of the existing, 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, is the realignment of the existing Howes Lane, from the Middleton Stoney Road roundabout to the new underpass. This work provides the necessary transport capacity and has further benefits in terms of its design, including incorporating footpaths, cyclepaths, sustainable drainage, avenue planting and crossings as well as improving the living conditions for existing residents that back onto Howes Lane by realigning the road away from their rear fences. Planning permission has been resolved to be approved for the development to provide the tunnel and realigned highway infrastructure under application 14/01968/F.

- 7.4 Given the constraints of the existing junction, Oxfordshire County Council (OCC) have advised that there is a limitation on the number of additional traffic movements through the junction before it fails to adequately function. This capacity was identified through work undertaken by Hyder Consulting (now Arcadis) in relation to application 14/01384/OUT (an application at NW Bicester for development to the north of the railway line) in December 2014. This work used the Bicester SATURN model and traffic modelling results for a Local Development Plan Interim Year of 2024 (which therefore factors in expected growth by 2024 on a number of allocated sites for housing and employment around the town). The work concluded that at 900 homes at NW Bicester, the Bucknell Road/ A4095 Howes Lane would be over capacity but that the capacity issues would not be significantly worsened compared to the situation consented for the Exemplar but that beyond this, there would be a severe impact upon the existing junction until the new infrastructure were in place. It is on this basis that the capacity for development at NW Bicester in advance of the strategic road infrastructure has been determined, which has been equated to 900 dwellings (including 393 already permitted on the Exemplar site) and 40% of the proposed employment land.
- 7.5 Given this restricted level of development available across the Masterplan site, in advance of the new transport infrastructure, Officers have given consideration to how this capacity could be used taking into account the following criteria: how could the capacity be used by development best able to deliver the necessary tunnel, what development could be achieved whilst still meeting the policy requirements for being sustainable and whether the development is deliverable. The highway infrastructure is critical to the development of NW Bicester beyond the capacity agreed above.
- 7.6 A2 Dominion is the applicant for three applications across the masterplan site – 14/01384/OUT (2600 dwellings), 14/01641/OUT (900 dwellings) – both including associated infrastructure and 14/01968/F (for the realignment of Howes Lane and the tunnel). A2 Dominion also produced the Masterplan for the site and commissioned the technical reports that were used to establish the Masterplan. In relation to the highway infrastructure and tunnel, the planning application submitted by A2 Dominion has been negotiated, such that it now has a resolution to approve. In terms of the delivery of the tunnel and realigned road, A2 Dominion has sought funding through the Homes and Communities Agency. This would be in the form of a loan, of which A2 Dominion would look to share the cost of the provision across the NW Bicester development based upon the amount of residential development in each application (legal agreements would be required to secure the necessary contributions from other application sites to ensure their proportionate contribution to the infrastructure and to

enable A2 Dominion to take the risk in terms of taking out a loan). The provision of the tunnel also requires technical approval from Network Rail and this is known as the GRIP process. The GRIP process will also confirm the costs in terms of construction as well as the cost of what Network Rail term 'shared value' and the cost of any future liability that may be incurred as a result of a new structure under the railway line. The GRIP process has commenced and it is expected that Phase 1 will be complete Spring 2017 such that by then, costs will have been established, any issues with regard to the design will have been highlighted and greater certainty around when the tunnel could be delivered would be gained.

- 7.7 Based upon the above, Officers consider that there is a route to deliver the road and tunnel and that good progress has been made in moving this forward with Network Rail by A2 Dominion. Therefore, by allocating early development, within the identified capacity on application site 14/01348/OUT submitted by A2 Dominion, this would aid in supporting the delivery of the necessary highway infrastructure. Additionally, by restricting the 507 dwellings to be constructed adjacent to Elmsbrook, there would be advantages in terms of access to facilities, services and the transport links such as footway, cycle links and the bus service allowing the development to meet the policy requirements for being sustainable. Officers also understand that 507 dwellings in this location are deliverable. On this basis, Officers have worked to advise Committee that the available capacity, in terms of the number of dwellings available in advance of the highway infrastructure, would be most suitably accommodated on the application site north of the railway line (14/01384/OUT) providing progress is made in terms of the GRIP process so that development across the site is not stalled. For completeness, Officers have advised committee that some of the development on land to the south east of the site (the land set aside for employment purposes) (application 14/01675/OUT) could benefit from the trips allocated to the equivalent of 40% of the employment land. This application includes land that is critical for the delivery of the realigned Howes Lane. In addition this area of land is adjacent to the existing western edge of Bicester therefore the services and facilities to the west of Bicester are within a reasonable distance and therefore accessible by walking and cycling. Application 14/01675/OUT was refused at Planning Committee in June 2016 therefore the capacity identified that would be equivalent to the 40% of the employment land is not yet committed through a resolution to grant planning permission but should a scheme for employment development and/ or housing be approved on that site, Officers consider this would be appropriate for a level of that to proceed early given that site includes land required for the realigned road and which is close to the existing town as described. It has therefore been the case that development identified elsewhere, including the A2 Dominion applications (beyond the first 900 dwellings – including 393 at Elmsbrook) would be recommended to be controlled by Grampian conditions and/ or legal agreements to restrict development until such time that the road and tunnel are in place.
- 7.8 The applicant for Himley Village advises that the Hyder assessment using the SATURN model was based upon development across the entire Masterplan site with some of the 900 units south of the railway (408 units) and some to the north (494 units – including 393 units at the Exemplar). This forms the basis for the impact of the development on existing junctions. The applicant advises that based upon outputs from the Bicester SATURN model, development to the south of the railway introduces proportionately less traffic to the congested Howes Lane/ Bucknell Road junction than development to the north. The applicant therefore considers that positioning 900 homes to the north of the railway will have a greater impact upon the junction than has been modelled and that decisions have therefore been taken without the full impact

being known. Oxfordshire County Council however does not raise an objection in relation to the location of development agreed in advance of the road infrastructure, recognising the support that early development should bring to the delivery of the critical road infrastructure. Oxfordshire County Council have however accepted that development to the south of the railway would be likely to have less impact upon the junction due to less vehicles heading north through the route.

- 7.9 Overall, Oxfordshire County Council raised no objections to the Himley Village application when it was previously reported subject to conditions and completion of a satisfactory S106 agreement applicable to the application site and broader North West Bicester site. This is on the basis that development is restricted on the site by way of a Grampian condition until such time that the road and tunnel are in place given the robust position taken in relation to the limited available capacity in advance of the provision of this infrastructure. This position has now moved on as can be seen within the responses of Oxfordshire County Council as the Highway Authority summarised earlier in this report and explained in the following sections.
- 7.10 This position was reported at the February 2016 Committee and based upon the suggested use of a Grampian condition, Members deferred the application for further consideration as to the use of such a condition. The applicant is also aggrieved by the suggestion of a Grampian condition due to the restriction it would place on early delivery.

Interim scheme

- 7.11 Since the February 2016 Committee, matters have moved on further and specifically, the applicant has carried out detailed work in an attempt to respond to the capacity issues so as to allow development to commence on the Himley Village site whilst negotiations continue with Network Rail. In October 2016, the applicant formally submitted a proposal which involves the provision of an interim highway scheme at the Howes Lane/ Bucknell Road/ Lords Lane junction. The scheme would involve the removal of the Bucknell Road/ Lords Lane roundabout, the introduction of traffic signals to both the Howes Lane and Lords Lane junctions with Bucknell Road linked by a single signal phasing plan (albeit with no specific pedestrian phase), other associated alterations including the relocation of the existing Lords Lane junction to the north and its realignment to provide additional storage for vehicles between the Lords Lane and Howes Lane junctions. The proposal would also involve the introduction of footways, crossings and pedestrian refuges. A pedestrian footway link further along Howes Lane is also proposed to enable sustainable transport options at the early stages of the development, all be it that this link is outside of the applicant's control. The addendum includes an updated transport assessment to support the interim proposals, drawings showing the interim scheme and swept path analysis, a Stage 1 Road Safety Audit and detailed outputs from the modelling work. The submission purports to provide sufficient additional capacity to provide for the whole of the Himley Village site to be developed in advance of the provision of the permanent infrastructure. Following initial comments from the Highway Authority, there have been a number of further submissions from the applicant in the form of technical highway notes and responses from the Highway Authority, all of which are available in full via the Council's website.

Feasibility of the interim scheme at the Lords Lane/ Bucknell Road/ Howes Lane junction

- 7.12 The proposed interim scheme raises 2 issues; firstly whether there is sufficient width within the highway to provide the scheme in a form satisfactory to the highway authority and secondly how much additional capacity the scheme would release and over what period and how this relates to the number of additional dwellings that could be accommodated.
- 7.13 The applicant's initial submission showing a proposed interim highway scheme and an accompanying Stage 1 Road Safety Audit was assessed by the Highway Authority. The response advised that the level of detail of the design work carried out at that stage was not sufficient to demonstrate the feasibility of the scheme. A number of technical concerns were also raised, and further it was considered that in the process of these being resolved, there could be reductions in any such additional capacity that could be provided. The technical concerns relate predominantly to weaknesses in terms of pedestrian/ cycle provision and vehicle tracking due to issues around the carriageway space available resulting in narrow pavements and carriageway widths.
- 7.14 On the basis that the initial submission drawings had been based upon OS data, it was recommended that a topographical survey be undertaken to enable the proposed interim junction arrangements to be overlain in order to assess whether the scheme is feasible in terms of fitting within the space available within the highway.
- 7.15 The topographical survey was subsequently completed and used to inform a further iteration of the design, which responded to the topographical data and the issues, raised by both OCC and the Stage 1 RSA. This was further assessed by the Highway Authority and further detailed concerns were raised. Subsequently, there has been ongoing correspondence in the form of technical highway notes and responses from the Highway Authority which are detailed and available in full via the Council's website. Essentially the Highway Authority continue to object to the interim scheme advising that it would have an overall negative impact upon road safety and that OCC are not convinced that the scheme could achieve a technical S278 approval. Given this is a scheme within the existing public highway, a S278 is crucial and without this, the scheme could not progress.

Highway Capacity

- 7.16 Given the above, it is unclear whether there is an achievable interim highway scheme or, if there is, what capacity it is likely to provide given that any alterations to the scheme, in order to achieve technical S278 approval could reduce any additional capacity that is established.
- 7.17 The applicant has submitted a transport assessment to support the interim scheme (based upon the October 2016 submission). This models a level of development at NW Bicester (including the Exemplar, 507 dwellings on the application 1 site area – 14/01384/OUT, the whole of Himley Village – 1700 dwellings and a proportion of employment floor space) to test the impact of development at 2024. The addendum concludes that the junction remains within capacity with levels of queuing comparable to those agreed in the 900 home scenario and with allowance provided for an additional 1700 homes for no worsening in congestion. The report also suggests that the interim scheme would provide spare capacity for at least an additional 16% of traffic above the 2600 homes development scenario.
- 7.18 With regard to the level of capacity offered by the Interim Scheme, OCC have commissioned WYG to advise on the trigger point at which the interim scheme can no longer accommodate traffic growth in the area. The work concludes that the proposed interim scheme would not

work in 2024 with background growth plus the phased development at NW Bicester contrary to what the applicant's work suggests. The WYG assessment suggests that for the most likely background development scenario, the junction scheme operates within acceptable capacity at 2019 but is over capacity after this. The 2019 assumption is equivalent to 485 dwellings at Himley Village. It is therefore concluded that given the relatively short timescale that the interim scheme would be on the ground before alternative highway improvements would be required, it is considered that the interim scheme is unlikely to offer sufficient benefits to allow development to commence at Himley Village. OCC have also confirmed that changes required to the interim scheme to make it feasible, would likely reduce its capacity still further. OCC also raised concern in relation to the potential for vehicles re-routing onto less suitable cut through routes.

- 7.19 This work has however established that the critical year in terms of the capacity of the junction is 2019 based upon the tested scenario which includes 393 dwellings at the Exemplar, 507 dwellings on the application 1 site, 485 dwellings at Himley Village and development on the Albion Land site equivalent to 40% commercial movements as well as background development assumptions considered the most likely scenario by 2024. It is at this point that the junction would be over capacity if development is provided at the level predicted.

Environmental Statement

- 7.20 Due to the submission of updated information to support the application, the applicant has provided an addendum to the Environmental Statement. The addendum assessment finds that with regard to transport, the overall magnitude of the effects remains similar in the 2024 interim scenario and the completed mitigation scenario, once mitigation is taken into consideration. The likely residual effects of the 2024 Interim Scenario range from minor adverse to minor beneficial. The effects of the completed development scenario remain as set out in the 2014 ES due to no changes having been made. With regard to noise, the addendum finds that the change in road traffic noise levels for the 2024 interim scenario as a result of the proposed development is predicted to be comparable to those predicted for the completed development. With regard to air quality, the changes proposed would mean that the air quality effect of the development is insignificant. Overall, it can be concluded that the proposal to include an interim junction scheme does not result in significant environmental impacts over and above those identified for the completed development and which are to be mitigated for.
- 7.21 Notwithstanding the above conclusions reached by the applicant, OCC have raised some concern in relation to the level of congestion at the existing junction and the likely rat running that could result through less suitable routes and the ES does not reflect this. The ES addendum relates to the proposed interim scheme and as this scheme is not part of the current proposal (explained later in this report); the conclusions of the main ES remain relevant in relation to the scheme put before Members for consideration. Officers generally consider the conclusions of the ES to be adequate for the purpose of considering this application.

Capacity at the existing junction

- 7.22 Taking into account the continued objections of the Highway Authority in relation to the interim scheme, the applicant has looked at delivery rates in order to assess the likely level of development that will have occurred by the time the tunnel and road are in place (currently

assumed 2020 based on the tunnel being provided over the 2019 Christmas period). This work has looked at build out rates to determine whether the 900 homes agreed would have been constructed by 2019/20. Their work takes into account historic delivery rates at Elmsbrook, information submitted by Barton Willmore (on behalf of A2Dominion) in relation to delivery of the later phases of Elmsbrook, and assumptions have then been made for delivery of the 507 units and commercial development on the Albion Land site (based upon an optimistic and an alternative scenario).

- 7.23 The applicants have used their work around delivery to predict the level of traffic impact, at 2021, should all the development agreed in advance of the tunnel and road have been delivered to give an indication of the number of vehicles using the junction. This is referred to as the baseline scenario. They have then tested the assumed optimistic and alternative development scenarios (which assume a level of development of the 507 units and commercial development on the Albion Land site but not all of it) with the applicant's first proposed phase of 680 homes at Himley Village. They conclude that in the likely event that the baseline scenario is not achieved by 2019 due to a slower rate of delivery, that the provision of 680 homes at Himley Village would have a less serious traffic impact than the baseline scenario would result in. As such, it is concluded on behalf of the applicants that there is sufficient capacity available, based upon the likely delivery rates for a 680 home phase at Himley Village to be accommodated by the end of 2019.
- 7.24 Barton Willmore, on behalf of A2Dominion has commented upon the applicant's current submission and has provided an update in respect to the timescales for delivery that is currently anticipated by A2D. This is set out under section 4 of this report. Based on this, it is clear that A2D do not intend to commence construction of the 507 dwellings until the start of 2019. That being the case, it is highly unlikely that all 507 dwellings will have been delivered by the end of 2019 (in fact it is anticipated that the full 507 will be delivered by the end of 2021). On the basis that by that time the road and tunnel should have been delivered (on the basis of no unexpected delays), then it can be concluded that there is likely to be headroom within the scope of the 900 dwellings agreed in advance of the road and tunnel for some development at Himley Village.
- 7.25 Officers have also looked at build out rates taking into account the Council's latest AMR from December 2015 and the Trajectory to the Local Plan. Based upon delivery occurring at the rate that all developers have said, more than 900 dwellings could be in place, plus 40% of the employment land. However, Officers consider that the rate of delivery is likely to be optimistic across all the sites at NW Bicester, taking into account the time needed to prepare and service a site, the need for the completion of legal agreements, the demand for development (including commercial) and, in respect to Himley Village, the need to obtain planning permission for a factory, its construction and then the delivery of dwellings ready for occupation.
- 7.26 On this basis, Officers consider it is necessary to continue to allow A2Dominion the ability to deliver 507 dwellings to secure their commitment to the road and tunnel and it is possible that some development could emerge on the employment site, which would enable the delivery of the realigned road. However, what is clear is that delivery rates are unlikely to be such that all that development will have been delivered by the end of 2019. It is very difficult to model rates of housing delivery as many factors influence the rate at which building occurs. It is not possible to quantify exactly what level of development will have been provided, and thus what

level of capacity will be available. However evidence of historic rates of delivery can provide an indication of likely delivery.

Delivery

- 7.27 The ability of the applicant to deliver dwellings early is also an important consideration. There are a number of issues that relate to this and need further consideration as follows:
- 7.28 Firstly, the applicant is working with Consortium Partners to secure a modular factory for the production of modular homes to be utilised on Himley Village. The applicant's agent has advised that the Partner's decision as to whether to bring a factory to Bicester is subject to the securing of a resolution for the first two phases of 680 homes to be delivered prior to the strategic link road and tunnel becoming available in 2020/2021. Discussions are underway in connection with two potential sites for a factory. The intention is for the proposed factory to be made operational for the construction of the first homes to be completed at Himley Village during 2018. The applicant has confirmed that the modular homes are provided with full guarantees and are mortgageable.
- 7.29 Secondly, the applicant has confirmed that their interests in the application site land could be utilised quickly upon the grant of planning permission for development of the land and that utilities can be provided to the site with capacity having been reserved.
- 7.30 Thirdly, the applicant has confirmed that the general thrust of the S106 matters is agreed and that following committee, they would hope to move quickly to the completion of an agreement. This would include an appropriate and reasonable contribution to the strategic infrastructure. As discussed above, matters with Network Rail are progressing such that it is anticipated costs will be established, which is required in order to allow these to be built into the S106 for the site to allow for the completion of agreements during the course of 2017.
- 7.31 In the view of Officers there is, subject to a factory proposal being realised, a reasonable prospect of some development at Himley Village being deliverable in advance of the road and tunnel and before the end of 2019. In terms of timing, there will be significant work to be undertaken in drafting a legal agreement and then time to put together an Urban Design Framework, then Design Codes (including the necessary Design Review), and then latterly reserved matters applications, with the discharge of any necessary planning conditions all before development could commence on site. Site preparation and servicing would also be required prior to the commencement of the construction of dwellings. The implication of delivery at Himley Village in advance of the road and tunnel in highway terms is explained later in this report within the section titled 'Conclusion and recommendation in relation to Highway Matters'.

Sustainability of Himley Village

- 7.32 It is also necessary to consider how the early delivery of dwellings at Himley Village could be delivered in a sustainable way. The development could be the first development south of the railway line and due to its location, it would, in the short term, represent a disconnected parcel of development positioned at its closest point, approximately 350m from the existing edge of Bicester. The following paragraphs will therefore consider the sustainability of an early phase of development particularly with regard to walking and cycling connections and facilities on site.

- 7.33 The applicant proposes the early delivery of walking and cycling routes and has identified two key connections, which reflect links that would be required as part of the wider masterplan. The northern most link would be a traffic free walking and cycling route that would be delivered in Phase 1. Given that the existing Howes Lane would remain in use then there would be a requirement for a toucan crossing on Howes Lane to connect the new walking and cycling route with the existing town. The delivery of this route would require the agreement of the Thames Valley Police Authority who own the land at an earlier stage than predicted by the Masterplan. A second interim connection would be provided along the northern side of the Middleton Stoney Road in line with the Masterplan; however, this link may need to be delivered within the highway boundary in the absence of development on the Albion Land (commercial site) and would involve the existing ditch being culverted due to the restricted area available. This connection is also proposed to be delivered in Phase 1 and would also involve a crossing of Howes Lane to connect to the rest of the town.
- 7.34 The Highway Authority have raised some concern with regard to the deliverability of key walking and cycling routes due to them crossing land outside the applicant's control, as well as the distances between the site and existing facilities in advance of key on site facilities being delivered. Whilst concerns over deliverability are understood, it will be for the applicant to ensure that matters that are required to be delivered early and which will be sought and secured through the S106 agreement can be provided as required. The delivery of these matters would be linked to the occupation of dwellings and therefore occupations would be restricted in the event that the pedestrian/ cycle links could not be delivered. It is also important to note that the provision of toucan crossings over the existing Howes Lane would result in the need for the reduction in speed limit and the removal of vegetation to provide forward visibility.
- 7.35 The developer also proposes a bus strategy in the interim period, in advance of the development of the strategic link road and the proposed bus route that will eventually serve the area of the site to the south of the railway line. This strategy involves the provision of new bus stops on the Middleton Stoney Road to make use of the existing bus service 25A and the provision of a new bus route that would enter and exit the site from the Middleton Stoney Road in order to provide a bus service for new residents on the site itself at a frequency of a bus every 20 minutes initially. The Highway Authority has confirmed that this level of bus service would be required and that funding to support the service would be required and secured through the legal agreement.
- 7.36 The applicant plans, as part of their phase 1, to provide a range of day to day facilities to support the residents of the site. This includes the school, local shops, offices, health facilities, nursery, a veterinary surgery, hotel and the playing fields. The pub/ community centre are proposed during the second phase of development. This level of facilities was not envisaged on the Himley Village site in the NW Bicester masterplan which proposes a local centre adjacent to the realigned Howes Lane. This local centre forms part of application 14/01641/OUT. The provision of an additional local centre raises a concern that there may not be sufficient trade in the long term to support two local centres. In addition it is important that the centre does not attract uses away from the town centre, undermining its viability and vitality. It is therefore proposed to control the level of non-residential uses by way of planning condition 9, which sets an overall limit of 8,000sqm floor space for such uses of which none shall exceed the types of uses set out in the table within the condition (for example, retail must not exceed 700sqm floorspace).

7.37 The provision of facilities, services and walking and cycling routes is important to enable development on the site to be accommodated sustainably providing basic facilities to meet residents day to day needs without having to drive to other locations and also, where trips to Bicester are undertaken that there are attractive walking, cycling and public transport routes to encourage a modal shift to sustainable modes. This includes in the long term as well as the short term if development is provided at Himley Village in advance of other development. In the view of Officers, careful phasing of the delivery of supporting infrastructure is required in order to deliver what is required at the right time whilst also keeping the development viable. It is clear however that the early delivery of the matters indicated, could support the provision of sustainable development on Himley Village.

Conclusion and recommendation in relation to Highway Matters

7.38 Taking into account the above assessment, and taking into account likely delivery rates, the level of development that will be achieved by 2019, is unlikely to have exceeded the level agreed by the County Council prior to the delivery of the tunnel and road (900 homes and 40% of the employment land) and therefore, on this basis, the traffic impact will be less than predicted at that point. Although it must be noted that this could not be guaranteed if permissions had been granted. There is also greater certainty emerging with regard to the delivery of the tunnel and road, given the scheme is progressing through the GRIP process, which will allow costs to be established and track possession to be booked to allow delivery of the tunnel (restricted to a Christmas period and likely to be either Christmas 2019 or 2020). Further progression through the GRIP process to finalise costs is required in advance of the completion of legal agreements relating to this application and it is anticipated that by the time legal agreements are drafted, greater certainty over delivery for the road and tunnel, including the date for track possession will have been established.

7.39 In these terms, based on the 900 units and 40% employment floor space accepted by OCC, there is likely to be transport capacity available at the critical junction for some development at Himley Village that, in terms of impact, would not exceed the County Council's limit by 2019. The delivery of housing is an important consideration and priority for the Council and allowing a phased commencement of development at Himley Village would support housing delivery in the District and town. There is also the potential to support the provision of a factory in Bicester to allow for the production of modular housing and thus the delivery of housing at a faster pace than normally achieved. However Members should note that this application does not include the factory or guarantee its delivery and therefore this factor should be given only very limited weight in reaching a decision on this application.

7.40 The assessment above has also considered how an early phase of development at Himley Village could be sustainably accommodated. Officers are content that subject to suitable controls by way of planning conditions, legal obligations and careful phasing of the provision of infrastructure, that development could be accommodated on the site in a sustainable way.

7.41 As set out above, the applicant wishes to secure approval for 680 dwellings prior to the road and tunnel being delivered by the end of 2019. The most recent Highway Authority response does raise concern and reiterates the view that the cap of 900 homes plus 40% of the employment should not be exceeded, however the view is expressed that based upon the information available and likely development progress, that there is likely to be some slack in the delivery of housing that could be taken up by development on Himley Village. It is

confirmed that allowing any development at Himley Village prior to the tunnel would mean an increase over the 900 trigger point, reducing the amount allowable at Himley Village to a sum less than 680 would go towards mitigating the risk. OCC do not define what this lesser sum might be given the uncertainties at this stage.

- 7.42 It is therefore recommended that in the circumstance that the development at Himley Village progresses as quickly as predicted by the applicant and that delivery of development across the rest of the site progresses at a 'normal' pace, it is the view of Officers that a first phase of development of 500 homes could be accommodated on the site without a transport impact beyond that already accepted by 2019. This number sits below 680, which as the Highway Authority suggest would help to mitigate the risk, represents a first phase that could be provided by the applicant's intended factory and is just above the 485 dwellings that emerged from the WYG work referred to in paragraph 7.18 (albeit this related to the interim scheme – but if development does not progress as quickly as that work anticipated, provides an indication of the level of development that could be agreed in the view of Officers).
- 7.43 It is therefore the advice of Officers that clauses are built into the S106 agreement that would allow no more than 500 homes to be occupied on the Himley Village site in advance of the provision of the tunnel and road and it being opened to traffic. However, flexibility is also intended to be built in such that in the circumstances that 500 homes have been provided and occupied at Himley Village before the road and tunnel have been provided, but that there is a clear programme for its delivery, that a programme for the phased delivery of further dwellings at Himley Village, might be agreed. This might cover the circumstances which may occur if there is delay in the delivery of the road and tunnel but certainty over the time scales within which it would be provided or delay in the delivery of housing on other parts of the site.
- 7.44 The benefit of this approach is that greater certainty can be provided to the applicant in terms of the delivery of housing on this site, but that it is still fully linked to the delivery of the road and tunnel, which is critical. This also takes the form of a phased delivery of development, with a level of development allowed for in advance of the tunnel and road, which would take advantage of highway capacity thus avoiding severe highway impacts. Beyond the first phase of 500 dwellings, certainty over the provision of the tunnel and road will be required before development could progress further, again, to avoid severe highway impacts.
- 7.45 For the avoidance of doubt, given the inherent uncertainties with regard to the interim highway scheme, both in relation to whether such a scheme is feasible and the level of additional highway capacity it would actually provide, this proposal does not form part of the recommendation.
- 7.46 In the view of Officers, the likely delivery rates (although not guaranteed) across the site could allow for the phased commencement of development at Himley Village in advance of the road and tunnel and providing that this can be delivered by 2019, this would assist in the delivery of housing on an allocated site. As such, it is recommended that the commencement of development be carefully controlled and phased relating to the delivery of the tunnel and road but that a restricted number of 500 homes could be delivered in advance of the infrastructure. Officers would advise however that this position does not remove the commitment to A2 Dominion benefitting from 507 units so as to ensure that their commitment to deliver the strategic infrastructure is not affected. It is also advised that this level of development would also be additional to a level of development equivalent to 40% of the commercial land. There

is a risk that if for any reason the road and tunnel were delayed or build out rates increased beyond those normally achieved, that the 900 dwelling threshold accepted by OCC could be exceeded. This risk relates to increased congestion at the junction and the potential diversion of traffic onto less suitable routes within the area. On balance it is considered that the potential benefits in terms of housing delivery outweigh the risk taking into account anticipated delivery rates.

Affordable Housing

- 7.47 Affordable Housing is discussed at paragraphs 5.43-5.49 of the February 2016 Committee report. The Local Policy requirements as well as the Framework advice are provided. The assessment detailed the discussions that had been undertaken between the applicant and Council Officers at the time with regard to the provision of affordable housing as a 'Rent to Buy' product. The report discussed Officer concerns with this approach and Members were similarly concerned with this approach to the provision of affordable housing. Officers were subsequently advised that the offer of Rent Plus providing affordable housing as the rent to buy model was provided as an option rather than a proposal.
- 7.48 Since the February 2016 Committee, Officers have discussed the affordable housing provision with the applicant. The response received is that the applicant would intend to provide affordable housing in line with the Council's Policy requirement set out at Policy BSC3 and therefore represent a 30% provision (split between 70% affordable/ social rent and 30% as other forms of intermediate housing). Officers would therefore seek to secure this provision by way of the S106 agreement reflecting the Council's normal approach, providing the scheme is viable. The provision of affordable housing is therefore a significant benefit of the scheme. It is noted that the original comments from the Strategic Housing Team (outlined at para 3.9 of the February 2016 committee report) set out the requirements for the provision of affordable housing and that the approach now to be secured through the S106 will meet the requirements set out.

Clarification over matters relating to bus stops, play areas, the response from Network Rail and the proposed sports pitches and associated facilities

- 7.49 With regard to bus stops, additional information has been provided by the applicant as part of their interim proposals indicating the provision of bus stops along the Middleton Stoney Road and within the site in the event that development commences in advance of the permanent bus service serving the southern part of the NW Bicester masterplan site. The proposed final bus route is also indicated showing that the interim bus route can be adapted into the final route. Officers are satisfied that the provision for bus services in principle can be accommodated from an early stage, both if development commences at Himley Village in advance of other development south of the railway and in the long term. It is proposed that bus services be secured through the S106 agreement to secure an appropriate service to ensure that targets around modal shift can be met.
- 7.50 With regard to play areas, at the February 2016 committee, Members raised concern with the type of play areas provided. The desire is for larger play spaces to be provided rather than lots of small areas. The applicant's Landscape Parameter plan indicates the provision of 7 play spaces distributed through the site. It would be the intention of Officers to secure play throughout the site (potentially unequipped) to be accessible space for smaller children (the

Council's SPD indicates that a LAP, suitable for toddlers be provided within 400m/ a 5 minute walk from each home) and additionally, given the requirement for 40% Green Infrastructure across the site, green spaces will be distributed through the site, which will also aid in creating an open, landscaped environment.

- 7.51 The application was also deferred taking into account the Network Rail response set out in the February 2016 report. The response from Network Rail refers to the construction of the underpasses and recommends conditions relating to development close to the railway boundary. The Himley Village development is situated away from the railway boundary and no part of its construction would be within proximity to the railway. The suggested detailed planning conditions are not therefore recommended. Additionally, with regard to the construction of the underpasses, these fall to be delivered by a third party – A2 Dominion, with the applicant for Himley Village required to contribute to the delivery of this infrastructure. This will be secured through the appropriate S106 for the site.
- 7.52 The proposal sets aside land for sports pitches to serve the wider development across the NW masterplan site. As referred to within the February 2016 report, the Masterplan identifies the need for the pitches to be in one location in order to enable higher standard provision and to facilitate long term management and maintenance. The intention is for the land and contributions to be secured from this site and others through the S106 agreements to enable the Council to deliver the pitches. In these terms, the suggested conditions of Sport England are unlikely to be required as the applicant could not comply with them; however this requires some further discussion with Sport England to allow their objection to be removed and to satisfy them of the mechanism to secure the provision of the pitches. Additionally, Members expressed concern with regard to the need for a pavilion. The Masterplan proposal is for a pavilion to be provided as part of the A2 Dominion application (14/01641/OUT) adjacent to the sports pitches and the approved parameter plans for that application demonstrate where this provision is proposed. Like the proposals for the pitches, the intention for the pavilion is for serviced land to be provided to the District Council, with contributions secured via the applications south of the railway line towards the provision of the pavilion. In this regard, Officers advise Members that the provision of pitches and a pavilion will be secured through the necessary legal agreements.

Other implications if the Himley Village Development were to commence in advance of the strategic link road

- 7.53 As referred to by Oxfordshire County Council, should development at Himley Village progress in advance of other development, there is likely to be additional education requirements in the form of the timing of the delivery of the primary school on site (coming in an early phase), potential need for additional contributions towards off site secondary school temporary classrooms, the need for this development to provide a reserve 5ha secondary school site and funding towards its provision (until it is confirmed that the planned secondary school within application 14/01641/OUT will be constructed – in a timely manner to meet the needs of the development).
- 7.54 There have also been other identified matters that may require earlier/ additional provision on the Himley Village site if the development were to commence quickly and in advance of other development across the Masterplan site. This includes a reserve site for a GP surgery, the

provision of the sports pavilion on this site (instead of on the application 14/01641/OUT site) as well as the phasing of open space, play provision and allotments.

- 7.55 The timing of offsite highway works, provision of bus services and infrastructure and the payment of contributions towards Highway matters are all also likely to be required earlier than otherwise anticipated and will need to be secured. It is also worth highlighting that the applicant continues to be required to pay their proportionate contribution to the key NW site wide infrastructure scheme.
- 7.56 These matters are proposed to be secured through the legal agreement and Officers intend to commence these negotiations should the application receive a positive recommendation at committee. Officers have commenced consideration of the timing of such matters; however this will require further work in order to secure a S106 legal agreement that secures the appropriate infrastructure and contributions at the right time according to the phasing of the development.

8. Planning Balance and Conclusion

- 8.1 This report aims to provide an update to Members in respect to development at Himley Village, originally reported to Planning Committee in February 2016. At that time, the report advised Members that in the long term, development at Himley Village would be acceptable, sustainable and in compliance with Planning Policy and the NW Bicester Masterplan. It did however suggest to Members that in advance of the provision of the key infrastructure (tunnel and road), that development should not commence on the Himley Village site on the basis that this, along with other development would result in a severe transport impact. It has always been concluded that allowing a limited level of development elsewhere across the site that would be linked to supporting the delivery of the key infrastructure, that this in turn would open the site up for development with no major highway constraint.
- 8.2 The overall purpose of the Planning system is to seek to achieve sustainable development as set out within the Framework. The three dimensions of sustainable development must be considered, in order to balance the benefits against the harm in order to come to a decision on the acceptability of a scheme.
- 8.3 The provision of housing across the site is an important consideration, albeit, this cannot be at the expense of causing an unacceptable highway impact. Oxfordshire County Council have been very clear as to an appropriate level of development that could be accommodated in advance of that key infrastructure (900 homes and 40% employment floor space).
- 8.4 The applicant has however sought to demonstrate that taking into account delivery rates; it is unlikely that the capacity agreed by Oxfordshire County Council will have been reached. Officers would agree with this sentiment given the information available and likely delivery rates across the sites at NW Bicester. As such, Officers advise that there is likely to be some headroom available in order to allow the commencement of some development at Himley Village in advance of the key infrastructure without breaching the agreed threshold. Officers have concluded that this should be limited to 500 dwellings as explained above. Notwithstanding this conclusion, it must be borne in mind that development at Himley Village itself may progress slower than anticipated given the work required following a resolution

before development could commence on site. Based on the applicant's programme however and their intentions with regard to a factory (albeit which is not proposed to be secured through this permission), it is possible that development could commence at Himley Village resulting in occupied homes prior to the end of 2019 and delivery of the road and tunnel.

- 8.5 In the circumstances, Officers recommend that development at Himley Village be approved subject to clauses to be built into the legal agreement with regard to the delivery of development and phasing. This would allow a limited level of development at the site in advance of the key infrastructure, allowing the commencement of house building on the site with there being no restriction once the key infrastructure is delivered. Officers also recommend that suitable S106 clauses will be required in relation to the delivery of infrastructure, services and facilities to support the site and the early delivery of development given its isolated nature in advance of other development. On this basis, the application is recommended for approval as set out below.

9. Recommendation

Approval; subject to:

- Finalisation of a programme that has been received by the local authority, agreed and supported by Network Rail, that provides confirmation that the proposed road and tunnels under the railway at NW Bicester can be provided 2019/2020 prior to the issue of the planning permission.
- The following set of conditions with delegation provided to the Head of Public Protection and Development Management to negotiate final amendments to the wording of conditions following a detailed review by Officers;
- The completion of a legal agreement in accordance with the attached Heads of Terms (at appendix B), including delegation provided to Officers to negotiate the agreement, including the following requirement with regard to phasing;
 1. No more than 500 dwellings shall commence and be occupied until either;
 - a) The realigned Howes Lane and tunnel under the railway (as permitted under application 14/01968/F or such other application for the road and tunnel that has been approved) has been provided and is open to all traffic or;
 - b) The realigned Howes Lane and tunnel under the railway (as permitted under application 14/01968/F or such other application for the road and tunnel that has been approved) is subject to all necessary consents and approvals, such that there is certainty over the programme for its delivery and agreement is in place between the applicant and Cherwell District Council as to the phasing of the remaining 1200 dwellings and associated infrastructure the subject of application 14/02121/OUT

Conditions

Time Limits

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

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country

Planning (General Development Procedure) Order 2015 (as amended).

2. In the case of the reserved matters, application for approval shall be made for the first residential phase of development not later than the expiration of five 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 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (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 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (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 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 5(1) of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

5. Except where otherwise stipulated by condition, the development shall be carried out in broad accordance with the following plans and documents:

- Site Boundary Parameter Plan 1 (drawing number 592-PL-101 Rev B);
- Demolitions Parameter Plan 2 (drawing number 592-PL-102 Rev B);
- Land Use Parameter Plan 4 (drawing number 592-PL-103 Rev E);
- Building Heights Parameter Plan 5 (drawing number 592-PL-104 Rev D);
- Density Parameter Plan 6 (drawing number 592-PL-105 Rev D);
- Landscape Parameter Plan 3 (drawing number 592-PL-106 Rev C);
- Movement and Access Parameter Plan (drawing number 1665/75/04);
- SUDs Parameter Plan (drawing number 1665/75/05 Rev B);
- Document titled 'Storage Attenuation Volumes of Primary Swales (1665/76) dated July 2015;
- Tree Survey Report – document reference EED14995-100-R-7-1-3-TA dated January 2015 and accompanying appendices;
- Sustainability and Energy Statement – document reference PENL2003 dated 17 December 2014
- Surface Water Drainage Strategy and Flood Risk Assessment dated December 2014 and all additional correspondence relating to Drainage and Flood Risk.

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 submission of the first reserved matters application, 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 1700 dwellings falling within Use Class C3 shall be erected within 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.

8. No more than 100 dwellings falling within Use Class C2 shall be erected within 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.

9. No more than a total of 8,000sqm floor space shall be provided for the mixed uses set out in Table 1 and each use shall not exceed the maximum Gross Internal Area for that specified use. These uses shall only be provided within the areas of the site annotated for 'Other Uses and 'Social/ Community' on 'Land Use Parameter Plan 4' drawing number 592-PL-103 Rev E.

Table 1

Land Use	Maximum GIA (sqm)
Hotel (Class C1)	2,600sqm
Veterinary surgery (Class D1)	2,000sqm
Pub/ Community (Classes A4/ D1)	400sqm
Retail (Classes A1, A2, A3, A4, A5)	700sqm
Office (Class B1)	1,000sqm
Health facility (Class D1)	1,500sqm
Nursery (Class D1)	100sqm
Energy Centre (Sui Generis)	375sqm
Water treatment plant (Sui Generis)	450sqm

The approved uses shall remain within the Use Classes set out above as specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.

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.

10. No individual retail unit shall exceed 150 sq m in gross floor internal area with the exception of a single unit of a maximum of 300 sq m for a convenience store. Thereafter retail units shall not be amalgamated such that any individual unit exceeds 150 sq m or 300 sq m respectively.

Reason: To ensure the scheme meets local retail needs in accordance with Government guidance contained in the Eco Towns PPS and the National Planning Policy Framework.

Design

11. Prior to the submission of the first reserved matters application, an Urban Design Framework 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
- Indicative block size, structure and permeability
- Movement network and streetscape including bus routes and stop locations
- Public realm
- 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.

12. Prior to the submission of the first reserved matters application, a detailed masterplan for the area fronting the Middleton Stoney Road annotated as 'Other Uses' on Land Use Parameter Plan 4 drawing number 592-PL-103 Rev E, shall be submitted to and approved in writing by the Local Planning Authority. Reserved Matter applications for the area covered by the Masterplan shall be in accordance with the approved Masterplan. The masterplan shall show the location of each of the land uses, access and parking locations, key frontage and public space conditions and landscape principles.

Reason: To ensure the creation of a high quality design for the local centre in accordance with Government guidance in the NPPF.

13. Prior to the submission of the first reserved matter in each of the character areas containing built form, identified in the approved Urban Design Framework, a design code shall be provided for the whole of that character area which shall include;

- Street types, materials and details
- Block Principles
- Landscape, materials and details
- Boundary treatments
- Building types and Uses
- Building heights
- SUDS, parks and open spaces
- Building Materials and Details

- Highway design details
- Parking Strategy

No reserved matters shall be submitted for that character area until the design code has been approved in writing by the Local Planning Authority. The development in the character area 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 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.

15. In accordance with the parameter plans hereby approved, the following shall be provided:
- A 20m Green Infrastructure strip (which shall not include residential gardens) shall be provided to the west of the boundary with Lovelynch House;
 - A 20m 'no build' buffer shall be provided to the north of the boundary with Lovelynch House;
 - A 30m 'no build' buffer (narrowing to a 20m along the northern section of the eastern boundary) shall be provided to the east of the boundary with Lovelynch House. This buffer shall include a 10m hedgerow buffer.

Reason - To safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy C30 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Dwellings

16. Prior to the submission of a reserved matters application for residential development a schedule of the market housing to be provided to meet local housing needs 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 and National Planning Policy Framework.

17. All dwellings shall be provided with real time energy and travel information prior to occupation unless otherwise agreed in writing by the Local Planning Authority. Details for each phase shall be submitted to the Local Planning Authority and agreed in writing prior to the commencement of construction of dwellings.

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.

18. Each reserved matters application 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.

19. Prior to the commencement of each phase, those areas of the site that are subject to elevated levels of noise, principally from road traffic sources as set out in the Environmental Statement, 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 can be 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.

20. Noise levels from any mechanical plant and the energy centre shall not exceed the noise emission limits contained within table 10.15 of the Environmental Statement. Any reserved matters submission for the energy centre or for development that will include mechanical plant shall include details of how the noise emission limits for that development will be met.

Reason: To ensure that noise remains within acceptable levels in accordance with Government guidance contained within the National Planning Policy Framework.

Phase conditions

21. 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 for energy monitoring, travel and home working change in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

22. 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.

Transport

23. Each reserved matters application shall include full details of the means of vehicular accesses between the land and the highway, including, position, layout, construction, drainage and vision splays. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

24. Each reserved matters application shall include 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. 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.

25. The 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.

26. 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.

27. Each reserved matter application shall be accompanied by a Travel Plan setting out how the development 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

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

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

29. If a potential risk from contamination is identified as a result of the work carried out under condition [28], prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of

contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

30. If contamination is found by undertaking the work carried out under condition [29], prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

31. If remedial works have been identified in condition [30], the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition [30]. 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.

32. Piling or any other foundation designs using penetrative methods within any area identified as being subject to risk from contamination shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater quality. The development shall be carried out in accordance with the approved details.

Reason: To ensure that piling or deep foundations do not mobilise any contamination which may be present on site in order to ensure that controlled water quality is protected as required by PPS1 Policy ET17 and the NPPF.

33. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until 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.

34. The development hereby permitted shall not be commenced until such time as a pollution prevention scheme to dispose of contaminated surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason - Run off from roads and areas associated with lorry and car parking areas may contain elevated levels of contaminants. Drainage from these areas could contaminate controlled waters. Details of the surface water drainage arrangements which outlines how any contamination risks will be mitigated is required to ensure controlled water quality is protected as required by Local Plan Policy Bicester 1 and the NPPF.

Biodiversity

35. No development shall commence on a phase unless or until an up to date ecological survey has been undertaken to establish changes in the presence, abundance and impact on bio diversity within that phase. 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.

36. The retained hedges shall have a buffer a minimum of 20m in width comprising of 10m either side of the retained hedge except where they form part of a dark corridor where the buffers shall extend to a minimum width of 40m comprising of 20m either side of the retained hedge, and the woodlands shall have a buffer around their perimeter 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.

37. No development shall commence on a 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.

38. No development shall commence on a phase until a scheme for the provision of protective fencing, to prevent damage during construction, for the retained hedgerows, trees, woodlands, ponds and areas of green space, has been 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.

39. A protection area for Newts, a minimum of 50m in circumference, around the two ponds on the site and the land between them shall be provided in accordance with that shown on 'Landscape Parameter Plan 3' drawing number 592-PL-106 Rev C. No removal of suitable aquatic and terrestrial habitat within 250m of the breeding ponds shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

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.

40. Prior to the submission of the first reserved matters application, a Bio Diversity Strategy for the site shall be submitted and approved in writing by the local planning authority. Each reserved matter application shall be accompanied by a statement setting out how the proposed development will contribute to achieving the Bio Diversity Strategy and net biodiversity gain. 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.

41. No development shall commence on a 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 and 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.

42. No development shall commence on a phase until a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works in that phase 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 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.

43. No development shall commence on a phase until a Soil Resources Plan that details the soils present, proposed storage locations, handling methods and locations for reuse, within that phase, shall be submitted to and approved in writing by the local planning authority and

thereafter the development 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.

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

45. Prior to the commencement of a phase, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions including details of tree protection 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 with all tree protection erected prior to development commencing on that phase.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Archaeology

46. Prior to any demolition on the site, the commencement 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 application 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

47. Prior to any demolition on the site (other than in accordance with the agreed Written Scheme of Investigation) and prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition [46], a programme of archaeological evaluation, investigation and recording of the application 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.

Outdoor Sport (The requirement for these conditions is being checked with Sport England)

48. No development shall commence until details for the phasing of the provision of the sports pitches has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The development hereby permitted shall not be carried out

other than in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of sports facility provision for the occupiers of the proposed development and to accord with Cherwell Local Plan Policy R12 and Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

49. No development shall commence on the provision of the sports pitches until details of the design and layout of the sports facilities serving that phase have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The sports facilities shall not be constructed other than substantially in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Cherwell Local Plan Policy R12 and with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework

50. The playing field/s and pitch/es shall be constructed and laid out in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use in accordance with the agreed phasing unless agreed in writing by the Local Planning Authority.

Reason: To ensure the quality of pitches is satisfactory and they are available for use and to accord with Cherwell Local Plan Policy R12 and with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

Drainage

51. Prior to the commencement of development impact studies of the existing water supply infrastructure shall be submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). 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.

52. Prior to the commencement of the development, a foul drainage strategy for conveyance and treatment, detailing any on and/or off site drainage works, shall be submitted to and approved 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 dwelling 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).

53. Prior to the submission of the first reserved matters application, a full surface water strategy for the application site, in accordance with the Flood Risk Assessment hereby approved, 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 and to protect the adjacent railway in accordance with Government guidance

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

54. 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 site. 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 development 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 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

55. The development shall be constructed so as to achieve a demand for potable water that does not exceed 110 l/p/d and details of measures to be used to achieve this demand shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase. The development 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.

56. Prior to the commencement of the development, details of the 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. Each reserved matters application shall demonstrate how it meets 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

57. All non residential buildings shall be constructed to BREEAM Excellent.

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

Waste

58. Prior to the commencement of a phase, a Site Waste Management Plan, targeting zero waste to landfill, 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.

59. No waste shall be brought to the site for the purpose of use within any future energy centre.

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.

Notes to Applicants

1. If a deliverable interim solution is identified, permitted and funded that would enhance the capacity of the existing Howes Lane/Bucknell Road and Lords Lane/Bucknell Road junctions then the Council will be open to a section 73 application to amend this condition to allow development to commence/be occupied earlier.
2. The applicant is advised that appropriate sight lines from the frontage of Lovelynch House along the Middleton Stoney Road must be protected in order to ensure that the potential future delivery of development on that site is not prejudiced. This matter will be assessed in detail at the reserved matters stage.
3. Informative: The applicant is advised that the design and layout of the sports facilities should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England and the National Governing Bodies for Sport. Further information can be found at: <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>
4. Informative: The off-site works will require a S278 Agreement with Oxfordshire County Council (OCC). If the proposed development is to be offered for adoption to the Local Highway Authority (LHA) a S38 Agreement will be required, alternatively if the development is to remain private a Private Road Agreement will be required between the developer and OCC. For guidance and information on road adoptions and S278 Agreement works please contact the County's Road Agreements Team on 01865815700 or email Road.Agreements@oxfordshire.gov.uk. All the associated off-site highway works with NW Bicester will have to go through OCC's Direct Delivery process – if triggered.

CONTACT OFFICER: Caroline Ford

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Appendix A

Proposed Himley Village North West Bicester
Middleton Stoney Road
Bicester
Oxfordshire

14/02121/OUT

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

Applicant: Portfolio Property Partners Ltd

Ward Member(s): Councillor Ian Corkin

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

Committee Date: 18.02.2016 **Recommendation:** Approval

Committee Referral: Major

1. Site Description and Proposed Development

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

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

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

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 12th October 2015.

6 letters have been received. The following issues were raised

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

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

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

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

Western Boundary to Lovelynych House

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

Northern Boundary to Lovelynych House

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

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

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

Eastern Boundary to Lovelynych House:

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

Access into Lovelynych House:

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

3. Consultations

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

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

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

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

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

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

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

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

travelling to Chesterton and beyond.

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

Cherwell District Council Consultees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

More details include:

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

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

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

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

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

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

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

Oxfordshire County Council Consultees

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

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

- No transport objection subject to conditions, as well as further mitigation at certain junctions and roads
- Bicester members have concerns over the accesses onto Middleton Stoney road but Transport Development Control consider there is no technical reason to object to this.
- Ecology objection based on failing to demonstrate a net gain in biodiversity and on inconsistency with the off-site compensation agreed as part of the masterplan.
- Have serious concerns about the uncertainty of delivering key infrastructure across the wider masterplan site caused by the piecemeal nature in which applications are coming forward. The funding and phasing of infrastructure across the site is dependent on if and when individual site applications come forward and are implemented. Further, with the absence of a Community

Infrastructure Levy in Cherwell, it is unclear how the County will be able to seek contributions to county wide schemes that will be put under strain by this development. This puts the County Council at significant financial risk.

- Until it is clear how infrastructure will be delivered across the masterplan site, OCC maintains a holding objection.

16/10/15

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

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

Key issues:

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

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

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

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

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

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

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

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

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

Additional Transport comments of the 16/10/15

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

- 3.20 **Archaeology 20/05/15:** No objection subject to conditions. The site contains a number of archaeological features identified through geophysical survey and a trenched archaeological evaluation. A condition requiring that a programme of archaeological investigation be undertaken ahead of the development will need to be attached to any planning permission for the site.
- 3.21 **Property 20/05/15:** No objection subject to conditions.

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

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

- 168 no. x One Bed Dwellings

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

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

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

A legal agreement is therefore required to secure:

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

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

Administration and Monitoring fee of £20,000

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

Primary schools

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

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

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

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

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

A change in the Waste management cost – see bold

A legal agreement is therefore required to secure:

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

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

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

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

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

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

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

A new secondary school and a further three primary schools are proposed across the wider site. In relation to this application an acceptable site area for a 2 form entry primary school is suggested of 2.22ha. The education specification for this school has not yet been consulted on or finalised and the exact nature of the school will depend upon the academy sponsor selected. A proportionate share of the cost of secondary school provision would be £7,765,400, calculated from 328 pupils. For SEN provisions, across Oxfordshire 1.11% of pupils are taught in special schools and all housing developments are expected to contribute proportionately toward expansion of this provision and this would amount to £863,624 by a total of 8.2 pupil places (@1Q14).

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

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

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

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

Ecology 16/10/15

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

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

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

are identified and justified within the Property response.

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

Waste Management 16/10/15

No objection still remains.

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

Other Consultees

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

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

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

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

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

- 3.29 **Environment Agency:** Object to this planning application as it has not been demonstrated that the development as proposed will not increase flood risk on and off site. This is a requirement of the NPPF (paragraph 103) and policy ET18 of PPS1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 3.31 **Thames Water (19/01/15):** Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, a 'Grampian Style' condition to require a drainage strategy detailing any on and/ or off site drainage works to be submitted and agreed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It is noted that every effort should be taken to maximise the species richness of the ecological and dark corridors and hedgerow buffers through the use of appropriate species rich seed mixes with a combination of wild flowers as well as grasses. Hedgerow management should consider the differing needs of both black and brown hairstreak butterflies. These rare butterflies are important in the local area so a commitment to consider them in the management of the hedgerows is important. Newly planted hedgerows should include a significant component of blackthorn to support these butterflies. Cutting cycles for hedgerow management to ensure the most value for biodiversity should be provided in a future LHMP.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.39 **Sport England 03/03/15:** Note that the application is not to be considered in isolation and that the submitted plans generally accord with the Masterplan Framework contained within the North West Bicester Supplementary Planning Document. It is unclear what is meant by the term "informal pitches". Playing pitches need to be properly constructed and formally laid out in order to be fit for purpose for sport. The time that the sports facilities will be delivered, in relation to a specific phase of the development, is not stated. However, a potential phasing scenario is set out in the Design and Access Statement (p.190) indicating that the community playing fields will be provided in the first phase of the development. The application does not refer to an up to date Sports Facility Strategy, Playing Pitch Strategy or other relevant needs assessment to justify the amount of provision for sport as part of the wider scheme for North West Bicester. There is a need for football and hockey provision. The Local Planning Authority should make an up to date and robust assessment of needs. Sport England considers it necessary for the Local Planning Authority to secure contributions towards sports pitches and built facilities to meet the increased demand from the additional population. As the development appears to be in accordance with the Draft SPD, Sport England raises no objections subject to the use of a conditions to agree details of the phasing of the development to meet sports facility provision and to secure details of design and layout are to be submitted prior to commencement.

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

3.41 **NHS England:** Regarding the health needs for the North West Bicester site:
Summary

1. The Bicester area will undergo substantial housing growth in the coming years. There are 7 key strategic housing development sites which jointly will deliver 9,764 new homes for the period 2014 – 2031 and on the basis of the adopted occupancy rates for the respective developments this will equate to a population increase of approximately 22,786. The 4 main development sites within Bicester (to be developed in phases) are; South West Bicester (known as Kingsmere); NW Bicester EcoTown; Graven Hill; South East Bicester
2. An assessment of capacity within the local primary care infrastructure was carried out and it was concluded that an additional 10,000 new patients could be absorbed using the current facilities. The latter may require some modifications / adjustments to the existing premises, but it was felt that this could be achieved.

3. Any further patients above the 10,000 threshold would necessitate the provision of a new GP facility. Specifically, the North West Bicester site will generate 13,457 population (5607 dws x 2.4 h/hold size) which justifies a new surgery to be provided on the site.
4. On the basis of the housing growth trajectory, it is anticipated that the new facility would not be required until 2020. Clearly, if the growth were to accelerate then the facility would be required a little earlier and if it slows down then the date for this requirement would be pushed back further.
5. Following a meeting of the North East Locality Group on 18 September 2013, a request was made for Cherwell District Council to secure the following S106 provisions in order to safeguard the future expanded primary care services:
 - a. Secure land to enable building of a new GP surgery (to accommodate 7 GP's), on the NW Bicester Eco Town site
 - b. Secure the capital costs of this expansion from the developers (for the sum of £1,359,136)

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

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

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

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

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

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

Due to the financial commitment that a practice would need to undertake to finance the building of a brand new surgery, this model is now becoming less common and

practices are more likely to appoint a third party developer to build a facility and then enter into a leasing arrangement with the developer. If the premises are developed / owned by a third party developer, the landlord would equally not benefit from the S106 monies that have been invested. This could be managed in a number of ways including a charge against the property, or an agreement whereby the GP Practice pays a reduced rent. The reduced level of rent is not something that the GP practice would profit from in any way. This reduction however would have a direct benefit to NHS England as it is the latter who ultimately pay for GP lease rents via the rent reimbursement scheme (again as set out in the Premises Directions). The reduced rent, and therefore levels of reimbursement to the practice, means that NHS England is able to reduce the financial burden placed on it in having to provide additional healthcare infrastructure necessitated by housing growth. The reduced levels of rent would be reflected in the lease and the reduction would be proportionate with the enhancement of the property provided for by the S106 monies. The NHS would ensure that the reduced rent period is granted on a long term basis, 25 years for example and that the rental figure is verified by the Valuation Office Agency to ensure that the appropriate reductions have been made. This approach is fairly common within the NHS when dealing with S106 monies and there are a number of other house developments in the area where S106 monies have already been secured and the same approach will be applied when using those funds.

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

3.42 **Bioregional:**

Bioregional are a charitable organisation who work to promote sustainability to ensure that we live within the natural limits of our one planet. Bioregional are supporting Cherwell District Council in the NW Bicester project as well as A2 Dominion in its role as a major housing provider on the site. They have been involved in NW Bicester development plans since 2010, advising both Cherwell DC and A2Dominion on eco-credentials and sustainability.

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

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

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

Energy

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

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

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

Transport

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

Urban design

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

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

Landscape and Green Infrastructure

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

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

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

Biodiversity

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

The application does not include any reference to an offset/compensation scheme for farmland birds. The application should be looking to contribute towards a compensation scheme to compensate for the loss of breeding habitat for farmland bird species such as the yellowhammer as identified within the baseline habitat surveys that support the NW Bicester Masterplan.

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

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

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

Water

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

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

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

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policies

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

4.2 Cherwell Local Plan 2011 - 2031 Part 1

Sustainable communities

PSD1: Presumption in Favour of Sustainable Development

SLE1: Employment Development

SLE4: Improved Transport and Connections

BSC1: District wide housing distribution
BSC2: Effective and efficient use of land
BSC3: Affordable housing
BSC4: Housing mix
BSC7: Meeting education needs
BSC8: Securing health and well being
BSC9: Public services and utilities
BSC10: Open space, sport and recreation provision
BSC11: Local standards of provision – outdoor recreation
BSC12: Indoor sport, recreation and community facilities

Sustainable development

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

Strategic Development

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

Infrastructure Delivery

INF1: Infrastructure

4.3 Cherwell Local Plan 1996 (Saved Policies)

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

4.4 **Other Material Policy and Guidance**

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

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

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

4.5 **National Planning Policy Framework**

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

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

4.6 **Eco Towns Supplement to PPS1**

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

4.7 **NW Bicester Supplementary Planning Document**

The NW Bicester SPD provides site specific guidance with regard to the development of the site, expanding on the Bicester 1 policy in the emerging Local Plan. The draft SPD is based on the A2Dominion master plan submitted in May 2014 and seeks to embed the principle features of the master plan into the SPD to provide a framework to guide development. The SPD has been reported to the Council's Executive in June 2015 and has been approved for use on an interim basis for Development Management purposes. Following the adoption of the Cherwell Local Plan and further consultation, the document was approved by the Council's Executive and will be reported to Full Council for adoption in March 2016. The document is therefore at an advanced stage but does not yet carry full weight until such time that it is adopted. The SPD is therefore a material consideration.

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

4.8 **One Shared Vision**

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

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

- Effecting a town wide transition to a low carbon community triggered by the new eco development at North West Bicester;

- Attracting inward investment to provide environmentally friendly jobs and commerce, especially in green technologies, whilst recognising the very important role of existing employers in the town;
- Improving transport, health, education and leisure choices while emphasising zero carbon and energy efficiency; and
- Ensuring green infrastructure and historic landscapes, biodiversity, water, flood and waste issues are managed in an environmentally sustainable way.

4.9 **Draft Bicester Masterplan**

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

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

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

4.10 **Planning Practice Guidance**

5. **Appraisal**

The key issues for consideration in this application are:

- Relevant Planning History
- Environmental Statement
- Planning Policy and Principle of Development
- Five Year Housing Land Supply
- Adopted Local Plan and NW SPD
- Eco Town PPS Standards
- Zero Carbon
- Climate Change Adaptation
- Homes
- Employment
- Transport
- Healthy Lifestyles
- Local Services
- Green Infrastructure
- Landscape and Historic Environment
- Biodiversity

- Water
- Flood Risk Management
- Waste
- Master Planning
- Transition
- Community and Governance
- Design
- Conditions and Planning Obligations
- Other matters
- Pre-application community consultation & engagement

Relevant Planning History

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

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

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

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

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

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

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

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

This application appears elsewhere on the agenda.

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

This application appears elsewhere on this agenda.

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

Environmental Statement

- 5.4 The Application is accompanied by an Environmental Statement (ES). It covers landscape and visual, ecology, transport, air quality, noise and vibration, water management, ground conditions and contamination, agriculture and soils, built heritage, archaeology, socio economics, human health, waste and cumulative effects. The ES identifies significant impacts of the development and mitigation to make the development acceptable. An Addendum to the ES was submitted for landscape and visual impacts, ecology, socio economics and waste.
- 5.5 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Reg 3 requires that Local Authorities shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and they shall state in their decision that they have done so.
- 5.6 The NPPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. The information in the ES and the consultation responses received have been taken into account in considering this application and preparing this report.
- 5.7 The ES identifies mitigation and this needs to be secured through conditions and/or legal agreements. The conditions and obligations proposed incorporate the mitigation identified in the ES.

Planning Policy and Principle of the Development

- 5.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 advises that;
- 'If regard is to be had to the Development Plan for the purposes of any determination under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise'.
- 5.9 The Development Plan for the area is the Adopted Cherwell Local Plan 2011-2031, which was adopted in July 2015 and the saved policies of the Adopted Cherwell Local Plan 1996.

Adopted Cherwell Local Plan 2011 – 2031 (ACLP)

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

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

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

Adopted Cherwell Local Plan 1996

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

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

Non Statutory Cherwell Local Plan

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

NW Bicester SPD

- 5.15 The Eco Towns PPS and the ACLP both seek a master plan for the site. A master plan has been produced for NW Bicester by A2Dominion and this has formed the basis of a supplementary planning document for the site. The SPD amplifies the local plan policy and provides guidance on the interpretation of the Eco Towns PPS standards for the NW Bicester site. The SPD was reported to the Council's Executive in June 2015 and approved for use on an interim basis for Development Management purposes. Following a further round of consultation, the SPD was been reported to the Council's Executive on the 01 February 2016 and has been approved for recommendation to the Full Council that the document be approved. The does not yet carry full weight until such time that it is adopted however it is a material consideration.

Eco Towns Supplement to PPS1

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

NPPF

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

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

Five Year Housing Land Supply

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

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

Conclusion on the principle of the development

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

Zero Carbon

5.21 The Eco Towns PPS at standard ET7 states;
The definition of zero carbon in eco-towns is that over a year the net carbon dioxide emissions from all energy use within the buildings on the eco-town development as a whole are zero or below. The initial planning application and all subsequent planning applications for the development of the eco-town should demonstrate how this will be achieved.

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

¹ Unless material considerations indicate otherwise

- 5.23 The NPPF identifies at para 7 that environmental sustainability includes prudent use of natural resources and the mitigation and adaptation to climate change including moving to a low carbon economy. Para 93 identifies that 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.'
- 5.24 The ACLP policy Bicester 1 seeks development that complies with the Eco Town standard. Policy ESD2 seeks carbon emission reductions through the use of an energy hierarchy, Policy ESD3 seeks all new residential development to achieve zero carbon and for strategic sites to provide contributions to carbon emission reductions Policy ESD4 encourages the use of decentralised energy systems and ESD5 encourages renewable energy development provided that there is no unacceptable adverse impact.
- 5.25 The NW Bicester SPD includes 'Development Principle 2: 'True Zero Carbon Development'. The Principle requires the achievement of zero carbon and the need for each application to be accompanied by an energy strategy to identify how the scheme will achieve the zero carbon targets and the phasing.
- 5.26 The Cherwell Local Plan policy Bicester 1 identifies a number of standards relating to the construction of dwellings at NW Bicester reflecting the provisions of the Eco Town PPS. For example the policy seeks homes to be constructed to Code for Sustainable Homes Level 5, meet lifetime homes standards and provide reduced water use. The determination of a planning application should be in accordance with adopted policy unless material considerations indicate otherwise.

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

- i. Ministerial Statement: Planning Update March 2015 ("the Planning Update statement");
 - ii. DCLG Policy Paper 2010 to 2015 Government Policy: energy efficiency in buildings (updated 8 May 2015) ("the energy efficiency in buildings policy paper"); and
 - iii. Fixing the Foundations: creating a more prosperous nation 10 July 2015 ("the Treasury Statement").
- 5.27 These documents are material considerations in the determination of the current application. They set out the government's intent to deal with matters relating to housing standards through building regulations rather than through the planning system to reduce the burden on house builders. The NPPF paragraph 95 which says that, "to support the move to a low carbon future, local planning authorities should...when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards." The Government has advised that it is no longer intending to implement the requirement for all new dwellings to be zero carbon in 2016 but is to keep the matter under review. The Code for Sustainable Homes has also been withdrawn. The Planning Update advises , "we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above Code level 4 equivalent".
- 5.28 The Planning Update Statement also sets out that from the 1st October 2015 that additional optional building regulations can be applied in relation to water and access where there is a planning policy to support the need for them. Space standards can

be applied where there is a planning policy to reflect the national standards. These changes relate to individual dwellings rather than the specific policy requirement for the development as a whole at NW Bicester to achieve zero carbon development as defined by the Eco Towns PPS and seek to achieve water neutrality. These requirements have been supported by the Inspector in the recent examination of the local plan and were an important rationale for the eco towns, that are to be exemplars of best practice. The work on the Exemplar development at NW Bicester has shown that the delivery of zero carbon development with reduced water use and the achievement of the eco town standards is feasible and achievable.

- 5.29 The application is accompanied by an energy statement, which explains that the development of the site will embody the eco town principles and adhere to the minimum standards set out within the PPS1 supplement, the NW Bicester masterplan and the emerging SPD for NW Bicester. It is set out that the proposal is to follow the energy hierarchy of be lean, be clean and be green and details are provided of this. Essentially, the proposal includes the provision of a site wide District Heating Network providing low temperature heating and hot water to all homes and the majority of non-domestic buildings within the Development. At this stage the application anticipates that this would require the construction of a single on-site Energy Centre with gas fired Combined Heat and Power (CHP) engine within the Development boundary. This Energy Centre would be able to function independently as a standalone system for Himley Village or could form part of the wider NW Bicester decentralised energy strategy through connection to other Energy Centres proposed within the wider NW Bicester eco-town area. It is anticipated that the remaining carbon reductions required to achieve the target Zero Carbon standard in accordance with the PPS1 Supplement will be achieved through the installation of roof mounted renewable Solar Photovoltaic (PV). Furthermore, design will contribute to optimising energy efficiency including that all homes will be designed with a fabric first approach, consideration of orientation to optimise daylight, consideration of materials, the incorporation of Real Time display energy monitors and to build to high standards of air tightness.
- 5.30 The commitments made in relation to meeting the zero carbon targets are very positive and the approach proposed is considered to be a viable way in meeting these ambitious targets. The specific detailed elements of the energy baseline and the sizing of the heat solution have been queried by Bioregional and in response, the applicant's Sustainability Consultants have provided an additional paper responding to each point albeit also confirming that as this is an outline application, with the applicant having made the commitment to zero carbon. In the view of Officers, whilst there are outstanding matters in relation to the detailed considerations, the applicant's commitment to meeting zero carbon is positive and it is therefore considered that S106 obligations/ conditions are used to carefully control this development such that additional energy information is required to be submitted and considered and the government's direction of travel with regard to housing standards has been reflected. The conditions do not therefore seek compliance with requirements such as Code for Sustainable Homes, particularly as the Code for Sustainable Homes has been withdrawn presenting a practical difficulty in seeking compliance. The requirements regarding reduced water use are recommended to reflect the higher building regulation standard now introduced.

Climate Change Adaptation

- 5.31 The Eco Towns PPS at ET8 advises;
Eco-towns should be sustainable communities that are resilient to and appropriate for the climate change now accepted as inevitable. They should be planned to minimise future vulnerability in a changing climate, and with both mitigation and adaptation in mind.
- 5.32 ACLP policy ESD1 seeks the incorporation of suitable adaptation measures in new development to make it more resilient to climate change. Policy Bicester 1 requires all

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

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

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

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

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

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

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

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

Homes

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

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

- d) provide for at least 30 per cent affordable housing (which includes social rented and intermediate housing)
- e) demonstrate high levels of energy efficiency in the fabric of the building, having regard to proposals for standards to be incorporated into changes to the Building Regulations between now and 2016 (including the consultation on planned changes for 2010 issued in June 2009 and future announcements on the definition of zero carbon homes), and
- f) achieve, through a combination of energy efficiency and low and zero carbon energy generation on the site of the housing development and any heat supplied from low and zero carbon heat systems directly connected to the development, carbon reductions (from space heating, ventilation, hot water and fixed lighting) of at least 70 per cent relative to current Building Regulations (Part L 2006).

- 5.38 The NW Bicester SPD includes 'Development Principle 4 - Homes'. This principle includes the requirement that applications demonstrate how 30% affordable housing can be achieved, ensure that residential development is constructed to the highest environmental standards, involve the use of local materials and flexibility in house design and size as well as how development will meet design criteria. 'Development Principle 4A - Homeworking', which requires applications to set out how the design of the homes will provide for homeworking. This includes referring to the economic strategy as to how this will contribute to employment opportunities for homeworking.
- 5.39 ACLP Policy Bicester 1 states 'Layout to achieve Building for Life 12 and Lifetime Homes Standards, Homes to be constructed to be capable of achieving a minimum of Level 5 of the Code for Sustainable Homes on completion of each phase of development, including being equipped to meet the water consumption requirement of Code Level 5 and it also requires the provision of real time energy monitoring systems, real time public transport information and superfast broadband access, including next generation broadband where possible'.
- 5.40 The proposal seeks to establish the principle of residential development across this part of the masterplan and the parcels identified for this use broadly accord with the overall Masterplan for North West Bicester. Officers are satisfied that the principle of residential development on the parcels identified is acceptable all be it there is some discrepancy between the western boundary of the application site and that shown in the local plan allocation, however the application boundary is consistent with the masterplan boundary. The applicant seeks to provide a range of dwelling types and forms appropriate to the location and market demand and seeks to establish neighbourhoods within the site. Over all the level of residential development proposed on this site exceeds that anticipated through the masterplan which took a standard site coverage and density to establish the likely number of dwellings. However it has been demonstrated that the site will still deliver 40% green space and sufficient information has been provided to indicate that the site could accommodate the number of dwellings proposed. Consideration has also been given to the impact on proposed infrastructure. Sufficient land has been identified for schools to accommodate the population that is likely to arise from the site and no objection has been raised with regard to the provision of other infrastructure such as the road capacity. Given the need to deliver housing there is not considered an objection in principal to the provision of additional dwellings within the site provided other standards are met and a satisfactory design is achieved.
- 5.41 The application commits to achieving Code for Sustainable Homes level 5 (the use of this target is addressed above), Building for Life 12 and Lifetime Homes standards. Building for Life is a scheme for assessing the quality of a development through place shaping principles. This will be relevant as the scheme moves forward and to ensure the applicant's commitment can be met, a planning condition can be used. Lifetime homes standards were developed by the Joseph Rowntree Foundation to ensure

homes were capable of adaptation to meet the needs of occupiers should their circumstances change, for example a family member becoming a wheelchair user. The standards are widely used for social housing. At this stage the application is in outline with no detail of the design of dwellings is included and therefore this requirement will be covered by condition. Nationally set space standards were published in March 2015 and are a matter for the Local Planning Authority (it was not incorporated into the Building Regulations unlike other aspects of the Housing Standards Review).

- 5.42 Real time energy monitoring and travel information is a requirement of the PPS and Policy Bicester 1 and is being provided as part of the Exemplar development being constructed through the provision of tablet style information portals in every home. The applicant for Himley Village has also committed to the installation of real time display energy monitors for each home and non domestic building. This is an area where there is technical innovation and it would be inappropriate to specify a particular approach at this point in time and again this is a matter for detailed designs. A condition is therefore proposed to ensure future detailed proposals address this requirement.

Affordable Housing

- 5.43 Not only does the eco town PPS set out a requirement for affordable housing but Policy BSC3 of the ACLP sets out a requirement for 30% affordable housing for sites in Bicester (expected to provide 70% as affordable/ social rented dwellings and 30% as other forms of intermediate affordable homes) whilst Policy BSC4 seeks a mix of housing based on up to date evidence of housing need and supports the provision of extra care and other specialist supported housing to meet specific needs. Policy BSC3 emphasises that Cherwell has a high level of need for affordable housing and confirms that the Council's Housing Strategy seeks to increase the supply of and access to affordable rented housing. Securing new affordable housing on site as part of larger developments is the most significant way in which homes can be provided and policy BSC3 therefore seeks to achieve this so that the supply of new homes reflects the high level of need.

- 5.44 The NPPF advises that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. The NPPF at para 50 goes on to advise;

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

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.'

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

agreed for both affordable and market housing to ensure that it meets local need and again a condition and/or S106 agreement are proposed to address the issue of the housing mix.

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

Fabric energy efficiency and carbon reduction

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

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

- 5.51 The application makes provision for market housing and the detail of this will be established through reserved matter submissions guided by the requirements of conditions and agreements attached to any outline permission. These conditions will ensure the housing meets the PPS standards and delivers high quality homes as part of a sustainable neighbourhood as sought in the NPPF. The application also seeks to make provision for affordable housing, however in a way that is of concern to Officers currently. Negotiations will continue in relation to this matter and it is likely that Officers will recommend that Members reconsider this proposal at a later date.

Employment

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

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

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

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

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

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

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

Transport and Highway Safety

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

and with parking requirements sensitively addressed. The SPD also advises applications should demonstrate how these matters can be provided for as well as include travel plans to demonstrate how the design will enable at least 50% of trips originating in the development to be made by non car means.

Development Principle 6B – Electric and low emission vehicles requires proposals to make provision for electric and low emission vehicles through infrastructure and support in travel plans.

Development Principle 6C – Proposed Highways infrastructure – strategic link road and proposed highway realignments considers the benefits of realigning Bucknell Road and Howes Lane to provide strategic highway improvements, whilst creating a well-designed route that will accommodate the volumes of traffic whilst providing an environment that is safe and attractive to pedestrians, cyclists and users of the services and facilities used.

Development Principle 6D – Public Transport requires public transport routes to be provided that include rapid and regular bus services, with street and place designs to give pedestrians and cyclists priority as well as bus priority over other road vehicles. The location of the internal bus stops should be within 400m of homes and located in local centres where possible. Bus stops should be designed to provide Real Time Information infrastructure, shelters and cycle parking.

Application

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

Transport Assessment

- 5.67 The application is accompanied by a transport assessment and framework travel plan. The transport assessment concludes;
'The provision of mitigation measures and/or contribution to measures will address the impacts of NW Bicester on the road network as well as support improvements to the town's infrastructure. The Himley Village development will support the measures in proportion to the scale and traffic impact of the development as part of the NW Bicester masterplan. The measures supported will assist the County Council in addressing a range of town wide transport issues which are identified in the LTP3. The provision of high quality sustainable travel infrastructure, together with the travel planning measures to promote sustainable travel will ensure that the PPS1 Supplement targets are met. This will help make NW Bicester a reality.'
- 5.68 OCC as highway authority have not raised an objection subject to further details of the mitigation and that no more than 900 homes are built prior to the tunnel being provided under the railway to address the impact on the existing Howes Lane/Bucknell Road junction. Bicester Members have expressed concern over additional accesses on to Middleton Stoney Road and the response advises;
'Whilst the County Council would prefer not to see further accesses onto this arterial route, Transport Development Control consider there is no technical reason to object to this.'
- 5.69 A Transport Technical Note was also provided in June 2015 a Technical Note 1 in December 2015 and an addendum in February 2016. These address the impact of the proposals on the Howes Lane/Bucknell Road junction and the phasing of

development.

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

Walking and Cycling

5.70

Layout

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

5.71

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

Wider Walking & Cycling Network

5.72

Off site walking and cycling links have been identified as potential off road cycling provision and traffic calming along Shakespeare Drive, the improvement of the route from Bucknell Road to Queens Avenue and the provision of off road cyclepath along Middleton Stoney Road. All three applications south of the railway line are being asked to make a proportionate contribution to these provisions. Contributions have also been sought to the improvement of the existing bridleway where it runs beyond the site.

5.73

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

5.74

The application would provide good walking and cycling provision both within the site, secured as part of detailed applications, and connecting to the existing town and its facilities when adjacent parcels of land are developed. If the site were to be developed in advance of land to the east, walking and cycling to local facilities would not be possible except along the Middleton Stoney Road. The phasing of development can be controlled by planning conditions and legal agreements.

Public Transport

- 5.75 To provide a choice in ways to travel attractive public transport is necessary. The NW Bicester masterplan included proposals for bus services to be provided through the site in two loops, to the North and the south of the railway line, to provide a regular service to the town centre and stations. This would provide for the majority of properties to be located within 400m of the bus route. To implement this service the parcels of land to the east and north (14/01675/OUT and 14/01641/OUT) would need to be developed.
- 5.76 The transport assessment outlines the proposed loop for buses through the development south of the railway line. The transport assessment advises;
'In the early phases of development it is proposed that the frequency of buses is proposed every 15 minutes from the occupation of an agreed number of units. Once the 15 minute service is commercially viable, frequencies may increase to every 10 minutes'. When the proposed road structure is in place south of the railway line the envisaged service can be run, although it may require subsidy initially and this would be secured through the legal agreement.
- 5.77 In a letter from the applicant's agent of 3rd February 2016 it is stated that funding towards an interim bus service to ensure new communities are suitably-served by local facilities and capable of adopting sustainable travel patterns from the outset would be provided. The Transport Assessment identifies that a 15 minute service would be run from the end of phase 2 of the development (490 dwellings) with access from Middleton Stoney Road. It is not clear what provision could be provided to serve any earlier development.

Rail

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

Vehicle Movements

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

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

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

- 5.80 In addition contributions to wider transport improvements in Bicester were anticipated. These improvements are necessary to enable development of the NW Bicester masterplan site and are being secured through the legal agreements relating to the applications on the site. In addition the County Council has identified the need for traffic calming at Middleton Stoney and is seeking contributions to such works from the applications south of the railway.

Howes Lane/ Bucknell Road

- 5.81 For a number of years it has been recognised that there is a need to improve the junction of Howes Lane and Bucknell Road where it passes under the railway and improve Howes Lane. The planned growth around Bicester, including the NW development, require these improvements. An interim scheme has been undertaken, secured through the Exemplar development at NW Bicester, but major change is required to accommodate the growth now planned for the town. The rail line at the junction runs on an embankment at an angle to the road and to improve the junction a new bridge is required and this requires third party land. It is proposed to address this constraint by relocating the junction to the west, beyond the Avonbury Business Park and Thames Valley Police premises. This enables a straight crossing under the rail line and an improved junction to the north. Linked to this improvement the realignment of the existing Howes Lane, from the Middleton Stoney Road roundabout to the new underpass is proposed as part of the A2D Masterplan and the whole of the proposed road and the rail crossing are the subject of a separate full planning application (14/01968/F) which appears elsewhere on the agenda. Outline applications 14/01384/OUT and 14/01641/OUT, (which have resolutions to grant permission) include sections of the realigned road and relate to land either side of the proposed tunnel. The remainder of the realignment is within the application 14/01675/OUT which was deferred at the last meeting of the planning committee. The realignment of Howes Lane is sought to address the impact of the existing road on the existing houses and to improve its design and capacity and enable the provision of footpaths and cyclepaths, sustainable drainage, avenue planting, crossings and improved urban design.
- 5.82 Given the constraints of the existing junction OCC have advised that there is a limitation on the number of additional traffic movements through the junction before it fails to function adequately. This has been equated to 507 dwellings (900 in total including the 393 dwellings already permitted on the exemplar site) and 40% of the proposed employment on the NW Bicester site. This capacity was identified through work undertaken by Hyder consulting in relation to application 14/01384/OUT.
- 5.83 Through the transport technical notes supporting the application the case that the original assessment to identify the capacity of the Howes Lane Bucknell Road junction assumed an even distribution of development and therefore it assumed approximately half the development would be south of the railway line. Furthermore development south of the railway line results in less impact through the junction and the development of 1700 dwellings at the application site would have a similar impact to 900 dwellings north of the railway line. They therefore argue that early development should be on the Himley Village site. The comments of Oxfordshire County Council on the latest technical note are awaited and will be reported at the meeting.
- 5.84 In considering the applications 14/01384/OUT and 14/01641/OUT, which are subject to resolutions to grant, 2 submitted by A2Dominion, it was clear from the highway advice that the proposed tunnel under the railway would be needed before either application could be built out. In considering how the limited capacity should be allocated between all the current applications on the NW Bicester site consideration was given to;
- a) how could the capacity be used by development best able to deliver the necessary tunnel, and
 - b) what development could be achieved whilst still meeting the policy requirements for being sustainable
 - c) is the development deliverable
- 5.85 A2Dominion have sought funding through the Homes and Community Agency (HCA)

to deliver the realigned Howes Lane and the tunnel under the railway. The HCA have confirmed they are willing to support the scheme. The funding would be in the form of a loan and A2D would look to share the cost of the provision across all the NW development based on the amount of residential land in each holding. A2Dominion have also confirmed that they would pursue the technical approval of the tunnel design through the GRIP process with Network Rail. A2Dominion have therefore identified a route by which the tunnel and realigned Howes Lane could be delivered early in the development and are willing to forward fund the costs of doing so.

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

not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.'

- 5.91 In this case Network Rail have raised no technical objection to the proposed work and negotiations are underway. On the evidence that we have seen to date A2D appear committed to deliver the infrastructure and negotiations are taking place that makes sure that they are bound to an appropriate programme. The provision of funding for the works from the HCA is available and therefore it is considered reasonable to use a Grampian approach in these circumstances.
- 5.92 There have been concerns expressed regarding the Howes Lane realignment, as well as support for moving traffic away from existing residential properties affected traffic on the existing road. The primary concern raised is whether the proposed realigned road will adequately function as a perimeter road to the town. The design of the realigned road has been the subject of extensive discussion with Highway Officers who have not raised objections. Whilst these concerns are recognised it is considered that the realignment of the road offers significant advantages. The existing Howes Lane has no footpaths or cyclepaths and runs immediately at the rear of properties. As the town grows improvement to the route and access from it is required. The relocation of the route provides the opportunity to remove traffic impacts from existing dwellings and design a route that has really good provision for pedestrians and cyclists, accommodates sustainable drainage, allows for landscaping and access as well as accommodating the vehicular traffic. It is officers view that it provides a better solution for the long term growth of the town than improvements to the existing Howes Lane.

Travel Plans

- 5.93 The PPS has an ambitious target to secure modal shift and the NPPF and Local Plan promote sustainable travel. The application is supported by a draft travel plan which identifies the target of 50% of all trips originating from Himley Village will be non car modes. The Eco Towns PPS sets this target but suggests it should rise to 60% where the development is adjacent to a higher order settlement. The travel plan identifies further targets that show a commitment to sustainable travel. The travel plan identifies how sustainable travel will be achieved including through the range of uses within the site and homeworking, marketing and branding, travel planning, parking strategy, car club, electric vehicles, public transport, walking and cycling routes, cycle parking and facilities.
- 5.94 The targets for modal shift on the site are ambitious and as such will require active measures to support the modal shift. The framework travel plan reflects the PPS target for modal shift and outlines a range of measures to achieve targets.

Conclusion

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

Healthy Lifestyles

- 5.96 The Eco Town PPS identifies the importance of the built and natural environment in improving health and advises that eco towns should be designed to support healthy and sustainable environments enabling residents to make healthy choices. The NPPF

also identifies the importance of the planning system in creating healthy, inclusive communities. The ACLP identifies the need for a 7 GP surgery which is supported by information provided by NHS England.

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

Local Services

- 5.99 The PPS identifies the importance of providing services that contribute to the wellbeing, enjoyment and health of people and that planning applications should contain an appropriate range of facilities including leisure, health and social care, education, retail, arts and culture, library services, sport and play, community and voluntary sector facilities. The NPPF advises that to deliver social, recreational, cultural and services to meet the communities needs that you should plan positively to meet needs and have an integrated approach to the location of housing economic uses and community facilities and services (para 70). The ACLP Policy Bicester 1 identifies the following infrastructure needs for the site: education, burial ground, green infrastructure, access and movement, community facilities, utilities, waste infrastructure and proposals for a local management organisation. BSC 12 seeks indoor sport, recreation and community facilities whilst BSC 7 supports the provision of schools in sustainable locations and encourages co location.
- 5.100 The NW Bicester SPD contains 'Development Principle 8 – Local Services'. This principle requires facilities to meet the needs of local residents with a range of services located in accessible locations to homes and employment.
- 5.101 This development includes proposals for a number of local services including local shops, a school, a public house, a health centre, an extra care facility and other community and commercial services. The site also includes sports pitches which are provided for the benefit of the whole Masterplan site and, other facilities such as a GP practice are provided on other parts of the Masterplan site but still within an accessible location. A cultural strategy has also been developed that would seek to ensure that culture and the arts are incorporated into development proposals and some infrastructure provision is more sensibly made off site such as the expansion of the new library in the town centre and the existing sports centre and swimming pool.
- 5.102 The work done on planning for social and community infrastructure will result in the PPS standard being achieved and compliance with the advice in the NPPF and

ACLP.

Green Infrastructure

- 5.103 The PPS requires the provision of forty per cent of the eco-town's total area should be allocated to green space, of which at least half should be public and consist of a network of well-managed, high quality green/open spaces which are linked to the wider countryside. A range of multi-functional green spaces should be provided and particular attention to providing land to allow the local production of food should be given.
- 5.104 The NPPF advises at para 73 that access to high quality spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. It also emphasises that Local Planning Authorities should set out a strategic approach in their local plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (para 114).
- 5.105 Adopted Cherwell Local Plan Policy BSC11 sets out the minimum standards that developments are expected to meet and it sets out standards for general green space, play space, formal sport and allotments. Furthermore, site specific, Policy Bicester 1 requires the provision of 40% of the total gross site area to comprise green space, of which at least half will be publicly accessible and consist of a network of well-managed, high quality green/ open spaces which are linked to the countryside. It specifies that this should include sports pitches, parks and recreation areas, play spaces, allotments, the required burial ground and SUDs.
- 5.106 The NW Bicester SPD includes 'Development Principle 9 – Green Infrastructure and Landscape'. This principle requires green space and green infrastructure to be a distinguishing feature of the site making it an attractive place to live. Planning applications should demonstrate a range of types of green space that should be multi-functional, whilst preserving natural corridors and existing hedgerows as far as possible. Furthermore it emphasises that 40% green space should be demonstrated.
- 5.107 The application proposes green infrastructure in a range of forms including woodlands, public green space, playing fields, SUDs, school playing fields, newt protection areas, allotments and hedgerow buffers. The applicant has submitted a table showing that based upon existing green infrastructure to be retained as well as that proposed, the total green infrastructure across the site amounts to 40.2% of the site area. Much of this area would be publicly accessible although the land for the school playing fields may not be. The application complies with Policy in this regard.
- 5.108 The applicant proposes Green Infrastructure in a number of ways through the site, including by way of a village green at the heart of the development, a network of swales and attenuation ponds, high quality interconnected green spaces linked to the wider ecotown area and surrounding countryside, the protection of hedgerows and the inclusion of 10m landscape buffers on either site, the retention and enhancement of the broadleaved woodland to the east of the site and the planting of new woodland. A range of climate change adaptation measures are also supported through new GI including the creation of suitable green buffers to increase flood resilience, street trees and shading with vegetation.
- 5.109 The application has also been considered against Policy BSC11 which is the minimum standard that most developments are expected to meet. The policy sets out standards for general green space, play space, formal sport and allotments. For this application, the policy seeks around 12.1ha of general amenity space, 3.45ha of play space, 4.99ha of outdoor sport provision and 1.6ha for allotments. The application indicates a greater area of allotments and outdoor sport provision than required by the Policy, which is a significant benefit to the scheme. The outdoor sport pitches in

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

Landscape and Historic Environment

- 5.110 The Eco Town PPS advises that planning applications should demonstrate that they have adequately considered the implications for the local landscape and historic environment to ensure that development compliments and enhances the existing landscape character. Measure should be included to conserve heritage assets and their settings. The NPPF recognises the intrinsic character and beauty of the countryside (para 17). The NPPF advises that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.
- 5.111 Adopted Cherwell Local Plan Policy Bicester 1 requires ‘a well-designed approach to the urban edge which related development at the periphery to its rural setting’ and development that respects the landscape setting and demonstrates enhancement of wildlife corridors. A soil management plan may be required and a staged programme of archaeological investigation. Policy ESD13 advises that development will be expected to respect and enhance the local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 5.112 The NW Bicester SPD contains ‘Development Principle 9A – Tree Planting’, requires native trees and shrubs should be planted on the site to reflect the biodiversity strategy. Sufficient space should be allocated for tree planting to integrate with the street scene and adjacent street furniture, highways infrastructure, buildings and any associated services.

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

‘Development Principle 9C – Hedgerows and Stream Corridors’ requires applications to explain green infrastructure in relation to the way it fits with the housing and commercial developments. Hedgerow losses should be minimised and mitigated for and hedgerows to be retained should be protected and enhanced with buffer zones and additional planting. A minimum 60m corridor to the watercourses should be provided to create a strong landscape feature in the scheme and secure the opportunity for biodiversity gain. Dark corridors to provide connectivity between habitats and ecosystems must be planned and protected.

‘Development Principle 9D – Sports Pitches’, requires that sufficient quantity and quality of an convenient access to open space, sport and recreation provision is secured through ensuring that proposals for new development contribute to open space, outdoor sport and recreation provision commensurate to the need generated by the proposals.

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

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

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

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

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

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

Biodiversity

- 5.122 The Eco Town PPS requires that net gain in local biodiversity and a strategy for conserving and enhancing local bio diversity is to accompany applications. The NPPF advises the planning system should minimise impacts on bio diversity and providing net gains where possible, contribute to the Government's commitment to prevent the overall decline in bio diversity (para 109) and that opportunities to incorporate bio diversity in and around developments should be encouraged (para 118). The ACLP Policy Bicester 1 identifies the need for sports pitches, parks and recreation areas, play spaces, allotments, burial ground and SUDs and for the formation of wildlife corridors to achieve net bio diversity gain. Policy ESD10 seeks a net gain in bio diversity.
- 5.123 The NW Bicester SPD includes 'Development Principle 9E – Biodiversity', requires the preservation and enhancement of habitats and species on site, particularly protected spaces and habitats and the creation and management of new habitats to achieve an overall net gain in biodiversity. Open space provision requires sensitive management to secure recreation and health benefits as well as biodiversity gains. Proposals should demonstrate inclusion of biodiversity gains and all applications

should include a biodiversity strategy.

Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity” and;

Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.

Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.

Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:

- 1) is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development).
- 2) Is there any satisfactory alternative?
- 3) Is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species?

Therefore where planning permission is required and protected species are likely to be found to be present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local planning authority that the 3 strict derogation tests can be met prior to the determination of the application. Following the consultation with Natural England and the Council’s Ecologist advice given (or using their standing advice) must therefore be duly considered and recommendations followed, prior to the determination of the application.

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

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

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

Water

- 5.130 The Eco Towns PPS states 'Eco Towns should be ambitious in terms of water efficiency across the whole development particularly in areas of water stress. Bicester is located in an area of water stress. The PPS requires a water cycle strategy and in areas of serious water stress should aspire to water neutrality and the water cycle strategy should;
- (a) the development would be designed and delivered to limit the impact of the new development on water use, and any plans for additional measures, e.g. within the existing building stock of the wider designated area, that would contribute towards water neutrality
 - (b) new homes will be equipped to meet the water consumption requirement of Level 5 of the Code for Sustainable Homes; and
 - (c) new non-domestic buildings will be equipped to meet similar high standards of water efficiency with respect to their domestic water use.
- 5.131 The NPPF advises at para 99 that when new development is brought forward in areas that are vulnerable care should be taken to ensure risks can be managed

through suitable adaption measures, including through the planning of green infrastructure. The ACLP Policy ESD8 advises 'Development will only be permitted where adequate water resources exist or can be provided without detriment to existing uses.' Policy Bicester 1 requires a water cycle study and Policy ESD 3 requires new development to meet the water efficiency standard of 110 litres/person/day.

- 5.132 The NW Bicester SPD includes 'Development Principle 10 – Water'. This principle requires water neutrality to be achieved which means the total water used after a new development is not more than the total water used before the new development. Applications should be accompanied by a Water Cycle Strategy that provides a plan for the necessary water services infrastructure improvements. This should incorporate measures for improving water quality and managing surface water, ground water and local watercourses to prevent surface water flooding and incorporate SUDs designed to maximise the opportunities for biodiversity.
- 5.133 The applicant has submitted the overall site wide Masterplan Water Cycle Study, which shows that there will be an increase in demand for drinking water as a result of the development. The application advises that the proposed water demand will be sought to be reduced through the use of water efficient fittings within all properties on the site and that rainwater and grey water recycling is proposed to further reduce water requirements. The application confirms that the minimum design standard for all new dwellings will be that water efficient fixtures and fittings are specified to reduce average per capita consumption to at least 105l/p/d and that non-residential buildings will be designed with water efficient fixtures and fittings so as to reduce whole building potable water use by at least 55% from the baseline demand in accordance with BREEAM Excellent rating. Furthermore, on-site water recycling technologies including rainwater and grey water recycling will also be used locally to supplement domestic supplies, and reduce demand for potable water further to less than 80 l/p/d and meet Code for Sustainable Homes Level 5 mandatory water standards.
- 5.134 The submission further emphasises that the SUDs that will be incorporated within the scheme will enhance water quality with them being sized to provide the required attenuation storage for the 1% AEP plus a 30% allowance for climate change. With regard to waste water arising from the development, the considerations are currently that the will connect directly into the existing Bicester Waste Water Treatment Works (albeit upgrades may be required as per the advice received from Thames Water). Alternatively, the applicant is considered the use of an onsite water treatment works to treat foul effluent in a local treatment plant located within the development. This potential on site treatment works does not form part of the scope of the current application and would require a separate application in the future should this proposal be progressed.
- 5.135 It is positive that the applicant is aspiring to high water efficiency targets; however these targets do not confirm how the target of water neutrality can be achieved on this site. It is considered that a condition requiring the higher building regulation standards for water efficiency is required. Subject to conditions, it is considered that the proposal can comply with the PPS and SPD.

Flood Risk Management

- 5.136 The Eco towns PPS advises that the construction of eco towns should reduce and avoid flood risk wherever practical and that there should be no development in Flood Zone 3. The NPPF advises that inappropriate development in areas of flood risk should be avoided (para 100) and that development should not increase flood risk elsewhere (para 103). The ACLP policy ESD6 identifies that a site specific flood risk assessment is required and that this needs to demonstrate that there will be no increase in surface water discharge during storm events up to 1 in 100 years with an

allowance for climate change and that developments will not flood from surface water in a design storm event or surface water flooding beyond the 1 in 30 year storm event. Policy ESD 7 requires the use of SUDs.

- 5.137 The NW Bicester SPD includes 'Development Principle 11 – Flood Risk Management', which requires the impact of development to be minimised by ensuring that the surface water drainage arrangements are such that volumes and peak flow rates leaving the site post development are no greater than those under existing conditions. The aim is to provide a site wide sustainable urban drainage system (SUDs) as part of the approach and SUDs should be integrated into the wider landscape and ecology strategy. Applications should demonstrate that the proposed development will not increase flood risk on and off the site and take into account climate change.
- 5.138 The FRA shows that the site falls within flood zone 1 and is consequently at low risk of flooding. The FRA considers existing conditions, including details of the existing drainage features, which are formed from drainage ditches connecting to existing watercourses. The surface water drainage strategy for the site is to manage surface water runoff and to include a network of above ground attenuation incorporated within the green infrastructure across the Development. Surface water is to be managed through a Sustainable Drainage System which will achieve greenfield run off rates from the Site. This will include swales located within the green corridors which will act as key pathways for surface water to flow through the site and will also act to attenuate water by using a series of check dams and detention basins integrated in to the landscape where the natural topography can provide additional storage.
- 5.139 The Environment Agency originally objected to the scheme on the basis that the FRA failed to satisfactorily demonstrate that there are viable outfall locations for surface water discharging from the site (in particular that further work was required to confirm that surface water can be drained via identified culverts) and how and where the required 27,000sqm³ of surface water attenuation will be provided on the site (it was considered unclear that sufficient storage is being provided within the indicative layout, especially during early phases of the development). Additional information has been submitted in relation to swale volumes and drainage layouts as well as the existing outfalls and this has been reconsidered by the Environment Agency and The Oxfordshire County Council drainage team. Both parties have removed their objection on flood risk grounds. In the view of Officers, sufficient information has been provided at this stage to demonstrate that the risk from flooding is limited and that a scheme to deal with surface water can be reached. It is therefore considered that with suitable conditions to agree a full drainage strategy, the application can be considered to comply with the PPS, NPPF and the ACLP with regard to flood risk.

Waste

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

waste

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

- 5.141 The NW Bicester SPD includes 'Development Principle 12 – Waste', which sets out that planning applications should include a sustainable waste and resources plan covering both domestic and non-domestic waste and setting targets for residual waste, recycling and landfill diversion. The SWRP should also achieve zero waste to landfill from construction, demolition and excavation.
- 5.142 The application is accompanied by a Sustainable Waste and Resources Plan, which sets targets for residual waste and recycling along with mechanisms for monitoring and achieving these targets. This provides details of the areas existing waste management systems and the anticipated waste streams from the development. Targets are set for the reduction of residual waste (diversion of 95% waste from landfill) and for 70% of the total waste collected to be reused, recycled or composted and includes details for how this level of performance can be realistically achieved. The Environmental Statement assesses that there would be a negligible impact upon waste both at the construction stage and once the development is occupied given the targets set for diverting waste from landfill and for recycling, reuse and composting. Conditions and/ or legal agreements will be used to ensure measures to achieve the targets will be put in place.

Master Planning

- 5.143 The Eco Towns PPS sets out that 'eco-town planning applications should include an overall master plan and supporting documents to demonstrate how the eco- town standards set out above will be achieved and it is vital to the long term success of eco towns that standards are sustained.' The PPS also advises there should be a presumption in favour of the original, first submitted masterplan, and any subsequent applications that would materially alter and negatively impact on the integrity of the original masterplan should be refused consent.
- 5.144 The ACLP Policy Bicester 1 states 'Planning Permission will only be granted for development at North West Bicester in accordance with a comprehensive masterplan for the whole site area to be approved by the Council as part of a North West Bicester Supplementary Planning Document.'
- 5.145 A masterplan and supporting documents have been produced by A2Dominion in consultation with the Council and other stakeholders. This masterplan has been the subject of public consultation. The development at NW Bicester will take place over a number of years and as such it was considered important that the key components of the masterplan are enshrined in planning policy and therefore the Council has produced a draft SPD. The SPD emphasises that in order to ensure a comprehensive development, all planning applications will be required to be accordance with the framework masterplan for the site. Applications should provide a site specific masterplan to show how that site fits with the overarching masterplan and demonstrate the vision and principles set out in the site wide masterplan and the SPD.
- 5.146 The NW Bicester site identified in ACLP is large and it is important that development is undertaken in such a way as to deliver a comprehensive development. A masterplan is an important tool in achieving this particularly when there is not a single outline application covering the site as in this case. The application has been submitted with a masterplan and parameter plans, which demonstrate that the proposals for Himley Village has been prepared having regard to the submitted masterplan and generally accord with it in relation to the overall proposal for the site. Whilst there are minor variations from the masterplan, which are considered elsewhere in this report, these are generally considered to be acceptable and are

justified and Officers are content that critical access points can be negotiated to ensure the site is a comprehensive development. Notwithstanding this, it will be important that appropriate triggers are included within legal agreements to ensure that the development is linked to the provision of infrastructure, including the provision of the re-aligned road and tunnel to ensure that the wider development provides infrastructure at the right time and to support the masterplan approach to delivery.

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

Transition

- 5.148 The Eco Towns PPS advises that planning applications should set out;
- a) the detailed timetable of delivery of neighbourhoods, employment and community facilities and services – such as public transport, schools, health and social care services, community centres, public spaces, parks and green spaces including biodiversity etc
 - b) plans for operational delivery of priority core services to underpin the low level of carbon emissions, such as public transport infrastructure and services, for when the first residents move in
 - c) progress in and plans for working with Primary Care Trusts and Local Authorities to address the provision of health and social care
 - d) how developers will support the initial formation and growth of communities, through investment in community development and third-sector support, which enhance well-being and provide social structures through which issues can be addressed
 - e) how developers will provide information and resources to encourage environmentally responsible behaviour, especially as new residents move in
 - f) the specific metrics which will be collected and summarised annually to monitor, support and evaluate progress in low carbon living, including those on zero carbon, transport and waste
 - g) a governance transition plan from developer to community, and
 - h) how carbon emissions resulting from the construction of the development will be limited, managed and monitored.
- 5.149 The timing of the delivery of community services and infrastructure has been part of the discussions that have taken place with service providers in seeking to establish what it is necessary to secure, through legal agreements, to mitigate the impact of development. This has included working with Oxfordshire County Council on education provision and transport, NHS England, Thames Valley Police and CDC's Community Development Officer. The application is accompanied by a phasing plan demonstrating the delivery of the proposed land uses. It is considered that the timing of the provision of infrastructure can be negotiated through the S106 process in order to meet the needs at the correct time.
- 5.150 The monitoring of the development is important and will allow the success of the higher sustainability standards to be assessed and inform future decision making. A monitoring schedule has been developed for the Exemplar development that is currently under construction. This was secured through the legal agreement accompanying the application and a similar approach is proposed for the current application.
- 5.151 The limiting of carbon from construction has been addressed on the Exemplar application by measures such as construction travel plans, work on reducing

embodied carbon and meeting CEEQAL (sustainability assessment, rating and awards scheme for civil engineering). It is proposed that this same approach would be taken on subsequent applications for the wider site and so this would be relevant for the current application. Conditions and/ or the legal agreement would seek to address this point.

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

Community and Governance

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

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

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

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

- 5.157 There has been good progress in progressing the LMO through the work on the Exemplar application and to ensure the PPS and ACLP requirements are met. Given the applicants current intention in relation to progressing with the LMO route, it is intended that details of the setting up of the LMO and funding for it so that it can be sustainable in the long term will be included in legal agreements for the site and this matter would therefore form part of the S106 discussions moving forward.

Design

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

area. The Eco Towns PPS seeks the achievement of Building For Life as a measure of the quality of the development.

- 5.159 The ACLP policy ESD 15 on the character of the built and historic environment sets out 17 requirements for new development whilst Policy Bicester 1 has a further 33 design and place shaping principles. These requirements include contributing to the areas character, respect traditional patterns and integrate, reflect or re-interpret local distinctiveness, promote permeability, take a holistic approach to design, consider sustainable design, integrate and enhance green infrastructure, include best practice in overheating, enable low carbon lifestyles, prioritise non car modes and support sustainable transport, providing a well-designed approach to the urban edge, respect the landscape setting, visual separation to outlying settlements, provision of public art.
- 5.160 The NW Bicester SPD includes guidance on design and character areas. It sets a number of design principles, including the need for sustainability to be a key driver in the design of the eco town, creating a character, being integrated into the site and the surrounding town and countryside, creating a legible place, with filtered permeability that allows for efficient movement within and around the place, utilises a townscape led approach and which responds to its landscape setting. It includes information as to what information should be demonstrated through each planning application and the design principles that need to be complied with.
- 5.161 The application is accompanied by a set of parameter plans and a design and access statement, both of which have been updated and clarified since submission to respond to Officer comment. This amendment has related to the extent of the area set aside for mixed uses along the Middleton Stoney Road (essentially to contain it such that the impact can be assessed and controlled). This area of the site sits adjacent to the Albion Land site and extends to the main site access just to the east of Lovelynych House (albeit up to a maximum floor area of 8,000sqm, which can be controlled by condition). The overall height parameter in this area demonstrates a maximum height of 16m adjacent to the land part of application 14/01675/OUT. The amendments have also considered further the parameters close to Lovelynych House (and it is clear that the amendments have generally overcome the concerns of the owner of the property subject to suggested conditions, which Officers consider would be appropriate in establishing the parameters to that property). The applicant has also sought to overcome and justify concerns relating to rear gardens onto public spaces. It will be important that these parameter plans are secured by way of condition and they generally accord with the Masterplan framework including the connections that are provided, the positioning of the sports pitches and the primary school. The maximum height of the development adjacent to the pitches has resulted in some concern (up to 19m) and the applicant's agent has indicated that a condition restricting this height to 17m and Officers consider a condition is necessary here. The applicant's intention is to embed the PPS1/ eco town principles into the design of the site to seek to arrange the development around green infrastructure (including the existing hedgerows) and walking and cycling routes to give these priority with vehicular routes having a secondary role.
- 5.162 It is clear from the view of the Council's Urban Designer that the proposal has been considered and that the parameter plans provided set an appropriate baseline for further design work. It is envisaged that this will involve the production of design documents such as an Urban Design Framework and then Design Codes to set the overall design principles that reserved matter applications would follow. There are a number of design intentions set out within the DAS that have raised some concern by both the Urban Designer and the Thames Valley Police Crime Prevention Advisor and these concerns are appreciated notwithstanding the additional justification provided by the applicant. Given this is an outline application however, it is considered that future design work can address these detailed points.

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

- 5.163 The school location is broadly compliant with the Masterplan, albeit it has moved slightly south with the associated movement of a road, which means that it is not proposed close to the side of Himley Farm. OCC Education Officers have raised concern that the resulting site does not meet their requirements with particular regard to its shape. Whilst Officers note the concern, the overall design approach, including the position of the school is considered to be on balance the most appropriate place for it taking into account wider design considerations as well as the fact that the shape of the site is not obscure; rather it is a 'L' shape rather than a rectangle. Officers are therefore minded to accept the position of the school, albeit detailed consideration of the school site will be undertaken by OCC Officers as part of the S106 negotiations.
- 5.164 Given the unique nature of the site it is proposed that a design review process is required for all detailed proposals going forward to make sure that they achieve high quality design as well as the high sustainability standards required. It is anticipated that sustainability will lead the design for the development and therefore it is likely to have a unique character. Never the less it will need to also be routed in the location and appropriate for the area.
- 5.165 The framework plan provides a sound basis, all be it at a high level, on which further detailed design can be based. Design will need to be developed and this can be secured through the imposition of conditions to fulfil the requirements of the policies in the ACLP.
- 5.166 A further comment from the owner of Lovelynych House requested a planning condition to safeguard the access and land for future development. Officers are not convinced that planning conditions would be reasonable in this case, but would intend to recommend a planning note to ensure that this point is noted by the Applicant.

Conditions and Planning Obligations

- 5.167 The NPPF advises that LPAs should consider whether otherwise acceptable development could be made acceptable through the use of conditions or obligations. Obligations should only be used where it is not possible to use a planning condition (para 203). Paragraph 204 advises planning obligations should only be sought where they meet the following tests;
- necessary to make development acceptable in planning terms
 - directly related to the development and
 - fairly and reasonably related in scale and kind to the development.

Conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects (para 206). The NPPF also advises at para 205 that where obligations are being sought LPAs should 'take account of changes in market conditions over time' and 'be sufficiently flexible to prevent planned development being stalled'.

- 5.168 Planning obligations need to meet the requirements of Community Infrastructure Levy (CIL) regulations section 122 which states 'A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.'

In addition from April 2015 CIL reg 123(3) limits the number of planning obligations to

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

- 5.169 This large scale development proposal will require a legal agreement to secure the mitigation and infrastructure necessary to make the development acceptable. The planning obligation is proposed in two parts, the first to seek to ensure those elements required to secure a high quality of design and sustainability and that the scheme contributes to securing a comprehensive development of the NW site. The second will deal with the site specific requirements, as with other developments, including schools, highway mitigation, affordable housing, open space laying out and maintenance, community halls and community development, public transport and contributions for a doctors surgery, Thames Valley police and other matters.
- 5.170 Planning obligations must be negotiated with developers. This application is both large scale and complex and therefore the matters to be secured by planning obligation have been identified by CDC and OCC with the relevant Heads of Terms provided to the applicant. The applicant has indicated their acceptance to meeting any reasonable S106 contribution required to secure satisfactory mitigation for the Himley Village development including a contribution to site-wide infrastructure. As discussed earlier, the applicant has committed to an early provision of affordable housing through the rent plus model, although concerns have been raised by the Council's Housing Investment and Growth Manager, and it has been confirmed that a S106 would hope to be finalised as soon as possible following a positive resolution so that development can commence at the earliest opportunity. Notwithstanding this commitment, Officers have not been provided with any viability work to demonstrate that the financial obligations requested can be met and so Officers are not in a position to confirm to Members that the mitigation required by this development can be provided. Never the less additional work is required on the detail of contributions being sought including the timing of requirements, the detail of provision and links to the application North of the railway line and the overarching Framework agreement for the site wide infrastructure and discussions on these matters will continue. Whilst Officers would have preferred to have gained greater certainty prior to reporting this proposal to committee, it is common for work to negotiate a S106 to continue following a positive resolution including an assessment of viability and it is Officers intention to continue with this work. Should Officers not be able to negotiate an appropriate package to meet the identified mitigation following more detailed work, it would be necessary to report the application back to committee for further consideration.
- 5.171 One matter that remains outstanding is discussions with Network Rail as to whether they will seek a payment for allowing the connection under the railway. They have no technical objection but do seek to secure value for allowing works that enable development to take place. Network Rail has appointed a surveyor to advise them regarding the matter. If a financial payment has to be made to Network Rail it could impact on the viability of the scheme. If this resulted in significant changes to the Heads of Terms attached then this also may mean it is necessary to return the application to the committee for further consideration in the light of changed circumstances.
- 5.172 In addition to a planning obligation a range of planning conditions are required to secure acceptable development. Conditions will need to control the timing of development taking place particularly in relation to the provision of the road under the railway. These conditions are known as 'Grampian' conditions and the NPPG advise such conditions 'should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission'. Other

conditions are identified throughout this report and a full set of draft conditions will follow the publication of the committee agenda.

Other matters

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

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

Pre-application community consultation and engagement

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

Engagement

- 5.180 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged as Officers have worked with the applicant to negotiate the application and progress it in order for it to be reported to Members.

Conclusion

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

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

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

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

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

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

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

Environmental Impact Assessment Determination

- 5.189 Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires;
- 24.—(1) Where an EIA application is determined by a local planning authority, the authority shall—
- (a) in writing, inform the Secretary of State of the decision; .
 - (b) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and .
 - (c) make available for public inspection at the place where the appropriate register (or relevant section of that register) is kept a statement containing— .
 - (i) the content of the decision and any conditions attached to it; .
 - (ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public; .
 - (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and .
 - (iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.
- 5.190 It is therefore **recommended** that this report and the conditions and obligations proposed for the development are treated as the statement required by Reg 24 C (i) - (iii). The information required by Reg 24 C (iv) will be set out on the planning decision notice.

6. Recommendation

Approval, subject to:

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

TO FOLLOW

STATEMENT OF ENGAGEMENT

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

Appendix B

SUMMARY HEADS of TERMS 14/02121/OUT

Committee 16 March 2017

Framework S106

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

	<p>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 as set out in the attached committee report until the rail tunnel has been constructed to an agreed standard, such restriction is in accordance with the advice of the Highway Authority, to ensure that the Howes Lane/Bucknell Road junction continues to function without severe impact.</p>	
3	Comprehensive Development	
	As each site comes forward the Councils will seek agreement with each landowner/developer to enter into the framework agreement	

Application Phase S106

1	Affordable Housing	
	<p>Provide 30% affordable housing in accordance with an agreed phasing and mix. Affordable housing to be provided by a Registered Provider. Affordable Housing scheme to be submitted and approved prior to submission of first residential reserved matter submission identifying the distribution of the affordable housing. Affordable housing to be delivered in clusters of no more than 15 affordable housing units unless agreed. Nomination agreement</p>	
2	GP Surgery	
	Provide financial contribution to the provision of a new GP Surgery or such other interim measure as may be required.	
3	Thames Valley Police	
	Provide financial contribution to neighbourhood policing	
4	Community Hall & Sports Pavilion	
	<p>Financial Contributions towards build cost of hall and sports pavilion south of the railway line along with other applicants south of the railway line or such other interim measure (in respect to the sports pavilion only) as may be required. Contribution towards visitor centre within community hall to the north of the railway line</p>	
5	Community Development Worker	
	Financial contribution for the provision of a community development worker(s) to deliver the creation of the new community during the build out of the site.	
6	Community Development Fund	
	Financial contribution to deliver community development	
7	Employment and Training	
	<p>Provide employment and training action plan to include measures to ensure opportunities for local labour and businesses through the development, measures to support home working and to work with the local job club to advertise jobs created through construction on the site.</p> <p>Delivery of specified number of construction (and related trades) apprenticeships in accordance with the number of opportunities identified through the CITB, through the</p>	

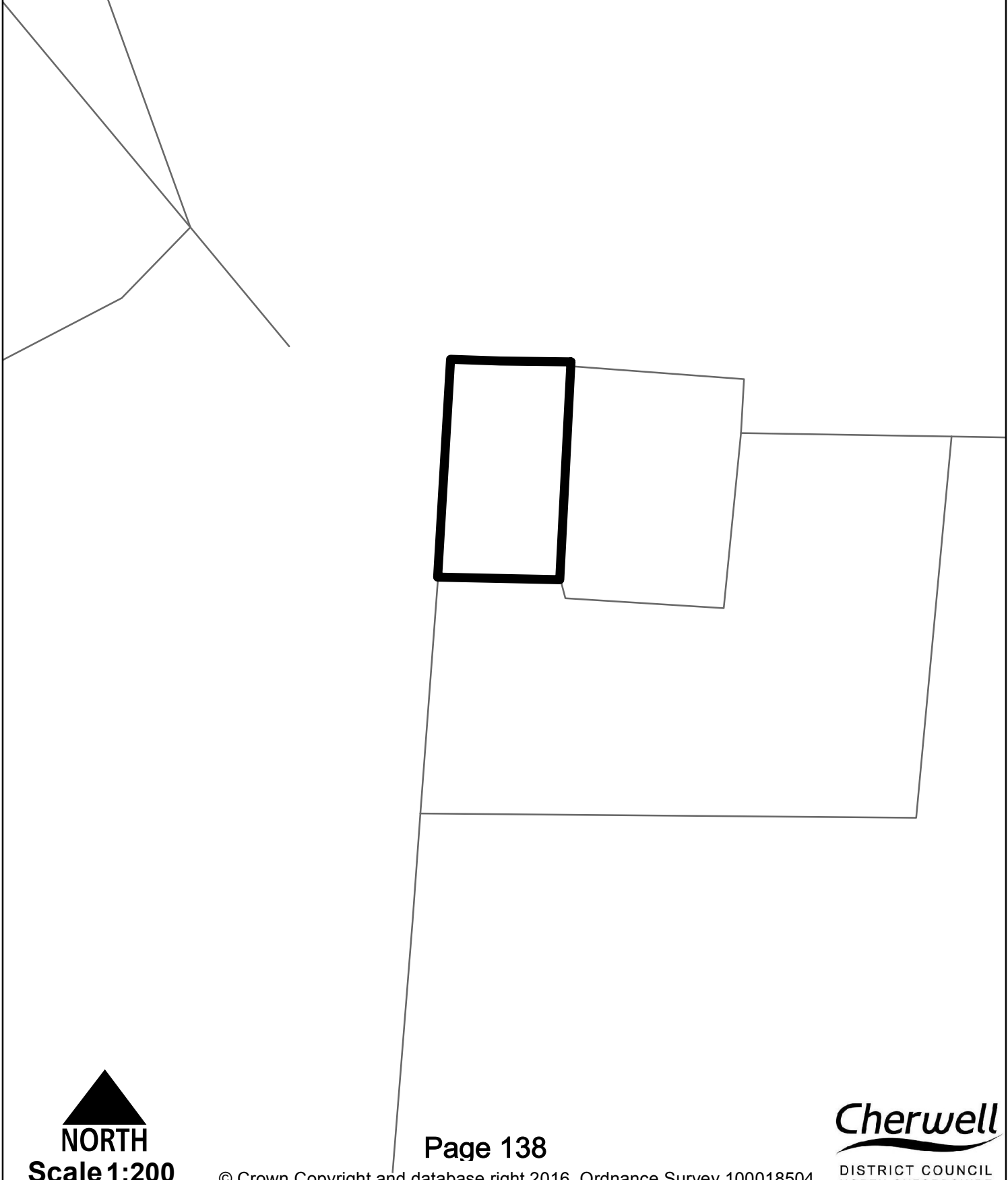
	Bicester ATA or other agreed provider.	
8	Primary School	
	2.22ha of land at nil cost and provide school or financial contribution sufficient to provide a 1FE Primary School and funding to provide extra accommodation corresponding to the pupil generation (up to a 2 FE School). Timing to be agreed.	
9	Secondary School	
	Financial contribution towards the provision of secondary schools or such other interim measure as may be required.	
10	SEN	
	Provide contribution for the provision of SEN places	
11	Library	
	Contributions to the new Bicester library plus contribution towards core book stock.	
12	Permanent Sport Pitches	
	Provide land to accommodate the required sports pitches south of the railway line and make a proportionate contribution towards the capital and revenue costs of the pitches.	
13	Public Open Space	
	Layout or fund the laying out of the public open space and transfer it to CDC in accordance with an agreed plan and phasing. Provide a commuted sum for maintenance	
14	Other Amenity space	
	Maintenance sums towards woodland, hedges, swales, orchards and paths	
15	Allotments	
	Layout or fund the laying out of the allotments and transfer them to CDC in accordance with an agreed plan and phasing.	
16	Play Areas	
	Layout or fund the laying out of the NEAPs and LEAPS and transfer to CDC in accordance with an agreed plan and phasing. Provide commuted sum for maintenance. Provide local areas of play within the residential parcels so every dwelling is within 400m of play provision. Make provision for secure long term ownership and management.	
17	Indoor Sport	
	Provide funding for the expansion of the Bicester Sports Centre	
18	Green Space that could be used for a Burial Ground	
	Provide contribution to the provision of a burial ground	
19	Bio Diversity Off Sett	
	Provide funding for off site bio diversity mitigation, to be used for off setting grant scheme or land purchase for bio diversity.	
20	Cultural & Wellbeing Strategy	
	Provide a cultural and wellbeing strategy and action plan for delivery across the site	
21	Local Management Organisation	
	Work with CDC to establish the LMO Provide funding for the establishment of the LMO and its activities	
22	Waste Collection & Recycling	
	Provide an action plan to deliver waste reduction Provide funding for the provision of domestic bins for waste and recycling Provide funding for the provision of bring bank sites	
23	Strategic Waste Management	
	Provide a financial contribution towards strategic waste management	

24	Bus Provision	
	Provide funding for the provision of the bus service to serve the site in accordance with agreed phasing	
25	Bus Access Scheme	
	Provide or provide funding for the improvement of Bucknell Road and Field Street to facilitate bus access	
26	Off Site Cycle Way Improvements	
	Provide a contribution towards the following improvements; <ul style="list-style-type: none"> • Off-site cycleway along Middleton Stoney Road between Howes Lane and Oxford Road. • Off-site improvements to cycle route between Bucknell Road, George Street and Queens Avenue • Off site cycleway and traffic calming scheme on Shakespeare Drive 	
27	Field Path Improvements	
	Fund improvements to Bridleway Bicester 9 and Bucknell 4	
28	Highway Works	
	Contribution to Banbury Road B4100 roundabout improvement Highway works to create vehicular access off Middleton Stoney Road Provision of footway/ cycle links to allow sustainable transport options in advance of surrounding development.	
29	Village Traffic Calming	
	Contribution to funding village traffic calming	
30	Travel Plan	
	Provide and agree a travel plan Provide funding for travel plan monitoring	
31	Monitoring	
	Provide scheme of monitoring eco town standards	
32	Bond/Guarantee	
	Provide bond or guarantee for the delivery of the infrastructure	
33	Monitoring fees	
	Provide a fee for monitoring of legal agreements	
34	Drainage	
	SUDs to be provided on site	
35	On site internal roads/ streets	
	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.	
36	On-site sustainable transport initiatives	
	Travel Plan co-ordinator Electric Vehicle charging points Car club	
37	Zero Carbon	

Agenda Item 8

16/02355/F

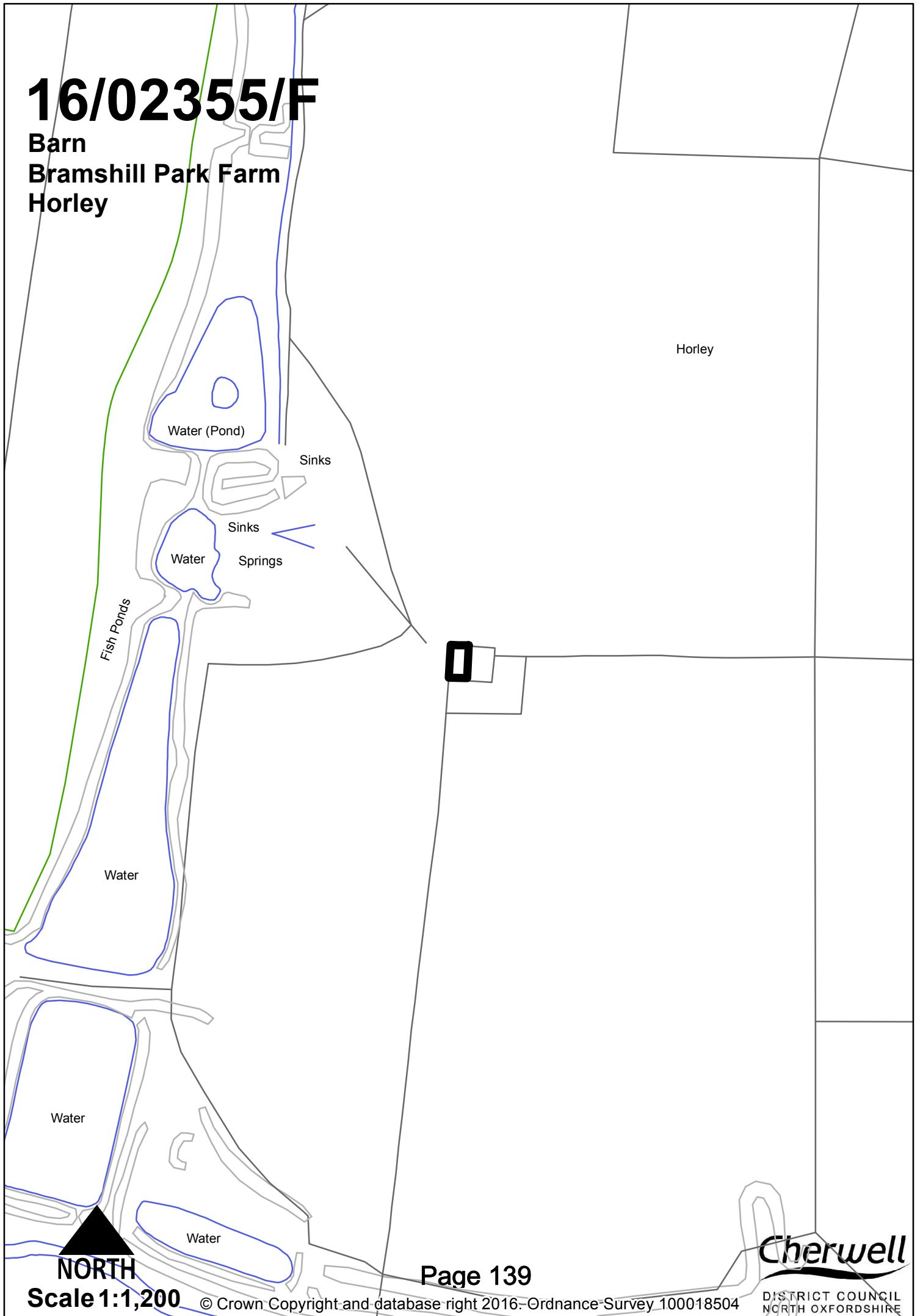
Barn
Bramshill Park Farm
Horley



NORTH
Scale 1:200

16/02355/F

Barn
Bramshill Park Farm
Horley



Horley

Water (Pond)

Sinks

Sinks

Springs

Fish Ponds

Water

Water

Water

Water

NORTH

Scale 1:1,200

Case officer: Gemma Magnuson (01295 221827)

Applicant: Mr R Freeman

Proposal: RETROSPECTIVE – Repair of existing covered yard and formation of cattle handling area, to include the removal and rebuilding of unstable elements of the roof structure and gable and front walls

Ward: Cropredy, Sibfords and Wroxton

Ward Councillors: Cllr Ken Atack
Cllr G A Reynolds
Cllr Douglas Webb

Reason for Referral: Significant public interest

Expiry Date: 23 January 2017

Committee Date: 16 March 2017

Recommendation: Refuse, following expiry of consultation period on 30 March 2017

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to a barn situated upon a parcel of agricultural land to the south-west of the village of Horley. The barn is considered to be a curtilage listed building and the site lies within the designated Horley Conservation Area. The site is also of ecological importance, being positioned immediately adjacent to the Horley Local Wildlife Site to the west and within the Northern Valleys Conservation Target Area. The great crested newt and brown trout have been identified within the vicinity of the site, and a Bat Survey undertaken during July 2015 confirmed that the building itself is a night roost of the brown long-eared bat and Natterer's bat, both legally protected species. The site is of high archaeological interest.

Curtilage listed building

1.2. The barn has been identified as a curtilage listed building during the course of this planning application. The conclusion that the barn is curtilage listed has been drawn from the evidence available to the Local Planning Authority and, without any evidence to the contrary at the time of writing, this is believed to be correct.

1.3. In summary, there is evidence, including planning history, to indicate that the barn was in the same ownership as Grade II listed Bramshill Park Farm (now Bramshill Manor) on 08 December 1955 when it became a listed building. The listing describes the building as a farmhouse, and agricultural activity appears to have taken place at the site until around 2006, when the farm relocated to Clump Lane to the north-west of the village of Horley (ref: 06/00018/F). Historic OS Maps indicate that paths once connected the barn to the farmyard which suggests a physical relationship with the farm, and with a use that was ancillary to the farmhouse. The barn is likely to have been a field shelter for livestock that was erected during Inclosure in 1766.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks retrospective planning permission for the repair of an existing covered yard, to include the formation of a cattle handling area, and the removal and rebuilding of unstable elements of the roof structure, gable and front walls of the building.
- 2.2. The accuracy of the development description supplied with the application has been queried during the course of the application, specifically with regard to whether or not the development constitutes the repair of the barn or erection of a new building. The difference between *repair* and *rebuild* of structures is not always clear in planning terms, and each case is to be considered on its own merits.

Existing Plans

- 2.3. The existing plans supplied with the current application differ from those submitted with a previously withdrawn application at the site during 2015 (ref: 15/00449/F), in that the current existing plans are slightly larger in footprint and height (approx. between 10cm and 40cm differences in height and 30cm difference in depth). When the difference was queried with the applicant's agent, the reason given was that during 2015 the measurements were taken as best they could, given the poor state of repair of the building and the presence of rubble inside the building.
- 2.4. At the time of measuring the barn for the current application, the front wall and gable had been rebuilt vertically off the original foundations, giving different measurements. The site has also been subject to cut and fill, whereby the ground has been built up on the west side of the barn and reduced on the east side in preparation to take the stone base to the floor and yard, thus explaining the varying differences in height.
- 2.5. The existing plans submitted with the current application indicate that the height and footprint would be between 100-300mm higher. Officers do not have measurements of the former building given the retrospective nature of the application, and has therefore been unable to confirm the 'existing' measurements. However, the 'proposed' measurements were taken on the 13 December 2016 and confirmed that the retrospective works are largely in accordance with the current 'proposed' plans.
- 2.6. Following consultation with the Council's Legal Team, it is considered that the lack of clarity over the exact dimensions of the former barn does not prevent the application from being determined. However, it does appear from photographs that the 'proposed' barn is larger in both depth and height than the former building.

Development description

- 2.7. Upon querying the development description with the applicant's agent, the agent has confirmed that they consider that the barn has not been demolished, and that the unstable elements have been repaired or rebuilt. Agreement has not, therefore, been reached for an alteration to the development description, as the Case Officer suggested that the development had actually involved the demolition of the existing barn and the rebuild of a barn. Again, following consultation with the Council's Legal Team, it is considered that the potential inaccuracy of the development description does not prevent the application from being determined.
- 2.8. The repair or rebuild issue has been addressed in more detail later in the report.
- 2.9. What is clear is that the proposed work to the barn has been carried out and the application is therefore retrospective. The buttresses on the west elevation of the

barn have been rebuilt in stone, rather than the former brickwork, with new foundations and altered design. Internal blockwork walls have also been introduced. Externally, some original stonework remains, although has been re-pointed. No indication has been provided with the application as to whether lime or cement has been used in the mortar.

- 2.10. The Planning Enforcement Team served a Temporary Stop Notice on the 11 November 2016 although regrettably the applicant failed to comply with the requirements of the notice and continued building works. The Planning Enforcement Team are awaiting the outcome of the current application before deciding what further action, if any, is required.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>App Ref</u>	<u>Description</u>	<u>Decision</u>	<u>Date</u>
15/00499/F	Construction of new house also incorporating existing stone barn	Withdrawn	13 October 2015

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No formal pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. This application was initially publicised by way of a site notice displayed near the site and by advertisement in the local newspaper. The final date for comment was 29 December 2016. Since identifying that the building is curtilage listed the application has been re-advertised for 21 days by way of site notice displayed near the site, advertisement in the local newspaper, and due to the level of public interest, letters sent to all members of the public that had previously provided comments on the proposal. The final date for comment is 30 March 2017.

- 5.2. The comments raised by third parties are summarised as follows:

- No issue with like for like rebuild of barn – this is not the case
- Significant enlargement on the previous structure
- Existing plans differ from previous 2015 application
- If replicated the retrospective proposal could result in damaging precedent of conversion schemes
- Large new structure has been introduced into open rural landscape that appears in a variety of local and wider views – obviously visible from approach into Horley from Wroxton – visual and heritage impact
- Higher roofline stands out when viewed from the edge of Horley
- Negative impact upon the rural character of the landscape, established setting of nearby listed buildings and designated Conservation Area
- Council Enforcement Stop Notice has been ignored and work accelerated on site – this disregard for due process should not be condoned, it would send a

highly dangerous message to other developers and undermine the respect and integrity of the planning process

- What has been done about the flagrant breach of the Stop Order by the planning authorities, nothing to date except the extraction of a flawed and misleading retrospective application by a reluctant landowner
- Applicant signalled intentions recently by construction a hard-core track off the corner of Little Lane/Church Lane to the site without planning permission, but nothing has been done about it
- No doubt bolstered by Local Planning Authority lack of action, the applicant demolished existing hut and started building a larger structure of the site that is virtually complete, again without planning permission
- Applicants blatant disregard for planning rules and its due process is staggering and beyond belief in its contempt of the authorities and also the law abiding villages or Horley
- Demolition of hut has resulted in the loss of a known bat roost (a criminal offence), hedges and trees grubbed up in the process of construction and no doubt disturbance of great crested newts doesn't appear to be of any concern to landowner.
- Misleading application form; Access – a track has already been constructed without planning permission, Waste – what provisions are being made to prevent animal waste and slurry resulting in ground/surface water pollution?, Materials – the plans are inadequate and do not meet the LPA requirement for scaled drawings or photographs showing existing and proposed as was the case with the previous application 15/00499/F that was not validated by the LPA for this reason, Biodiversity – protected species/designated sites are known to be present, Existing use – applicant describes current use of the site as a covered yard for cattle, but this is stretching imagination, it hasn't been a covered yard and no cattle have been near the hut for 8 years, the site is vacant and was described as redundant in previous application 15/00499/F which gives impression of an existing livestock operation which is not the case, Trees and hedges – looks like hedging has been uprooted
- Incongruous development in the open countryside
- Visual intrusion into the open countryside detrimentally impacting on character and appearance of the Conservation Area and landscape
- Long-term objective to turn the building into a dwelling house, then claim infilling to have yet more houses through the planning process, should village boundary be permitted to be extended by 100 metres then what restriction will be placed on infill being permitted
- Developer has already shown intent for converting buildings on his land to residential use, including 16/01114/Q56 and 16/02491/Q56 at Hovel Meadow Barn, Clump Lane, Horley
- Developer has submitted false and misleading plans, if this became the norm it would undermine the public confidence in the planning systems and regulations

- Surprised a development like this has been allowed to take place with the extending of the village boundary and all the infilling permit connotations
- Application is neither infilling nor conversion as the partially completed building is a substantial enlargement of the original building.
- Access to site is via Church Lane and Little Lane both extremely narrow roads and concern extra traffic will present highway safety issues
- Insufficient analysis of environmental and ecological impact
- Appalled at having been refused planning permission at an earlier stage an unauthorised access/road track has been constructed and a new structure built with larger dimensions particularly in height
- Application site sits near the centre of the western part of the Conservation Area containing ancient agricultural land and fishponds
- Directly replacing a very old open field/animal barn, that has existed for at least a couple of hundred years, with a simple agricultural building for use by livestock might be justified as enhancement, but a replacement building suitable for human occupation is stretching that definition beyond its limit
- Proposed construction does not preserve or enhance the area of special architectural or historic interest and that approval would set a precedent that might undermine or complicate the consideration of future applications and lead to further erosion of the Conservation Area
- Ask that the District Council maintains commitment to “exercise a particular care to ensure that change when [it] occurs, will preserve or enhance the character of [or] appearance or [of] the Area.”
- Other landowners could also start building and could hardly be refused permission once the Conservation Area has been built on.
- Development is outside the village boundary to which I believe there is a covenant forbidding development outside the village boundary
- Comment regarding position of site notice and timing of application near to Christmas when people have other things on their minds without having to sit down to write to Cherwell Planning and Development Services
- Why have planning authorities turned a blind eye to the new road, why did the developer feel he could go ahead anyway with building plan – perhaps in the knowledge that none of the said planning authorities will demand that he restores the building to its previous state and that the road is returned to its original countryside field track.
- Should retrospective permission be given, suspicions of collusion will be confirmed, it will be the thin end of the wedge for further development which this small village simply can't cope with nor should it have to
- Scant evidence that the applicant has any interest in the level of livestock farming implied by the expression cattle handling area.
- Category C village which restricts development under local plan adopted by Cherwell District Council in July 2015

- Objections to the previous application strongly disputed that the proposal could remotely be described as conversion, indeed, within the application process itself, the proposal was referred to as construction of a new house also incorporating existing stone barn. If however, the barn were repaired in the manner described in the current application it would be a short step to contend that the repaired structure might then be converted
- Each boundary crossed without sanction makes it more difficult for the next move in the game to be resisted, 'he who comes to equity must come with clean hands, and this by analogy is very apt to the position of someone which is inviting the planning authorities to exercise their discretion to allow development in an area subject to significant restrictions
- Breaching a Stop Notice is a criminal offence and is it a mystery why no action seems to be contemplated by the Council
- Building wholly unsuitable in design and location for its stated purpose in connection with livestock handling
- There was nothing of the original structure that was not unstable and contend that little of the original structure has been retained
- Stark difference in the response from Archaeologist as part of 2015 application to that in respect of current application
- No consideration to possible damage to land of archaeological interest
- The building that has been constructed does not have a roof in keeping with the barn/hovel that it replaced the original building had a roof with a shallow pitch in keeping with farm buildings of the time
- Prominent views of the building from the footpath running from Wroxton Lane to Hornton and is out of keeping with the setting
- Construction of a modern house type structure within the Conservation Area detracts from the appearance of the valley and roman ponds, cannot believe the roof structure is necessary for a cow shed
- Reference to dismissed Appeal in October 2013 (APP/C3106/A/13/2197407) for the erection of two dwellings at the site
- Ridge height is approximately 1.3 metres taller than the previous building and the developer has submitted false plans showing previous building higher than it was
- Such an enlargement is significant, significance amplified by the fact that the building has appeared in the Conservation Area, Area of High Landscape Value and in clear view of a listed Manor House – a previous Inspector has described the location as being sensitive in landscape terms
- No measured dimensions on the drawings for former building, in the context of enforcement proceedings, such drawings should not have been validated and to have done so is a very serious failure of duty on the part of the local planning authority
- No evidence of any ecological or environmental surveys or recommendations, or visual or heritage impact

- Information accompanying application is incorrectly described and falls woefully short of being sound or robust in planning and sustainable terms.
- Local Plan is sufficient to determine the application, the Council approach and methodology to village hierarchy supports wider sustainable objectives and is 'sound'
- Proposals do not comply with adopted planning policies relating to the location and form of new residential development regarding infilling and conversion (Villages 1 -5)
- No justification as to why a significant enlargement to the building is required in connection with cattle in this isolated position, when Bramshill Park Farm has existing buildings near to the main farm complex
- No Phase 1 Ecology Survey which could uncover the presence on other species
- The roofspace now allows enough height for a future habitable space, all it needs now is a rear dormer. Assume eventual aim is to have a 2 bedroom cottage set within its own curtilage
- Submitted drawings do not represent existing or proposed reality
- The newly constructed barn does not look much like the designs recommended by DEFRA for housing cattle, most show an open roof ridge if it is to house cattle which is not what can be seen from current photographs of the site
- On one hand Cherwell District staff pay meticulous attention to all aspects of planning and construction, especially in conservation areas or near listed buildings. On the other hand they seem powerless to prevent some landowners from doing exactly what they like
- Reference to 01/02156/F at Old Manor Court, where villagers, Parish Council and Officers objected but these objections were swept aside and approval was given in May 2002
- Clear from past history and planning applications what is intended and an indication of the development of "Bramshill Park Housing Estate"
- The building should be demolished

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. **Horley Parish Council:** The Parish Council does not object to the works described in the application submitted. However, it has been suggested by a number of residents that the works as carried out on site are not as shown on the retrospective

application, and that the footprint and height of the building as constructed are greater than as shown on plan. The Parish Council would object to any amendments which gave approval to any increase in the size of the original building, as it is considered that this would have an adverse impact on the Conservation Area, and on the setting of nearby Listed Buildings.

- 6.3. Doubts have also been raised as to the accuracy of the “as existing” plan submitted. It is noted that this plan differs somewhat from the comparable plan submitted with the application last year under reference 15/00499/F. No doubt the photographs on that application file will be useful to you in assessing the accuracy of the application submitted now.

STATUTORY CONSULTEES

- 6.4. **OCC Highway Authority:** no objection subject to the use remaining as specified.
- 6.5. **OCC Minerals and Waste:** no minerals or waste planning comments to make on this application.

NON-STATUTORY CONSULTEES

- 6.6. **CDC Ecology:** Having viewed the Bat Survey, I understand the barn was identified as a Natterer's and Brown Long-eared bat night roost and the recommendations of the bat survey required works to be undertaken under licence from Natural England. As works to remove the roof and part of the walls appears to have been completed in the absence of bat mitigation measures, the resting place of the bats has been destroyed and this constitutes an offence under the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations (2010) and this has been investigated by the police.
- 6.7. Regarding the planning application, there will be a need to include a like-for-like replacement for the loss of the bat roosts within the proposed re-build of the barn. From the plans it appears that the proposals will retain the building for use as a barn, and additionally a proposed holding area and feed yard. We would therefore recommend that a condition is attached to any permission granted to ensure that appropriate mitigation for the loss of the bat roosts is included within the design of the re-built barn. From the plans it is not clear however it appears there is an unenclosed roof void retained, which would mimic the previous conditions of the roost and as such it appears that appropriate mitigation is possible within the plans. It should also be ensured that suitable materials are used inside the barn. Should the barn roof require lining, only bitumastic roof lining should be used, as this is suitable for bat roosting (rather than a breathable roofing membrane which can be fatal to bats) and only approved timber treatments which are non-toxic to bats should be used. Appropriate access to the roost will need to be included and it appears this will be retained from the plans through two permanent openings on the eastern elevation.
- 6.8. **BBO Wildlife Trust:** no comments received.
- 6.9. **CDC Conservation:** The applicant should rebuild the barn as original based on the as existing plans submitted as part of the 2015 application. The materials should be traditional and breathable and if render can be justified it needs to also be breathable and of a hue which blends with the landscape.
- 6.10. The proposal to alter the building which results in the rebuilding of a large proportion of the walling with the introduction of blockwork and render, together with the loss of the whole roof structure, the introduction of a large window/vent without evidence

would cause harm to the historic barn which is considered to be a curtilage listed structure, the conservation area and the setting of the village and the listed buildings within. The loss of historic fabric, its increased height and width and use of non-traditional materials is not balanced by a strong justification which outweighs the harm.

- 6.11. The 'as proposed drawings' suggest the building is being rebuilt very much like for like but the photographs of the old barn and the new barn show this is not the case. The use of modern materials is also harmful.
- 6.12. The level of harm is substantial as the amount of structure that has been lost is greater than 50% when the roof is taken into account along with the rebuilt walls. The effect of the larger structure also has the potential to harm the setting of the designated heritage assets, the area of high landscape value and the conservation area.
- 6.13. A very strong justification for the alterations would be needed to outweigh the harm to the agricultural field shelter.
- 6.14. We would have asked for a proper record of the building to inform the replacement building to ensure its scale, character, details and form respects its setting.
- 6.15. Substantial harm has been caused as we have lost a high proportion of the original fabric of the traditional barn.
- 6.16. **OCC Archaeology:** no invasive impact upon any known archaeological sites or feature, and as such, no archaeological constraints to the scheme.
- 6.17. The difference between the responses for the current and previous application was queried with the Archaeologist and the following response was provided:
- 6.18. The two applications are for very different proposals. 16/02355/F is for the repair of the existing covered yard and the formation of a cattle handling area, to include the removal and rebuilding of unstable elements of the roof structure and gable and front walls. It is also retrospective and so the works has already been undertaken. It is unclear from the submitted plans whether or not the wall for the cattle area had foundations but these would have already been excavated and so a condition to have them monitored would not have been appropriate or enforceable. 15/00499/F was for the construction of a new dwelling and therefore would have required a number of foundations and service trenches which would have had an impact on any below ground remains. I hope this has explained the difference between the two responses.
- 6.19. **Agricultural Consultant:** Concludes "In my opinion, a new building at this location proposed is not reasonably required for the purposes of agriculture on the holding."

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. 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 (CLP 2031 Part 1)

- PSD 1 - Presumption in Favour of Sustainable Development
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11 - Conservation Target Areas
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 (CLP 1996)

- C28 - Layout, design and external appearance of new development
- AG2 - Construction of farm buildings
- C21 - Proposals for re-use of a listed building
- C23 - Retention of features contributing to character or appearance of a Conservation Area

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of Development;
- Design and Impact on Heritage Assets;
- Landscape and Visual Impact;
- Trees and Landscaping;
- Accessibility, Highway Safety and Parking;
- Impact on Residential Amenity;
- Ecological Implications;

Principle of Development

8.2. The first step in the assessment of the application is to determine what exactly the development has involved. More specifically, whether the works constitute a repair or the construction of a new building. Unfortunately, establishing whether or not work is a repair or the construction of a new building is not clearly defined in planning law, and each case must therefore be assessed on its own merits.

8.3. The applicant is of the opinion that the works constitute a repair to the structure, that involved the removal and rebuilding of unstable elements only, rather than the entire structure. A structural report was commissioned during the course of the application process in order to provide further clarity as to the exact works that have taken place.

8.4. The structural engineer identified that the building was largely complete at the time of his visit on 1 February 2017, and the whole of the building had been re-pointed, which gave no clue as to which elements were retained and which were new. It was clear that the buttresses on the west elevation were new, being constructed from stone instead of the former brickwork, with new foundations, although they were in

their original positions. The appearance of the buttresses also differed from the former. The majority of the north and east elevation of the building was considered to be clearly new as those elevations included new blockwork.

- 8.5. Following an assessment of the amount and type of lichen growing on the internal and external stonework, the structural engineer was able to identify which elements of the building had been undisturbed, and which had been newly constructed. The conclusion of the Structural Report was that about 50% of the south elevation and about 70% of the west elevation appeared to have been retained, and that the remainder of the building has been rebuilt (the full report is available to view via the Council's website www.cherwell.gov.uk by following the relevant links to view a planning application).
- 8.6. The upper elements of stonework from each elevation, and the entire roof structure, has been removed and rebuilt.
- 8.7. Section 55 of the Town and Country Planning Act 1990 defines development as the carrying out of building, engineering, mining or other operations in, on, over or under land, of the making of any material change in the use of any buildings or other land. Building operations include the demolition of buildings, rebuilding, structural alterations of or additions to buildings and other operations normally undertaken by a person carrying on business as a builder. Exemptions to this include the maintenance, improvement or other alteration of any building of works which affect only the interior of the building or do not materially affect the external appearance of the building.
- 8.8. Officers consider, based on the evidence available in the form of photographs of the building both before and after works have taken place, and the structural report, that the external appearance of the building has altered as a result of the works through an increased height and depth, and the complete replacement of the buttresses and roof. **It is therefore considered that the works to the building require planning permission.** In addition, any alteration to the internal or external fabric of a listed building requires listed building consent, although at the time of writing a listed building application has not been forthcoming.
- 8.9. In addition to the development requiring planning permission, it is considered that the works have gone beyond that which could be described as a repair. Given the limited amount of the original structure that has been retained, the increase in depth and height, and the requirement to completely replace two walls, two buttresses, the upper elements of stonework and the entire roof structure, Officers are of the opinion that **the works constitute the erection of a new building for the purposes of planning.** For clarity, Officers are not of the opinion that the works involved the complete demolition of the former building, but that **so little remains of the original building for the works to constitute a repair.**
- 8.10. The significance of determining whether or not the works constitute the construction of a new building or not, is to enable the correct assessment of the acceptability of the principle of the development.
- 8.11. The proposed use of this former agricultural building is for agricultural purposes, more specifically for a covered yard and cattle handling area. Notwithstanding its former use, an agricultural consultant was asked to assess whether the building was fit for current agricultural practices i.e. is it fit for purpose? and whether the building was reasonably required for the purposes of agriculture.
- 8.12. The agricultural consultant advises that the applicant's farmable land extends to 72.96 hectares of which he directly farms 30 hectares. The applicant normally buys

around 12 store cattle at around 8 months of age and grazes these on his pasture land. The cattle are either fattened or sold as 'strong stores'. The applicant advised that he is proposing to repair the traditional stone barn to allow it to be used for cattle accommodation and an isolation facility. In addition, he is seeking to create an external feed yard for cattle held in conjunction with the use of the building. The building would be used for the applicant's own cattle, but could also be used by another farm who gaze cattle, during the summer months, on part of the applicant's land.

- 8.13. The applicant confirmed that during the last 25 years the barn has not been used for agricultural purposes. The applicant's needs have been met by a purpose built barn at Bramshill Park Farm which has been used for winter housing cattle and to carry out routine testing for TB or other required veterinary purposes. The barn at Bramshill Park Farm is considered to be more than adequate for the applicant's stock and their handling requirement, without the need for the proposed building. Further, the building is isolated and distant from the main farm buildings making the monitoring and maintenance of stock's welfare difficult, particularly as it would only provide limited stock accommodation. The barn would only provide cover for five cattle, the isolation box would hold only two cows, and there is no provision for the storage of feed or bedding. **The agricultural consultant therefore concludes that the building is not reasonably required for the purposes of agriculture.**
- 8.14. Saved Policy AG2 of the Cherwell Local Plan 1996 states that farm buildings and associated structures requiring planning permission should normally be so sited that they do not intrude into the landscape or into residential areas. The proposed building does not comply with this policy, and no compelling justification has been put forward as part of the submission for the siting of a new agricultural building of this size in this location, contrary to the above policy. Whilst the NPPF seeks to promote the development of agricultural and other land-based rural business, the agricultural consultant has confirmed that the building is not required for the purposes of agriculture.
- 8.15. However, the fact that building was a designated heritage asset within the Horley Conservation Area must also be taken into consideration, and this issue is addressed later in the report.

Design and Impact on Heritage Assets

- 8.16. Government guidance contained within the NPPF advises that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.17. The NPPF also advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building should be exceptional. When a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

- 8.18. Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.
- 8.19. As previously mentioned, during the course of the application the Conservation Officer and Case Officer have concluded that the former building was Grade II curtilage listed. Sadly, the majority of the building, including upper stonework, buttresses and entire roof structure, has been replaced without the benefit of either planning permission or listed building consent. Further, no opportunity was provided to undertake a detailed recording of the building prior to works taking place.
- 8.20. The carrying out of unauthorised works to a listed building is an offence, punishable by a fine, imprisonment or both, as detailed in Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.21. Only a limited amount of former stonework remains and the works are considered to be so substantial as to constitute a new building, and therefore the total and irreversible loss of significance and curtilage listed status. The loss of the listed building does, in itself, constitute substantial harm to the historic significance of the listed building, in the absence of any identified public benefits arising from the scheme, should be refused in accordance with Government guidance contained within the NPPF and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.
- 8.22. There is no doubt that the former building was in need of extensive repair, and the sensitive restoration of the barn building using like for like materials, retaining the existing dimensions and form would probably have been encouraged. The proposed re-use of the building, including for agricultural purposes, would also have been likely to have been viewed positively, as Government guidance encourages the viable use of designated heritage assets rather than allowing buildings to fall into disrepair. That said, the modifications to the building are unlikely to have been justified given the conclusion reached by the agricultural consultant that the building is not reasonably required for agricultural purposes.
- 8.23. The Conservation Officer has advised that if the works were not retrospective, the applicant would have needed to justify the alterations, and that any favourable recommendation would require conditions relating to the recording of the building, the retention and re-use of the existing building materials, the use of lime mortar, a stone sample panel, details of the internal render type and colouring (if it is to be used), details of repairs to the roof including the retention of roof timbers where possible and the retention of the angled brick buttresses which are a commonly employed detail on stone barns in the district.
- 8.24. However, as noted above, the works subject of this application are considered to have resulted in substantial harm to a heritage asset and conditions cannot make the development acceptable. In addition, with regard to the work that has taken place, blockwork is not considered suitable for this traditional building and is strongly resisted. The joints on the stonework are thicker than the former and the pointing is more dominant, there is also concern that cement has been used in the mortar.
- 8.25. In addition to the listed status of the building, the site is also within the designated Horley Conservation Area. The Conservation Area Appraisal covering the site (March 1996) advises that it is likely that the fishponds to the west of the village, approx. 60 metres to the west of the site that is the subject of this application, were likely to have formed a part of one of two former manorial estates dating from the Middle Ages. The conservation area boundary was drawn to incorporate substantial

areas of open pasture land to the west of the village, extending to the remains of the ancient fishponds, of which the application site forms a part.

- 8.26. The proposed building has a larger footprint and has a greater height than the former structure. Whilst the sensitive restoration of the former building would have preserved and enhanced the conservation area and the setting of the Bramshill Manor complex, the unjustified loss of a large part of the structure and its replacement with a larger structure does not.

Landscape and Visual Impact

- 8.27. Government guidance contained within the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.28. Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 Part 1 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.
- 8.29. Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Saved Policy C28 of the Cherwell Local Plan 1996 seeks to control new development to ensure that it is sympathetic to the character of its context.
- 8.30. As previously stated, the development subject of this application has led to the loss of a curtilage listed field shelter that was of traditional design and construction. Whilst there is no doubt that the building was in need of repair, it is considered that, *if undertaken sympathetically*, such development *could* represent an enhancement to the rural landscape character and the visual amenities of the wider area.
- 8.31. Unfortunately, the former structure has now been removed, and replaced with a larger structure that is of poor quality construction, with thick joints upon the stonework and the use of non-traditional materials such as blockwork and possibly, cement mortar.
- 8.32. The increase in the size of the barn has resulted in an overly prominent feature when viewed from the approach to the village from Wroxton.
- 8.33. Officers consider that the development detracts from, rather than enhances, the character and appearance of the area, contrary to Government guidance contained within the NPPF, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996.

Trees and Landscaping

- 8.34. No additional trees or landscaping are proposed as part of the development. It has been drawn to the attention of the Case Officer that trees may have been removed in the Conservation Area without the required notice and this matter is being investigated at the time of writing.

Accessibility, Highway Safety and Parking

8.35. OCC Highway Authority has raised no objection to the development provided the structure remains in agricultural use. Given that the former use was for agricultural purposes, the levels of traffic and type of vehicle accessing the site is not likely to alter significantly than that which could access the site as part of the authorised use. Officers do not consider that harm would be caused to highway safety as a result of the development. The development therefore accords with Government guidance contained within the NPPF.

Impact on Residential Amenity

8.36. The development is positioned over 100 metres from the closest residential dwelling, which is considered sufficient to avoid any harm in terms of a loss of amenity or privacy, in accordance with Government guidance contained within the NPPF and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

Ecological Implications

8.37. A bat survey was undertaken during July 2015 and submitted with the previous application 15/00499/F. This survey concluded that the proposed conversion works would result in the loss of night roosts of brown long-eared and Natterer's bats. A Natural England Low Impact Bat Licence was deemed to be required prior to the commencement of works, and applications for such licences can only be made once full planning permission has been obtained. An additional survey was required during the summer prior to any destructive works taking place, although no timings or mitigation was required.

8.38. All bats and their roosts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and by The Conservation of Habitats and Species Regulations 2010. Further enforcement has been provided by The Countryside and Rights of Way Act 2000. Works that would result in an offence require a licence from Natural England.

8.39. Government guidance contained within the NPPF states that in determining planning applications local planning authorities should aim to conserve and enhance biodiversity. 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 result, compensated for, then planning permission should be refused. Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 seeks both the protection and enhancement of biodiversity and the natural environment. Policy ESD11 requires biodiversity enhancement in Conservation Target Areas.

8.40. The bat survey suggested that two ridge tile bat access roost sites are provided as part of the works, one at each end of the roof.

8.41. In addition to the bats, little owl pellets and evidence of nesting birds were recorded in gaps in the stone walls. As nesting birds and their nests are protected under the Wildlife and Countryside Act 1981, works should take place outside the main nesting season.

8.42. The applicant has confirmed in the application form that works commenced on site on the 1 September 2016. Whilst this is outside of the bird nesting season, no additional surveys of the barn appear to have been undertaken during the summer months with regard to bats, and the required Licence does not appear to have been obtained prior to works commencing, particularly given that no planning permission has ever been obtained for works to the building. No further survey has been submitted as part of the current application, and no details of biodiversity

enhancements have been supplied. As it would appear that the applicant has committed an offence, the matter is now being pursued by Thames Valley Police.

- 8.43. With regard to the current application, the Ecology Officer considers that a like for like replacement of the lost roosts should be provided within the barn, and appropriate bat safe materials should be used. In addition, suitable nest boxes should also be installed to replace the lost bird nesting sites. These elements could be sought via condition.
- 8.44. Officers consider that it is therefore possible to mitigate the lost bat and bird habitat through the use of conditions.

9. CONCLUSION

- 9.1. The former barn on this site has been identified as a curtilage listed building. Despite the discrepancy between existing plans and the development description, this is not considered to prevent determination of the planning application. Officers consider that the works that have taken place constitute the erection of a new building.
- 9.2. The new building is not considered to be reasonably necessary for the purposes of agriculture. The total and irreversible loss of the listed building amounts to substantial harm to the historic significance of the listed building. In the absence of any identified public benefits arising from the scheme, should be refused.
- 9.3. In addition, the construction materials used upon the new building are non-traditional, and the new building is larger than the former, sitting more prominently within the landscape, drawing undue attention to itself and detracting from the character of its context, failing to preserve or enhance the designated Conservation Area and causing harm to the visual amenities of the area.
- 9.4. Trees in a Conservation Area may have been removed as part of the works and a known bat roost has been destroyed without first obtaining a licence from Natural England. No mitigation measures for this loss have been proposed as part of the works.
- 9.5. The works are not, however, considered to cause harm to highway safety, or residential amenity, although this does not outweigh the above-mentioned harm. The development is considered contrary to Government guidance contained within the NPPF, Policies ESD 10, ESD 11 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, and saved Policies AG2, C23 and C28 of the Cherwell Local Plan 1996.

10. RECOMMENDATION

That permission is refused, subject to no new issues being raised in response to public consultation finishing on 30 March 2017, on the following grounds:

The development has resulted in the total and irreversible loss of a Grade II curtilage listed building in the designated Conservation Area, without any identified public benefits arising from the scheme. The new building is not reasonably required for the purposes of agriculture, and the increase in depth and height of the structure, and the use of non-traditional construction materials, results in an overly prominent development in the designated Conservation Area and wider landscape, causing significant and demonstrable harm to the visual amenity of the locality. Further, the development has resulted in the loss of a known bat roost without any mitigation for this loss or biodiversity gains put forward as part of the scheme. The

development is therefore contrary to Government guidance contained within the National Planning Policy Framework, Policies ESD 10, ESD 11 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, and saved Policies AG2, C23 and C28 of the Cherwell Local Plan 1996.

CASE OFFICER: Gemma Magnuson

TEL: 01295 221827

63 to 67

16/02529/F

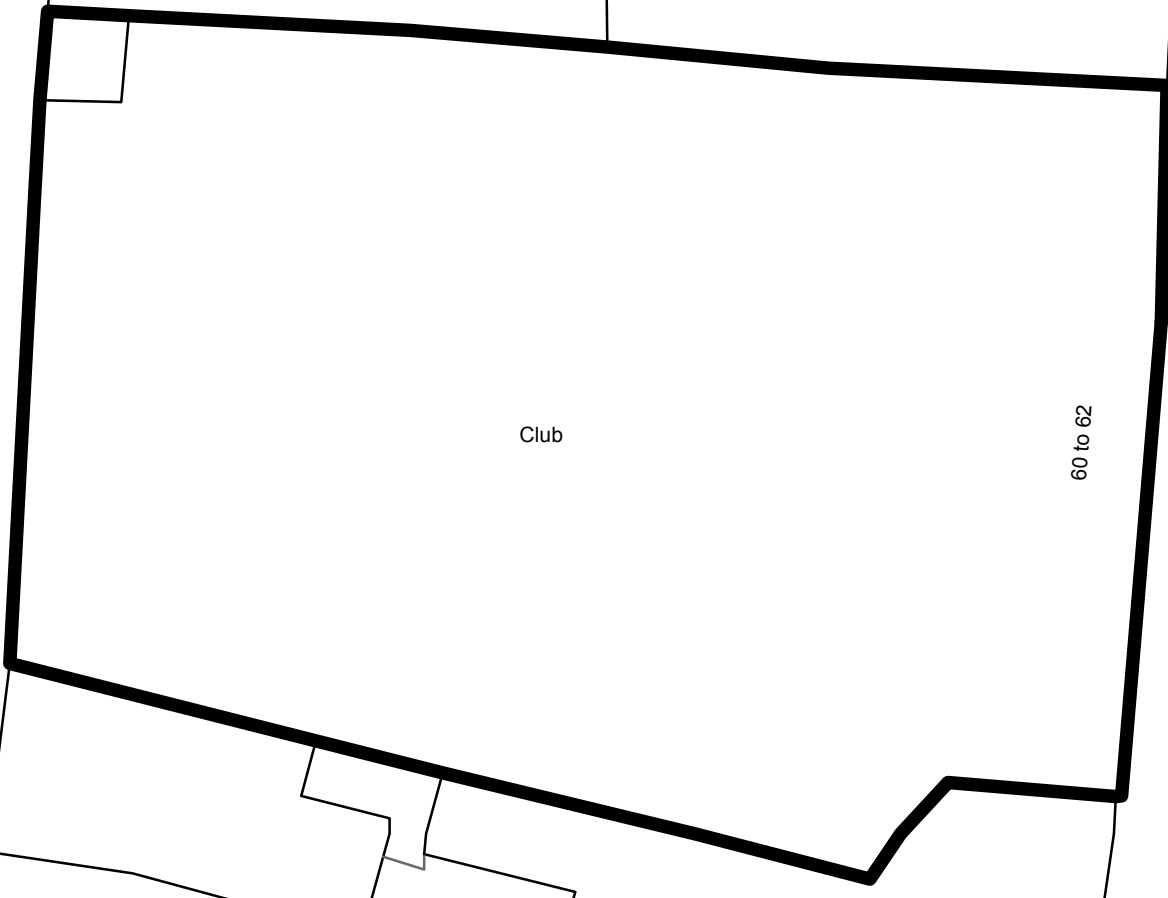
60 - 62 Broad Street

Banbury

OX16 5BL

PEPPERALLY

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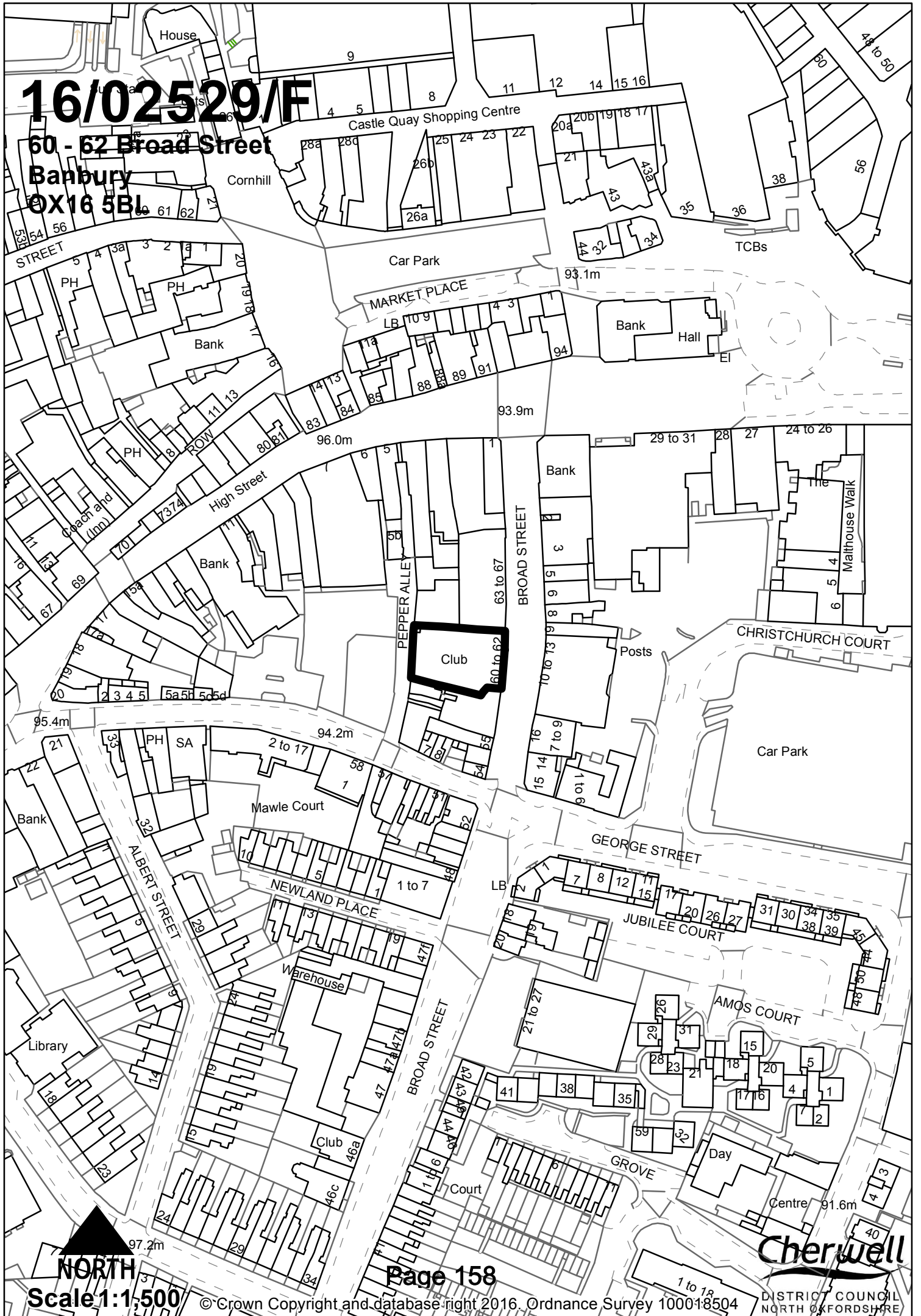
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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

**60-62 Broad Street
Banbury
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16/02529/F

Case Officer: Matthew Chadwick **Contact Tel:** 01295 753754

Applicant: Mentor Inns LLP

Proposal: Alterations to building and change of use to form retail units at ground floor level and 12 No self contained flats over – re-submission of 16/00292/F

Expiry Date: 20/03/2017

Ward: Banbury Cross and Neithrop **Committee Date:** 16/03/2017

Ward Councillors: Councillor Banfield, Councillor Dhesi and Councillor Milne-Home

Reason for Referral: Major application by number of residential units proposed

Recommendation: Approval

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located in Banbury town centre and has a frontage onto Broad Street where the road is pedestrianised and backs onto Pepper Alley to the west. The existing building covers the entirety of the site and is a non-designated heritage asset, described in the Council's own listing document as a 'Former Cinema - c.1930s Art-deco / Egyptian cinema'. The application also includes the 3 storey brick building to the north of the main part of the former cinema building. The building was last used as a night club but has been vacant for some time and currently is unoccupied. From reviewing the planning history of the site the authorised use of the building is currently A3 (restaurant).
- 1.2. The building is not statutorily listed but is located within the Banbury Conservation Area and is locally listed. The site lies within a potentially contaminated land buffer zone. Swifts, Whiskered Bats and Brown Long-eared bats have been located in proximity of the site, which are protected species. The site lies within an area of archaeological interest.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning consent is sought for alterations and extensions to convert the building to form two retail units at ground floor level, with 12 flats above arranged over 3 floors.
- 2.2. The ground floor would be used for two retail units which would have a frontage onto Broad Street. There would be an entrance to the flats onto both Broad Street and Pepper Alley. The cycle storage for both the flats and the retail units would be contained on the ground floor, as would the bin storage. To the rear of the building facing onto Pepper Alley would be a store room for the retail unit.

- 2.3. The residential accommodation would be arranged in two blocks of accommodation above the ground floor retail units. The frontage block that would face onto Broad Street would accommodate 6 flats (2 x 2 beds and 4 x 1 beds) across three floors. The rear block that would face onto Pepper Alley would accommodate 6 one bedroom flats across two floors.
- 2.4. The proposed development would retain the existing art deco façade of the building that faces onto Broad Street, including the stepped parapet element. There would be some alterations to this frontage, which would relate to the repositioning of windows and decorative banding and the raising of the lintel of the balcony. There would also be some changes to the shop fronts, with new openings created for both the shops and access to the flats.
- 2.5. The frontage onto Pepper Alley would be three storeys in height and would be constructed from red brick under a pitched roof constructed from slate.

3. RELEVANT PLANNING HISTORY

- 3.1. CHN.699/80: Alterations to internal area, and extension to existing bingo club with amendment to shopfront APPROVED 22 December 1980
- 3.2. 98/01724/F: Change of use from bingo hall (Class D2) to restaurant (Class A3) APPROVED 15 December 1998
- 3.3. 99/00927/F: Proposed alterations to front and rear elevations (as amended by plans received on 3.6.99 and as clarified by agent's letter dated 22.6.99) APPROVED 29 June 1999
- 3.4. 14/00859/F: Alterations and minor extensions to the front and rear facades and change of use to accommodate 2 retail units at ground floor level, 2 mews houses with integral parking to the rear and 6 self-contained flats APPROVED 30 September 2014
- 3.5. 16/00292/F: Proposed extension, alteration and change of use to form 3 no. retail units and 14 no. self contained flats WITHDRAWN 31 May 2016

The application was withdrawn after concerns were raised with three different elements of the scheme.

The first reason was that the alterations to the Broad Street façade and the scale, mass and design of the extensions onto Pepper Alley would have failed to preserve or enhance the character and appearance of the Banbury Conservation Area or the significance of the listed building.

The second reason was that the proposed development was considered to represent an overdevelopment of the site as it would have failed to provide a good level of amenity for future occupiers in terms of overlooking and privacy. The proposal would also have provided inadequate bin storage and cycle storage for residents.

The third reason was that the proposed development would have failed to provide affordable housing or a financial contribution towards off-site affordable housing.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. 16/00286/PREAPP: The proposals were for two retail units on the ground floor, one of which was of a smaller size than that proposed under the current application.

There was to be one flat on the ground floor to the rear onto Pepper Alley and twelve flats above, for a total of thirteen flats. Concerns were raised regarding the size of the smaller retail unit. The staircases to residential units were proposed to be external and concerns were raised with this as it would have had an impact on residential amenity of those units next to the staircases. It was considered that a reduction in the number of units and an increase in the size of the smaller retail units would make the scheme more acceptable. The report was issued on 31st October 2016.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.

5.2. At the time of writing this report, fourteen letters of objection have been received as part of the consultation process. The comments raised by third parties are summarised as follows:

- The town needs a theatre of sufficient size to serve a growing population; this application would lead to the loss of such a facility.
- The building should be retained as it is an important part of the heritage of the town and could become a community asset.
- Banbury has enough town centre retail units, many of which are vacant.
- The application would see the loss of much of the original building.
- The proposed flats could be accommodated in the old Crest Hotel, which has been vacant for a number of years.
- There is no public benefit from empty shops.
- There is no public benefit from 14 flats as Cherwell has a more than adequate 5 year housing land supply.
- The building is a Local Heritage Asset that should be retained.
- The building is disused but not redundant.
- The development would be contrary to Paragraphs 134 and 135 of the NPPF as there would no significant public benefit.
- The building is unique in the town for its architecture, history and cultural venue potential.
- The shift of focus is moving away from the High Street, the use of the building as a cultural venue would alter this shift.
- There are no plans to create new cultural amenities elsewhere in Banbury.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

TOWN COUNCIL

- 6.2. BANBURY TOWN COUNCIL: **Objects.** The proposal does not provide full justification for the loss of a community and cultural facility. The building would be better deployed in a non-residential capacity and preserved as a community asset.

STATUTORY CONSULTEES

- 6.3. HISTORIC ENGLAND: No comments received.
- 6.4. OCC DRAINAGE: No comments received.
- 6.5. OCC HIGHWAYS: **No objections**, subject to conditions and a suitable legal agreement. The conditions would relate to the submission of a Travel Information Pack, Construction Travel Management Plan, refuse collection vehicle tracking drawings, a drainage scheme and further details of cycle parking. The Local Highways Authority are seeking a contribution of £13,853.60 to go towards the improvement of pedestrian and cyclist facilities in Banbury town centre.

The development is in a sustainable town centre location in close proximity to the railway station, the bus station and bus stops. It would be possible for residents to access employment and services without the use of a personal motor vehicle. The lack of car parking is therefore considered to be appropriate.

All of the nearby streets have some form of parking control that makes them unsuitable for routine long-term use by residents and therefore it is unlikely that there would be over spill car parking on nearby streets.

The application proposes for the waste to be collected from Pepper Alley. The refuse lorry would not be able to get within 5m of the collection point without reversing into or out of Pepper Alley.

For the redevelopment of brownfield sites, in terms of surface water runoff rates, these sites should be designed to discharge at greenfield rates where feasible. However, as this site mainly entails the reuse of an existing building this requirement is not practical. Therefore, it is suggested that the development should achieve a 5% - 10% betterment over the existing surface water runoff rates at the site. This could be achieved by the incorporation of SUDS into the development, for example, by treating water as a resource by harvesting rainwater for reuse.

The cycle parking facilities for retail unit 1 would be accommodated within the store room and these are unlikely to be used due to the stock being stored in the store room.

- 6.6. OCC PLANNING AND PROPERTY: 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).
- 6.7. THAMES WATER: No comments received.

NON-STATUTORY CONSULTEES

- 6.8. BANBURY CIVIC SOCIETY: **Objects**. The proposal would see the loss of a potential community asset. The loss of a purpose-built facility when a multi-million pound Cultural Quarter is being planned at The Mill would be a waste of an existing facility.

The application would see the loss of a designated Local Heritage Asset within the Banbury Conservation Area with no overwhelming public benefit. Cherwell has an adequate 5 year housing land supply.

The proposal would result in a substantial change in the character and appearance of the Banbury Conservation Area, particularly to Pepper Alley.

Some of the residential units would barely meet the minimum room size standards set out by DCLG.

No off-street parking is proposed and the retail units would likely be serviced from Broad Street, which is a pedestrianised street. The waste facilities would be similarly constrained.

The application has not demonstrated that the building is a surplus facility. The application would fail to address the social impact of sustainable development.

If the application were to be approved, a condition stating that no demolition should be carried out until a binding contract for the whole of the consented development has been made should be included.

- 6.9. BANBURY HISTORICAL ASSOCIATION: No comments received.

- 6.10. BUILDING CONTROL: No comments received.

- 6.11. BUSINESS SUPPORT UNIT: No comments received.

- 6.12. CINEMA THEATRE ASSOCIATION: **Objects**. The Grand is an important design by Gomershall and Drury, cinema architects of national importance and remains one of the few examples of their work.

The cinema remains in excellent condition with most of its original features intact and no water penetration, and so could easily be restored and re-used.

The building should be fully protected from demolition by its status as a Local Heritage Asset lying within Banbury's principal Conservation Area.

The Grand's auditorium space is an important community asset for Banbury, which has no similar spaces. It could easily be converted into a performance or public use space of about 500 seats for great public benefit.

The Grand should be designated as an Asset of Community Value for the benefit of the people of Banbury.

- 6.13. CONSERVATION: **No objections**, subject to the submission of further details by condition.

On Broad Street, full details of the raising of the lintel of the balcony and glass balustrades would be required by condition. The design of the shop front, windows and render repair and colour would all be required by condition.

On Pepper Alley, details of windows and doors, rainwater goods and a brick sample panel would all be required by condition.

- 6.14. ECOLOGY: No comments received.
- 6.15. ENVIRONMENTAL PROTECTION: Recommends that a BS8233:2014 survey is undertaken and any mitigation required to achieve the levels for residential properties in that standard is implemented before occupation.
- 6.16. FRIENDS OF THE GRAND THEATRE: **Objects.** The loss of a community asset and purpose-built performance space should be avoided. The development would result in the loss of a Local Heritage Asset within the Banbury Conservation Area. The proposal would result in a substantial change in the character and appearance of the Banbury Conservation Area and there is no public benefit to offset this harm. The off-street parking and servicing facilities are inadequate for 12 flats and 2 retail units.
- 6.17. HOUSING STANDARDS: No comments received.
- 6.18. LANDSCAPE SERVICES: An off-site contribution would be required to improve the existing play area at Old Parr Close. This contribution would be for £27,682.32, which would be triggered on 50% occupancy of the development.
- 6.19. LICENSING: No comments received.
- 6.20. PLANNING POLICY: **No objections.**
- 6.21. RECREATION AND LEISURE: The following contributions are sought for off-site sports and community provision:
- Off-site contribution towards increased outdoor sports facilities: £7,689.50.
 - Off-site contribution towards indoor sports facilities: £5185.38.
 - Community halls provision: £1349.72.
 - Public art contribution: £6080.
- 6.22. STRATEGIC HOUSING: This application is subject to the affordable housing policy of 30% equalling 4 units. However, due to the type of housing provision this will provide, it will be unsuitable to secure affordable housing on site. Issues of housing management present as a problem for these kinds of development at this scale and arrangement, there is also the issue of an uncontrolled service charge element which could impact on the affordability of the flats to any new eligible occupier. An off-site commuted sum which will be based on 40% of the market value of the equivalent 4 flats will be sought.
- 6.23. WASTE AND RECYCLING: The suggestions are not acceptable Broad Street is a very narrow street and there isn't enough room to park the vehicle without blocking the street. Also due to the size of the street and Pepper Alley we cannot reverse the vehicle in. The only solution they could have is to purchase some land at the entrance to Pepper Alley and build a secure bin store.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. 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 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE2 – Securing Dynamic Town Centres
- SLE4 – Improving Transport and Connections
- BSC2 – The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- ESD1 – Mitigating and Adapting to Climate Change
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and Natural Environment
- ESD15 – The Character of the Built and Historic Environment
- Banbury 7 – Strengthening Banbury Town Centre
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C23 – Features in conservation areas
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- ENV1 – Development likely to cause detrimental levels of pollution

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Home Extensions Guidance (2007)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, impact on the character of the area and heritage assets
- Residential amenity
- Affordable housing
- Highway safety
- Other matters

Principle of development

- 8.2. Paragraph 14 of the National Planning Policy Framework states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 8.3. The application site lies within the Banbury Town Centre shopping area but outside of the primary shopping frontage (as defined by the Local Plan).
- 8.4. The current application has received considerable levels of objection, including objections from the Theatres Trust and the Banbury Civic Society. It is understood that the building was originally built in 1911 as a 500-seat Grand Theatre. It was remodelled in the 1930's as an art deco Egyptian cinema. It was then used as a bingo hall until the 1998 when planning permission was granted to change the use of the building from a bingo hall (use class D2) to a restaurant (use A3). It was in use as the Chicago Rock Café for a number of years and more recently was used as a nightclub known as Wonderlounge. From reviewing the planning history of the site the authorised use of the building would appear to be as an A3 restaurant use.
- 8.5. One of the significant concerns objectors have raised relates to the loss of the potential community asset as the building offers the opportunity to provide a large theatre space which objectors state does not exist elsewhere in Banbury. It is therefore stated that the proposed development would be contrary to the paragraph 70 of the NPPF which states in 'promoting healthy communities' planning decisions should 'plan positively for cultural buildings' and 'guard against the unnecessary loss of valued facilities'.
- 8.6. However in this case the existing buildings use as a theatre and cinema ceased some time ago and therefore the proposal does not lead to the actual loss of such a use. The authorised use of the building as an A3 restaurant would not be considered a community use. The statements that the building could potentially be used as a theatre are therefore not considered to carry significant weight as this is not the building's current or authorised use. Whilst internally the building may retain some of the attributes and features for a theatre with its large footprint, high ceilings, stage and upper circle/balcony, the building is not statutorily listed and the internal layout of the building could have been altered at any time and without the need for planning consent. As such only limited weight can be attributed to the existing internal arrangement of the building as this could all be removed without the requirement for planning permission.
- 8.7. Furthermore, it is important to note that the alteration, extension and change of use of the site to retail and residential development has already been granted under 14/00859/F. This remains capable of being implemented until October 2017 and is therefore a material consideration which carries significant weight in considering the current application in relation to matters of principle. Additionally there are no local planning policies which allocate the site for a community facilities or theatre use.
- 8.8. In relation to the development plan, Policy Banbury 7 states that retail and other main town centre uses will be supported within the town centre boundary. It goes on to state that residential development will be supported in appropriate locations in the town centre except where it will lead to the loss of retail or other main town centre uses. It further states mixed use development will be encouraged. Policy SLE2 also to guide retail development towards town centre and Policy BSC2 seeks to make effective use of land and states the Council will encourage the re-use of previously developed land such as this in sustainable locations.

- 8.9. It is therefore considered that the use of the site for retail and residential purposes is considered to be acceptable and would accord with local and national planning policies which seek to guide development in the town centre. The site is not allocated for a community use and the proposal would not lead to the loss of a community facility as the authorised use of the building is as a restaurant and the use of the building as a theatre/cinema ceased many years ago. Furthermore planning consent already exists for the building to be used for retail and residential purposes and the building is currently being advertised for sale on this basis. Therefore the principle of the uses has already been accepted on the site and is considered to remain acceptable.

Design, impact on the character of the area and heritage assets

- 8.10. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.
- 8.11. Saved Policy C23 of the Cherwell Local Plan 1996 states that there will be a presumption in favour of retaining buildings and other features which make a positive contribution to the character and appearance of the Conservation Area.
- 8.12. Saved Policy C28 of the Cherwell Local Plan 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings.
- 8.13. Saved Policy C30 states that new housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 8.14. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 8.15. The Conservation Area is defined as a designated heritage asset. The NPPF requires Local Planning Authorities 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. 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.
- 8.16. The building itself is locally listed and is therefore a non-designated heritage asset in its own right. Paragraph 135 of the NPPF advises that the effect of an application on the significance of a non-designated heritage asset will be taken into account in determining an application and a balanced judgement will be required having regard to the scale of any harm or loss.
- 8.17. As with the earlier application, the current application would retain the façade of the building onto Broad Street. This striking façade, with its art-deco appearance and stepped parapet roof, is considered to be the most significant element of the building and its architectural appearance is considered to be the key reason why the building is on the Councils local list. The fenestration of the building would be altered with

the window positions and banding which runs across the front elevation of the building being altered which is similar to the earlier approval. There would also be alterations to the shop front details onto Broad Street. The frontage to the former Grand would broadly be retained with the exception of the most southern part which would have a new shop front. A new shop front and recessed gate to provide access to the residential floors on upper floors would also be provided to the 3 storey building to the north of the site. Further details of these elements could be secured by condition.

- 8.18. In respect of the changes to the Broad Street elevation the Conservation Officer has not objected to the changes proposed to the façade of the building. It is considered that the alterations to the frontage of the building would retain the art-deco appearance and character of the building and it would still be possible to read the two buildings as separate, which they historically were. Therefore the alterations are considered to be acceptable if the window detailing, banding details, shop front details and balcony details were controlled through conditions.
- 8.19. Apart from the main frontage of the building onto Broad Street, the remainder of the building would undergo substantial alteration and extension. These other parts of the buildings are not considered to be of such significance to the character and appearance of the Conservation Area and the Conservation Officer has raised no objection to the loss of these other parts of the buildings which have a more limited presence in the Conservation Area. Therefore in reaching a balanced judgement, as requested by paragraph 135 of the NPPF, the loss and alteration of these other elements is considered acceptable subject to the new development being appropriate to the Conservation Area.
- 8.20. The main part of the frontage residential block facing onto Broad Street would be accommodated within a 4 storey gabled extension which would be situated behind the main stepped parapet roof of the façade of the building, whilst there would be another smaller 4 storey gabled extension which would accommodate the stairways giving access to the residential units. The top two floors of this would be rendered with brick quoins, whilst the second floor level would be constructed from brick to match that used on the rear of the buildings. This would be largely screened by the existing parapet roof and the surrounding building from street level and therefore it is not considered that this would not lead to any significant harm to the character and appearance of the Conservation Area.
- 8.21. The rear of the site faces onto Pepper Alley. Pepper Alley has a very different character and appearance to Broad Street and it is noted within the Conservation Area Appraisal as an interlinking historic lane stemming from the medieval origins of the town. The alley is characterised by a mix of warehouse buildings with a commercial character and appearance. There is a high sense of enclosure along Pepper Alley and it has a mix of 2 and 3 storey buildings which add to the rhythm of the street scene and helps to break up the massing of the buildings. Whilst many of the buildings are currently in a poor state of repair and have a rather dilapidated appearance, there are positive elements which add to the character and appearance of the Conservation Area.
- 8.22. The part of the building that would face onto Pepper Alley would be three storeys in height and would accommodate 6 flats. The proposed development would use red brick and slate, materials which are considered to be appropriate in the context of the simple palette of materials seen on buildings on Pepper Alley. The development would be three storeys in height and would be of a similar scale to the buildings which it would sit adjacent to and is therefore considered appropriate in terms of scale. The existing door openings onto Pepper Alley would be retained, whilst new doors to give access to the bin store area and the corridor to the residential units

would be created. This proposal would alter the appearance of the building that currently faces onto Pepper Alley, however it would retain the commercial character and appearance of the building which is characteristic of the development in Pepper Alley. The proposed design would also provide surveillance on Pepper Alley with the creation of windows servicing the units, which is considered to be a positive element. It is therefore considered that the simple design of the building would positively contribute to the character and appearance of the Conservation Area.

- 8.23. Concerns have been raised regarding the impact of the development on the internal fabric of the building. However the fact that the building is not statutorily listed means that any works to the internal layout and fabric do not need to benefit from planning permission or listed building consent. Therefore, the concerns regarding the loss of these elements are not considered capable of holding any significant weight as the work does not constitute development and could be undertaken without any form of planning consent. Furthermore the loss of this fabric has already been approved under the earlier consent. This is therefore not considered to be a significant constraint to the development.
- 8.24. To conclude, the development is considered to preserve the character and appearance of the Conservation Area. The changes to the Broad Street façade are considered to retain the character of the building and would retain the art-deco appearance of the building subject to planning conditions. The alterations to the Pepper Alley frontage would result in a simple design that would sit comfortably in the context in which it is located, with regards to its scale, appearance and materials palette. The loss of significant parts of the building, though unfortunate, is considered to be acceptable and has been granted planning permission before and as the building is not statutorily listed, any internal changes would not need a planning or listed building consent. The development would deliver a number of new residential and retail units in a sustainable location. The development is therefore considered to be acceptable with regard to its impact on the visual amenities of the area and its impact on designated and non-designated heritage assets.

Residential amenity

- 8.25. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 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.
- 8.26. The residential units would be constructed in two blocks that would be separated by a central courtyard at first floor level. This courtyard will have a communal amenity area which is considered to be a positive element of the proposals.
- 8.27. The two blocks housing the residential units would be separated by a distance of 12.5m. The Cherwell Home Extensions Guidance document (2007) specifies a minimum separation distance between residential units of 22m to prevent a loss of privacy. This document is informal guidance and does not form part of the development plan.
- 8.28. In the town centre, given the higher density of development, residential units are often significantly closer proximity than 22m and residents do not expect the same level of amenity as they may in a suburban area. Furthermore the 12.5m separation distance proposed under this scheme would significantly exceed that of the previously approved scheme from 2014. Given the town centre location of the development, it is considered that the relationship would not cause significant harm to the amenity of future occupiers with regards to loss of privacy or loss of outlook.

- 8.29. The neighbouring properties are predominantly commercial in character given the town centre location and therefore the dwellings may be subject to noise from the day and night time economy. The Anti-Social Behaviour Officer has considered this matter and has raised no objection to the application subject to a condition require some noise mitigation measures.
- 8.30. To conclude, it is therefore considered that the development would provide an acceptable standard of amenity for both existing occupiers nearby and future occupiers on the site with regards to overlooking, loss of privacy, overdomination and a loss of light.

Affordable housing

- 8.31. Policy BSC3 of the Cherwell Local Plan Part 1 states that all developments that include 11 or more dwellings (gross) will be expected to provide at least 30% of new housing as affordable homes on the site. This provision expects 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms such as shared ownership. This would equate to 4 units being Affordable Housing for this scheme.
- 8.32. The Strategic Housing Officer has however stated that due to the type of housing provision the application site will provide it will be unsuitable to secure affordable housing on site. This is due to issues with housing management which are likely to be problematic for these kinds of development at this scale and arrangement. They have also raised concern on the issue of an uncontrolled service charge element which could impact on the affordability of the flats to any new eligible occupiers. As a result of this the Strategic Housing Team have requested that in this case an off-site commuted sum should be sought which will be based on 40% of the market value of the equivalent 4 flats.
- 8.33. The agent has stated that the principles of such contributions towards affordable housing are acceptable in principle and negotiations regarding the level of these contributions are ongoing. The recommendation of approval is subject to a suitable level of affordable housing contribution being provided.

Highway safety

- 8.34. Policy SLE4 of the Cherwell Local Plan Part 1 states all development where reasonable to do so should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Policy ESD1 states the Council will support the delivery of development which seeks to reduce the need to travel and reduces dependence on private cars.
- 8.35. The Highways Liaison Officer has offered no objections to the application, subject to a number of conditions. These would relate to the submission of a travel information pack, a construction travel management plan, refuse collection vehicle tracking drawings, a surface water drainage scheme and cycle parking details.
- 8.36. The Highways Liaison Officer has stated that due to the town centre location of the development and its proximity to transport services, including bus stops, the bus station and the railway station, it is acceptable for the development to not provide parking spaces on-site. As the streets in the locality all have some form of parking control, it is unlikely that there would be overspill car parking on nearby streets that would cause a safety and amenity problem.
- 8.37. Cycle parking is proposed to serve both the residential and retail units. Concerns have been raised by the Highways Liaison Officer regarding the cycle parking

provision for the retail units being within the retail storage area. These concerns are noted, however the provision is considered to be acceptable for the use of staff and customers are likely to use cycle parking elsewhere in the town centre. 20 cycle parking spaces would be provided to serve the residential units and this is considered to be a adequate level of provision for the residential units. A condition requiring full details of the cycle parking is also proposed.

- 8.38. A construction travel management plan and travel information pack would be required due to the town centre location of the development and these shall be included as planning conditions. Sustainable forms of travel should be encouraged and it should be ensured that the development has the least impact on the local highway network.
- 8.39. Policy SLE4 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development in the District will be required to provide financial or in-kind contributions to mitigate the transport impacts of development. In this respect the Highways Liaison Officer has requested a contribution of £13,853.60 to go towards the improvement of pedestrian and cyclist facilities in Banbury town centre. The Highways Liaison Officer has stated that as the Broad Street/George Street junction is a busy intersection for both vehicles and pedestrians, improvements would make it safer for pedestrians. As the residents would be living in a car-free development, safe walking routes would be required.
- 8.40. In considering such requests paragraph 204 of the National Planning Policy Framework states that planning obligations should only be sought where they meet all of the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 8.41. The comments of the Highway Liaison Officer are noted, however it is not considered that the contribution would be necessary to make the development acceptable and would therefore fail to meet all of the tests set out in Paragraph 204. A crossing with tactile paving exists at Broad Street/George Street and is located in the opposite direction to the town centre and therefore the proposal is not considered to lead to a significant increase in pedestrian flows in this area. It is therefore considered that this contribution would not be necessary to make the development acceptable in planning terms.
- 8.42. In terms of surface water runoff rates, the Highways Liaison Officer has suggested that the development should achieve a 5% - 10% betterment over the existing surface water runoff rates at the site. The Highways Liaison Officer has stated that this could be achieved by the incorporation of SUDS into the development by treating water as a resource by harvesting rainwater for reuse. The application proposes the use of a green wall and this offers the opportunity to capture rainwater from the roof for use. A surface water drainage scheme based on sustainable drainage principles shall therefore be requested as a condition.
- 8.43. Concerns have been raised regarding the refuse collection arrangement; as if the bins were to be collected on Pepper Alley then the refuse vehicle would need to reverse up Pepper Alley. If the bins were to be collected on Broad Street, then they would need to be dragged 30m to the vehicle.

- 8.44. The waste and recycling officer has been consulted and has expressed concerns with the refuse collection arrangement. It is considered that an acceptable arrangement could be secured on the site and that a waste and recycling collection strategy shall be conditioned to ensure this if access for bin collection was not achievable from Pepper Alley alternative provision could be made for collection from Broad Street, as the existing properties in the vicinity get their waste collected from the end of Pepper Alley or on Broad Street.
- 8.45. To conclude, it is therefore considered that the development would not cause harm to the safety of the local highway network, subject to the inclusion of appropriately worded conditions.

Other matters

- 8.46. Policy ESD3 of the new Cherwell Local Plan states that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. In respect of water efficiency, it also states that Cherwell District is in an area of water stress and so developments should achieve a limit of 110 litres/person/day.
- 8.47. The supporting text to Policy ESD3 explains that its requirements are to be applied flexibly, but with the onus on the developer to demonstrate why the requirements cannot be met. It is considered that this can be addressed by way of a condition requiring the submission, approval and then implementation of a sustainable construction strategy detailing the measures to be incorporated into the development to satisfy the requirements of Policy ESD3. Therefore officers are satisfied that the development can be made acceptable in this respect.
- 8.48. Landscape services have sought a contribution of £27,682.32 for an off-site contribution to improve the existing play area at Old Parr Close. The agent has agreed to the principle of a contribution to improve the play area and negotiations are ongoing regarding the level of these contributions.
- 8.49. OCC have confirmed that whilst the proposal will have some impact on community infrastructure such as education, libraries, museums and adult day care they do not wish to pursue a contribution in this case given the pooling restriction relating to the S106 contributions for such projects. They therefore need to reserve their ability to seek pooled contributions from larger developments than this that may occur in the area in future. Therefore in this instance they are not pursuing any contributions to these facilities.
- 8.50. The Leisure Projects Officer has requested a number of contributions outdoor sports facilities, indoor sports facilities, Community halls provision and Public art contribution. It has not been made clear that the contributions would be necessary to make the development acceptable in planning terms or that they would be directly related to the development. They would therefore fail to comply with the tests set out in Paragraph 204 of the NPPF. These recommendations are based on the advice provided within the draft planning obligations supplementary planning document (SPD) (2011). Given the relatively small scale of the proposal and the limited weight of this draft SPD, officers do not believe such a requirement can be sufficiently justified or is necessary to make the impact of the development acceptable as required by paragraph 204 of the NPPF.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The principle of changing the use of the site to accommodate retail and residential development has been previously approved and the extant consent could still be implemented. The proposed development would not result in the direct loss of a theatre or cinema, as the building is currently authorised to be used as a restaurant (use class A3). The changes to the Broad Street façade are considered to be relatively minor and would retain the art-deco appearance of the building, considered to be its most important feature and the reason for its listing as a Locally Listed Building. The alterations to the Pepper Alley frontage would result in a simple design that would sit comfortably in the context in which it is located, with regards to its scale, appearance and materials palette and would retain the enclosure that currently exists. Overall they would preserve the character and appearance of the Conservation Area. It is considered that the development would provide an acceptable level of amenity to future and existing occupiers and that subject to conditions; the development would not have a detrimental impact on the safety of the local highway network. The proposal would bring an empty site back into use and there would be social and economic benefits which weigh in favour of the development. On balance, the development is therefore considered to be acceptable.

10. RECOMMENDATION

That permission is granted, subject to a legal agreement securing contributions towards affordable housing and an off-site play area 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 conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, 1590 – LP – BP, 1590 – P – 10, 1590 – P – 11, 1590 – P – 12, 1590 – P – 13a, 1590 – P – 14 and 1590 – P – 15.

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

3. Prior to the commencement of the development hereby approved, a brick sample panel (minimum 1m² in size) shall be constructed on site which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development to be constructed of brick shall be constructed in strict accordance with the approved brick sample panel.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, samples of the slate to be used for the covering 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 the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, samples of the render to be used for the 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.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, full details of the doors and windows, including a cross section and colour/finish, together with cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the door and windows 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 Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, full design details of the shop fronts facing onto Broad Street, including details of materials and finished colour, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the shop fronts shall be finished in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved, full details of the rainwater goods servicing the development, including details of materials and finished colour, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the rainwater goods 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 Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved, a specialist acoustic consultant's report that demonstrates that internal noise levels do not exceed the levels specified (or gives details of mitigation measures required to achieve these levels) in the British Standard BS 8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings', shall be submitted to and approved in writing by the Local Planning Authority. If required thereafter, and prior to the first occupation of the dwellings affected by this condition, the

dwellings affected by this condition shall be shall be insulated and maintained in accordance with the approved details.

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

10. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of people living in the vicinity of the development.

11. 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.

12. A Travel Information Pack, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development, shall be provided to every household.

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

13. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS – Permeable Paving, Rainwater Harvesting, Green Roof
- Network drainage calculations
- Phasing
- No private drainage into the public highway drainage system

Reason - In the interests of highway safety in accordance with the National Planning Policy Framework

14. No demolition (including the demolition of the auditorium) and no removal of internal features, shall be carried out until a binding contract for the whole of the consented development has been made and agreed in writing by the Council.

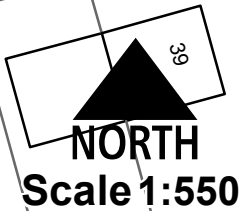
Reason: To protect the character and appearance of the conservation area and to protect the significance of the Local Heritage Asset should the consented development not proceed.

15. Notwithstanding the provisions of Schedule 2, Part 1, Class H of The Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no radio or TV aerials, satellite dishes or other antennae shall be affixed to the front façade of the building without the prior express planning consent of the Local Planning Authority.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

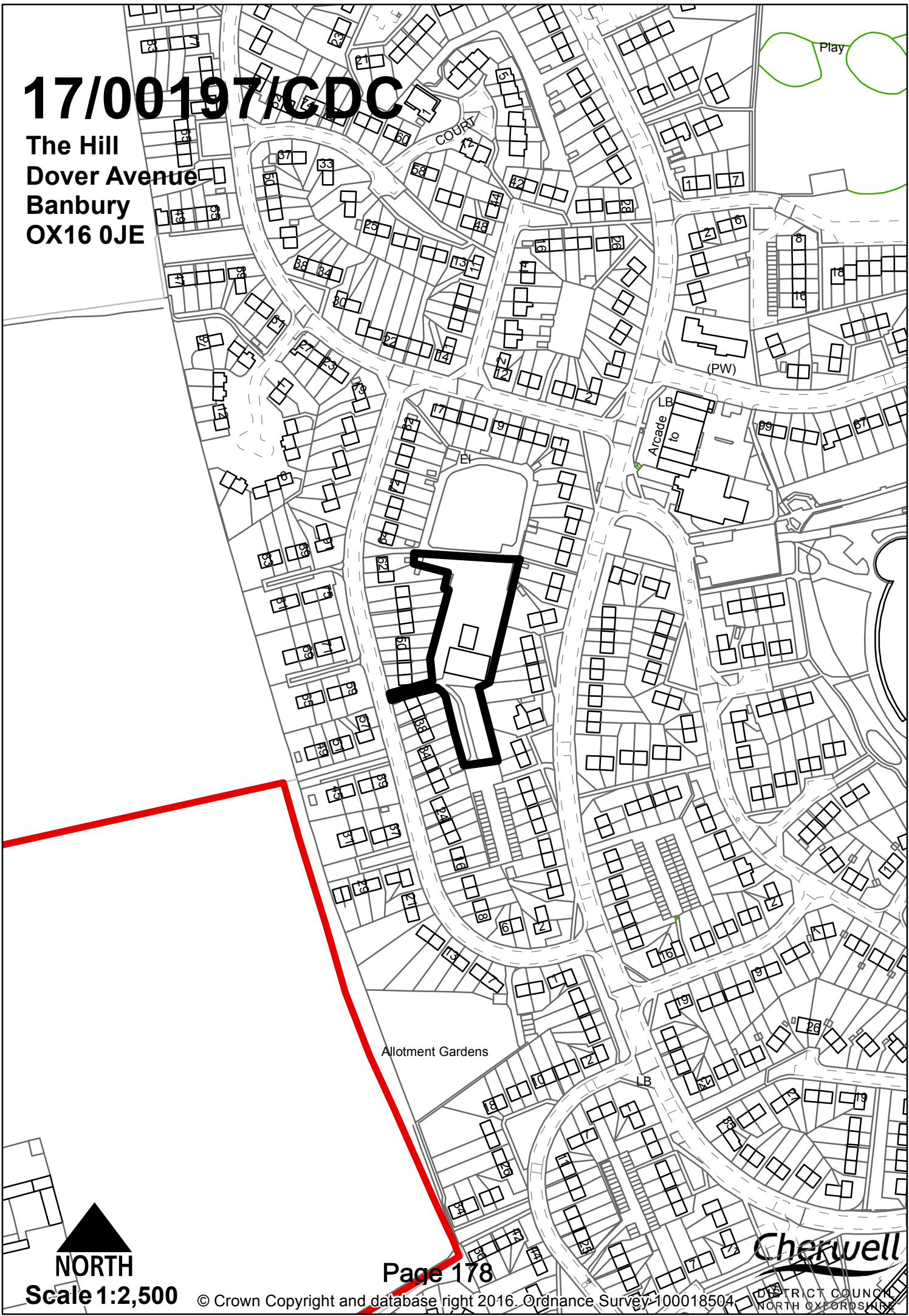
17/00197/CDC

The Hill
Dover Avenue
Banbury
OX16 0JE



17/00197/CDC

The Hill
Dover Avenue
Banbury
OX16 0JE



Scale 1:2,500

**The Hill
Dover Avenue
Banbury
OX16 0JE**

17/00197/CDC

Case Officer: Matthew Chadwick **Contact Tel:** 01295 753754

Applicant: Cherwell District Council (Build Department)

Proposal: To demolish the existing community centre accessed off Dover Avenue and rebuild a new community centre, 'The Hill', in Bretch Hill, Banbury

Expiry Date: 23/03/2017

Ward: Banbury Ruscote **Committee Date:** 16/03/2017

Ward Councillors: Councillor Cherry, Councillor Richards and Councillor Woodcock

Reason for Referral: Application has been made by the District Council

Recommendation: Approval

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an area of community land that is bound by houses on all sides. The site currently accommodates a community centre and some small grassed areas. The site is bound to the south and west by Dover Avenue, to the north by Edmunds Road and to the east by Bretch Hill. The levels of the land drop to the north of the site and there is a play area to the north.
- 1.2. The site is not located in a conservation area and is not in close proximity to any listed buildings. The ground in close proximity of the site has naturally elevated levels of arsenic.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning consent is sought to demolish the existing community centre and to rebuild a new community centre on approximately the same site. The new community centre would be constructed from render, timber effect cladding and red brick. There would be a significant amount of glazing proposed on the building. The roof would be finished with a single ply membrane and the roof would have large overhangs to provide shade to the windows. External doors, windows, rooflights, gutters and downpipes would be finished in a dark grey.
- 2.2. Access would remain as existing, off Dover Avenue. A new parking and drop-off area would be created to the south-west

3. RELEVANT PLANNING HISTORY

- 3.1. None directly relevant to this proposal.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. 16/00289/PREAPP: The pre-application proposal was for the construction of a new community centre to replace the existing building. The principle of redevelopment was considered to be acceptable. With regards to design, it was considered that the replacement building should be an improvement on the existing building and it was recognised that a modern design approach would be appropriate given the area was not architecturally sensitive. A reconfiguration of the layout was encouraged, as it was considered that the building as proposed would have a detrimental impact on the living amenity of the occupiers of the dwellings to the east, on Bretch Hill. The report was issued on 2nd November 2016.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.
- 5.2. One letter of objection has been received as part of the consultation process. Concerns were raised over anti-social behavioural issues in the playing area, contamination issues from the asbestos roof of the existing community centre and disruption caused by the construction phase of development.
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL

- 6.2. BANBURY TOWN COUNCIL: **No objections.**

STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **No objections**, subject to conditions relating to a Construction Traffic Management Plan to be submitted and approved by the Local Planning Authority, details of cycle parking and full specification details of the turning area and parking spaces within the curtilage of the site.

NON-STATUTORY CONSULTEES

- 6.4. BUILDING CONTROL: No comments received.
- 6.5. ENVIRONMENTAL PROTECTION: **No objections**, subject to conditions relating to a Construction Environmental Management Plan, details of external lighting and details of extraction, air conditioning or any other fixed plant to be submitted to the local planning authority. Conditions should also be included regarding land contamination.
- 6.6. RECREATION AND LEISURE: **No objections.**

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. 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 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- BSC5 – Area Renewal
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD10 – Natural Environment
- ESD15 – The Character of the Built and Historic Environment
- BAN10 – Bretch Hill Regeneration Area

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Home Extensions Guidance (2007)

8. APPRAISAL

- 8.1. The key issues for consideration in this case are:

- Principle of development
- Design and impact on the character of the area
- Residential amenity
- Highway safety
- Environmental protection

Principle of development

- 8.2. Paragraph 14 of the National Planning Policy Framework states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

- 8.3. Policy BSC10 of the Cherwell Local Plan 2011 – 2031 Part 1 states that the council will protect existing recreation sites.
- 8.4. Policy BSC12 of the Cherwell Local Plan 2011 – 2031 Part 1 states that the council will protect and enhance the quality of existing community facilities and improve access to existing facilities.
- 8.5. The proposal seeks to replace the existing community facility on the site with a new building. The existing building on the site is aged and its replacement with a modern, purpose-built facility would result in a significant enhancement for the community with regard to community facility provision. The building would provide a hall which would accommodate a badminton court and a smaller hall to accommodate community events and offices, which would benefit the local community. Access to the site would also be improved through the provision of a new car park.
- 8.6. The principle of development is therefore considered to be acceptable, subject to the other material considerations to be discussed below.

Design and impact on the character of the area

- 8.7. Saved Policy C28 of the adopted Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context of the development.
- 8.8. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development should complement and enhance the character of its context through sensitive siting, layout and high quality design. Furthermore, new development should be designed to improve the quality and appearance of an area and contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 8.9. The site is located in an area that is surrounded by dwellings constructed from a variety of materials, including red brick, buff brick and render. The existing community centre is constructed from buff brick and has a number of pitched roof elements that have been attached to form one building. The existing community building now looks aged and is not of high architectural quality.
- 8.10. The proposed building would be larger in scale than the existing building, both in terms of its footprint and its height. The building would have a maximum height to ridge of 9.5m, which the applicants have stated is to accommodate a badminton court. However the building would sit comfortably within the site and would not be significantly larger in height than the dwellings which it would be located in close proximity to.
- 8.11. The proposed building has a contemporary design, with pitched roofs and flat roofs and a number of different materials. The proposed building would be constructed from red brick, timber-effect cladding and render. Given the variety of materials used in close proximity of the site, it is considered that the materials proposed are acceptable. The contemporary design is considered to be acceptable and would be a significant improvement upon the existing building. The design of the building has also been informed by the results of a public consultation exercise, undertaken in September 2016.
- 8.12. The design of the proposed building is considered to be acceptable and would result in an enhancement of the visual appearance of the community centre on the site. It would be of a scale and siting that would appropriate in its context and would not appear unduly dominant or out of keeping with the scale of neighbouring housing,

and the contemporary design approach is considered to be acceptable and the materials used would not cause harm to the visual amenities of the locality.

Residential amenity

- 8.13. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 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.
- 8.14. The application site is surrounded by residential properties, with Dover Avenue to the south and west, Edmunds Road to the north and Bretch Hill to the east. The southern part of the building would be of a similar scale to the existing building. The proposed building would be located in closer proximity to the eastern boundary shared with properties on Bretch Hill than the existing building, however due to the single storey scale of the building and its orientation it is considered that this would not have a significant detrimental impact with regards to being overbearing.
- 8.15. Of more concern is the hall accommodating the badminton court, which would have a maximum height of 9.5m. This would be significantly greater in scale than the existing building. This part of the building would be located in closest proximity to 335 and 337 Bretch Hill. This pair of dwellings are orientated facing towards the northwest and therefore the rear of the dwellings would not be facing directly towards the community building. Due to this orientation away from the proposed building, and the intervening distance of about 13.5 metres, it is considered that the development would not appear overbearing to these dwellings.

Highway safety

- 8.16. The existing accesses to the site remain unchanged, but a new car park is proposed to the south-west corner of the site with level access provided from the car park to the entrance to the new building. The Highways Liaison Officer has offered no objections to the scheme, subject to conditions requiring a Construction Traffic Management Plan, cycle parking details and details of the parking and turning area within the curtilage of the site.
- 8.17. No cycle parking facilities have been shown on the plans, however it is considered that there would be sufficient space to accommodate this provision within the site. It is considered that a Construction Traffic Management Plan would be required, given the scale of development and the layout of the local highway network and this shall be included as a condition. Further details would be required about the parking and turning area to ensure that the provision would be an acceptable standard to serve the development.

Environmental protection

- 8.18. The site lies within an area where there are naturally elevated levels of arsenic within the ground. The applicant has submitted a land contamination report that identifies an area where lead has been found.
- 8.19. The Environmental Protection Officer has offered no objections to this element of the proposal, subject to conditions. These conditions would relate to an intrusive investigation to characterise the type, nature and extent of lead contamination present. If contamination is found by this investigation, then the applicants would need to submit a remediation scheme and carry out this remediation.

8.20. The Environmental Protection Officer has stated that a Construction Environmental Management Plan would be required to ensure that the works do not adversely impact upon the occupiers of the nearby residential properties. As the site is surrounded by houses, this condition is deemed to be necessary. Details of external lighting and extraction, air conditioning or any other fixed plant shall be sought, in order to ensure that the development does not create a nuisance for neighbouring dwellings.

9. PLANNING BALANCE AND CONCLUSION

9.1. The principle of development is considered to be acceptable given that the new building would be replacing an existing community centre on the site. The creation of a purpose-built community centre would result in a benefit for the local population with regard to community centre provision. The design and scale of the development proposed is considered to be appropriate and has been informed by a local public consultation exercise. The buildings would sit comfortably within the site and the wider context of the area and subject to conditions, would not have a detrimental impact upon the local highway network or the amenity of the occupiers of neighbouring properties.

10. RECOMMENDATION

That permission is granted, 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 conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, 2016045 – A – D – 01 – 040 Rev A, 2016045 – A – D – 01 – 060 Rev A, 2016045 – A – P – 01 – 100, 2016045 – A – P – 01 – 120, 2016045 – A – P – 01 – 121, 2016045 – A – P – 01 – 122 and 2016045 – A – P – 01 – 123.

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

3. Prior to the commencement of the development hereby approved, samples of the brick, render and timber effect cladding to be used for 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.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Thereafter, the development shall be carried out in accordance with the approved landscaping scheme.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and car parking spaces to be provided within the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. 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 and to ensure a satisfactory form of development in accordance with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, a Construction Management Plan (CMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted CMP shall include the following:

- Details of the routing of construction traffic and delivery vehicles and associated signage.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle

tyres/wheels, from migrating onto adjacent highway.

- Details of the parking of site related vehicles (construction workers, traffic and delivery vehicles etc.) to be accommodated within the site.
- Details of the arrangements for keeping local residents informed of site deliveries and other highway related impacts of the construction phase of development.

Thereafter, the CMP shall be implemented in accordance with the approved details and shall be adhered to throughout the construction phase of development.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework

8. Prior to the installation of any external lighting required in association with the approved development, full details of the siting, design and technical specification of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be installed and retained in accordance with the approved details.

Reason - In order to safeguard the amenities of the area and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the installation of any external extraction or air conditioning equipment or any other fixed plant associated with the approved development, full details of the siting, design and technical specification of the plant and equipment shall be submitted and approved by the Local Planning Authority. Thereafter, the plant and equipment shall be installed and retained in accordance with the approved details.

Reason - In order to safeguard the amenities of the area and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

11. If contamination is found by undertaking the work carried out under condition 10, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

12. If remedial works have been identified in condition 11 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

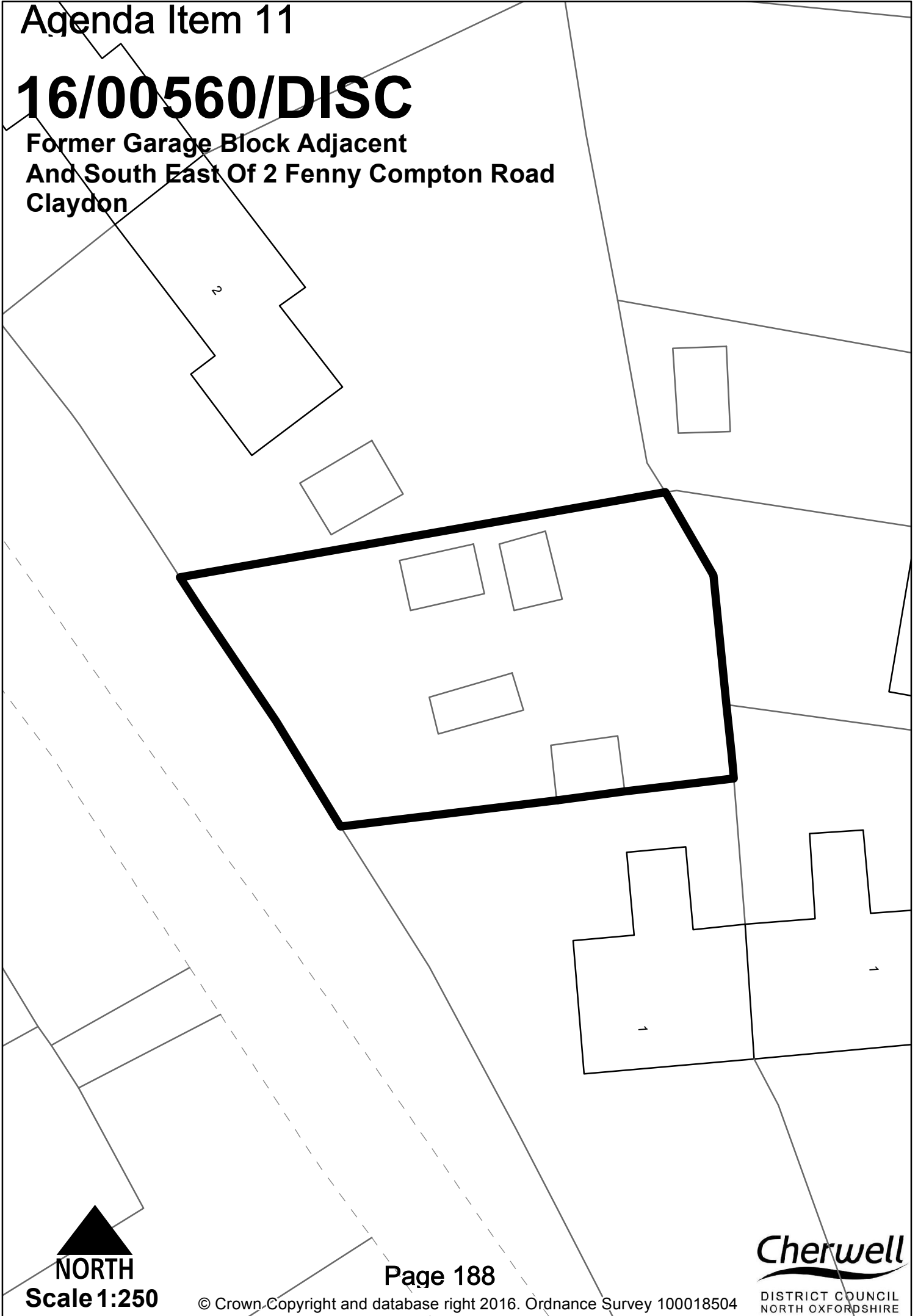
13. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing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

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

Agenda Item 11

16/00560/DISC

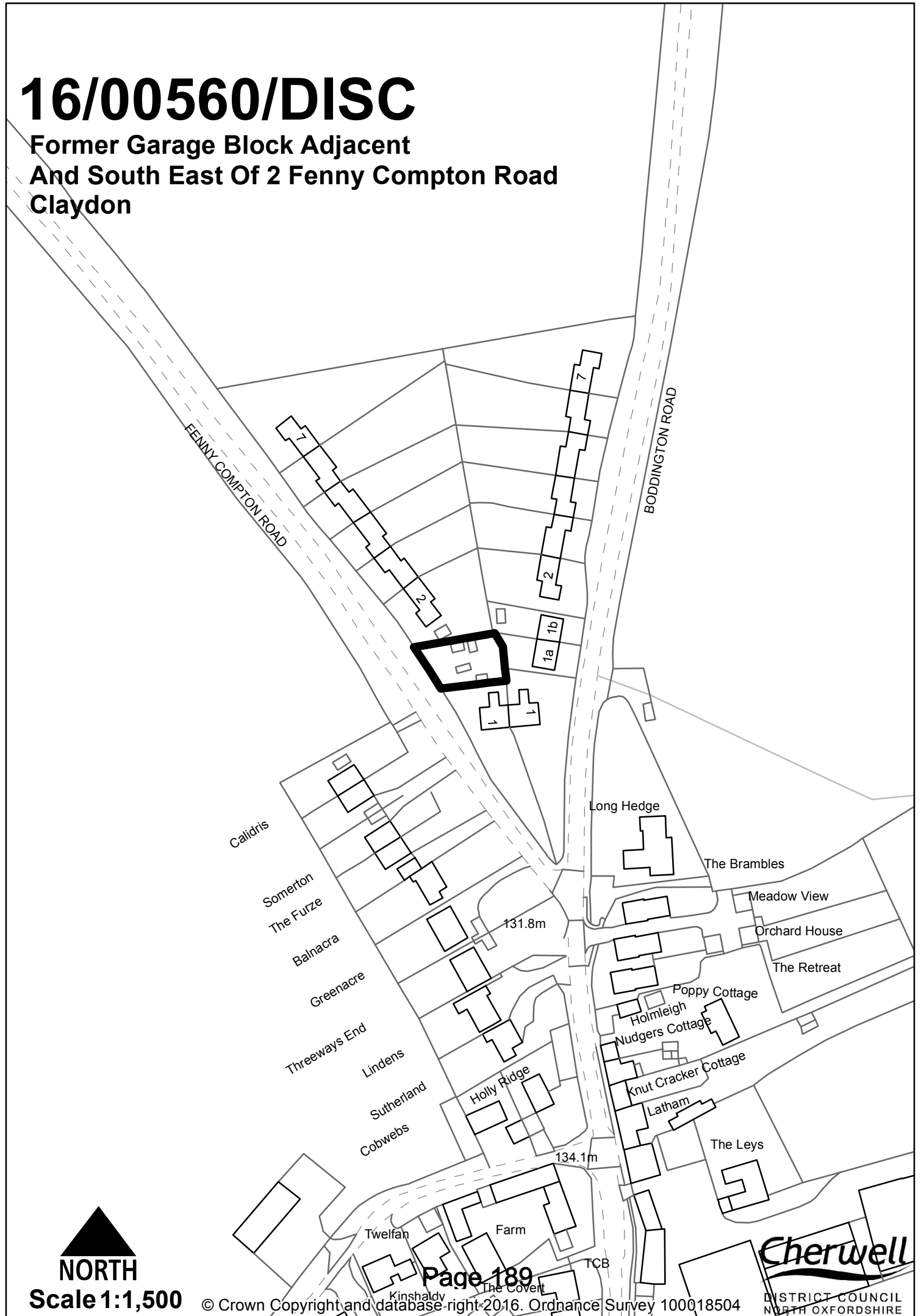
Former Garage Block Adjacent
And South East Of 2 Fenny Compton Road
Claydon



NORTH
Scale 1:250

16/00560/DISC

Former Garage Block Adjacent
And South East Of 2 Fenny Compton Road
Claydon



NORTH
Scale 1:1,500

Case Officer: Rebekah Morgan **Contact Tel:** 01295 227937

Applicant: Cherwell District Council – Mrs Fiona Brown

Proposal: Discharge of Conditions 6 (vehicle access consent) of 14/00099/CDC

Expiry Date: 31.03.2017

Ward: Cropredy, Sibfords and Wroxton **Committee Date:** 16.03.2017

Ward Councillors: Cllr Ken Atack, Cllr George Reynolds, Cllr Douglas Webb

Reason for Referral: CDC application

Recommendation: Approval

1. SITE DESCRIPTION AND PROPOSED DEVELOPMENT

- 1.1 The proposed application site is a former garage site. The site currently contains two garages and a shed structure. The site is predominantly grass with no formal vehicular access or hard standing. The site is bounded on three sides by residential properties with a mixture of mature hedgerows and fencing along the boundaries.
- 1.2 Planning permission was granted in March 2014 for the erection of a detached house and new vehicular and pedestrian access. The current application is seeking approval of the details required by condition 6 of that permission.

2. APPRAISAL

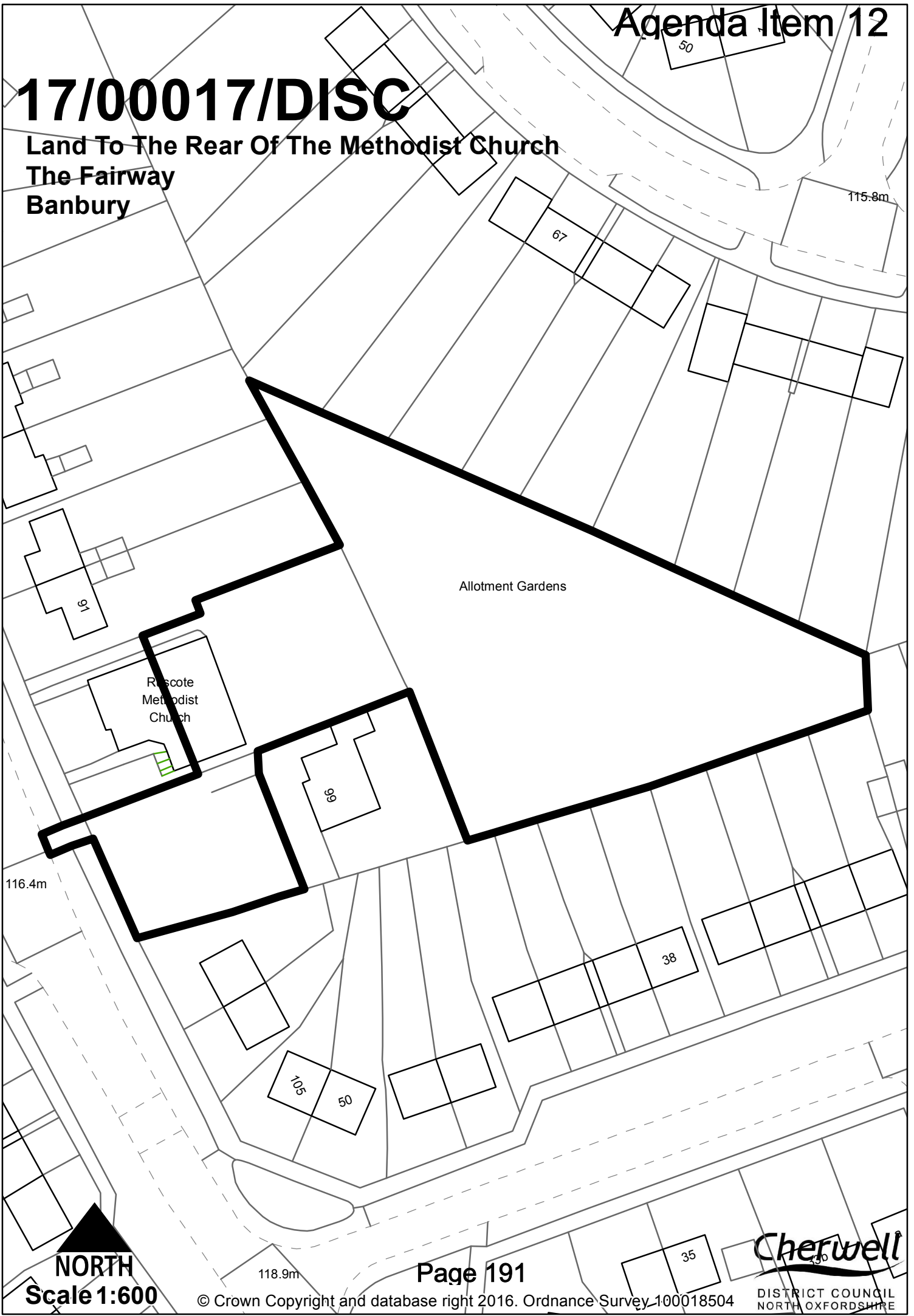
- 2.1 Condition 6 of planning permission 14/00099/CDC requires approval of full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas; in the interests of highway safety. The specification details are shown on drawing numbers HSD 11 055B, HSD 11 160D and HSD 11 185D. These details are considered acceptable by the Highways Authority and planning officers agree with this assessment.

3. RECOMMENDATION – APPROVAL

The Local Planning Authority considers that the details submitted pursuant to Condition 6 of planning permission 14/00099/CDC are acceptable, and as such it is recommended that the said conditions are discharged.

17/00017/DISC

Land To The Rear Of The Methodist Church
The Fairway
Banbury



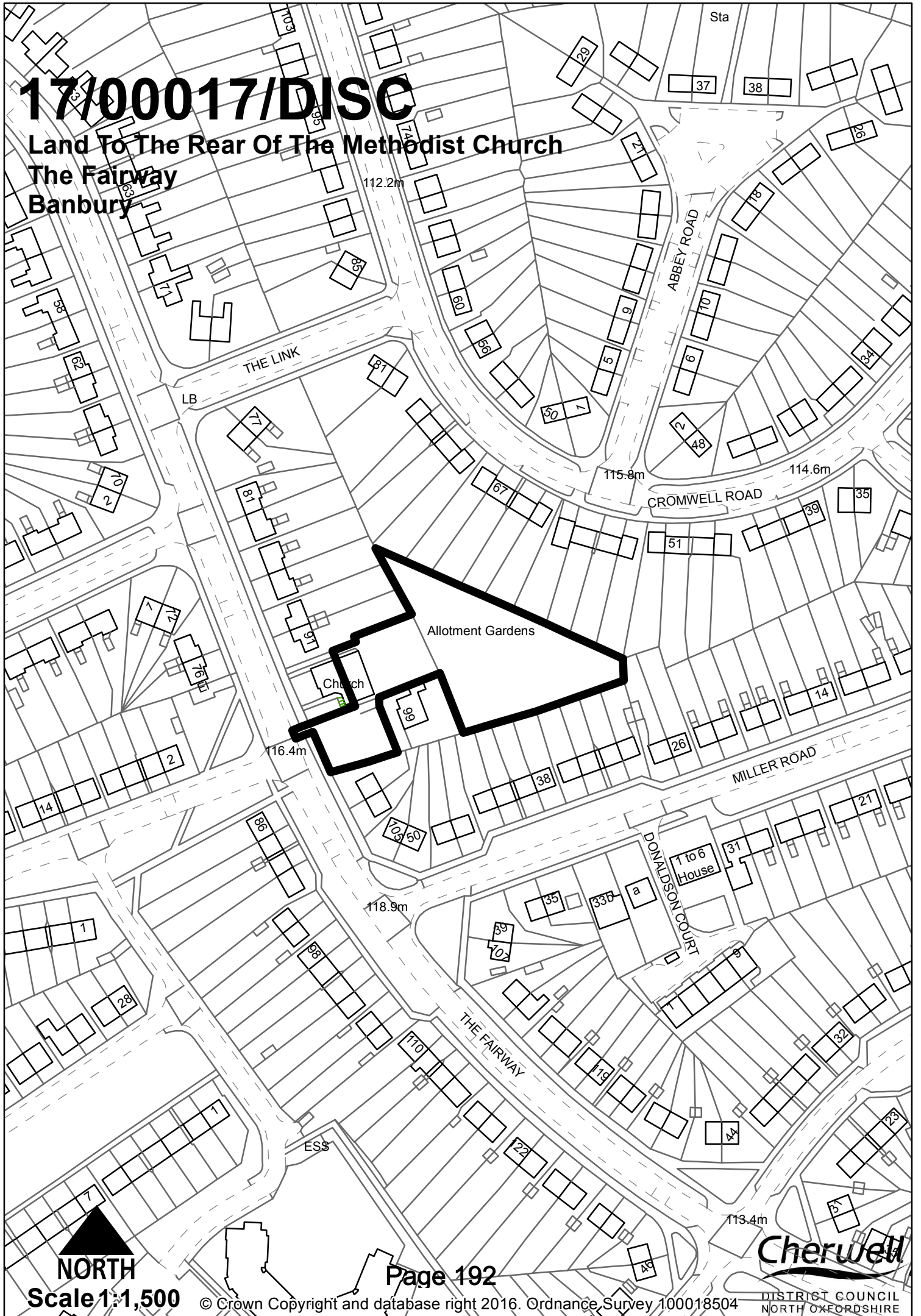
Allotment Gardens

Rescote
Methodist
Church

NORTH
Scale 1:600

17/00017/DISC

Land To The Rear Of The Methodist Church
The Fairway
Banbury



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Bob Neville **Contact Tel:** 01295 221875

Applicant: Cherwell District Council

Proposal: Discharge of Conditions 12 (estate access construction details), 13 (parking and manoeuvring areas) and 15 (parking bay numbers) of 16/00313/CDC

Expiry Date: 09.03.2017 **Extension of Time:** 20.03.2017

Ward: Banbury Ruscote **Committee Date:** 16.03.2017

Ward Councillors: Cllr Barry Richards, Cllr Sean Woodcock, Cllr Mark Cherry

Reason for Referral: CDC application

Recommendation: Approval

1. SITE DESCRIPTION AND PROPOSED DEVELOPMENT

- 1.1 The application site is a triangular parcel of land situated to the rear of The Methodist Church on The Fairway; the Church itself currently being rebuilt following approval of 13/01153/CDC. The site is in a predominantly residential area in Banbury with access being taken from the Fairway.
- 1.2 Planning permission was initially granted in December 2015 for the 'Erection of 11no. residential units, upgrading the existing vehicular access and parking for the church facility as well as extending this access for the purpose of the proposed residential units, under reference 13/01372/CDC. A subsequent Section 73 "variation of condition" application (16/00313/CDC) was granted permission 12.01.2017, which allowed for the re-siting and redesign of two of the plots (10 and 11) of the approved scheme. The current application is seeking approval of the details required by conditions 12, 13 and 15 of that permission.

2. APPRAISAL

- 2.1 Condition 12 of this planning permission requires approval of full specification details of the estate accesses, driveways and turning areas to serve the dwellings; in the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development. Estate access, road and parking area construction details are shown on drawing nos. 7020L/01 Rev. F, 7020L/04 Rev. M, 7020L/07 Rev. L and 7020L/10 Rev. J, 028/08h, 7020L/16 Rev. K, 7020L/22 Rev. C, 7020L/24 Rev. C, 7020L/27 Rev. C and 7020L/28 Rev. B. These details are considered acceptable by the Highways Authority.
- 2.2 Condition 13 of this planning permission requires approval of full specification details (including construction, layout, vision splays, surfacing and drainage) of the parking and manoeuvring areas; in the interests of highway safety. Parking and manoeuvring area details

are shown on drawing nos. 7020L/01 Rev. F, 7020L/04 Rev. M, 7020L/07 Rev. L and 7020L/10 Rev. J, 028/08h, 7020L/16 Rev. K, 7020L/22 Rev. C, 7020L/24 Rev. C, 7020L/27 Rev. C and 7020L/28 Rev. B. These details are considered acceptable by the Highways Authority and planning officers agree with this assessment.

- 2.3 Condition 15 requires details of the proposed marking and numbering of all parking areas. Parking layout, including numbering and markings for allocated and unallocated parking bays, is shown on drawing no. 028/08h. These details are considered acceptable by the Highways Authority and planning officers agree with this assessment.

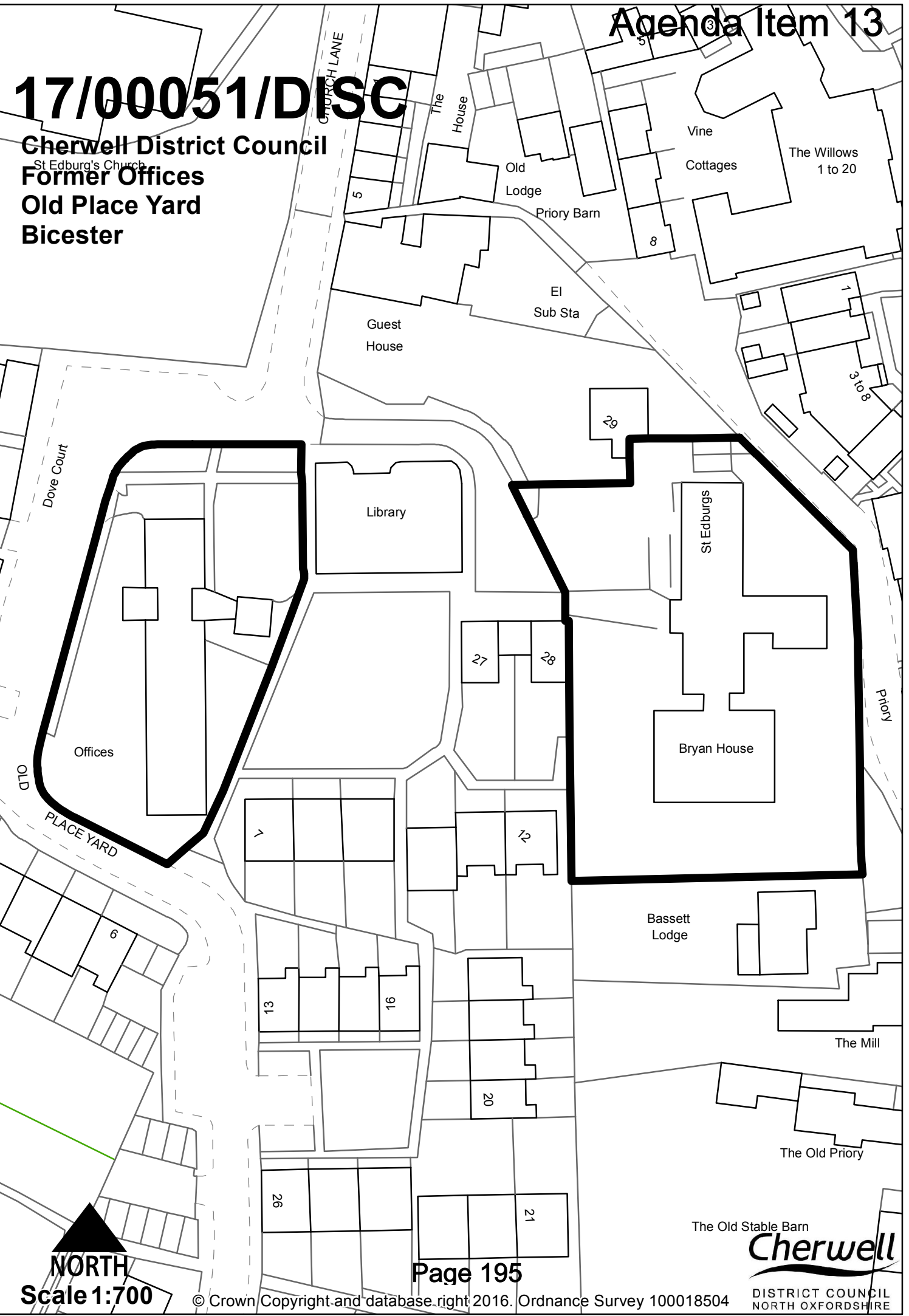
3. RECOMMENDATION – APPROVAL

The Local Planning Authority considers that the details submitted pursuant to Conditions 12, 13 and 15 of planning permission 16/00313/CDC are acceptable, and as such it is recommended that the said conditions are discharged.

17/00051/DISC

Cherwell District Council

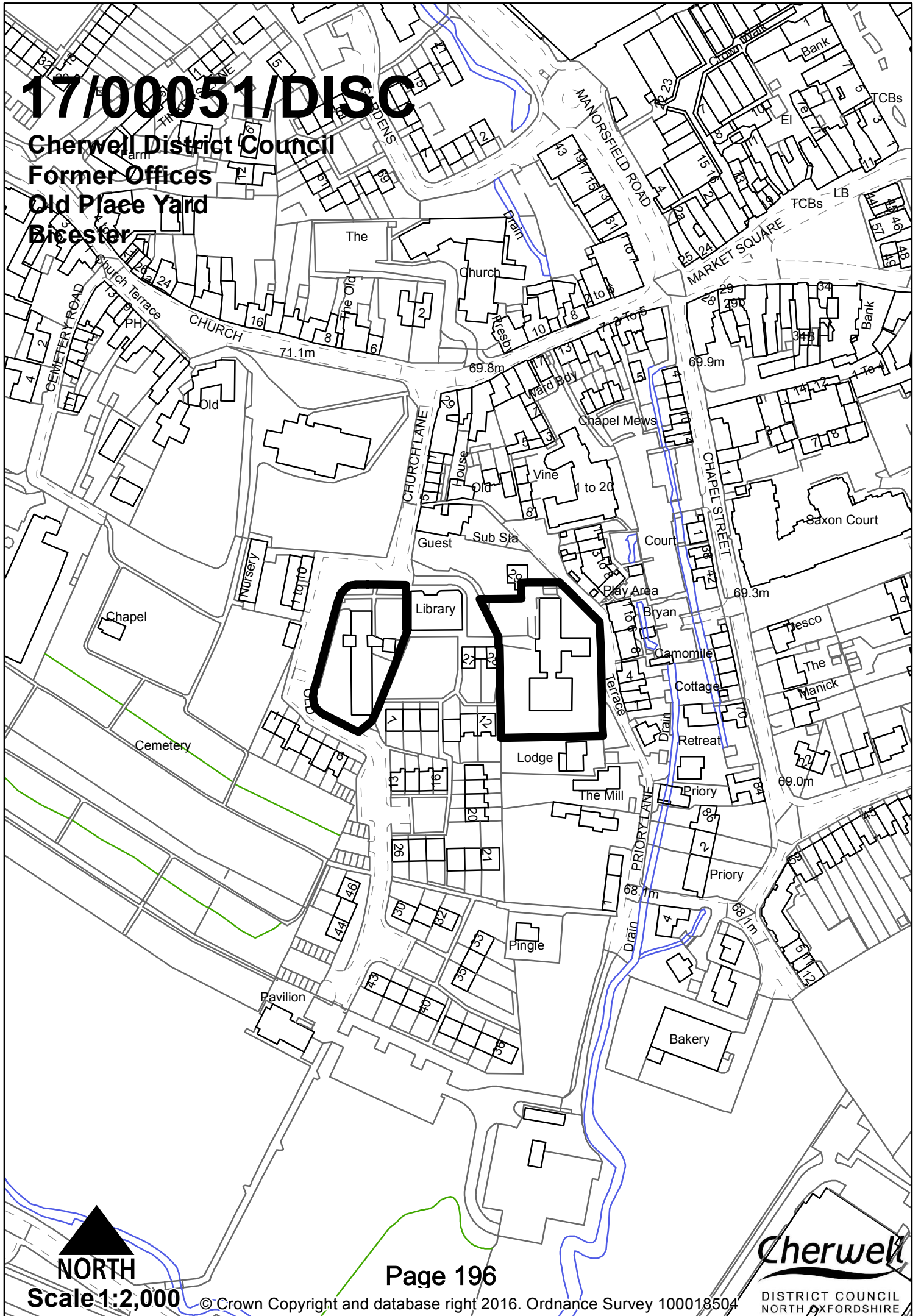
St Edburg's Church
Former Offices
Old Place Yard
Bicester



Scale 1:700

17/00051/DISC

**Cherwell District Council
Former Offices
Old Place Yard
Bicester**



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
Cllr Dan Sames

Proposal: Part discharge of condition 10 (Drainage Scheme) and Discharge of condition 20 (Emergency and refuse vehicle turning on site) of 16/00043/F

Committee Date: 16.03.2017 **Recommendation:** Delegate authority to officers to determine the application once comments have been received from the Highway Authority.

1. SITE DESCRIPTION AND PROPOSED DEVELOPMENT

- 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.
- 1.2 Immediately adjacent to the westernmost site (Site A) is a Grade II listed dovecote. 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, being the site of Bicester Priory, and is currently being considered for scheduling by Historic England.
- 1.3 There is a public right of way running north/south along the eastern boundary of Site A.
- 1.4 Planning permission was granted on 13th June 2016 (16/0043/F) for the erection of 11 self-contained single storey units for adults with physical disabilities, learning disabilities and autistic spectrum conditions. 5 units are to be constructed on Site A and 6 units on Site B. Site A is to have a communal garden and the units within Site B are to 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. The current application is seeking approval of the details required by conditions 10 and 20 of that permission.

2. APPRAISAL

- 2.1 Condition 10 of the planning permission requires the submission and approval of a surface water drainage scheme for the site before the construction of the scheme above slab level. The reason for condition 10 is to ensure that surface water resulting from the development will be managed effectively and to reduce the risk of flooding. The details submitted relate

to site A only, and so a partial discharge is being sought with the details required in respect of site B to be submitted at a later date.

- 2.2 Condition 20 of the planning permission requires the submission and approval of details of refuse, fire tender and pantechnicon turning within the site before the construction of the development above slab level. The reason for condition 20 is to ensure that the development does not result in detriment to highway safety.
- 2.3 The approval of the details submitted to discharge the conditions is dependent upon the response of Oxfordshire County Council to the formal consultation procedure, in their capacity as the Local Highway Authority and Local Flood Authority in this case. Their officers are qualified to comment on these matters and requested the conditions be attached to the permission. However their response has not been received to date.
- 2.4 The discharge of conditions relating to technical matters is normally delegated to officers on the recommendation of the relevant consultee and it is purely because Cherwell Council is the applicant that this application is before Members. It therefore seems prudent to seek delegated authority to officers to determine the application, in accordance with the advice received from Oxfordshire County Council. Should any comments be received and matters resolved before Committee, this will be reported to Committee and an amended recommendation will be made.

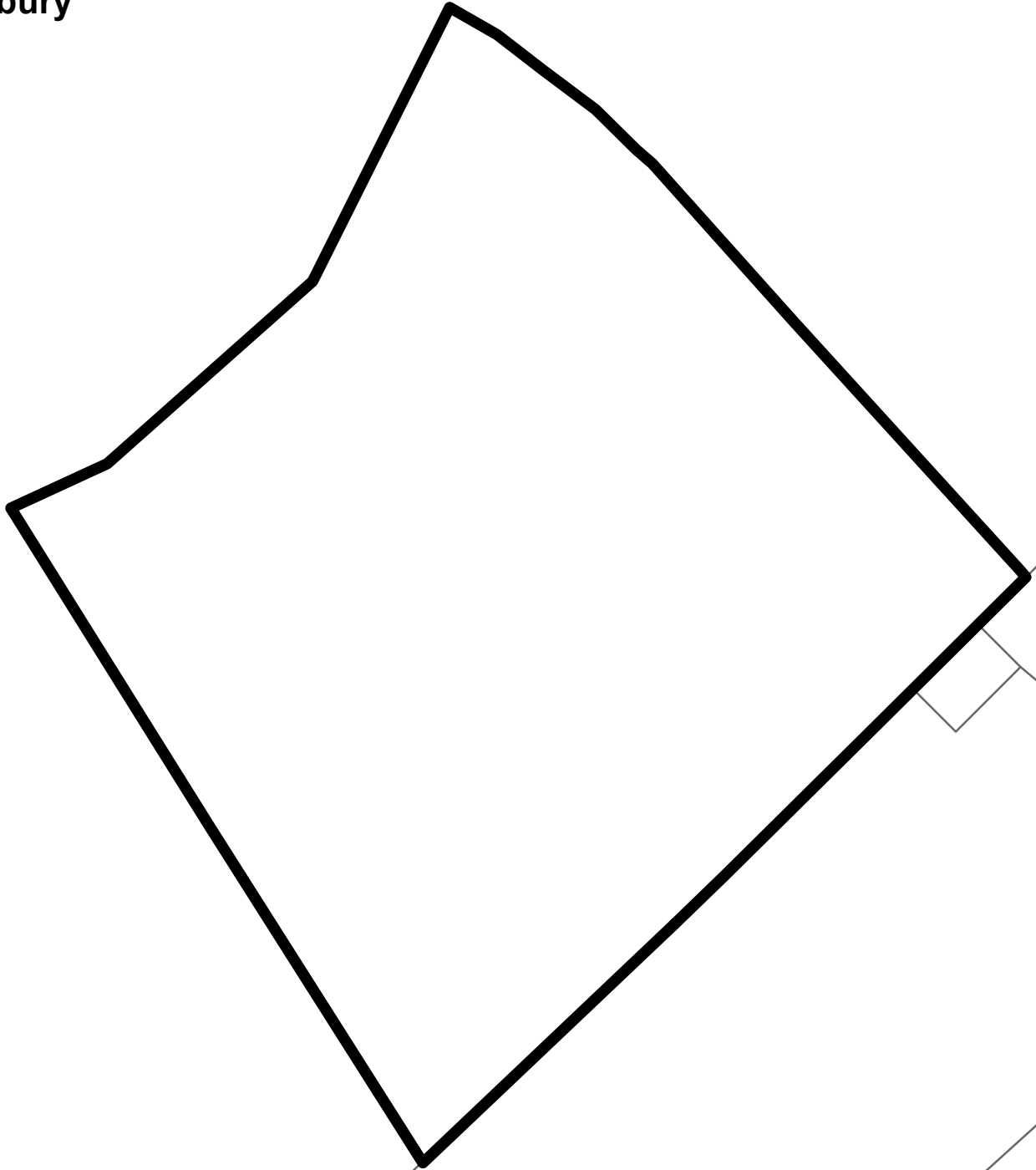
3. RECOMMENDATION – Delegate authority to officers to determine the application once comments have been received from the Highway Authority.

CONTACT OFFICER: Shona King

TELEPHONE NO: 01295 221643

17/00071/DISC

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



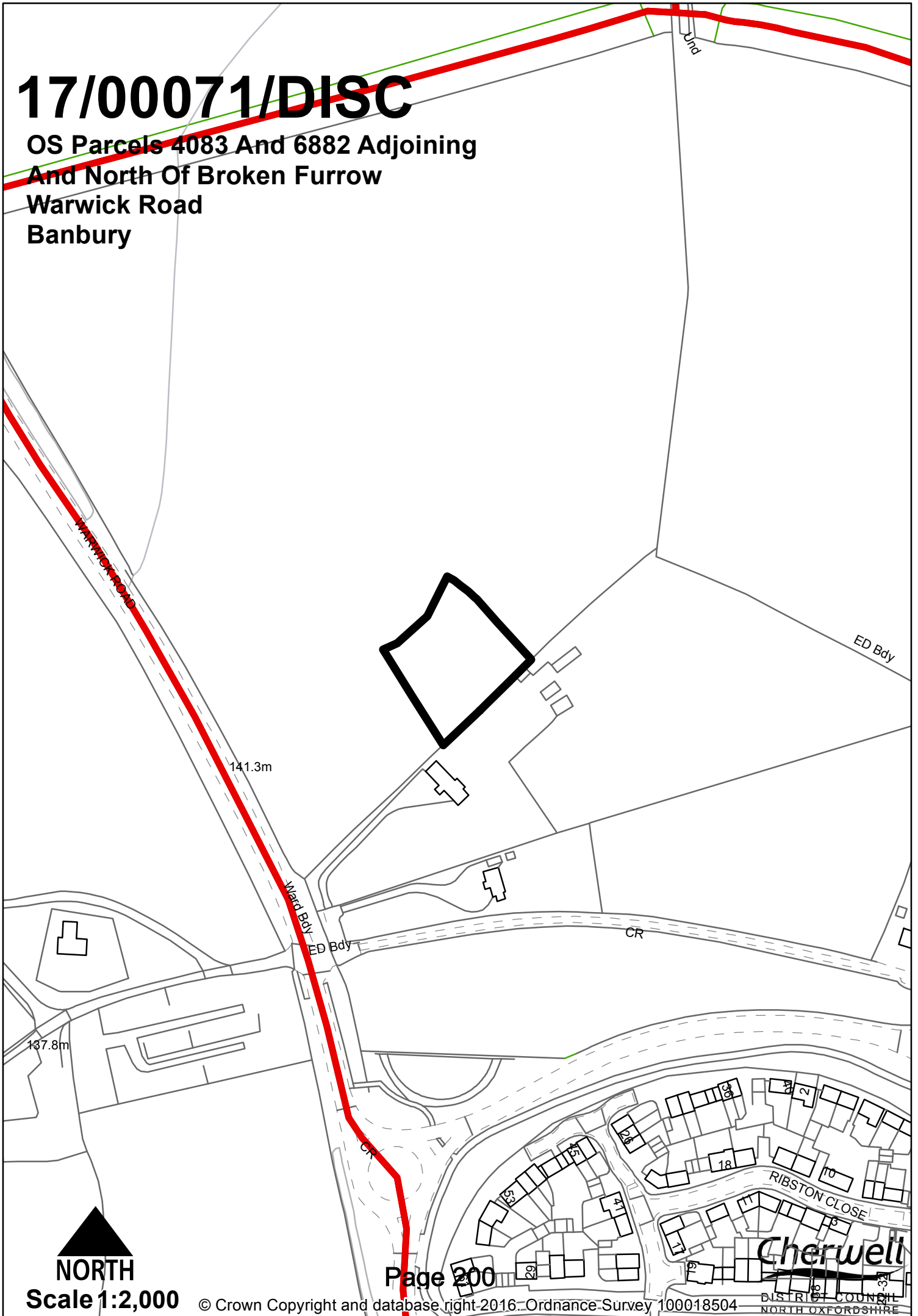
Broken Furrow



NORTH
Scale 1:400

17/00071/DISC

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



NORTH
Scale 1:2,000

Case Officer: Bernadette Owens **Ward(s):** Banbury Hardwick

Applicant: Cherwell District Council

Ward Member(s): Cllr Tony Ilott
Cllr J A Donaldson
Cllr Nicholas Turner

Proposal: Discharge of condition 6 (Amended elevation design details) of
16/01484/CDC

Committee Date: 16.03.2017 **Recommendation:** Delegate authority to officers to
determine the application once satisfactory revised
drawings have been received.

Reason for Committee Referral: CDC application

1. Application Site and Locality

- 1.1 The application site is a small parcel located within the wider Hanwell Fields site allocated for development under Policy Banbury 5 of the Cherwell Local Plan 2011-2031.
- 1.2 The site is situated within Phase 1 of the Persimmon development currently under construction and is generally surrounded by newly constructed residential dwellings and dwellings under construction and adjoins the undeveloped Broken Furrows site to the south.

2. Description of Proposed Development

- 2.1 Planning permission was granted under planning permission ref. 16/01484/CDC for the erection of a single storey building to provide accommodation for adults with learning difficulties. The application included associated landscaping and car parking.
- 2.2 In considering the application officers felt that the simple design and external appearance of the building resulted in an institutional character and that there remained scope for improvement. A condition was therefore imposed which requires the applicant to submit revised detailed elevational drawings in order to improve the external appearance of the buildings and achieve a higher quality of development.
- 2.3 The application is brought before Committee as the Council is the applicant and has an interest in the land and buildings.

3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
16/01484/CDC	Erection of single storey building to provide 5 one bed flats for adults with acquired brain	PER

injury, associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (six units in total) (revised scheme of 16/00515/CDC)

4. Appraisal

- 4.1 Drawings have been submitted pursuant to the discharge of condition no.6 of planning permission ref. 16/01485/CDC. The condition requires amended design details for the front façade of the building and the entrance gates.
- 4.2 The submitted drawings have included a pitched roof porchway/canopy to the main entrance in order to provide greater emphasis to the main entrance point. However, the remainder of the elevational treatment to the building is considered to be capable of improvement, and the incorporation of soldier coursing above windows and doors further reduces the quality of the design.
- 4.3 The planning officer has met with the applicant and discussed further additions to the elevations of the building including the use of further canopies or porchways above doorways and the introduction of timber lintels above windows and doors with a blue brick cill to improve the external appearance of the building in keeping with the surrounding residential development and the aspirations of the Hanwell Fields Design Code.
- 4.4 The applicant is keen to take on board the suggestions made and revised drawings are currently being drafted to incorporate these design improvements to the building.
- 4.5 Delegated authority is therefore sought to enable officers to conclude negotiations relating to the revised design of the building and approve the details once a satisfactory solution is submitted.

5. Recommendation

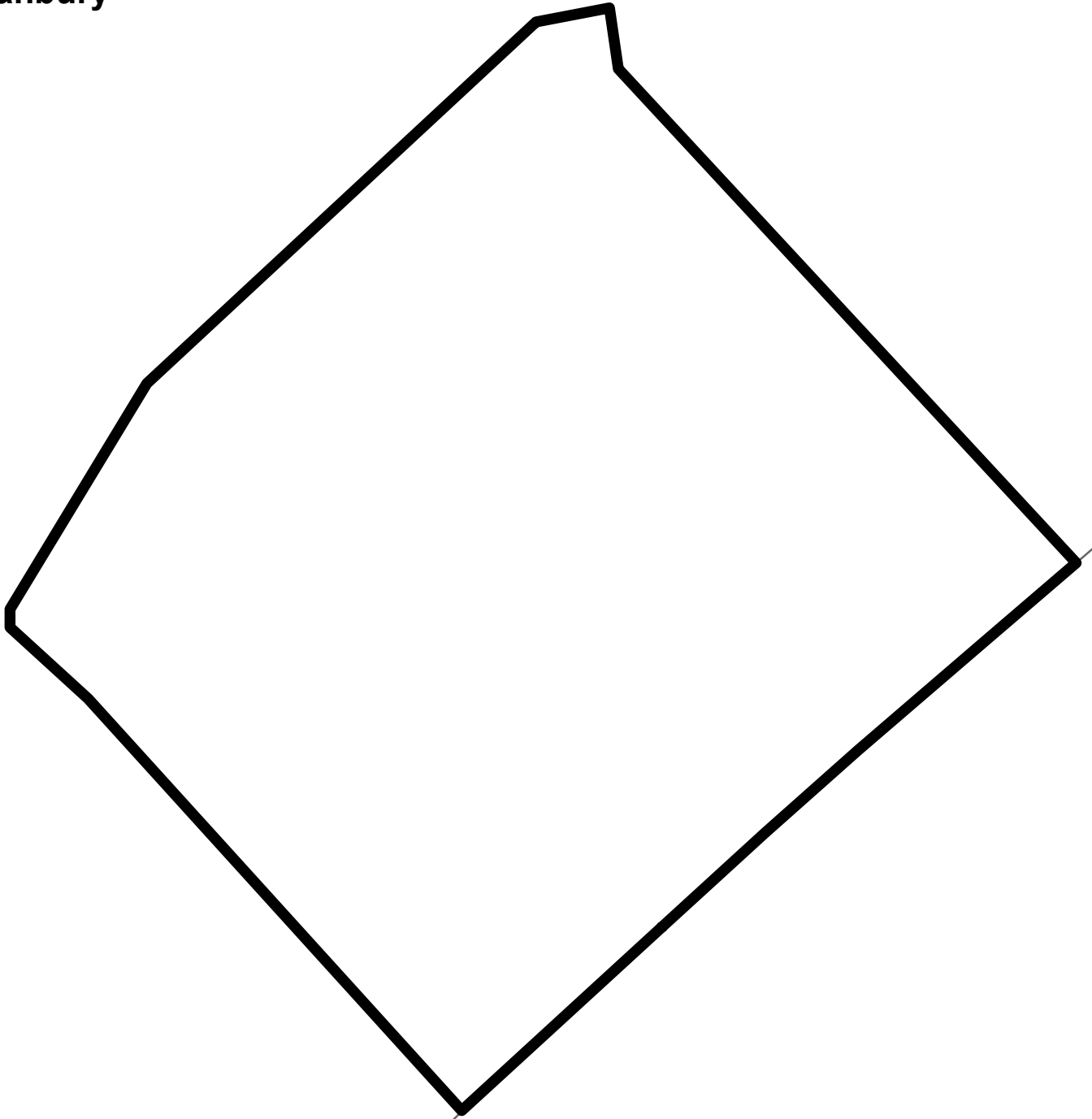
Delegate authority to officers to determine the application once satisfactory revised drawings have been received.

CONTACT OFFICER: Bernadette Owens

TELEPHONE NO: 01295 221830

17/00076/DISC

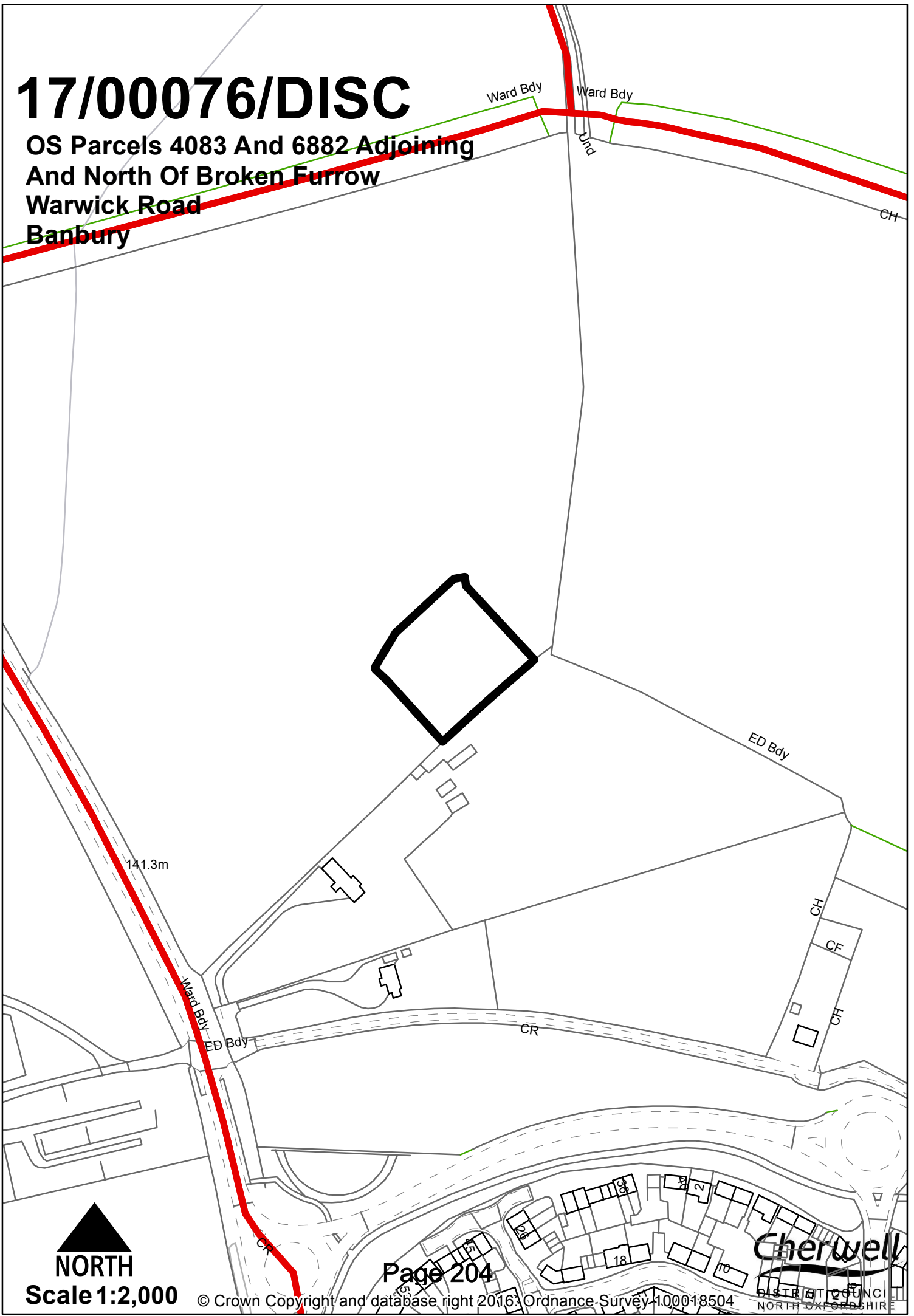
OS Parcels 4083 And 6882 Adjoining
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Warwick Road
Banbury



NORTH
Scale 1:400

17/00076/DISC

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



Scale 1:2,000

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

17/00076/DISC

Case Officer: Bernadette Owens **Ward(s):** Banbury Hardwick

Applicant: Cherwell District Council

Ward Member(s): Cllr Tony Ilott
Cllr J A Donaldson
Cllr Nicholas Turner

Proposal: Discharge of Condition 6 (Amended Elevation Design Details) of
16/01485/CDC

Committee Date: 16.03.2017 **Recommendation:** Delegate authority to officers to
determine the application once satisfactory revised
drawings have been received.

Reason for Committee Referral: CDC application

1. Application Site and Locality

- 1.1 The application site is a small parcel located within the wider Hanwell Fields site allocated for development under Policy Banbury 5 of the Cherwell Local Plan 2011-2031.
- 1.2 The site is situated within Phase 1 of the Persimmon development currently under construction and is generally surrounded by newly constructed residential dwellings and dwellings under construction and adjoins the undeveloped Broken Furrows site to the south.

2. Description of Proposed Development

- 2.1 Planning permission was granted under planning permission ref. 16/01485/CDC for the erection of two single storey buildings to provide accommodation for adults with learning difficulties. The application included associated landscaping and car parking.
- 2.2 In considering the application officers felt that the simple design and external appearance of the building resulted in an institutional character and that there remained scope for improvement. A condition was therefore imposed which requires the applicant to submit revised detailed elevational drawings in order to improve the external appearance of the buildings and achieve a higher quality of development.
- 2.3 The application is brought before Committee as the Council is the applicant and has an interest in the land and buildings.

3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
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16/01485/CDC 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) (revised scheme of 16/00504/CDC) PER

4. Appraisal

- 4.1 Drawings have been submitted pursuant to the discharge of condition no.6 of planning permission ref. 16/01485/CDC. The condition requires amended design details for the front façade of the building and the entrance gates.
- 4.2 The submitted drawings have included a pitched roof porchway/canopy to the main entrance in order to provide greater emphasis to the main entrance point. However, the remainder of the elevational treatment to the building is considered to be capable of improvement, and the incorporation of soldier coursing above windows and doors further reduces the quality of the design.
- 4.3 The planning officer has met with the applicant and discussed further additions to the elevations of the building including the use of further canopies or porchways above doorways and the introduction of timber lintels above windows and doors with a blue brick cill to improve the external appearance of the building in keeping with the surrounding residential development and the aspirations of the Hanwell Fields Design Code.
- 4.4 The applicant is keen to take on board the suggestions made and revised drawings are currently being drafted to incorporate these design improvements to the building.
- 4.5 Delegated authority is therefore sought to enable officers to conclude negotiations relating to the revised design of the building and approve the details once a satisfactory solution is submitted.

5. Recommendation

Delegate authority to officers to determine the application once satisfactory revised drawings have been received.

CONTACT OFFICER: Bernadette Owens

TELEPHONE NO: 01295 221830

Cherwell District Council

Planning Committee

16 March 2017

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 **16/01978/F – Land adj to 8 Cherry Fields, Cropredy.** Appeal by Mr and Mrs Cherry against the refusal of planning permission for the erection of one dwelling.

16/01209/OUT – Heatherstone Lodge, Banbury Road, Finmere. Appeal by Siteplan UK LLP against the refusal of planning permission for residential development and associated infrastructure.

16/02175/F – 1 Buchanan Road, Upper Arcott, Bicester. Appeal by Mr Hardiman against the refusal of planning permission for a two storey side extension providing garage and bedroom accommodation and new orangery to rear – revised scheme of 16/01299/F.

- 2.2 Forthcoming Public Inquiries and Hearings between 16th March 2017 and 13th April 2017.

None.

2.3 Results

Inspectors appointed by the Secretary of State have:

- 1) Dismissed the appeal by Mr Tredwell against the refusal of outline planning permission for the erection of up to 26 dwellings including creation of a new access, associated landscaping, open space and drainage infrastructure. Land North of Southfield Farm, North Lane, Weston-On-The-Green. 15/01953/OUT – (Committee).**

The appeal sought outline planning permission for 26 dwellings and associated infrastructure as Phase 2 to an earlier approval of 20 dwellings on paddock land west of Northampton Road, Weston-on-the-Green at the northern edge of the village. The Inspector considered the following to be the main issues:

- The principle of the scale of the development having regard to the site's location and relation to services/facilities;
- Effect on the character and setting of the village as well as landscape character;
- Did the proposal constitute sustainable development – i.e. did the environmental, social and economic benefits outweigh harm?

The Inspector found that categorising villages, as set out in the CLP2031, can be a crude way grouping of settlements given the variations in settlement size, facilities and public transport availability. Therefore although not explicit in Policy Villages 2, there is a need to apply judgement on whether the size of the proposed development is appropriate to the settlement. Weston-on-the-Green has only a basic core of services. Whilst the proposed development was adequately accessible to these services, daily travel from the village was essential for other basic facilities. The loss of the bus service in 2016 changed the sustainability merits of the village and was a significant material consideration. It was implied, by the Inspector, that this made the village's Category A questionable. Residents of the proposed development would have no option but to rely on the private car. There was no evidence that additional housing was needed to maintain the existing limited village facilities/services. Cumulatively, with the already approved Phase 1 of the scheme, the proposed development would result in a disproportionate expansion of the village in population terms which, without public transport and only limited facilities, would be inherently unsustainable. Given the Council's 5 year housing supply position, as well as significant approvals/delivery under Policy Villages 2 already, there is no overriding need for the development. Therefore, the scheme was found to be contrary to Policies Villages 2, ESD1 and SLE4 of the CLP2031.

The proposed development would also significantly urbanise the rural countryside setting of the village and represent a clear incursion of built form into the countryside. Also, whilst the application was in outline only, there was no evidence to suggest it would result in anything other than a typical suburban estate development that would not preserve the village character. Cumulatively with Phase 1, the quantum of development would not blend in appropriately with the context of the small village which has grown slowly and organically over

time. The scheme therefore failed to accord with Policies ESD13 and ESD15 of the CLP2031.

The Inspector concluded that the economic and social benefits (new housing, affordable housing, new homes bonus, construction employment) would not outweigh environmental harm identified above and consequently, the appeal was dismissed.

2) Quashed the enforcement notice appeal by Mr and Mrs Durnin against the serving of enforcement at OS Parcel 4400 South of Manor Farm House and East of North Aston Hall Farm, Somerton Road. 16/00018/EUNDEV – (Delegated).

This enforcement notice relates to the unauthorised erection of a mobile home, access track and associated domestic paraphernalia on an agricultural field to the north east of North Aston. The two key issues in this appeal case were whether the enforcement notice was served correctly (Ground E) and whether the alleged breach of planning control had occurred as a matter of fact (Ground B).

The Inspector concluded, as regards Ground E, that the enforcement notice was properly served and that there was no need the Council to serve a planning contravention notice as a 'prerequisite to issuing an enforcement notice' as suggested by the appellants. Turning to Ground B, the appellants maintained that the structure in the field was not a dwelling as stated in the enforcement notice. The Inspector identified three factors to determine whether the structure resulted from a building operation: size; physical attachment to the ground; and permanence. In respect of the first criterion, the Inspector decided that size was not a determining factor. However as regards physical attachment, although the mobile home was accessed through a porch, had a wooden skirt along its front and rear, and abutted a wooden veranda, it was concluded that as the utility services could be easily detached, the structure remained 'mobile' and that it was not a building. The Inspector also did not accept the Council's argument that the associated works and the difficulty in repositioning the structure, which was on a slope, afforded a degree of permanence. The Inspector further concluded that the appellants would be at a 'distinct disadvantage' if the notice were simply to be corrected. The Enforcement Notice was therefore quashed and costs were awarded.

3) Dismissed the appeal by Ms Taylor against the refusal of prior-approval for the change of use of 3 barns to 3 dwellings including operational development. Field Barn, Whichford Road, Hook Norton, OX15 5DJ. 16/00281/Q56 – (Delegated).

The appeal related to the proposed alteration to and conversion of three barns to three dwellings, at a site east of the road between Hook Norton and Sibford Ferris.

The main issue was whether the appeal proposal was permitted development.

The Inspector noted that the permitted development (PD) right under Class Q assumes that the agricultural building is capable of functioning as a dwelling (as

clarified by the Hibbitt judgement (Hibbitt v Secretary of State for Communities and Local Government [2016] EWHC 2853), and that it is not the intention of the PD right to include the construction of new structural elements for the building. Consequently, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide the residential use that the building would be considered to have the permitted development right.

The Inspector agreed with the Council that the replacement of the existing roof structure of Barns 2 and 3 would consist of structural alterations falling outside of those permitted by Class Q(b) and paragraph Q.1(i).

The Council had not refused the application on the same grounds in respect of Barn 1. However, the Inspector went further than the Council in finding that the replacement and/or addition of rafters, purlins, posts and straddle stones would consist of structural alterations to Barn 1 falling outside of those permitted by Class Q. The Inspector found that the Council's granting of a separate prior approval application for Barn 1 did not remove the requirement for him to reach his own conclusion on the proposal.

The appellant submitted amended plans as part of her appeal. The Inspector noted the Planning Inspectorate's guidance on late submission of amended plans, but concluded that no party would be prejudiced by their consideration, primarily because the Council had determined a second application based on those plans.

The Inspector made a partial award of costs to the appellant on the basis of the Council's failure to consider amended/additional information it had received (the case officer had taken receipt but had not uploaded the information to the website or forwarded it to their team leader issuing the decision) and the delay in responding to an appellant's email. The Inspector also found that the Council had acted unreasonably in invalidating the original application, but that this did not result in unnecessary expense for the appellant. The Council will learn from and apply the lessons from this decision.

4) Allowed the appeal by Mr Freeman against the refusal of planning permission for the erection of 1 No. new dwelling – re-submission of 15/01538/F. Land Adj to 33 Nuffield Drive, Banbury, OX16 1BU. 16/00468/F – (Delegated).

The appeal relates to a proposed new dwelling to the end of a terrace of properties on Nuffield Drive in Banbury. The Inspector identified the main issue in this case as being the effect of the proposal on the character and appearance of the surrounding area.

The Inspector observed that the open grassed amenity area, spaces between dwellings, and open greenside verges gives the area an open character. He went on to state that whilst the proposed dwelling would occupy a conspicuous location, the open grass verge between the site and the junction would ensure that the open character of the area would be retained. The Inspector also noted that the size of the rear and front garden and siting of the dwelling would also help retain the open character, given that it would be similar to Nos. 1 and 13

Daimler Avenue, which are also end of terrace properties which would form the backdrop of views from public vantage points to the east. The Inspector went on to point out that the angled aspect of the proposed dwelling would have a similar appearance to the side elevations of aforementioned Nos. 1 and 13 Daimler Close.

As regards the front elevation, the Inspector conceded that it would not be as wide as those properties in the rest of the terrace. However, the Inspector concluded that the difference in size would be minor, and that the proposed frontage would not appear conspicuous. Regarding the angled window design to the first floor rear elevation, the Inspector considered that the size and position would be similar to those on the adjoining terrace, adding that the proposed windows to the north elevation would not look out of place when viewed alongside the openings in the frontages of Nos. 2-12 Daimler Avenue.

Based on this assessment, the appeal was allowed.

5) Dismissed the appeal by Mr Gough against the refusal of planning permission for a 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. Land West of Horn Hill Road, Adderbury. 16/00619/F – (Delegated).

The appeal sought full planning permission for a single dwelling with associated landscaping and an extension to the existing village burial ground, on land west of Horn Hill Road, Adderbury. The Inspector considering the following to be the main issues:

- Whether part of the appeal site would be suitable for use for burials, having regard to the risk of groundwater pollution.
- The effect of the proposal on the character and appearance of the area.
- Whether this would be an appropriate location for housing having regard to the settlement strategy, the Development Plan and the NPPF.

On the first issue the site is known to be in an area which can experience high levels of groundwater, which would impact on the use of the land for burials; this was not disputed by the appellant during the appeal. The Inspector noted that no detailed evidence regarding the groundwater conditions had been submitted with the application/appeal site and that the use of the site just as memorial garden (as suggested by the appellants) would conflict with the Parish Council's intentions for the land. The Inspector concluded that it would be unreasonable to apply conditions in this respect, given that it could impact on the potential benefits of the proposals and without the ability to impose reasonable conditions the proposed extension to the burial ground would not accord with Policy ESD8 of the adopted CLP2031, as it would adversely affect the water environment. The burial ground extension would also not accord with Policy ENV1 of the CLP1996, as it would be likely to have an unacceptable effect in terms of environmental pollution. The failure to prevent unacceptable risks from pollution would also be inconsistent with the NPPF at paragraphs 17 and 120.

With regard to the impact of the proposed dwelling on the character and appearance of the area, the Inspector notes the loose-knit settlement pattern within the vicinity of the site and that: *'the appeal site more readily relates to open countryside than the more developed characteristics of the nearby housing'*. He further notes that: *'the proposed dwelling would be physically and visually separated from the adjoining and nearby buildings and would result in a substantial residential built form appearing in what is otherwise currently a countryside setting. The proposed dwelling would therefore have a suburbanising effect in respect of the appeal site and its immediate environs'*. Despite this, the Inspector concluded that given the context of the site and its proposed siting, views of the proposed dwelling would be limited and as such the visual impacts arising from the proposed dwelling would be nothing other than minor and localised and any impact would be off-set by the high quality design and proposed landscaping.

With regard to the principle of development the Inspector is not explicit about whether he considers the proposed new dwelling as being within the settlement or not, however he considers that the reliance on the built-up limits of a settlement as a means of controlling residential development in rural areas does not fully reflect the approach in the NPPF, in terms of sustainable development, and questions the consistency of Policy Villages 1 of the CLP2031 and Policy H18 of the CLP1996 with the NPPF and in particular paragraph 55. The Inspector considers the site to be in a sustainable location given its proximity to existing dwellings and access to village services, and further, considers that the proposals offer both social and economic benefits and a small contribution to Cherwell's 5-year housing land supply, whilst there would be limited environmental harm as a result of the construction of the proposed dwelling.

Contributions to the Parish Council, in the form of the gifting of land for the extension to the burial site and £100,000 toward the upkeep of a grade II* listed building (adjacent the site within the cemetery), were considered by the Inspector to be CIL compliant, a material consideration in the determination of the application and necessary to make the development acceptable; and that these contributions could be secured through an appropriate Planning Obligation.

In summary, whilst the Inspector considered the actual proposed development of a residential dwelling on the site to constitute a sustainable form of development, which would bring forward both social and economic benefits, with limited environmental harm, he considered that the unresolved risks associated with environmental pollution in respect of the proposed burial ground extension, resulted in an overall scheme which failed to protect and enhance the natural environment by minimising the risk of pollution, and that this harm would significantly and demonstrably outweigh the benefits of the proposals as a whole. Consequently, the Inspector considered that the proposed dwelling would not amount to sustainable development and would not accord with the Development Plan and as such dismissed the appeal. Notwithstanding this decision, Officers intend to write to the Inspectorate to query the Inspector's policy assessment in respect of the principle of development and their understanding of the CIL regulations.

6) Dismissed the appeal by Mr Jones against the refusal of planning permission for change of use from dwelling to bed and breakfast accommodation. 109 Courtington Lane, Bloxham, OX15 4HS. 16/00913/F – (Delegated).

The application was for the change of use of the property from dwelling to bed and breakfast accommodation. The property benefits from planning permission for a large extension. In its extended form the property would have eight bedrooms. The proposal would include the use of four bedrooms for the B&B and four for the family. The main issue is the effect of the proposal on highway safety conditions along Courtington Lane.

The OCC parking requirement would be for one parking space for each of the B&B rooms and 2 spaces for the remaining family accommodation – a total requirement of 6 spaces.

The appellant argued that, based on nationally predicted occupancy levels it would be more reasonable to only provide three spaces for the B&B accommodation. The Inspector did not agree based on the lack of B&B accommodation in Bloxham also put forward by the appellant.

The Inspector concluded that there was insufficient space within the application site to successfully accommodate parking for five vehicles as set out in a number of layouts by the appellant. There would be insufficient space to manoeuvre vehicles and leave the site in a forward gear.

The Inspector identified issues with on street parking in the vicinity of the site and commented that inadequate parking within the site would lead to further on street parking resulting in further obstruction of the highway causing additional inconvenience to other road users.

Although visibility from the site access was good the manoeuvring of additional vehicles in proximity to the junction is likely to conflict with other traffic movements. The situation is further worsened during school pick up and drop of times.

The proposal was found to be contrary to Policy ESD15 as it would not deliver a high quality, safe place to live or work and it would not improve the quality of the area. It would not be consistent with the NPPF as it would not achieve a safe and suitable access for all people required by para. 32 and would not contribute to making places better for people as required by para. 56.

7) Allowed the appeal by Bonmarche against the refusal of advertisement consent for 1 No. internally illuminated fascia sign and 1 No. double-sided internally illuminated projecting sign. Bon Marche, 30 Bridge Street, Banbury, OX16 5PN. 16/01756/ADV – (Delegated).

This appeal relates to a proposed internally illuminated fascia sign and a double-sided internally illuminated projecting sign. The scheme was resisted on the grounds that it would be out of keeping with the street scene and would unduly impact on the character and appearance of the Banbury Conservation Area.

The Inspector however, whilst acknowledging that the proposed signage would be larger than the existing, considered that the signage would be 'well integrated with the existing horizontal fascia of the building and similar in material and design to many other advertisements nearby'. The Inspector further concluded the 'satin finished aluminium would give a subdued appearance in the street and that the halo lighting would not be overly prominent or intrusive in the context of the modern building and the range of similar modern advertisements surrounding'.

The proposed signage was therefore found to be acceptable and the appeal was therefore allowed.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

5.0 Implications

Financial and Resource Implications

5.1 The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by:

Denise Taylor, Group Accountant, 01295 221982,

Denise.Taylor@cherwellandsouthnorthants.gov.uk

Legal Implications

5.2 There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:

Nigel Bell, Team Leader – Planning, Law and Governance, 01295 221687,

nigel.bell@cherwellandsouthnorthants.gov.uk

Risk Management

- 5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

Nigel Bell, Team Leader – Planning, Law and Governance, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Tom Plant, Appeals Administrator, Development Directorate
Contact Information	01295 221811 tom.plant@cherwell-dc.gov.uk