

Committee: Planning Committee

Date: Thursday 15 June 2017

Time: 4.00 pm

Venue Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor David Hughes (Chairman)	Councillor James Macnamara (Vice-Chairman)
Councillor Andrew Beere	Councillor Colin Clarke
Councillor Ian Corkin	Councillor Surinder Dhesi
Councillor Chris Heath	Councillor Simon Holland
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

Substitutes

Councillor Ken Atack	Councillor Hannah Banfield
Councillor Maurice Billington	Councillor Hugo Brown
Councillor Nick Cotter	Councillor John Donaldson
Councillor Timothy Hallchurch MBE	Councillor Jolanta Lis
Councillor Nicholas Turner	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 - 27)

To confirm as correct records the Minutes of the meetings of the Committee held on 16 May 2017 and 18 May 2017.

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

7. **Part Land On The North East Side Of Gavray Drive Bicester** (Pages 30 - 76) **15/00837/OUT**
8. **OS Parcel 4200 Adjoining And North East Of A4095 And Adjoining And South West Of Howes Lane Bicester** (Pages 77 - 129) **17/00455/HYBRID**
9. **Land Adjoining And Rear Of Jersey Cottages Heyford Road Kirtlington** (Pages 130 - 153) **17/00539/OUT**
10. **Land North Of Station Road Launton** (Pages 154 - 165) **17/00622/F**
11. **Land North Of Bicester Road, Launton** (Pages 166 - 177) **17/00623/F**
12. **Agricultural Land Approximately 1.3 KM NW Marsh Gibbon, Bicester Road, Launton** (Pages 178 - 188) **17/00654/F**
13. **18 Bridge Street, Banbury** (Pages 189 - 200) **17/00658/F**
14. **Land North Of Milton Road, Adderbury** (Pages 201 - 215) **17/00813/F**
15. **Land And Shops At Orchard Way, Banbury** (Pages 216 - 222) **17/00924/CDC**
16. **Cherwell District Council, Former Offices, Old Place Yard, Bicester** (Pages 223 - 226) **17/00202/DISC**

Review and Monitoring Reports

17. Appeals Progress Report (Pages 227 - 233)

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

Ian Davies
Interim Head of Paid Service

Published on Wednesday 7 June 2017

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 16 May 2017 at 7.35pm

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

Councillor Andrew Beere
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor Chris Heath
Councillor Simon Holland
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

1 Appointment of Chairman for the Municipal Year 2017-2018

Resolved

That Councillor David Hughes be appointed Chairman of the Planning Committee for the municipal year 2017-2018.

2 Appointment of Chairman for the Municipal Year 2017-2018

Resolved

That Councillor James Macnamara be appointed Vice-Chairman of the Planning Committee for the municipal year 2017-2018.

The meeting ended at 7.37 pm

Chairman:

Date:

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 18 May 2017 at 2.00 pm

Present: Councillor David Hughes (Chairman)

Councillor Andrew Beere
Councillor Colin Clarke
Councillor Surinder Dhesi
Councillor Chris Heath
Councillor Mike Kerford-Byrnes
Councillor Alan MacKenzie-Wintle
Councillor Richard Mould
Councillor D M Pickford
Councillor G A Reynolds
Councillor Barry Richards
Councillor Nigel Simpson
Councillor Les Sibley

Substitute Members: Councillor Jolanta Lis (In place of Councillor Lynn Pratt)

Apologies for absence: Councillor James Macnamara
Councillor Ian Corkin
Councillor Simon Holland
Councillor Alastair Milne-Home
Councillor Lynn Pratt

Officers: Bob Duxbury, Team Leader (Majors)
Caroline Ford, Principal Planning Officer
Matt Parry, Principal Planning Officer
Nat Stock, Team Leader (Others)
Gemma Magnuson, Senior Planning Officer
Bob Neville, Senior Planning Officer
Lewis Bankes-Hughes, Planning Officer - Obligations Monitoring
James Kirkham, Senior Planning Officer
Emily Shaw, Principal Planning Officer
Nigel Bell, Team Leader - Planning / Deputy Monitoring Officer
Aaron Hetherington, Democratic and Elections Officer

Declarations of Interest

7. Part Land On The North East Side Of Gavray Drive Bicester.

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

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

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

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

8. Inside Out Interiors Ltd, 85 - 87 Churchill Road, Bicester, OX26 4PZ.

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

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

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

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

9. Cherwell District Council, Former Offices, Old Place Yard, Bicester.

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

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

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

Councillor Richard Mould, Declaration, as a member of Bicester Town Council which had been consulted on the application and a separate declaration as a member of the executive and would therefore leave the chamber for the duration of the item.

12. Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury.

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

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

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council which had been consulted on the application and a separate declaration of the Executive and would leave the meeting for 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 G A Reynolds, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

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

Councillor Surinder Dhesi, Declaration, as an employee of Marks and Spencers who is located next to the application site.

13. 18 Bridge Street, Banbury.

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

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

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

14. NB Acres, Aynho Road, Adderbury, OX17 3NU.

Councillor David Hughes, Declaration, that the applicants neighbour was known to him and would therefore leave the chamber for the duration of the item.

15. Eco Business Centre, Charlotte Avenue, Bicester.

Councillor Colin Clarke, 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 Bicester Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the meeting for the duration of the item.

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

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

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

Councillor Richard Mould, Declaration, as a member of Bicester Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the meeting for the duration of the item.

19. 33 Waller Drive, Banbury, OX16 9NS.

Councillor Andrew Beere, Declaration, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as the applicant was known to him and would therefore leave the chamber for the duration of the item.

Councillor Barry Richards, Declaration, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as the applicant was known to him and would therefore leave the chamber for the duration of the item.

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

Councillor Surinder Dhesi, Disclosable Pecuniary Interest, as the applicant and would therefore leave the chamber for the duration of the item.

4 Requests to Address the Meeting

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

5 Urgent Business

The Chairman reported that he had agreed to add one item of urgent business to the agenda.

6 Minutes

The Minutes of the meeting held on 13 April 2017 were agreed as a correct record and signed by the Chairman.

7 Chairman's Announcements

The Chairman made the following announcement:

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

8 Inside Out Interiors Ltd, 85 - 87 Churchill Road, Bicester, OX26 4PZ

The committee considered application 16/02461/OUT for the conversion of existing building to provide 5No two bed house, 1No two bed flat and 1No one bed flat, all with Parking, amenity space and shared cycle storage. New build to provide 1 No commercial unit with outside space, parking and cycle storage + 3No two bed flats with parking, gardens and cycle storage at Inside Out Interiors Ltd, 85 - 87 Churchill Road, Bicester, OX26 4PZ for Inside Out Developments Ltd.

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

Resolved

That application 16/02461/OUT be approved, subject to the following conditions:

1. No development shall commence until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) of the approved development have been submitted to and approved in writing by the Local Planning Authority.
2. In the case of the reserved matters, no application for approval shall be made later than the expiration of three years beginning with the date of this permission.
3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Location Plan 1:1250 and Design and Access Statement.
5. The new commercial unit hereby approved shall be occupied solely by the business currently known as "Inside Out Group" and shall be used as showrooms for the display and retail of goods and services relating to that business only and shall not be used for any other purpose whatsoever, including any other use falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).
6. 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.
7. If a potential risk from contamination is identified as a result of the work carried out under condition 6, 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.

8. If contamination is found by undertaking the work carried out under condition 7, 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.
9. If remedial works have been identified in condition 8, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 8. 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.
10. Prior to the commencement of the development hereby approved, full details of a scheme for acoustically insulating all habitable rooms within the dwellings such that internal noise levels do not exceed the 'good' criteria specified in the British Standard BS 8233:2014 'Sound Insulation and Noise Reduction for Buildings', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the said dwellings shall be insulated and maintained in accordance with the approved details.

9 **Cherwell District Council, Former Offices, Old Place Yard, Bicester**

The Committee considered application 17/00023/DISC for the discharge of Conditions 11 (brick sample), 12 (roof tile sample) and 14 (door and windows details) of 16/00043/F at Cherwell District Council, Former Offices, Old Place Yard, Bicester for Cherwell District Council.

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

Resolved

That authority be delegated to officers to approve the application once amended plans showing the revised window cill details in respect of condition 14 have been received.

10

Rookery Barn, 66 Lower End, Piddington, Bicester, OX25 1QD

The Committee considered application 17/00133/F for the erection of a building to provide an indoor manege at Rookery Barn, 66 Lower End, Piddington, Bicester, OX25 1QD for Dr & Mrs N Brener.

Mrs Deborah Swift, a neighbour to the application, addressed the committee in objection to the application.

Dr Neil Brener, the applicant, addressed the committee in support of the application.

Councillor Reynolds proposed that application 17/00133/F be refused as it was contrary to Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. Councillor Mould seconded the proposal.

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

Resolved

That application 17/00133/F be refused for the following reasons:

1. The proposed building, by virtue of its size and position beyond the built-up limits of the village of Piddington, would represent an overly prominent feature within the open countryside that would result in significant harm to the visual amenities of the area, and would appear overbearing when viewed from the rear facing openings of 64 Lower End Piddington, causing significant and demonstrable harm to their living conditions. The proposed development is therefore contrary to Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11

OS Parcel 9635 North East Of HM Bullingdon Prison, Widnell Lane, Piddington

The Committee considered application 17/00145/F for a change of use of land to use as a residential caravan site for 16 gypsy/ traveller families, each with two caravans, including improvement of access and laying of hardstanding at OS Parcel 9635 North East of HM Bullingdon Prison, Widnell Lane, Piddington for Mr H.L Foster.

Francesca Darby, Piddington Parish Council Chairman, 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 public speaker.

Resolved

That application 17/00145/F be refused for the following reasons:

1. The proposed development, by reason of its size (comprising 16 pitches), siting in relation to existing services, relationship to existing noise generating uses and potential harm to the natural environment, is not considered to be a suitable or sustainable development when assessed against Policy BSC6 of the Cherwell Local Plan. The harm resulting from the proposed development is significant and is not considered to be outweighed by the identified unmet need for gypsy and traveller pitches within Cherwell. The proposed development is therefore considered to be contrary to Government guidance contained within the NPPF, Policy H of Government guidance in Planning Policy for Travellers Sites (PPTS) and Policies PSD1, BSC6, ESD1, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.
2. The planning application has been supported by inadequate information to demonstrate the impact of the proposed development on protected species has been properly understood and the requirement for mitigation to secure a net gain in biodiversity can be met. The proposed development is therefore considered to be contrary to Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the NPPF.
3. The planning application has been supported by inadequate information to demonstrate the impact of existing noise generating uses operating in the immediate area on the future residents of the site has been properly understood and is, or can be made, acceptable. The proposed development is therefore considered to be contrary to paragraph 17, 120 and 123 of the NPPF, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996.

12

Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury

The Committee considered application 17/00284/REM for a reserved matters application to 16/02366/OUT across the whole development site is sought. Application for approval of reserved matters for scale, layout, appearance and landscaping.

Andrea Arnall, the applicants agent, 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 speaker.

Resolved

That application 17/00284/REM be approved, subject to:

- (i) The first issue of the associated outline planning permission following the completion of the legal agreement with OCC,
- (ii) The following conditions with delegated authority granted to the Development Control Team Leader, in consultation with the Chairman of Planning Committee, to allow further adjustments and additions to the conditions proposed in the report if considered necessary:
 - 1. Except where otherwise stipulated by condition on this reserved matters approval or the original outline planning permission, the development shall be carried out strictly in accordance with the following plans and documents so far as they relate to the reserved matters for which this approval was sought (to be completed)
 - 2. Prior to the commencement of each main part of the development hereby approved (i.e. the hotel, cinema/restaurant block, and the foodstore), a schedule of materials and finishes for the external walls and roof(s) of that part 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 approved schedule.
 - 3. Prior to the commencement of each main part of the development of the development hereby approved, full details of all proposed external lighting, and its hours of usage, shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.
 - 4. Prior to the commencement of each main part of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.
 - 5. Prior to the commencement of each main part of the development hereby approved, full details of the refuse bin storage for that part of the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the buildings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.
 - 6. Notwithstanding the details shown on submitted plans and in the Design and Access Statement, 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, , crossing points and steps, public seating and waste bins etc.
 - (d) details of the wire-based climbing plant systems
 - (e) full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, 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
7. Prior to the first occupation of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.
 8. Prior to the first use of the foodstore details shall be submitted to and approved by the Local Planning Authority of the arrangements to be put in place and maintained for the safety of users of the car park during the manoeuvring of service vehicles within the car park and those agreed arrangements shall thereafter be retained.
 9. Prior to the first use of the car parks associated with this development a car parking payment strategy shall be submitted to and approved by the Local Planning Authority and thereafter brought into use and maintained unless first agreed by the LPA
 10. Prior to the first use of the car parks hereby approved a flood evacuation policy for the car parks shall be submitted to and approved by the Local Planning Authority
 11. No servicing of the foodstore premises shall be undertaken between the hours of 9.00pm and 6.00am
 12. Prior to the first use of the foodstore details of the proposed parking arrangements for shopping trolleys and any click and collect facility shall be submitted to and approved by the Local Planning Authority and thereafter maintained and notwithstanding the provisions of Classes B and C of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 and its subsequent amendments, the arrangements shall

not be altered without the prior express planning consent of the Local Planning Authority.

13. The construction of the development hereby approved shall be undertaken in accordance with the details and general approach set out in the Construction Environmental Plan accompanying the outline planning permission submission and summarised in the document submitted with this application. Additional details concerning dust and mud control measures, and about construction compound location(s) shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.
14. Notwithstanding the details shown on the submitted drawings further details of a revised treatment of the north-west and south east elevations of the hotel shall be submitted to and approved by the Local Planning Authority prior to the commencement of the construction of that building element, and shall thereafter be built in accordance with those approved plans.

13

18 Bridge Street, Banbury

The Committee considered application 17/00288/F for the four storey extension to existing building to create 10 self-contained apartments for Brickmort Developments at 18 Bridge Street, Banbury.

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

Resolved

That application 17/00288/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 Drawing Numbers 12659-LP100, 12659-E001-G, 12659-E002-C and 12659-E003-C.
- 3 Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, a revised schedule of the materials and finishes, including samples where applicable, for the external walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.
- 4 Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in

writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

- 5 Prior to the commencement of the development, full details of the doors and windows proposed, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
- 6 Prior to the first occupation of the development hereby approved, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
- 7 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.
- 8 Prior to the commencement of the development hereby approved, a car park management plan which demonstrates how car park spaces will be allocated to residents, and how parking restrictions shall be enforced within the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the car park spaces shall be allocated to residents and parking restrictions shall be implemented in strict accordance with the approved car park management plan.
- 9 Notwithstanding the details submitted and prior to the commencement of the development hereby approved, full details of the pedestrian access to the site from Bridge Street (adjacent to 15 - 17 Bridge Street), including specification details of the proposed pedestrian gate (which is considered to provide an element of public art within the site) and access arrangements, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the pedestrian access gate shall be installed, and the pedestrian access permanently retained and maintained in accordance with the approved details.

- 10 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.
- 11 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.Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.
- 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 Prior to the commencement of the development hereby approved, full details of a scheme for acoustically insulating all habitable rooms within the apartments such that internal noise levels do not exceed the criteria specified in Table 4 of 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. Thereafter, and prior to the first occupation of development, the apartments shall be insulated and maintained in accordance with the approved details.
- 14 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.

- 15 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.
- 16 If a potential risk from contamination is identified as a result of the work carried out under condition 15, 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.
- 17 If contamination is found by undertaking the work carried out under condition 16, 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.
- 18 If remedial works have been identified in condition 17, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 17. 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.
- 19 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.

- 20 No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods, details of construction vehicle parking/waiting areas, compound details as well as an agreed route for HGV traffic to the development site. The approved Plan shall be implemented in full throughout the entirety of the construction phase of the development.

14 **NB Acres, Aynho Road, Adderbury, OX17 3NU**

The Committee considered application 17/00448/F for the change of use of sections of agricultural land to land to be used to site touring caravans, motorhomes and tents for no more than 21 consecutive days between certain dates (1 March - 31 October). Plus associated and ancillary works as detailed in site plan 1 at NB Acres, Aynho Road, Adderbury, OX17 3NU for Mrs Sara Wherry.

Sara Wherry, the applicant and David Loader, neighbour to the applicant addressed the committee in support of the application.

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

Resolved

That application 17/00448/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, supporting statement dated February 2017, Plan 1 (site layout), Plan 3 (Location of portable toilets and washing up area), Plan 4 (site location plan), Item 1 (details of portable toilets), Item 2 (details of washing up area).
3. The site shall accommodate not more than 10 caravans/motorhomes and 20 tents at any one time.
4. No caravans, motor caravans or tents shall be stationed anywhere on the land for more than 28 consecutive nights and a register of occupiers shall be kept and made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times.
5. No caravan, motor caravan or tent shall occupy the site during the period before 1 March or after 31 October in any calendar year.

6. Notwithstanding the details shown on Plan 1, there shall be 15 metre buffer along the western boundary within which no tent, caravan or motorhome is permitted to be pitched or parked.

15

Eco Business Centre, Charlotte Avenue, Bicester

The Committee considered application 17/00573/CDC for the development of an Eco-Business Centre (Use Class B1) within new local centre (ref. 15/00760/F) with associated access, servicing, landscaping and parking, with a total GEA of 1385sqm at Eco Business Centre, Charlotte Avenue, Bicester for Cherwell District Council.

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

Resolved

That application 17/00573/CDC be approved, subject to:

- a) Confirmation from OCC Highway Authority that they are satisfied with the tracking information provided;
- b) The following conditions with delegation to the Head of Development Management to make minor changes/ delete conditions as necessary in response to updated plans and information received in relation to (a) (including an updated list of plans for approval).
 1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - Application forms
 - Planning Statement dated March 2017
 - Design and Access Statement dated March 2017
 - Economic Strategy dated March 2017
 - Energy Statement dated 6th March 2017
 - Drainage and SUDs Strategy Report dated 10/03/2017
 - Transport Statement dated February 2017
 - Eco Business Centre Ecology Baseline and Biodiversity Strategy Report dated March 2017
 - Luminaires Schedule
 - Site Plan External lighting layout – drawing number BC XX E 8010 Rev P5
 - Below Ground Drainage Ground Floor Plan – drawing number 25408-600 version 3
 - Site Location Plan – drawing number 08930 AT-XX-XX-DR-A PL010

- Site Block Plan – drawing number 08930 AT-XX-XX-DR-A PL011
 - Proposed site plan – drawing number 08930 AT-XX-XX-DR-A PL050
 - Ground Floor Plan – drawing number 08930 AT-XX-XX-DR-A PL100
 - First Floor Plan – drawing number 08930 AT-XX-XX-DR-A PL101
 - Second Floor Plan – drawing number 08930 AT-XX-XX-DR-A PL102
 - Roof Plan – drawing number 08930 AT-XX-XX-DR-A PL103
 - Refuse Store – drawing number 08930 AT-XX-XX-DR-A PL110
 - North Elevations – drawing number 08930 AT-XX-XX-DR-A PL610 Rev B
 - South Elevations – drawing number 08930 AT-XX-XX-DR-A PL620 Rev B
 - East Elevations – drawing number 08930 AT-XX-XX-DR-A PL630 Rev B
 - West Elevations – drawing number 08930 AT-XX-XX-DR-A PL640 Rev C
 - Sections – drawing number 08930 AT-XX-XX-DR-A PL800 Rev B
 - Construction Traffic Management Plan
 - Site Establishment Plan (ECO/01 Rev 0) and Site Access Route (ECO/02 rev 0)
 - Carbon Management Plan
 - Landscape Plan – drawing number 456/100 Rev B
 - Planting Plan – drawing number 456/500 Rev B
3. Prior to the commencement of the development hereby approved, a finalised schedule of materials and finishes for the external walls and roof(s) of the development hereby approved including samples shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
4. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed Eco Business Centre 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.
5. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
6. Prior to the occupation of the development, full details of the offsite

measures that will be utilised to enable the scheme to achieve zero carbon, including the timescale, how the shortfall is to be met and where the shortfall shall be met shall be submitted to and approved in writing by the Local Planning Authority. The measures agreed shall be implemented in accordance with the approved details.

7. Prior to the commencement of the development, a report outlining how carbon emissions from the construction process and embodied carbon (based upon the finalised materials schedule) have been minimised shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved plan.
8. Prior to the occupation of the development, the Eco Business Centre shall be provided with solar PV to meet the required provision of solar PV as established through the Energy Strategy.
9. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
10. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing material and colour finish 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.
11. Prior to the first occupation of any unit hereby approved, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority for the Eco Business Centre. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.
12. Prior to the commencement of the development, a Training and Employment Management Plan, including details of the number of construction apprenticeships to be provided shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
13. Prior to the commencement of the development hereby approved, further details in relation to the landscaping scheme, in particular the size of the proposed shrubs and hedgerow material and pot sizes of the proposed herbaceous material shall be submitted to and approved in writing by the Local Planning Authority.

14. 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.
15. Prior to the commencement of construction, a Site Waste Management Plan, which shall demonstrate how zero construction waste will be sent to landfill, and which sets targets for residual waste, recycling and diversion from landfill shall be submitted to and approved in writing by the Local Planning Authority.
16. The premises shall be used only for purposes falling within Class B1a specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose(s) whatsoever.
17. The 6m column car park luminaires shall be turned off between the hours of 22:00hrs and 07:00hrs unless otherwise agreed in writing by the Local Planning Authority.
18. The Eco Business Centre shall be constructed to BREEAM EXCELLENT.
19. Prior to the occupation of the Eco Business Centre, the building shall be provided with a 'real time information' system and Superfast Broadband.
20. 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.

16 **Land West Of Horn Hill Road, Adderbury**

The Committee considered application 17/00588/F for Residential development of a single dwelling with associated landscaping and additional community land associated with the Friends Meeting House at Land West Of Horn Hill Road, Adderbury for Mr M Gough.

Nigel Wood, a local resident, addressed the committee in objection to the application.

Jonathan Porter, the agent to the applicant, addressed the committee in support of the application.

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

Resolved

That application 17/00588/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application form, Design and Access Statement (March 2017), Planning Statement (March 2017), Heritage Setting Assessment (March 2017), Ecological Appraisal (March 2017), Findings of Arboricultural Baseline Assessment (March 2017), Landscape and Visual Appraisal (March 2017) and drawings numbered: PL-01c_Location Plan, HT-01B_Plans, HT-02_Elevations, HT-03a_Sections, PL-03e_Planning Layout, PS-01_Perspective 1 and PS-01_Perspective 2.
3. Prior to the commencement of the dwelling hereby approved, a sample of the slate to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
4. Prior to the commencement of the dwelling hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural stone, with lime mortar and no cement gauging, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
5. Notwithstanding the details submitted, prior to the commencement of the dwelling, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows and their surrounds shall be installed within the building in accordance with the approved details.
6. All rainwater goods shall be traditional cast iron or metal painted black and permanently so retained thereafter.
7. Prior to the construction of the dwelling hereby approved, the proposed means of access between the land and the highway shall be

constructed as per the geometry as shown on approved plan PL-03e_Planning Layout, and shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's current specification and guidance.

8. Prior to the commencement of the dwelling hereby approved, full specification details of the access drive, parking and manoeuvring areas, including construction, surfacing, layout and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwelling, the access drive, parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
9. Notwithstanding the information submitted, prior to the commencement of the development hereby approved, a landscaping scheme for the entire site 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 and steps;
 - (d) details of all boundary treatments.

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the dwelling or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
11. No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 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.

12. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a detailed method statement and timings for enhancing biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details and timings.
13. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, (to include those measures outlined in section 6.4 of the Ecological Appraisal submitted with the application which was prepared by EDP dated March 2017), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.
14. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
15. Following the approval of the Written Scheme of Investigation referred to in condition 14, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority as soon as practicable following completion.
16. The land proposed for community use (as shown on approved plan PL-03e_Planning Layout) in association with the Friends Meeting House, hereby approved, shall not be used for the purpose of burials, without the express planning permission of the Local Planning Authority.

17 **Stratton Fields Livery Stables, Launton Road, Stratton Audley, Bicester, OX27 9AS**

The Committee considered application 17/00591/F to demolish livery stables including a one bedroom flat and erect a three bedroom dwelling (the application was a re-submission of 16/02389/F) at Stratton Fields Livery Stables, Launton Road, Stratton Audley, Bicester, OX27 9AS for Mr M Chick.

Mr Ben Pearce, agent for the applicant and Martin Chick, the applicant, addressed the committee in support of the application.

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

Resolved

That application 17/00591/F be refused for the following reasons:

1. The proposed development would result in the creation of a new independent dwelling in an isolated location away from services and facilities. Whilst it would replace an existing dwelling on site, due to its small size and intimate physical and functional relationship with the stables building, this existing dwelling would only be likely to be occupied by a person associated with the existing livery business. However no essential need for a rural worker to live permanently at the site has been demonstrated and the proposal would therefore lead to the erection of a new dwelling in an unsustainable location and would be contrary to Policy ESD1 of the Cherwell Local Plan Part 1 (2015), Saved Policy H18 of the Cherwell Local Plan 1996 and advice in the NPPF.
2. The proposed dwelling, by virtue of its scale, locally incongruous design and convoluted form, and associated residential curtilage, would result in a noticeably more conspicuous and harmful form of development which would be detrimental to the rural character and appearance of the area and open countryside setting of the site. It would also fail to reinforce local distinctiveness. The proposal would therefore be contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policies H17 and C28 of the Cherwell Local Plan 1996 and advice in the NPPF.

18 **Playing Field East Of Geminus Road, Chesterton**

The Committee considered application 17/00632/F for Erection of perimeter security fence around playing fields (retrospective) and application for the erection of an additional 20 metres of fencing at the Playing Field East Of Geminus Road, Chesterton for Chesterton Parish Council.

Darren Layard, neighbour to the application, addressed the committee in objection to the application.

Philip Clarke, Chairman of Chesterton Parish Council, addressed the committee in support to the application.

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

Resolved

That application 17/00632/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, drawing number 1020 B, 1020 K and pictures of fencing.

19

33 Waller Drive, Banbury, OX16 9NS

The committee considered application 17/00774/F for a Single storey front and side extensions and part single storey part two storey rear extension (revised scheme of 16/02499/F) at 33 Waller Drive, Banbury, OX16 9NS for Mr & Mrs B Dhesi.

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

Resolved

That application 17/00774/F be approved, subject to the following conditions:

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, drawings No "P/16/155/001" and "P/16/155/003"
- 3 The materials and architectural detailing to be used in the construction of the external surfaces of the development hereby permitted shall match, in material and colour, those used in the existing building, and shall be retained as such in perpetuity.

20

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.

21 **Exclusion of Press and Public**

Resolved

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part I, Paragraph 5 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

22 **Appeal against Non-Determination of Planning Application
15/01326/OUT by Gladman Developments Ltd**

The Committee considered an exempt report relating to an appeal against Non-Determination of Planning Application 15/01326/OUT by Gladman Developments Ltd

Resolved

As set out in the exempt minutes.

The meeting ended at 6.52 pm

Chairman:

Date:

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Agenda Annex

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

15 June 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.

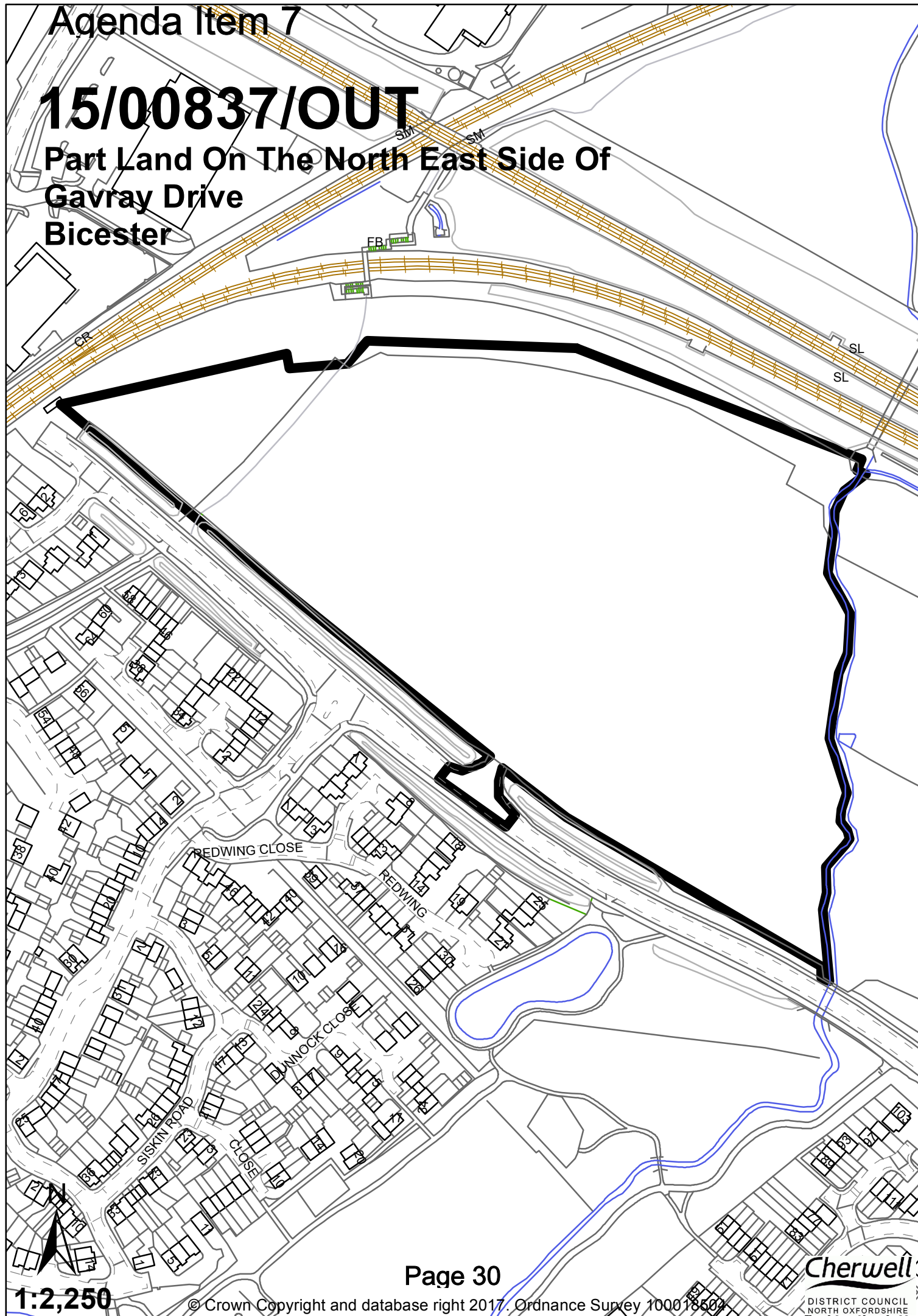
Background Papers

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	Part Land On The North East Side Of Gavray Drive Bicester	15/00837/OUT	Bicester South And Ambrosden	Approval	Matthew Parry
8	OS Parcel 4200 Adjoining And North East Of A4095 And Adjoining And South West Of Howes Lane Bicester	17/00455/HYBRID	Bicester North and Caversfield	Approval	Caroline Ford
9	Land Adjoining And Rear Of Jersey Cottages Heyford Road Kirtlington	17/00539/OUT	Fringford and Heyfords	Refusal	Shona King
10	Land North Of Station Road Launton	17/00622/F	Launton And Otmoor	Approval	Linda Griffiths
11	Land North Of Bicester Road Launton	17/00623/F	Launton And Otmoor	Approval	Linda Griffiths
12	Agricultural Land Approximately 1.3 KM NW Marsh Gibbon Bicester Road Launton	17/00654/F	Launton And Otmoor	Approval	Linda Griffiths
13	18 Bridge Street Banbury	17/00658/F	Banbury Cross And Neithrop	Approval	Lewis Bankes-Hughes
14	Land North Of Milton Road Adderbury	17/00813/F	Adderbury, Bloxham And Bodicote	Approval	Bob Duxbury
15	Land And Shops At Orchard Way Banbury	17/00924/CDC	Banbury Ruscote	Approval	Matthew Chadwick
16	Cherwell District Council Former Offices Old Place Yard Bicester	17/00202/DISC	Bicester South And Ambrosden	Delegate authority to officers to approve	Shona King

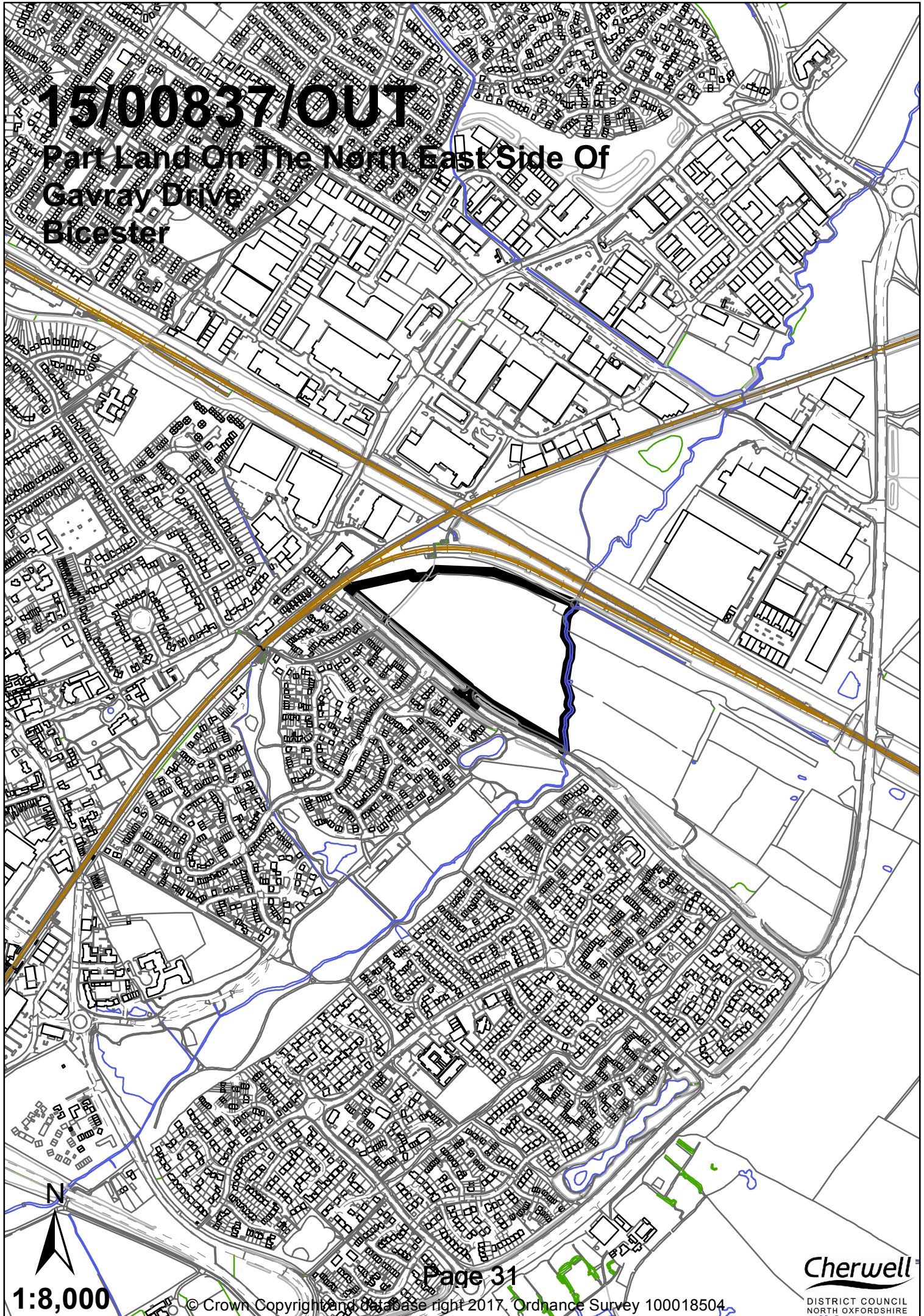
15/00837/OUT

**Part Land On The North East Side Of
Gavray Drive
Bicester**



15/00837/OUT

**Part Land On The North East Side Of
Gavray Drive
Bicester**



Applicant: Gallagher Estates, Charles Brown And Simon Digby

Proposal: OUTLINE - Residential development of up to 180 dwellings to include affordable housing, public open space, localised land remodelling, compensatory flood storage and structural planting

Ward: Bicester South And Ambrosden

Councillors: Cllr David Anderson
Cllr Nick Cotter
Cllr Dan Sames

Reason for Referral: Major Development

Expiry Date: 10 August 2015 **Committee Date:** 18th May 2017

Recommendation: Approve subject to legal agreement

1. Update

- 1.1 This application was reported to the previous meeting of the Planning Committee on 18th May 2017. The original committee report is attached as Appendix 1. The application was recommended for approval subject to conditions and the satisfactory completion of a legal agreement. A slightly revised recommendation was included in the written updates paper that would have given delegated authority to the Head of Development Management to make any necessary minor post-Committee amendments to the recommended conditions and legal agreement clauses subject to the Chairman's prior approval.

- 1.2 Planning Committee resolved to defer the determination of the application to allow the applicant to submit an Ecological Management Plan as is specified in Policy Bicester 13. The applicant has not volunteered to submit such a document at this stage and has instead made the following statement:

"The Ecology Chapter of the Environmental Statement clearly sets out a requirement for the preparation, implementation and funding of a Landscape, Ecology and Arboricultural Management Plan (LEAMP) as part of the Ecology Strategy for the Gavray Drive West proposals (see paras. 9.6.13 to 9.6.16). The measures to be included within the LEAMP are clearly set out in subsequent paragraphs of this Chapter (see paras. 9.6.17 to 9.6.22). This is entirely consistent with the requirements of Policy Bicester 13; particularly with respect to securing such a Plan and also ensuring that Gavray Drive West (in its own right) delivers a net gain in biodiversity. The preparation of a LEAMP is properly a prospective condition to be attached to a planning consent for Gavray Drive West. There is no policy requirement or obligation for there to be a single planning application or Ecological Management Plan covering the whole site.

With respect to a planning application which will come forward in the future on Gavray Drive East, that application will also have to comply with Policy Bicester 13 in its own right. We therefore re-affirm the commitment made on several occasions previously with respect to the key principles of an outline planning application for Gavray Drive East, namely:

- *no development will be proposed to take place within the currently designated Local Wildlife Site;*
- *the submission, implementation and funding of a long-term Ecology Management Plan for the Gavray Drive Meadows Local Wildlife Site; and*
- *ensuring that the Ecological Management Plan addresses the objectives of the River Ray Conservation Target Area (CTA) such as the restoration of Lowland Meadow habitat. The implementation of the Management Plan could contribute significantly to the CTA's published target to restore 22ha of such habitat; mindful that the LWS is c. 15.6ha in extent.*

Planning Committee Members need to be made aware of the above intentions and safeguards already contained within the outline planning application together with the details of proposed conditions in advance of the meeting scheduled for 15th June. A single site-wide Ecology Management Plan is both unnecessary and inappropriate in the context of the adopted Local Plan Policy Bicester 13 and the outline planning application before the Council. For that reason no site-wide Ecology Management Plan is being offered and we would ask the Council to determine the planning application on that basis at the next Planning Committee meeting."

- 1.3 Officers have therefore been unable to fulfil the previous Planning Committee's resolution on this application and so have returned the application for determination on the same basis that it was reported previously. Officers have considered the views expressed by Members at Planning Committee as well as third parties but see no reason to reach a different recommendation to that presented previously. As a result, officers are continuing to recommend that Members resolve to approve the application subject to the proposed conditions and planning obligations. However, in order to assist Members in their decision making, officers have set out below some additional commentary to help respond to some of the ecology concerns raised at the previous Planning Committee meeting.

2. Further Assessment

- 2.1 Residential development is proposed on part of a site allocated for such purposes through Policy Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1. As such, it is against the relevant provisions/requirements of Policy Bicester 13 that the application should primarily be assessed though other relevant Development Plan policies as well as national planning policy/guidance are also material. Policy Bicester 13, inter alia, is summarised as requiring the following from proposed development with respect to ecology :
- (a) Development to avoid adversely impacting on the River Ray Conservation Target Area (CTA);
 - (b) Detailed consideration of ecological impacts, wildlife mitigation and wildlife corridors to protect and enhance biodiversity;
 - (c) Delivery of net gains for biodiversity;
 - (d) Protection of the Gavray Drive Meadows Local Wildlife Site (LWS);
 - (e) The preparation and implementation of an Ecological Management Plan to ensure the long-term conservation of habitats and species within the site.

- 2.2 For reasons set out in the main report, officers (and the Council's ecologists) are satisfied that detailed and robust assessments of the proposed development's impacts on habitats and species have been carried out. The vast majority of existing habitat of wildlife value on the application site is proposed to be retained and there is significant opportunity for habitat creation, particularly along the boundary with the new east-west rail chord and adjacent to Langford Brook. In officers' view there is little doubt therefore that the proposals have the ability to deliver net biodiversity gains on the application site. The detailed layout and landscaping of the proposed development would follow as part of a reserved matters application and it will be necessary at that stage for the Council to ensure that these details are consistent with the overall ecological enhancement objectives of Policy Bicester 13. Condition 18 (as recommended by officers) requires the submission of a biodiversity statement to accompany a reserved matters application to demonstrate how this is the case. A number of other recommended conditions (16 and 17) would require the submission and approval of details of ecological mitigation measures to be adhered to during the construction stage as well as a long-term ecological and landscape management plan for the application site which would set out means by which retained and new habitat would be maintained both by the developer in the interim and then, following adoption, by the District or Town Council. Furthermore, subject to the proposed mitigation measures, there would be negligible impact on protected or priority species.
- 2.3 The planning application proposals do not include any built development within the designated River Ray CTA or LWS. Whilst part of the CTA is within the application site (alongside Langford Brook), the existing arable crops are proposed to be replaced by informal grassland (including SuDS balancing ponds) which will have the ability to support a greater breadth of wildlife and is also consistent with the objectives for the CTA which includes restoration of lowland meadow. Officers are therefore satisfied that the proposals comply with points (a)-(c) of the aforementioned ecology-related requirements of Policy Bicester 13.
- 2.4 With respect to point (d), as the planning application relates to only that part of the allocated site to the west of Langford Brook, there is no built or other development proposed in the LWS. As a result, it will not be directly impacted. For reasons set out in the main report, any indirect impacts on the LWS will in officers' view be negligible and limited to temporary minor disturbance arising from the proposed nearby construction activities as well as a possible increase in unauthorised recreation use of the privately owned LWS. If Members are still concerned about the potential for increased trespass onto the privately owned LWS by members of the public (and consequent damage to habitat and/or disturbance of wildlife), then Members could consider imposing an additional condition that requires the approval and erection of new fencing and signage along the northern side of the public footpath that passes through the part of the allocated site to the east of Langford Brook. This would dissuade potential trespassers. Such fencing would have to be designed to be as visually sympathetic as possible for the context. However, in officers' view given that the proposed development would only have the potential to give rise to a comparatively minor increase in the local population within walking distance of the LWS, officers do not think such a condition is necessary. Officers are therefore satisfied that, with or without the aforementioned potential condition, the proposals comply with the Policy Bicester 13 requirements set out at point (d).
- 2.5 The provisions and requirements of Policy Bicester 13 are predicated upon residential development being proposed across the entirety of the site. Not all of the requirements of the policy are therefore necessarily applicable at this stage given that development is only proposed on part of it. As officers have already commented, a long-term landscape and ecology management plan is sought by

condition in relation to the application site to ensure that the proposed development mitigates its adverse impacts and results in long-term net biodiversity gain. However, with respect to the remainder of the allocated site (i.e. the land to the east of Langford Brook in the LWS and CTA), officers do not think the proposals would have a materially adverse impact on its ecological interest. To secure implementation of an Ecological Management Plan for the entirety of the allocated site would require the use of planning obligations or a condition which in either case would be subject to tests set out in the NPPF (as well as legal tests in the case of planning obligations). Put simply, given that both officers and the Council's ecologist believe that the proposed development would have a negligible impact on the ecological value of the allocated land to the east of Langford Brook, officers do not consider that either a planning obligation or condition securing the implementation of an Ecological Management Plan across the entirety of the allocated site would meet the legal or policy tests of necessity, relevance or reasonableness. In essence, officers do not think that the applicant should be expected or required to deliver the entirety of the potential ecological benefits of the overall development at this stage in a manner that goes well beyond mitigating the current proposed development's adverse impacts when only 180 of the allocated 300 dwellings are being proposed. To do so could in fact jeopardise the delivery of further planned housing on the more ecologically sensitive eastern part of the allocated site given that a future planning application for residential development would then struggle to demonstrate mitigation of its own adverse ecological impacts as a result of most or all of the biodiversity gains having been offered and secured previously.

- 2.6 Consequently, and to re-iterate the position set out in the main report, officers are satisfied that (subject to the recommended conditions and planning obligations) the proposed development complies with all relevant requirements of Policy Bicester 13 and does not fetter the full achievement in due course of all other provisions and requirements of that policy and therefore the Development Plan as a whole. As such, and in the absence of any significant material planning considerations indicating otherwise, officers continue to recommend that the application should be approved. Officers would also remind Members that the proposed development is for housing on a strategically allocated site and the housing projected to be delivered on it has been partly included in calculating the District's housing supply position. Maintaining a minimum five year supply of housing in the District is important to retaining the full weight of the housing supply policies within the Cherwell Local Plan 2011-2031 Part 1 and officers would advise that Members do not risk the Council's current housing supply position without good cause.

3. Recommendation

- 3.1 For the reasons set out in the report to the 18th May 2017 Planning Committee and amplified further by this update report, Members are recommended to:
- **Resolve to grant outline planning permission subject to the conditions listed in the original committee report (Appendix 1) and delegate the issuing of the decision notice to the Head of Development Management following satisfactory completion of a legal agreement to secure the items listed in paragraph 7.68 of the original committee report (Appendix 1); and**
 - **Delegate authority to the Head of Development Management to make any necessary post-Committee minor amendments to the recommended conditions and terms of the legal agreement subject only to the prior written approval of the Chairman of Planning Committee and that such amendments do not materially affect the substance of the decision made by the Planning Committee.**

APPENDIX 1 – REPORT TO 18TH MAY 2017 PLANNING COMMITTEE

**Part Land On The North East Side Of
Gavray Drive
Bicester**

15/00837/OUT

Applicant: Gallagher Estates, Charles Brown And Simon Digby

Proposal: OUTLINE - Residential development of up to 180 dwellings to include affordable housing, public open space, localised land remodelling, compensatory flood storage and structural planting

Ward: Bicester South And Ambrosden

Councillors: Cllr David Anderson
Cllr Nick Cotter
Cllr Dan Sames

Reason for Referral: Major Development

Expiry Date: 10 August 2015 **Committee Date:**

Recommendation: Approve subject to completion of a legal agreement

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site relates to a 6.92 hectare area of land comprising an arable field to the north of Gavray Drive in Bicester. The site is situated between the 1990's era residential estate of Langford Village to the south and Bicester Park Industrial Estate to the north. Railway lines are beyond the western and northern boundaries including the new east-west rail chord that connects the two lines.
- 1.2 Langford Brook flows along the site's eastern boundary and features overhanging trees and shrubs although this is mostly along its eastern bank. The brook flows from the north underneath the east-west railway line via a newly installed culvert which is secured by steel palisade fencing. The site's southern boundary with Gavray Drive is formed by a belt of woodland with an existing access stub providing the only break in the woodland at a relatively central position along the southern boundary. A short section of the southern boundary immediately adjacent to Langford Brook is also open and formed by grassland and scrub. The site's northern boundary is delineated by the new east-west rail chord which rises to adjoin the main east-west railway line up on its embankment. The site's western boundary is now similarly formed by the new east-west rail chord and the western corner of the site has until recently been used as the Network Rail works compound associated with the construction of the new rail chord.
- 1.3 A single hedgerow traverses the site on a southwest-northeast alignment and follows the route of an existing public footpath (129/3/20) which runs from Langford Village through the application site, over and then under the railway line, and then through the industrial estate to the north to meet Charbridge Lane (A4421). It forms

part of a wider footpath network that connects with countryside routes in and around Launton.

- 1.4 A strip of land forming the eastern part of the application site is within an area designated in the Development Plan as a Conservation Target Area where restoration of important habitats and the conservation and enhancement of species is sought. Approximately one-third of the site (adjacent to Langford Brook) is also within land identified by the Environment Agency to be variously at medium and high risk of fluvial flooding (Flood Zone 2 and 3). Langford Brook itself as well as land to its east is part of the designated Gavray Drive Meadows Local Wildlife Site (LWS) which also includes an area of land to the opposite side of Charbridge Lane.
- 1.5 The application site forms part of a wider site allocated in the Cherwell Local Plan 2011-2031 Part 1 as Bicester 13. This includes land to the east of Langford Brook up to the boundary with Charbridge Lane. Bicester 13 is allocated for residential development for approximately 300 dwellings together with associated infrastructure.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The application is made in outline with all matters reserved except for details of access. The application seeks outline planning permission for a development of up to 180 dwellings together with associated public amenity space, recreation areas, localised land remodelling, flood storage compensation works and new structural landscaping.
- 2.2 As the application is in outline, Members are only considering the principle of accommodating the amount and type of development proposed on the site. The details of the design and layout of the development would then fall to be determined later as part of subsequent reserved matters application.
- 2.3 Members should note that the application has been accompanied by an Environmental Statement (ES). It therefore falls to be considered as an EIA application for the purposes of the Environmental Impact Assessment (EIA) Regulations 2011 (as amended). Officers have considered the ES in assessing the proposals, writing this report and reaching the overall recommendation.

3. RELEVANT PLANNING HISTORY

- 3.1 The following planning history is considered potentially relevant to the proposals:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
96/00255/F	Construction of 20,864m ² manufacturing assembly plant, for automotive components, together with ancillary offices.	Application Refused
96/00321/F	Construction of 20,864m ² manufacturing and assembly plant, for automotive components, together with ancillary offices. Construction of new access.	Application Refused
04/02797/OUT	OUTLINE - Residential development (including affordable housing) incorporating	Not Determined.

	a County Wildlife Site, together with the land reserved for a primary school, community facilities, public open space, rail chord and structure planting.	Appeal allowed 12.07.2006
05/01035/OUT	OUTLINE - Residential development (including affordable housing) incorporating a County Wildlife Site, together with the land reserved for a primary school, community facilities, public open space, rail chord and structure planting.(Duplicate application)	Application Refused
09/00584/F	Variation of Condition 8 of planning permission 04/02797/OUT.	Application Permitted
09/00909/REM	Reserved matters to Outline 04/02797/OUT. Road and drainage infrastructure.	Not Proceeded With
10/01667/OUT	Extension of time limit to 04/02797/OUT: Residential development.	Pending Consideration
12/00850/OUT	Extension of time limit of 09/00584/F - Variation of Condition 8 of planning permission 04/02797/OUT relating to residential development (including affordable housing) incorporating a County Wildlife Site, together with the land reserved for a primary school, community facilities, public open space, rail chord and structure planting	Pending Consideration
12/00024/SO	Screening Opinion to 12/00850/OUT - Extension of time limit of 09/00584/F - Variation of Condition 8 of planning permission 04/02797/OUT relating to residential development (including affordable housing) incorporating a County Wildlife Site, together with the land reserved for a primary school, community facilities, public open space, rail chord and structure planting	Screening Opinion Issued – EIA Required
14/00008/SCOP	SCOPING OPINION - Proposed residential development (including affordable housing) public open space, localised land remodelling, structure planting and retention of the local wildlife site.	Scoping Opinion Issued

4. RESPONSE TO PUBLICITY

- 4.1 Following receipt of the application in May 2015 it was publicised by way of site notices displayed near to the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council was able to identify from its records. The application was originally publicised as an EIA development, departure from the Development Plan and affecting a public right of way.
- 4.2 In March 2017, the applicant submitted additional information in the form of a minor revision to the illustrative parameters plan as well as biodiversity metrics as part of efforts to appraise the ecological implications of the proposals. Officers did not request this information and it was submitted voluntarily by the applicant. This additional information was then the subject of further publicity for a minimum of 21 days in the same manner as the original submission though the proposals were no longer considered to represent a departure from the Development Plan and were not publicised as such this time around. The Secretary of State has also been sent a copy of all of the applicant's substantive submissions as part of this application (both application documentation as well as the ES) given that it constitutes an EIA application.
- 4.3 The comments received can be viewed in full on the Council's website, via the online Planning Register. Over 60 third party objections have been received and the concerns raised have been summarised as follows:
- Development to the east of Langford Brook should be resisted as it is important for wildlife;
 - Further housing is completely unnecessary and would destroy one of the few remaining wildlife habitats in Bicester;
 - Bicester has been ruined by overdevelopment;
 - Affordable housing is not needed and would affect the quality of the area;
 - The land east of Langford Brook should be designated as a local green space;
 - The new homes would experience significant noise and vibration from the railway line and would be unsuitable for families;
 - Gavray Meadows are akin to a green lung for residents of Langford Village;
 - The site has considerable landscape and amenity value for local residents who appreciate the views across the open field when using the public footpath;
 - The proposals will increase traffic on local roads that are already subject to significant congestion;
 - Building on land to the west of Langford Brook would have a negative ecological impact. The land adjacent to the brook is wet meadowland which is increasingly rare;
 - The land to the east of Langford Brook, including the Gavray Drive Meadows Local Wildlife Site, would suffer from adverse effect due to recreational disturbance, domestic cats and dogs etc;
 - The group of small fields to the east of Langford Brook have historical value as well as landscape value as the field pattern together with ridges and furrows indicate historic agricultural use;
 - The land remodelling together with the three year duration of the construction works would be of particular nuisance to local residents;
 - The Council has indicated that it is looking to designate the LWS as a Local Green Space in its Local Plan. Future residents will wish to use the Local Green Space. The unavoidable increase in public use of the LWS will cause further deterioration of its habitat and is in need of active management;

- The applicant too easily dismisses the proposed loss of the hedgerow within the site which was found to show evidence of habitat for White Letter Hairstreak butterfly. This requires mitigation through new hedgerow planting of Dutch elm disease resistant strains of elm in the new hedgerows;
- The submission of an application to develop only part of the site under the control of the applicant is contrary to Policy Bicester 13. That policy seeks to secure an holistic scheme for all of the site – i.e. both Gavray Drive West and Gavray Drive East, not piecemeal development that prejudices the likelihood of the policy aspirations being achieved. Amongst other things, the site-wide policy seeks to secure ‘no net loss’ of biodiversity, in concert with the principles of the NPPF. It recognises that this can only be achieved through the appropriate protection and securing of the assets of high nature conservation value east of the Langford Brook. The current application makes no such provision, and given that it will generate additional pressures on those assets, is clearly contrary to the policy. Even taken in isolation, it would result in net loss to biodiversity if the balance of loss versus gain is tested using the Defra ‘biodiversity offsetting’ metrics, a system which I believe Cherwell are considering greater use of in common with neighbouring authorities. The applicant should be invited to withdraw the application and submit a scheme for the whole of the land between Gavray Drive and the Bicester-Marylebone railway line so that can be properly assessed against the emerging local and incumbent national planning frameworks.
- Application 15/00837/OUT makes no provision to protect and enhance the LWS or indeed any of the land east of the Langford Brook. This land represents over 50% of the allocation site and it is inconceivable that future residents will not use or otherwise benefit from it.
- Application 15/00837/OUT seeks to deliver 180 units on the least constrained and most profitable part of the allocation site, west of the Langford Brook. It is not clear whether there has been adequate exploration of whether a higher density could be achieved on this least constrained land. Taking account of the other policy objectives and constraints, the grant of this application would therefore create a situation where, if 300 units are to be achieved, some 120 units will have to be squeezed onto land east of the brook. It is clear that creating this situation through grant of this application would compromise the full suite of adopted policy objectives set out under Bicester 13 being delivered.
- The applicant has not sought to address concerns regarding increased recreational pressure on the LWS and so the application should be refused.
- The application does not take account of impacts that the development would have on the wildlife interest of land to the east of Langford Brook;
- The application should be refused unless a holistic masterplan for the whole of Bicester 13 is submitted that demonstrates proper preservation, restoration and management of the CTA and LWS;
- The density of new housing should be increased on the application site to reduce the amount of development necessary on land to the east and thereby help preserve its wildlife value;
- The whole of the land to the east of the brook within the CTA should become the Gavray Meadows Local Nature Reserve with interpretation panels provided to increase knowledge and interest in nature conservation;
- The LWS should be protected, Bicester is becoming a ‘garden town’ with few areas for wildlife;
- The additional information submitted by the developer is unclear – why are they now assessing biodiversity impact resulting from development on the land to the east of the brook? In assessing the impact of development on the application site – are they considering the implications of noise, predation by cats, dog walkers, litter etc – these are indirect impacts that need to be addressed.

- The developer's claims that the proposals would not indirectly adversely affect the LWS to the east are not credible;
- Why is Cherwell District Council using Warwickshire County Council's ecology service and then utilising their biodiversity metric? Cherwell District Council should use its own system which is more robust;
- The submitted Biodiversity Impact Assessments are unintelligible and the public cannot give them the scrutiny they deserve;
- Without more detailed contextual information to support the Biodiversity Impact Assessment relating to developing land to the east of the brook, it is not possible for the public to accurately comment on it. Nevertheless, concerns are raised about some of the classifications of habitat as well as the grading attributed to them.
- Biodiversity Impact Assessments are of limited value and can be manipulated to provide the result sought by the developer.
- The application represents the piecemeal development of a wider allocated site and should be resisted as it jeopardises the end-objectives for development on Bicester 13;
- Policy Bicester 13 requires any development proposal on the site to make appropriate provision for preventing harm to the LWS and protected species interests on the eastern part of the site. The application makes no such provision and should be resisted;
- The capability of the eastern part of Bicester 13 to accommodate circa 120 dwellings whilst also delivering net gains for biodiversity is uncertain. Granting permission for 180 dwellings on the application site would sabotage the prospects of net biodiversity gain ultimately being achieved across the whole of Bicester 13;
- There is no reason why the developer could not submit a holistic masterplan for the whole of the site given that all of the land is within their control;
- Councillors voted to pursue Local Green Space designation for the allocated land to the east of the brook and north of public footpath 129/4. Approving this application would jeopardise this as it would indirectly lead to new housing on part of the land intended to be designated a Local Green Space.
- Residential development on the site could affect business operations at British Bakels Ltd off Granville Way due to its close proximity;
- Bicester has become a massive housing estate with little area left for nature and walkers. To build on this lovely meadow is completely wrong and against being a "Healthy Town";
- The developers have let the site run down for over 10 years and now say that it is of lesser wildlife value than it was. Because of this decade long neglect when they restore it to its original state, there will be no net loss of biodiversity when they build their houses. This is plainly wrong and the Council is being fooled.

Butterfly Conservation – Objection. Insufficient regard has been taken of Species of Principal Importance with the hedgerow proposed to be lost resulting in the loss of habitat confirmed to support white-letter hairstreak butterfly. This impact has been dismissed too readily by the developer in the Environmental Statement. The destruction of the hedgerow requires appropriate mitigation through inclusion of Dutch elm disease resisted strains of elm in the new hedgerows. All plantings in the green spaces should reflect the quality of the habitat to be found to the east of Langford Brook and the needs of the key species known to exist there. The applicant also fails to propose management of the LWS to the east of the brook that is within the applicant's control. This will suffer from increased indirect impact through recreational use and it requires management to protect its wildlife value. It is requested that planning officers reconsider their view that surrounding the LWS with housing will have no significant impact on its wildlife.

Bicester Local History Society - The Local Plan indicates that 300 houses should be built on Gavray Meadows. We feel strongly that these should be concentrated on the west side of the site, so as to reduce the impact on the sensitive wildlife site to the east. The developers have failed to make clear their plans for the whole site - CDC should not be making decisions based on piecemeal information. We feel that you are not able to protect the conservation area or wildlife site if you proceed in this manner. It's essential that this application makes provision for funding and managing the wildlife site/nature conservation area on the east side which contains some of the UK's most endangered land, unimproved flood meadows and all the special plants and animals that depend on it. Bicester Garden Town needs to retain as many of its precious green spaces as possible. The developers have let the site run down for over 10 years and say that it is now of lesser wildlife value than it was, so that when they restore it to its original state, there will be no nett loss of biodiversity when they build their houses. CDC should be challenging this assertion, which is plainly wrong.

5. RESPONSE TO CONSULTATION

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

Bicester Town Council – Objection

The proposed new homes would increase Langford Village's population by approximately 441 people using the developer's estimates. This will put increase pressure on Langford's Primary School and GP practice which are already under some pressure. No additional provision is proposed as part of this application. Traffic on Mallards Way is also likely to increase and this is a residential road designed to have a 20mph speed limit.

Thames Water has already identified potential lack of capacity in the sewage network to accommodate this development which would lead to sewage flooding and therefore adverse environmental impact.

Building on the site would also have negative effects on ecology through loss of land as wet meadowland. The proposals would also jeopardise the ability to secure land to the east of Langford Brook as a Local Green Space.

CHERWELL DISTRICT COUNCIL (INTERNAL CONSULTEES)

Community Services – No objection subject to the following being secured through planning obligations:

- Financial contribution sought towards expansion of Langford HalCentre Community Centre based on CDC matrix;
- Financial contribution towards a community welcome packs;
- Scheme of public art together with long term maintenance;

Recreation and Leisure – No objection subject to the following being secured through planning obligations:

- £179,889 index linked towards off-site provision of outdoor sports facilities at the Bicester Sports Village;
- £130,598 index linked towards expanding indoor sports facilities in Bicester;

Landscape Services – No objection subject to conditions/planning obligations:

The LVIA is a comprehensive report and I mostly agree with its conclusions. However, in respect of photo-view EDP7 where the development will be clearly seen by visual receptors on the PRoW and cycle way to Gavray Drive (there is no hedgerow in the way) , and I disagree with EDP's assumption that the receptor sensitivity is medium (Landscape and Visual – Constructional and Operational Effects) because of the existing urban influence. This should be judged as high visual sensitivity for receptors with a magnitude of change of high resulting in a significance of effect of Major/Moderate (adverse), as considered from DLA/PDD's visualisation Fig 7 pp. 23 of the Design and Access Statement, April 23, against photo-view EDP 7. In order to effectively mitigate this potentially detrimental effect the landscape proposals must not only screen the built form but enhance the POS corridor/ flood Zone, as suggested in the illustrative masterplan, subject to EA approvals.

With the onset of winter and associated leaf drop of deciduous hedgerow to Gavray Drive the effect on visual receptors will more apparent because of the increased permeability. In order to mitigate the effect additional native hedgerow trees should be planted along this boundary, however the build line of the south facing units must be at a distance to reduce the effects of shade and light reduction caused by this hedgerow and trees. In this respect I would prefer to see a wider landscape buffer, than that proposed on the illustrated masterplan, between the road and the hedgerow. A particular concern is the proximity of the block adjacent to the retained hedgerow in the western corner. The building appears to not only conflict with the surveyed root protection area but will also be subject to the problems mentioned above (to be address at the reserved matters stage).

The public footpath is to be integrated into the scheme as proposed by the illustrative masterplan.

There are no recorded views from the new railway over-bridge. I judge the visual effect would a major magnitude of change from this however it is not a PRoW and therefore deemed less sensitive to visual receptors which would not be encouraged to linger on the over bridge.

The northern site boundary would benefit from the woodland buffer planting as indicated on the illustrative masterplan, this will be have many environmental benefits especially in landscape mitigation terms: the screening of the railway corridor and visual receptors of the railway, and the screening of the northern edge of the development from the aspect of the over bridge/PRoW.

I am encouraged to see visualisations of street trees in the DAS I would hope that the detailed design layout provides enough space for such trees to grow to full maturity, with appropriate amounts of soil volume in structured cell tree pits. Drainage /utility layouts are to work effectively with the street tree planting scheme, as evidenced by combining utility (sewerage and potable water systems, gas street light and electricity) information with tree planting proposals. The east-west orientation of the street will mean that trees on the northern side of the street will cast shade and reduce light levels to windows in south facing units. Therefore species, their mature sizes and location must be carefully considered. I suggest that the tree canopy sizes are drawn at the 25 year interval for the species proposed in order to ensure enough surrounding space is allocated.

There is no provision for LAPs within the housing areas. There should be at least 4 un-equipped LAPs within 100m of the farthest extremity of the housing to allow for

children, parents and carers to walk to the play area on 'safe' footways without the need get in a car, and so be more sustainable. A combined equipped LEAP and LAP is required in an area that does not flood. The illustrative masterplan shows the play area overlays flood compensation which is unacceptable given future flooding problems and deprivation of play opportunities. A LAP should be located close to the PRoW.

Environmental Protection – No objection

Further details are required at detailed application stage to see the proposed mitigation measures for noise. Planning conditions are required on any planning consent requiring the mitigation measures to be submitted, approved and completed prior to any dwellings being occupied.

OXFORDSHIRE COUNTY COUNCIL

No objection subject to conditions and planning obligations.

Transport

The Cherwell Local Plan details the requirements for development of the Gavray Drive allocation under 'Policy Bicester 13 - Gavray Drive'. In terms of transport infrastructure, access and movement from Gavray Drive needs to be demonstrated. In particular, details of the Key Site Specific Design and Place Shaping Principles must be provided to include:

- Retention of Public Rights of Way and a layout that affords good access to the Countryside.
- New footpaths and cycleways should be provided that link with existing networks, the wider urban area and schools and community facilities. Access should be provided over the railway to the town centre.
- A linked network of footways which cross the central open space, and connect Langford Village, Stream Walk and Bicester Distribution Park.
- A layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity between new and existing communities
- A legible hierarchy of routes to encourage sustainable modes of travel. Good accessibility to public transport services with local bus stops provided. Provision of a transport assessment and Travel Plan
- Additional bus stops on the A4421 Charbridge Lane will be provided, with connecting footpaths from the development. The developers will contribute towards the cost of improving bus services in the wider South East Bicester area.

The development will contribute to a severe cumulative impact on Bicester's peripheral route and so a contribution reflecting the scale of this development will be required through S106 agreement to mitigate this. The Local Transport Plan 4 Bicester Area Strategy includes proposals for improvements to the Eastern peripheral corridor to which Gavray Drive connects. The scheme of particular relevance towards mitigating proposals at Gavray Drive is as follows:

"Implementing increased link capacity on the A4421 between the Buckingham Road and Gavray Drive to complement the transport solution at the railway level crossing at Charbridge Lane and facilitate development in the area. This scheme will improve the operation of this section of the eastern perimeter road, and enhance the integration of the North East Bicester Business Park site with the rest of the town." As a result S106 contributions are sought towards the implementation of this scheme.

In addition, households proposed are likely to use Langford Village shops and facilities. Vehicular trips between the development and these facilities are therefore expected to use the Wretchwick Way/Peregrine Way Priority Junction, intensifying its use. The distributed flows used to model the junction do not allow for any peak traffic to or from the development turning into Peregrine Way here. In reality there would be a fair proportion of linked trips and in the am peak in particular, trips to the primary school. There is a local concern about safety risk at the ghosted right turn at this junction. These are not included in the assessment within the TA as only a three-year assessment has been provided (a five year assessment was requested in scoping). £20,000 in contributions are therefore requested by S106 agreement for a scheme of safety improvements to this junction.

It was noted that within the TA, with the exception of the Graven Hill/Rodney House roundabout, junctions were forecast to operate within capacity with the development, and that with the introduction of the S278 scheme of improvements at the Graven Hill roundabout (to be delivered as part of the Graven Hill development) this would also operate within capacity with the development. Junctions were modelled with and without the allocated development site at South East Bicester, on the southeast side of Wretchwick Way. (This site is now adopted Policy Bicester 12). However, the Transport Assessment is now almost two years old and therefore, were we advising on the scope of a new TA, there would be many revisions that would be requested, including updating the assessment year, and making use of the newly updated Bicester Transport Model to provide future year forecast baseline flows and/or the use of the latest version of TEMPRO. The public transport information will also be out of date due to the withdrawal of some services.

Nevertheless, the updated Bicester Transport Model confirms the future severe impact on Bicester's peripheral route, taking into account Local Plan development, and it is not considered necessary to update the TA provided a proportionate contribution towards strategic improvements can be secured. The TA lacked detailed information about how the development would link into the local pedestrian and cycle network. Local routes have been examined as part of the work on the Bicester 12 Policy Site, and OCC has identified the following improvements which this site should provide, in order to link it to Bicester Town Centre, the adjacent Langford Village, and Bicester 12, which will offer employment and facilities. These are:

- ☐ Connection points at the northern and southern end of the site, with crossings over Gavray Drive to the existing cycle facility on the SW side.
- ☐ A raised crossing of Mallards Way.

These should be done as S278 works in connection with the site access, secured via the S106 agreement.

Within the site, connections should be provided through to the wider site, and the footpath towards the new footbridge over the railway will need to be surfaced and lit. Details of these connections should be required by condition.

Public transport

The site is within reasonable walking distance of Bicester Village rail station and Bicester Town centre, albeit these walking distances are in excess of national guidelines of 400 metres.

The half-hourly local bus service 22/23 which previously operated along Gavray Drive has now been withdrawn, so there are no services passing the site frontage. It is vitally important that residents are encouraged to walk to catch services that run along the Bicester peripheral route.

Significant new residential developments are planned to the south and south-east of Bicester, including Graven Hill and the planned South East Bicester development

(Bicester 12). This development is requested to provide a proportionate contribution towards the delivery of a new and viable network of bus routes to the south and south-east of Bicester which will serve these other developments but will include a good level of service along Charbridge Lane/Wretchwick Way.

The developer will need to provide a pair of bus stops on Wretchwick Way, with appropriate hardstanding, crossing and footway. Given the traffic speed and volumes on Wretchwick Way, and the need to make the bus stops attractive to users, we require this to be a signalised crossing. These bus stops will provide the new residents with access to bus services operating via the eastern peripheral route, such as the S5. When other services also run through Wretchwick Green via the new spine road, residents will also be able to walk to stops proposed at the northern end of that spine road.

Public rights of way

A footpath runs across the site and over the new footbridge across the rail chord (shown on the plans). The footpath will need to be diverted at the point where it runs over the railway bridge. A surfaced path must be provided by the developer to link to the steps of the footbridge. This must follow the existing alignment as far as possible and must be sensitively planned into the development as a distinct path.

Travel Plan

A travel plan has been submitted with this application. This travel plan has been referred to as a 'full' travel plan. I would like this term of reference to be changed to 'framework' or 'interim' travel plan as the submitted document does not contain the level of information required to be a full travel plan. A full travel plan should be submitted on occupation of the 90th house.

Contact details for the site Travel Plan Co-ordinator should be forwarded to the Travel Plans Team at Oxfordshire County Council. Paragraph 5.5 of the travel plan states that this will happen three months before occupation. This is welcomed.

I would like to question the pedestrian modal shift targets within table 7.1 of the travel plan. It appears that the pedestrian target decreases rather than increases?

The Baseline survey should happen at **50%** of full occupation not **75%** as outlined within the action plan.

The travel plan measures section is particularly vague. I would like to see a stronger commitment to the travel plan objectives within this section with the inclusion of more persuasive measures and incentives.

Paragraphs 6.19, 6.20 and 6.21 refer to a car sharing database for the site. I would question why this is required when residents can take advantage of the Oxfordshire liftshare site www.oxfordshireliftshare.com

Paragraph 6.22 – the wording within this paragraph should be stronger i.e likely – should

A Residential Travel Information Pack should be submitted to the Travel Plans Team at Oxfordshire County Council for approval prior to first occupation.

Drainage Engineers

The Flood Risk Assessment has been reviewed and the principles embodied are considered to be appropriate with respect to surface water drainage. A suitable drainage strategy can be secured via planning condition.

Archaeology

The site is of some archaeological interest as identified by a trenched evaluation undertaken as part of a previous planning application. A staged programme of archaeological investigation is required ahead of the development and should be secured by planning conditions.

Property

As a result of pooling restrictions pursuant to Regulation 123 of the CIL Regulations 2010 (as amended), no mitigation of the impact on OCC community infrastructure is able to be secured.

Education

The following approximate financial contributions are required (dependent on final dwelling numbers/size/mix) to be secured through planning obligations to mitigate the impact of the proposed development:

- £1,015,716 towards expansion of Longfields Primary School;
- £1,013,954 towards new secondary school capacity in Bicester;
- £35,134 towards expansion of special educational needs facilities at Bardwell School.

OTHER EXTERNAL CONSULTTEES

Environment Agency – No objection subject to conditions securing accordance with the Flood Risk Assessment as well as a management plan of a buffer zone along Langford Brook;

Natural England – No objection to the proposals on the basis of impact on SSSIs. It is for the LPA to assess the impact on local wildlife sites and priority species/habitats. The LPA should have regard to Natural England's standing advice with respect to potential impact on protected species.

Thames Water – The existing waste water public network may not have sufficient capacity to accommodate the development. As a result, a 'Grampian' type condition is necessary to prevent development until a drainage strategy detailing necessary on and off site infrastructure has been submitted to and approved in consultation with the sewerage undertaker.

Berkshire, Buckinghamshire, Oxfordshire Wildlife Trust (BBOWT) – Objection.

Gavray Drive Meadows Local Wildlife Site (LWS) is directly to the east of the application site and falls within the ownership of the applicant. The LWS and part of the application site sit within the Ray Conservation Target Area (CTA). There is also a specific policy for the allocated site, Bicester 13, which amongst other things protects the Local Wildlife Site and CTA, and highlights the need to comply with ESD11. It also sets out a requirement for an Ecological Management Plan to be agreed with the Council in consultation with local biodiversity interest groups. This approach is supported in the Inspector's Report on the Local Plan, which highlights the need for the development to contribute towards enhancement of the Local Wildlife Site's ecological interest (para 139 Cherwell Local Plan Inspector's Report).

It is recognised within the Ecology Chapter of the Environmental Statement (9.5.17) that the development will put the LWS at risk from adverse effects resulting from increased recreational pressure. To comply with Policy ESD10, mitigation is required to reduce the impact on the Local Wildlife Site and achieve a net gain in biodiversity. We do not consider the Public Open Space proposed along the Langford Brook sufficient to entirely mitigate the recreational pressure that will be generated by the development. Existing residents utilise Gavray Drive Meadows, and it is reasonable to expect that new residents of the proposed development would also. Long term nature conservation management of the Local Wildlife Site would help to mitigate the impact of recreational pressure on the site, improving the condition of the habitats and making them more resilient to recreational pressures.

The lack of management in recent years is regrettable, but it is encouraging that almost all of the meadow indicator species recorded in 2002 were found to still be present on the site. As is concluded in the botanical survey this indicates that, with management, the botanical interest of the LWS can be conserved and enhanced.

Management intervention is essential to prevent the loss of botanical diversity through ecological succession, and to improve condition of the grassland habitats. Management of the LWS is necessary to ensure its biodiversity interest is conserved, and by improving habitat condition could also help towards mitigating impacts from recreational pressure. It is also clear from the emerging Local Plan that the area of the LWS should be protected and enhanced and an ecological management plan produced and implemented. This is an approach endorsed in the Inspector's Report on the Local Plan. An Ecological Management Plan for the long term management of the LWS should be produced by the applicant, and its implementation secured by planning obligation. Without this commitment the application does not comply with emerging Local Plan policy.

Network Rail – No objection subject to conditions

- The proposals could give rise to a material increase in usage at Bicester London Road level crossing and Bicester Eastern Perimeter Road (Charbridge Lane). No objection in principle to this but monitoring of the level crossings will take place. In approving the application Network Rail would like to rely on the LPA, Highways Authority and Rights of Way to support any future proposal to either close the crossing(s) and / or provide a replacement bridge or diversion, and not act to prevent it;
- There is a footpath / bridleway running through the red lined area. Network Rail will require access around the clock (24/7, 365) for not only maintenance and project works but also emergency services;
- Conditions are required in order to assess details of excavations, control the use of vibro-compaction equipment, prevent over-sailing of the railway line by scaffolding or drainage works discharging towards the railway line. A fence (possibly acoustic) is also required around the western and northern perimeters to prevent unauthorised access from the development onto the railway line in the interests of public safety;
- A minimum of a 2m gap between buildings and the boundary of Network Rail operational land is required to ensure that future maintenance of buildings does not require access onto railway land which could have disruption/safety implications and is a criminal offence;
- No trees should be planted next to the boundary with the operational railway. Network Rail would request that only evergreen shrubs are planted along the boundary 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.

6. RELEVANT PLANNING POLICY AND GUIDANCE

- 6.1 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 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)

- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – Effective and Efficient Use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- 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 – 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
- ESD17 – Green Infrastructure
- Bicester 13 – Gavray Drive
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 – Sporadic Development in the Open Countryside
- C28 – Layout, design and external appearance of new development
- C30 – Residential Amenity
- C31 – Residential Compatibility
- ENV1 – Pollution Control
- ENV12 – Contaminated Land

6.3 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Circular 06/2005: Biodiversity and Geological Conservation
- Circular 01/09: Rights of Way

7. APPRAISAL

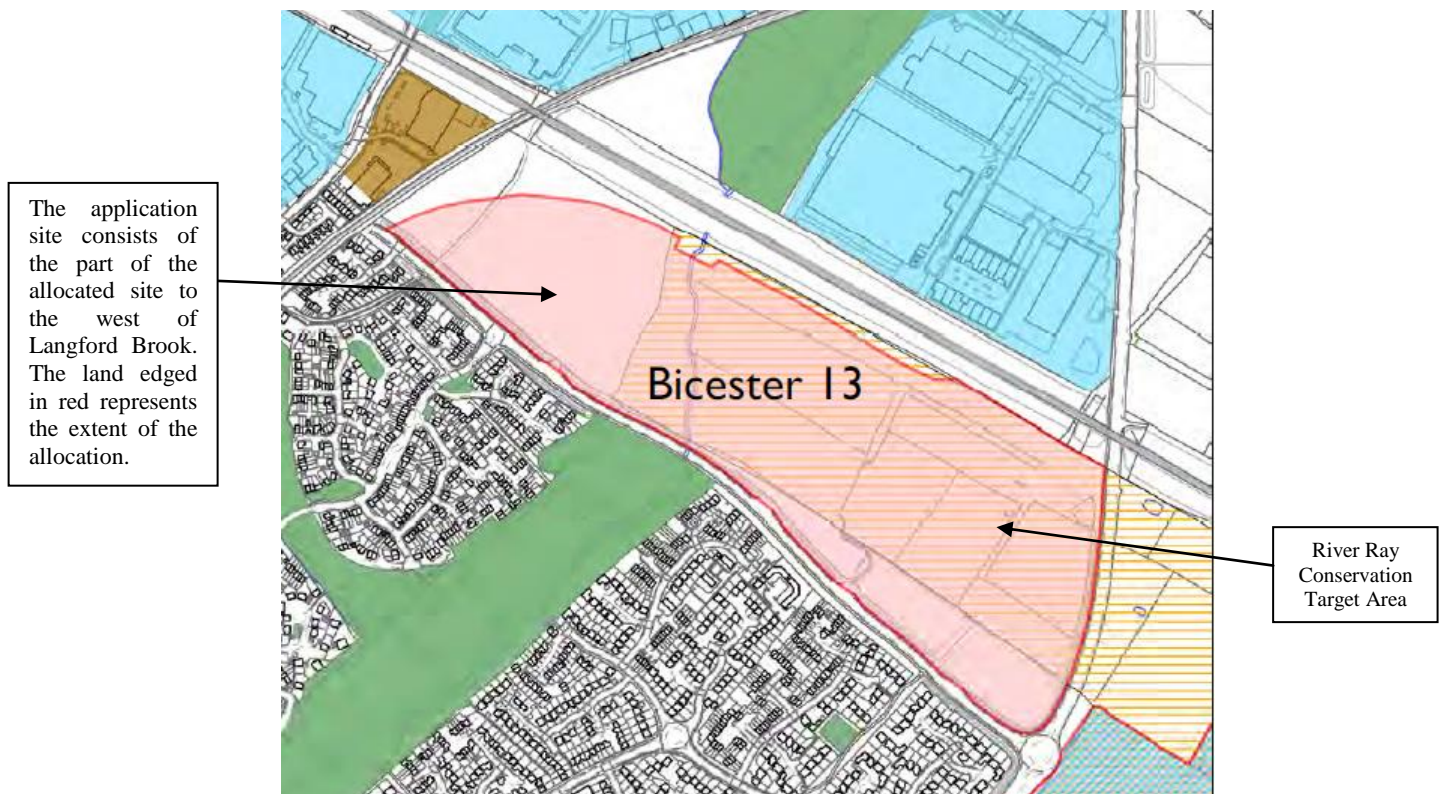
7.1 The key issues for consideration in this case are:

- Principle of Proposed Development;
- Access and Transport;
- Design and Layout;

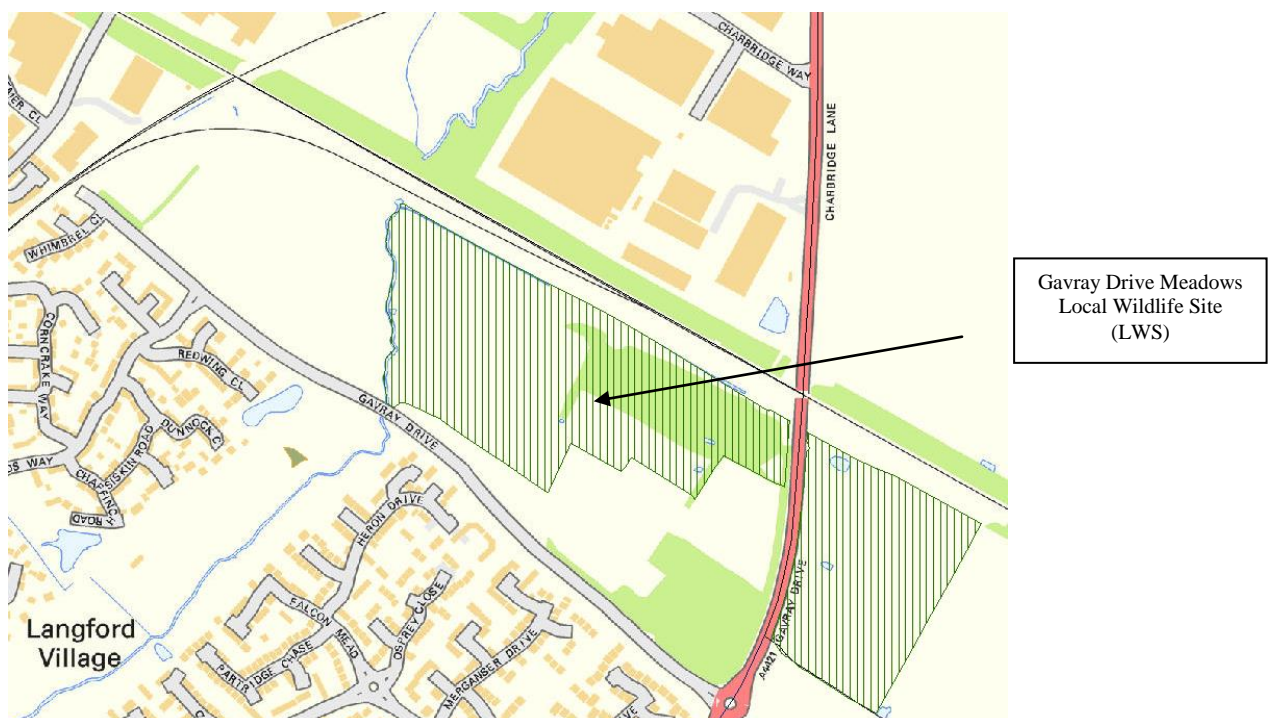
- Housing Mix;
- Residential Amenity;
- Ecology;
- Flood Risk and Drainage;
- Infrastructure;
- Historic Environment;
- Trees/Landscaping;
- Energy Efficiency/Sustainability;
- Land Contamination;
- Local Finance Considerations;
- Planning Obligations.

Principle of Proposed Development

7.2 Planning legislation requires planning applications to be determined against the provisions of the Development Plan unless material considerations indicate otherwise. The Cherwell Local Plan 2011-2031 Part 1 (CLPP1) is the primary document in the District's Development Plan and is up-to-date with national planning policy and guidance. The starting point is therefore to approve proposals that accord with the Development Plan without undue delay. The application proposes residential development on the western part of land allocated for new housing through Policy Bicester 13 of the CLPP1. Policy Bicester 13 is thus the primary planning policy of the Development Plan that these application proposals should be assessed against and has full weight. This policy provides for a total of 300 dwellings across the wider allocated site but is not so prescriptive as to apportion amounts of development to land either side of Langford Brook, nor does it specifically seek a comprehensive masterplan for development across the whole of the allocated site. The below extract from the Local Plan Policies Map shows the extent of the allocated Bicester 13 site.



- 7.3 Whilst it is often desirable for planning applications to be submitted that cover the whole of an allocated site, there is no planning policy or statutory basis on which to reject applications coming forward on parts of an allocated site subject to them being consistent with the overall objectives and requirements of the allocation policy. In this case the application site is a logical and easily defined part of the wider allocated site that does not, in principle, present undue difficulty in assessing its merits against the overall provisions of Policy Bicester 13. It is necessary however to be mindful of the overall provisions of Policy Bicester 13 throughout the consideration of the application to ensure that officers and Members are cognisant of any potential to unduly fetter the wider policy aspirations.
- 7.4 As the application proposes up to 180 dwellings on part of a site allocated for 300 dwellings the indications are that the proposals are acceptable in principle due to accordance with the provisions of Policy Bicester 13. Whilst, the remainder of the allocated site to the east of Langford Brook is larger it is evidently more constrained and would appear to leave approximately 120 dwellings to be provided across the remainder of the site. In considering the acceptability of the principle of the development, regard needs to be had as to whether the amount of development proposed is appropriate to the application site itself as well as the wider allocated site in light of the overall objectives of Policy Bicester 13.
- 7.5 Development on Bicester 13 to the east of Langford Brook is heavily restricted by the allocation policy which prevents any development in the LWS (as shown hatched in the below map extract). This means that there is a significantly reduced capacity to accommodate new housing on the land to the east of the brook particularly given the awkward shape of some of the remaining land. Furthermore, approximately half of the land potentially available for housing development to the east of the brook is within the designated River Ray Conservation Target Area (CTA) where (through Policies ESD11 and Bicester 13) development can only be considered acceptable if it is consistent with the objectives of nature conversation in the CTA. With this in mind, officers are satisfied that a greater amount of development should be proposed to the west of the brook in order to avoid undue pressure on land to the east and that this approach is consistent with the provisions of Policy Bicester 13.



- 7.6 The application site equates to 6.92 hectares of land and which, based on the submitted parameters plan, would leave approximately 4.5 hectares subject to housing development. As such, the application is proposing new housing at a density of approximately 40 dwellings/hectare which not only significantly exceeds the Council's specified 30 dwellings/hectare minimum density (see Policy BSC2) but is also greater in density than the majority of other greenfield housing developments currently proposed or recently approved in the immediate area. It is also of a higher density than the Langford Village development with which it would share its most immediate relationship. Officers therefore cannot see any grounds for concluding that development proposed on the application site should be to a greater density as it currently provides an appropriate balance between making efficient use of land whilst also providing opportunity for a suitable quality and layout of development in keeping with the site and its surroundings. Furthermore, together with the Council's Urban Design officer, planning officers have considered and tested the illustrative plans submitted, including those shown within the Design and Access Statement, and concluded that whilst a number of indicative block depths are a little tight, it is possible to satisfactorily achieve 180 dwellings on the site subject to realistic detailed proposals (i.e. smaller, higher density housing and/or a greater proportion of apartments) being submitted in due course.
- 7.7 Notwithstanding the above, third parties have raised the prospect of the potential to increase the amount and therefore density of development on the application site in order to reduce potential pressure on the allocated land to the east to accommodate approximately 120 dwellings (the residual housing figure as provided for by Policy Bicester 13). Officers however do not agree and have found that there is no reason why accepting the amount of development currently proposed would in any way directly or indirectly lead to inappropriate future levels of housing on land to the east of the brook and thereby prejudice the Development Plan's wildlife conservation objectives for the LWS or CTA. This is for several reasons:
- Policy Bicester 13 is an adopted planning policy but it is not a planning permission and nor is it legislation. It does not require exactly 300 dwellings to be proposed/approved on Bicester 13 and it does not follow that proposing slightly less than 300 dwellings overall in order to respond to the site constraints would necessarily be a departure from the policy. There are other material planning considerations to address as part of the overall planning balance that takes place in making planning decisions which ensures that there is not a commitment to delivering 300 dwellings at the expense of all other impacts;
 - Policy Bicester 13 specifically resists harm to the CTA and includes protection of the LWS. These are key requirements of the policy and provide the necessary means by which to robustly defend against any future planning application on land to the east of the brook where this would be materially harmful to wildlife interests even, potentially, at the expense of delivering the full 300 homes across the allocated site. Other Development Plan policies (such as ESD10 and ESD11) would also be material and similarly resist adverse impacts on local sites of wildlife value;
 - The application site is being proposed to be developed to a reasonably high density in the context of surrounding development. There is no suggestion that it could be developed more densely and still deliver a suitable scheme that accords with other requirements of Policy Bicester 13. Put simply, there is no reason at all to conclude that the land to the west of Langford Brook is being proposed to be underdeveloped having regard to the Development Plan. Nevertheless, even if it transpires that achieving 120 dwellings on land to the east would lead to net ecological harm, there is still a strong planning policy basis on which to resist such a development proposal;

- The applicant has submitted a notional Biodiversity Impact Assessment relating to potential development on the remainder of the allocated site to the east of Langford Brook. Whilst not specific to a detailed proposal and therefore entirely theoretical, it does assist in demonstrating that there is scope for some built development in the CTA (but not LWS) whilst still achieving overall net biodiversity gains for the CTA and the LWS such that the full objectives of Policy Bicester 13 can be achieved in due course.

7.8 Having regard to the above, officers are therefore satisfied that there can be no objection to this application covering only part of the allocated Bicester 13 site and that the principle of the proposed development (both in terms of the type and amount of development proposed) is acceptable given its accordance with up-to-date planning policies within the Development Plan.

Access and Transport

7.9 Policy SLE4 together with national planning policy in the NPPF requires developments to be served by suitable and safe means of access for all road users. Policies SLE4 and Bicester 13 also require development proposals to maximise opportunities for sustainable modes of travel and provide a walkable neighbourhood with integration and connectivity to surrounding development as well as the wider countryside. Policy Bicester 13 also requires additional bus stops on Charbridge Lane to serve the development as well as financial contributions towards improving local bus services.

7.10 Access is not a reserved matter as part of this application for outline planning permission. As such, the means of access to and from the development is to be determined at this stage. A single vehicular access to the development is proposed from Gavray Drive through enlargement and modification of the disused existing bellmouth stub. Due to the alignment of Gavray Drive and the existing 30mph speed limit, highway officers at OCC have raised no concern regarding the visibility from this new junction and have similarly found that it is adequate to serve the expected levels of traffic. Officers have no reason to disagree with this conclusion.

7.11 A public footpath (129/3/20) passes through the site from its southwest corner to the new footbridge over the east-west rail chord and then underneath the main east-west railway line into the Bicester Park Industrial Estate. The proposals indicate that this public footpath would be predominantly retained on its existing alignment though, dependent on the detailed layout, might result in a need for a minor diversion to link up to the new footbridge. Nevertheless, the proposed development has the opportunity to substantively retain the existing public footpath. Officers would expect this to be hardsurfaced, safe and with an attractive setting, separated from new estate roads so that its use as a walking route is encouraged. Dropped kerbs to facilitate pedestrian and cycle crossing points over Gavray Drive would also be necessary and are recommended to be secured as part of granting planning permission.

7.12 The illustrative plans also indicate a further footpath linking Langford Village's Stream Walk with the new public amenity area proposed along the brook. Officers consider this to be a welcome proposal and assists in conveniently linking the new development to existing residential development and associated green infrastructure. The detail of such a link through the site would be expected to follow as part of reserved matters submissions but officers are satisfied that the proposals have the potential to provide good connectivity with the surrounding area in a manner that accords with the requirements of Policy Bicester 13. A condition is however recommended that requires approval of the means of crossing Gavray Drive and the associated works necessary to the footways to enable this.

- 7.13 In order to enable suitable access to a bus service for new residents of the development, bus stops along Charbridge Lane are required to be provided in accordance with Policy Bicester 13. No details have been provided at this stage but the applicant has confirmed willingness to provide this infrastructure in advance of any occupations on the site. Access to the bus stops would require an upgraded footway to the north side of Gavray Drive as well as a signalised crossing of Charbridge Lane so that there is safe and convenient access to both north and southbound bus stops. Details of such infrastructure together with its provision is recommended to be secured by condition as well as through appropriate planning obligations. OCC is also seeking funding to cover the cost of providing bus shelters as well as real time information displays at the bus stops. Furthermore, and in accordance with the requirements of Policy Bicester 13, OCC is seeking a financial contribution of £1000/dwelling (index linked) towards improving the frequency of the bus service to ensure access to sustainable modes of travel for the new residents has been maximised.
- 7.14 In addition, and in reflection of the likely increased use of the existing cycleway along Gavray Drive as a result of the new development, officers a raised crossing of Mallards Way in accordance with the recommendations of OCC. This would raise driver awareness of cyclists and help to give priority to those travelling by bike. Officers are recommending that details of these works together with their construction are secured via both a condition on a planning permission as well as through a planning obligation.
- 7.15 Notwithstanding the provisions for travel by walking, cycling and by bus, it is inevitable that the proposed development would give rise to a significant number of car trips. As the planning application has been pending determination for a significant period of time, the Transport Assessment that accompanied the application is now a little out of date. Nevertheless, it was considered by OCC to be generally robust at the time of its submission and they have advised that by applying the updated Bicester Transport Model it confirms a future severe impact on Bicester's peripheral route and so a financial contribution reflecting the scale of this development should be required through a planning obligation to mitigate this. This amount has yet to be determined by OCC and officers are awaiting details of the sum sought. OCC's Local Transport Plan 4 Bicester Area Strategy includes proposals for improvements to the eastern peripheral corridor to which Gavray Drive connects. The scheme of particular relevance that the financial payment would contribute towards mitigating is stated by OCC to be as follows: "Implementing increased link capacity on the A4421 between the Buckingham Road and Gavray Drive to complement the transport solution at the railway level crossing at Charbridge Lane and facilitate development in the area. This scheme will improve the operation of this section of the eastern perimeter road, and enhance the integration of the North East Bicester Business Park site with the rest of the town." Subject to securing this financial contribution through a planning obligation, officers are satisfied that the proposal would adequately mitigate its wider adverse impacts on the local highway network to prevent future severe congestion in accordance with the requirements of Policies SLE4 and Bicester 13 of the CLPP1. In accordance with Policy Bicester 13 the applicant has submitted a travel plan that includes measures to reduce dependency on the private car. Whilst OCC has identified some concerns with the travel plan, there is no reason to conclude that an appropriate revised travel plan could not be submitted and approved via condition prior to occupation of any of the dwellings. Officers are also recommending that a financial contribution is also secured to cover OCC's costs of monitoring the travel plan.

- 7.16 It is also thought that residents of the proposed new development would be likely to use Langford Village shops and facilities and so vehicular trips through the Wretchwick Way/Peregrine Way priority junction would increase. There is local concern about safety risk at the ghosted right turn at this junction but the TA does not capture a number of incidents due to it only assessing a three year accident record. In order to ensure that this safety risk does not increase, OCC are recommending that £20,000 is secured towards safety improvements to this junction. A number of highway improvements and alterations are currently proposed as part of an application for outline planning permission on land allocated as Bicester 12 in the Local Plan which requires far more extensive works given the scale of that development. Development on Bicester 12 is however unlikely to commence for a number of years and so this planning application on Bicester 13 has been considered on its individual merits so that highway improvements to the network are able to be provided sufficiently early to appropriately mitigate the impact of these application proposals rather than await necessary future and as yet undefined wider transport network upgrades.
- 7.17 In conclusion therefore, officers are satisfied that through the use of appropriately worded conditions and planning obligations, the proposed development would integrate successfully with surrounding routes, provide suitable and safe access for all whilst not having an undue adverse impact on the operation of the local highway network. In this respect therefore, the proposals are considered to comply with the requirements of relevant Development Plan policies including SLE4 and Bicester 13.

Design and Layout

- 7.18 Policy Bicester 13 requires development on the site to be of high quality and locally distinctive in its form, materials and architecture. It also seeks a well-designed approach to the urban edge which relates to the road and rail corridors. Policy Bicester 13 also requires provision of general greenspace, play space, allotments and outdoor sports facilities as outlined in Policy BSC11. Policy Bicester 13 also requires existing landscape features of significance to be retained as well as the provision of green infrastructure links including a central area of open space either side of Langford Brook. Policy ESD15 of the CLPP1 is also material and this supports the efficient use of land and requires new development proposals to be designed so as to improve the quality and appearance of an area and the way it functions. Saved Policy C28 of the Cherwell Local Plan 1996 (CLP 1996) is broadly reflective of these requirements too and adds that development should be designed to be sympathetic to its context. Together these Development Plan policies are consistent with national planning policy and guidance of the NPPF and PPG which reinforce the importance of good design as part of sustainable development.
- 7.19 The application is made in outline and so all matters of layout, scale, appearance and landscaping are reserved for later approval. Nevertheless, it is still necessary to consider whether the proposals could be properly accommodated on the site so that a suitable reserved matters scheme could be submitted in due course. In order to demonstrate this, the applicant has submitted a parameters plan and illustrative masterplan. This indicates that all of the existing boundary hedgerows would be retained with the exception of very minor works to open up the existing public footpath which would be safeguarded on its existing alignment. Furthermore, it also shows a central area of informal open space to the west of Langford Brook as specified in Policy Bicester 13 both to facilitate the creation of a green infrastructure link to Stream Walk to the south as well as act as a buffer to the brook. All new dwellings are also shown to be located outside Flood Zone 3 as required by Policy Bicester 13. The illustrative plan also indicates scope for significant new structural landscaping along the northern and western boundaries with the railway line and the proximity of dwellings to the railway has not been indicated to be of concern to the

Council's Environmental Protection officers (and in any event they are shown to be further away than some existing houses in Langford Village).

- 7.20 The applicant proposes new children's play areas within the development and, following discussions with officers, these are outside of the central open space buffer to Langford Brook to ensure that they would not be at undue risk of flooding or affect wildlife conservation interest. The proposals exceed a number of thresholds set out in Policy BSC11 in relation to on-site recreation provision though Policy Bicester 13 recognises that the constrained nature of the site means that a contribution towards off-site formal sports provision is required rather than on-site provision. As a result, no formal sports facilities are indicated in the illustrative plans and officers are satisfied that this is appropriate. With respect to play facilities, a development of this size should typically be served by a Neighbourhood Equipped Area of Play (NEAP) to accord with Policy BSC11 however the scale and nature of this facility on Bicester 13 would probably be inappropriate on the site as it would either prejudice the ability to achieve sufficient levels of new housing or the objectives for preserving and enhancing the ecological value of the site. For this reason officers are content that the illustrative plans do not indicate provision of a NEAP on the site. Similarly, the Policy BSC11 requirement for the provision of allotments on developments of 280 dwellings or greater would be exceeded across the whole of the Bicester 13 site but the small pro-rata level of required provision would not be appropriate either in terms of its future management for the town council or its potential to lead to further pressure on retention/provision of ecological habitat. Officers are therefore content that the illustrative plans do not indicate any provision for allotments on the site.
- 7.21 With the above in mind, officers are satisfied that the indicated general approach to development as set out in the submitted documents demonstrates that a suitable detailed scheme can be proposed on the application site at reserved matters stage in a manner that meets the requirements and objectives of Policy Bicester 13 as well as other relevant policies of the Development Plan. For this reason officers have concluded that the proposals have the ability to provide a development of high quality that is appropriate to the site and its context such that, in this respect, officers have no objections to the proposals.

Housing Mix

- 7.22 Policy Bicester 13 requires 30% of the dwellings to be provided on the site to be affordable units. Policy BSC3 goes on to require 70% of these affordable units to be affordable rented units with the remainder intermediate (i.e. shared ownership) in tenure. The application commits to meeting these affordable housing requirements which would need to be secured through a planning obligation if planning permission was to be granted.
- 7.23 Policy BSC4 also requires new residential development to provide a mix of homes to meet current and expected housing need. As the application is in outline, no details are available of the precise mix of dwellings proposed and it is not an issue able to be left to reserved matters stage. Therefore, in order to ensure that the development responds to current identified needs, officers recommend that a condition be imposed on a planning permission that specifies the minimum proportions of 2 and 3 bedroom dwellings (25% and 45 % respectively) to be included as part of applications for reserved matters approval which should ensure that the development appropriately responds to the District's housing needs. Such a mix would be consistent with the objective of achieving a higher density of development on the site. Advice from the Council's housing officers indicates that there has been little demand as of late for extra-care housing in the Bicester area and so this is not sought on the site. In any event, the requirement for it in Policy Bicester 13 conflicts

with the 400 dwelling threshold set out in Policy BSC4 and background evidence to the CLPP1 indicated that provision as part of developments smaller than 400 dwellings would usually not be financially viable. Officers are therefore not recommending that extra-care housing is sought as part of this development.

- 7.24 Consequently, and having regard to the above, officers are satisfied that the proposed development would provide an appropriate mix of housing to meet those in priority need as well as the needs of the market in accordance with the requirements of Policies BSC3, BSC4 and Bicester 13 of the CLPP1.

Residential Amenity

- 7.25 Policy ESD15 of the CLPP1 requires the amenity experienced at both existing and future development to be considered as part of planning proposals. Similarly, Saved Policy C30 of the CLP 1996 requires new housing to provide acceptable standards of amenity and privacy. These Development Plan policies have requirements consistent with the NPPF which sets out, as a core planning principle, the need to seek a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also states that *“planning decisions should aim to avoid noise from giving rise to significant adverse impact on quality of life and the need to mitigate/reduce other adverse impacts on health arising from noise”*.
- 7.26 The application is in outline and so the relationships between new houses on the site cannot be considered at this stage. Existing residential properties are however separated from the development by Gavray Drive as well as woodland along the roadside. The separation distance is significant and, as a result, the living conditions experienced at existing dwellings should not be adversely affected by the proposed development. A couple of third parties have raised some concerns that the new dwellings could be affected by noise and nuisance from the existing industrial premises along Granville Way which could in turn prejudice the businesses. However, due to the significant separation distance and intervening landscape features, which includes the railway line and its associated embankment, officers consider this concern to be without justification. In any event, the site is allocated for residential development and its principle has therefore been established. A third party has also raised a concern about children from the new homes crossing the railway footbridge and following the public footpath underneath the railway embankment and into an unsurveilled open amenity area adjacent to Bicester Distribution Park which contains open drains. Officers consider this risk to be insignificant and, indeed, low probability off-site risks can be identified with any development proposals. In any event, the site is allocated and so the principle of residential development is established and it is not within either the applicant's control to resolve these risks.
- 7.27 The site is in close proximity to the new east-west rail chord which links the two railway lines and wraps around the western and northern site boundaries. There is the potential for some train noise as well as vibration to be experienced at new dwellings close to the railway line. However, the new homes are illustratively shown to be located further away from the line than many existing dwellings in Langford Village and the Council's Environmental Protection officers have not raised particular concerns about the future living conditions. A condition is however recommended that requires submission of a noise assessment and associated mitigation measures as part of reserved matters applications so that all homes are, if necessary, attenuated to achieve the relevant World Health Organisation standard. Furthermore, there is scope for structural planting between the new dwellings and the railway line to help reduce noise penetration as well as the erection of acoustic and security fencing. Further details of these are recommended to be required through a condition if planning permission is granted which accords with Network

Rail's consultation response. It also needs to be recognised that the site is allocated and so the principle of erecting new homes in close proximity to the railway line has already been established.

- 7.28 Consequently, officers have no concerns in relation to the quality or living or the safety of occupants of the proposed new dwellings nor the impact of the development on existing occupiers of neighbouring buildings/land. As such the proposals are considered to accord with the abovementioned Development Plan policies as well as relevant national policy set out in the NPPF.

Ecology

- 7.29 Policy Bicester 13 requires development on the site to secure a net biodiversity gain, avoid adversely affecting the Conservation Target Area and protect the Local Wildlife Site. The policy also requires the detailed consideration of ecological impacts together with the preparation and implementation of an Ecological Management Plan to ensure the long-term conservation of habitats and species within the site. Policy Bicester 13 also states that development proposals should retain and enhance significant landscape features which are of ecological value.
- 7.30 Policy ESD10 is also of relevance and, inter alia, seeks a net gain in biodiversity and the protection of trees together with avoidance/mitigation of harm caused to wildlife. Policy ESD10 also states that development resulting in damage to or loss of a site of local biodiversity importance will not be permitted unless the benefits of the development clearly outweigh the harm it would cause and that such harm could be mitigated. Policy ESD11 is also material and resists development in a CTA where it would prevent the objectives of that CTA being achieved.
- 7.31 These Development Plan policies are consistent with national planning policy in the NPPF which characterises sustainable development as including a move from net loss of biodiversity to achieving net gains and encourages opportunities to incorporate biodiversity in and around developments. The NPPF also emphasises the need to promote the preservation, restoration and recovery of priority habitats and species as well as the need to avoid harm to biodiversity as part of developments or, where unavoidable, adequately mitigate that harm. The Council also has a statutory duty under s40 of the Natural Environment and Rural Communities Act 2006 (NERC Act 2006) to have due regard to the purposes of conserving biodiversity as part of exercising its functions which includes determining planning applications.
- 7.32 The existing site comprises predominantly arable land with a woodland belt along its southern boundary, the tree-lined Langford Brook to its east and a hedgerow that projects into the site along the route of the public footpath. With the exception of the proposed removal of the section of hedgerow along the footpath, the remainder of the land to be developed is arable and so of very little value as ecological habitat and which should be outweighed by new habitat created in the form of residential gardens and public amenity areas. The loss of the hedgerow is regrettable but inevitable as part of creating a suitable form and layout of development on the site and in any event the surveys submitted as part of the application demonstrate that its ecological value is comparatively low. As it contains Elm, this hedgerow does however have the potential to support white-letter hairstreak butterfly and there was some limited evidence of this as part of the species surveys undertaken in support of the planning application. This species is listed nationally as one of principal importance (i.e. priority species) and regard must be had to impacts on it. However, there is significant scope for new hedgerow planting as part of the development including along the western and northern boundary which could include Dutch-elm disease resistant species of Elm and should provide greater amounts of such habitat

than exist at present. Officers are therefore satisfied that as part of detailed landscaping proposals at reserved matters stage, the potential impact on this species could be adequately mitigated.

- 7.33 The ecological appraisal accompanying the application also identifies the other protected or priority species that might be affected by the proposed development, both during construction and post-completion. Dealing with these in turn, there were limited records of bats foraging within the woodland along the southern boundary and these could be disturbed temporarily due to increase levels of artificial lighting and noise during construction. However, the retention and enhancement of the woodland together with new planting and a suitable lighting scheme as part of reserved matters details should ensure that in the long term the effect on bats is negligible. Similarly, a single Harvest mouse nest has been found in rough grassland at the southeast corner of the site which could be affected by the proposed development though conditions are recommended that require the works to take place outside the breeding season in late winter to early spring and the existing small area of rough grassland can be retained. The application also provides the opportunity for significant informal public open space including opportunity for areas of grassland along Langford Brook and so includes the potential for a minor increase in habitat for Harvest mice. There is however the potential for increased predation by cats but overall the effect on the Harvest mouse is considered to be negligible. As with any development of arable land, the proposals have the potential to reduce the habitat available to a number of species of farmland birds, some of which are listed as priority species, including skylark and lapwing. Construction activity would also disturb foraging and/or nesting. However, the amount of farmland lost to development in this case would be very limited in the context of the amount of remaining local farmland (both individually and cumulatively with other committed development schemes) and so the permanent adverse impact would be very minor. Temporary harm to farmland birds could be partly mitigated during construction through the use of sensitive working hours, lighting and construction methods which could be secured through the use of recommended conditions.
- 7.34 The part of the site to the west of the public footpath has also recently been used as the works compound associated with the construction of the east-west rail chord. These works have resulted in the loss of a section of the hedgerow along the public footpath as well as the entirety of the previous hedgerow adjacent to the railway line as well as a short section of the woodland belt along Gavray Drive. Together these works have resulted in loss of habitat on the site and whilst Network Rail have provided some new planting as part of conditions attached to their consent, the application proposals provide the opportunity to further restore some of the site's previous ecological value. As part of efforts to objectively assess the potential ecological impacts of the development, the applicant has submitted a Biodiversity Impact Assessment (BIA). This utilises a DEFRA-based metric to quantitatively value the overall net gain/loss of habitat on a site which in turn indicates the corresponding impact on biodiversity. Whilst a slightly crude tool as there is little room for qualitative assessment or indeed the recording of all habitat gains and losses, it is a useful instrument as part of the wider process of considering biodiversity implications of a development proposal. The Council's ecologist has reviewed the submitted BIA for the proposed development and is satisfied that it provides a realistic and robust appraisal of the long term impacts of the proposed development and demonstrates opportunity for modest net gains for biodiversity through further hedgerow management and planting, new water features (SuDS basins), replacement of arable crop with areas of residential gardens and the provision of new wildflower grassland meadow within the informal amenity space adjacent to Langford Brook which would contribute towards the habitat targets for

the River Ray CTA. Once completed all such new and retained habitat within the public realm would need to be transferred to the Council via terms within a s106 agreement for future management (which the applicant has agreed to in principle) and this would secure its wildlife value in the long term. Moreover, as a public authority, all of the Council's functions are subject to the statutory duty to give due consideration to the conservation of biodiversity (NERC Act 2006) which gives additional future security to the habitat on the site once transferred to the Council. Officers recommend that if approved, a condition be imposed that requires the submission, approval and implementation of a Landscape and Ecology Management Plan (LEMP) that will set out the means by which retained and new landscaping on the site will be managed thereafter in the interests of ensuring continued biodiversity gain.

- 7.35 With the proposed development demonstrating opportunity for material gains for biodiversity both generally and within the River Ray CTA, officers are satisfied that the application is making the necessary contribution towards the ecological enhancement objectives contained within Policy Bicester 13 and does not lead to any further pressure on the remainder of the allocated site to rectify any deficiencies in this respect which might in turn prejudice the value of the LWS or CTA. Furthermore, the applicant's ecological appraisal and Environment Statement have concluded that, subject to conditions controlling construction measures, there would be no adverse impacts on the Langford Brook watercourse and so no downstream effects on wildlife or other wildlife sites. The Council's ecologists have raised no concerns in relation to these conclusions and so officers have no reason to disagree.
- 7.36 Policy Bicester 13 requires the preparation and implementation of an Ecological Management Plan to ensure the long-term conservation of habitats and species within the site. The policy also states that access to the LWS should be appropriately managed to protect ecological value. Policy Bicester 13 relates to the whole of the allocated Bicester 13 site and there are elements of its requirements that are not necessarily relevant, necessary or proportionate to proposals on only part of the site. As previously mentioned in this report, officers are satisfied that proposals on part of a site can be acceptable on this basis provided they do not fetter the ability to achieve the objectives of the allocation policy overall.
- 7.37 The Council has received a number of representations raising concern about the potential adverse impact of the proposed development on the LWS to the east of Langford Brook and the failure of the applicant to offer an ecological management plan for the LWS (which is within their control) to mitigate this impact. The concerns raised relate to the indirect effect of an additional population living in close proximity to the LWS and using it for recreation purposes which can lead to further dog walking, cat predation, littering and disturbance to wildlife.
- 7.38 Officers recognise the requirements of Policy Bicester 13 but are also cognisant that interventions through planning decisions need to be necessary, reasonable and proportionate to a development and its impacts. The application proposes up to 180 dwellings which would, once completed, be expected to support a population of about 400-450 residents. The development proposes children's play areas and an area of public open space alongside Langford Brook. There are also formal sports facilities to the south of Gavray Drive within Langford Village. As such, there are recreation facilities available to the new residents that would prevent undue pressure to utilise the LWS. Furthermore, there are also public footpath links out to the wider countryside beyond Charbridge Lane. Moreover, the proposed additional population represents only a minor increase in the context of the thousands of existing residents surrounding the LWS including within Langford Village. Any

increase in recreational use of the LWS is therefore unlikely to be material and therefore it is difficult to conclude at this stage that it would be proportionate or necessary to impose financially significant as well as burdensome requirements relating to future management of the LWS. Members should also note that the LWS is separated from the application site by Langford Brook which presents a natural barrier and so access to it is not immediately available. This reduces the prospect of its regular access as well as potential for predation within the LWS by domestic cats resulting from the new homes.

- 7.39 Members should also bear in mind that the LWS is wholly on private land and there is no public right of access to it. Those that currently access it are therefore trespassing though the landowner has taken a relaxed approach and not sought to actively prevent public access though does not encourage it. It is therefore difficult to have regard to the potential for future residents to act unlawfully by accessing neighbouring private land without permission. Nevertheless, even if trespassing onto the LWS was to take place, for the above reasons officers are not convinced that it would be to such a level that it would be materially significant in the context of existing levels of trespass to justify a requirement for a fully funded ecological management plan. The applicant is however fully aware (and has acknowledged) that as part of development proposals on land to the east of Langford Brook there is likely to be a significant net adverse impact on wildlife without proposing (and securing) a comprehensive strategy for long term management and enhancement of the LWS and the remaining parts of the CTA. Officers agree that it is only at this stage that a comprehensive ecological management plan could reasonably be requested and secured. Notwithstanding this, if Members are still concerned about the potential for indirect adverse impact on the LWS resulting from the proposed development increasing the risk of unauthorised recreational use then a condition could be imposed that requires the approval and implementation of measures to prevent public access to the LWS (as this is within the applicant's control).
- 7.40 The construction stage of the proposed development has the potential to give rise to harm to wildlife and, as with many major development proposals, this can be appropriately controlled and minimised through the use of conditions. This includes a requirement for the approval and implementation of an Ecological Construction Method Statement (ECMS) that would need to include measures to protect retained landscape features, minimise any risk of construction disturbance to wildlife as well as reduce risk of contamination of the brook. Moreover, officers recommend that a condition be imposed that prevents removal of hedgerows during the bird breeding season as well as a condition that requires a further site survey by an ecologist to take place less than three months before commencing development to determine whether there has been any changes to circumstances with respect to statutorily protected species.
- 7.41 Consequently, and subject to the imposition of the abovementioned conditions, officers are satisfied that the proposals would adequately protect and enhance biodiversity on the site as well as adequately mitigate any limited harm to protected and priority species in accordance with the requirements of Policies Bicester 13, ESD10 and ESD11 of the CLPP1 as well as national policy contained in the NPPF. Furthermore, there is no evidence that the proposals would give rise to direct or indirect material harm to the adjacent Gavray Drive Meadows LWS or the wider River Ray CTA and so there is no reasonable justification for an ecological management plan for the wider Bicester 13 site to be secured as part of these application proposals. There is no reason therefore to conclude that there is anything within the application proposals that is contrary to the overall biodiversity enhancement objectives set out in Policy Bicester 13.

Flood Risk and Drainage

- 7.42 Policy Bicester 13 requires consideration to be given to flood risk from Langford Brook and the incorporation of a sustainable drainage system (SuDS). Policies ESD6 and ESD7 resist development where it would be unduly vulnerable to flooding as well as proposals that would increase the risk of flooding either locally or elsewhere. Policies ESD6 and ESD7 closely reflect national planning policy and guidance set out in the NPPF and PPG.
- 7.43 The eastern third of the application site lies within a combination of Flood Zones 2 and 3 as defined in the Council's Strategic Flood Risk Assessment (SFRA) and the Environment Agency's flood mapping. Sites allocated within a Development Plan that have been subject to the Sequential Test through the preparation, examination and adoption of a Local Plan do not need to be the subject of a further sequential test as part of determining a planning application. This is confirmed within the Government's PPG. Consequently, the principle of constructing new homes in Flood Zone 2 does not need to be considered further as Policy Bicester 13 endorses this. However, Policy Bicester 13 states that all housing must be located outside Flood Zone 3 yet some of the new housing is indicated to be provided in this flood zone given that the southeast corner of the site is modelled to be more likely to experience flooding. In order to obtain a sensible building line and eastern development edge, the applicant proposes that level-for-level flood compensation works are undertaken which slightly raise part of the southeastern corner of the site and lower land at the northeastern corner with the result that the flood zones are altered to remove all new housing from what would be Flood Zone 3. The Environment Agency has confirmed that they are satisfied with the works proposed and have no objection to the proposals subject to the development being carried out in the manner specified in the application's Flood Risk Assessment.
- 7.44 Notwithstanding the above, housing is technically proposed in the existing Flood Zone 3 and Bicester 13 was not subject to a Sequential Test as part of the preparation of the CLPP1 to accommodate development in such a flood zone. The aim of the Sequential Test is, as defined in the NPPF, to steer new development to areas with the lowest probability of flooding. However, having regard to the lack of available land within Flood Zones 1 and 2 on the application site to reasonably accommodate further development, the desire to avoid increasing levels of development on the part of the allocated site to the east of Langford Brook, the lack of obvious more suitable alternative residential development sites in or around Bicester as well as the appropriate nature of the flood compensation scheme proposed, officers are satisfied that there is no objection to development taking place in Flood Zone 3 and that the Sequential Test is passed in this case.
- 7.45 As set out above, whilst all new housing would ultimately end up within Flood Zone 2 as a result of flood compensation works, the proposals would see some new housing within the existing extent of Flood Zone 3 and the starting point is to avoid such development. With the sequential test considered to be passed, the NPPF and Policy ESD6 now require the application of the Exception Test. Such a test is necessary where new housing is proposed within Flood Zone 3 and is only passed where two criteria are met: (a) the wider sustainability benefits of the development outweigh flood risk; and, (b) a Flood Risk Assessment demonstrates that the development will be safe for its lifetime and not increase flood risk elsewhere.
- 7.46 With respect to criteria (a), officers are satisfied that the substantial need for new housing in a sustainable location on a site otherwise suitable for development provides significant wider sustainability benefits having regard to the Development Plan and national planning policy which would outweigh any limited impact of carrying out ground works to modify flood risk. With respect to criteria (b), the

Environment Agency has advised that the flood compensation works would result in all new housing within Flood Zone 2 and which are suitably safe and has not raised any concerns that the works would lead to increased risk of flooding elsewhere. Officers are therefore satisfied that the Exception Test is passed and that subject to conditions requiring the recommendations of the Flood Risk Assessment to be carried out and imposing a restriction on new housing in the existing extent of Flood Zone 3, the proposals are considered to accord with the relevant requirements of the NPPF, Policy ESD6 of the CLPP1 and the spirit of Policy Bicester 13.

- 7.47 Both Policies Bicester 13 and ESD7 of the CLPP1 require new development to incorporate SuDS to ensure that there is no increase in risk of surface water discharge from the site which could cause flash flooding in a storm. The Flood Risk Assessment includes an overarching surface water drainage strategy for the development which the drainage engineers at OCC (the Lead Local Flood Authority) consider to be appropriate and which includes a system of balancing ponds and swales to store, treat and disperse storm water before controlled discharge to the brook so that there is no increase in the rate of surface water run-off in comparison to pre-development levels. Full details of the surface water drainage scheme are recommended to be secured by condition and officers are satisfied that the details of such a scheme can accord with the requirements of Policies Bicester 13 and ESD7 of the CLPP1 as well as national planning policy which seeks sustainable drainage systems as part of major development.

Infrastructure

- 7.48 Policy Bicester 13 requires new development on the site to provide on-site infrastructure as well as provide financial contributions towards off-site infrastructure in order to deliver a suitable quality of new development and to mitigate the impact of development on public and community infrastructure. Policy INF1 has similar requirements though is not site specific.
- 7.49 Turning first to on-site infrastructure, this primarily relates to public amenity space and recreation facilities. New housing developments of the size proposed exceed thresholds in Policy BSC11 for a variety of children's play areas including for a Local Area of Play (LAP), Local Equipped Area of Play (LEAP) and a Neighbourhood Equipped Area of Play (NEAP). Given the limited size of the site, the walking distances from the new houses to centrally located play areas would not be significant and so officers are of the view that a single combined LAP/LEAP facility would be satisfactory and its provision should be secured through a planning obligation. A NEAP requires a greater area of land (8500sq m) and its provision on the site would either materially reduce the amount of land available for housing or put pressure on the CTA to accommodate more built development. In this case and given the site constraints, officers are satisfied that provision of funding towards an off-site facility would be more appropriate and so are recommending that a financial contribution is secured towards this through a planning obligation. Policy BSC11 also requires general green space to be provided to serve new dwellings and about 1.2ha would be expected to be provided as part of this development. Officers are satisfied that the area of public amenity space adjacent to Langford Brook constitutes suitable provision in this respect in that it is of an appropriate size and is pleasant, overlooked and easily accessible. A planning obligation is necessary to secure its provision together with other areas of public green space and their long term maintenance through transfer to the Council.
- 7.50 Policy Bicester 13 recognises that the site is constrained and so includes requirements for contributions towards off-site outdoor sports facilities rather than on-site provision. To this end officers recommend securing financial contributions of approximately £179,000 towards new outdoor sports facilities in the local area

through a planning obligation. Similarly, officers also recommended that a financial contribution (approximately £130,000) is secured towards enhancing local indoor sports provision through a planning obligation to mitigate the impact of additional demand arising from the proposed development.

- 7.51 Developments of 275 dwellings or more are also required, through Policy BSC11, to provide allotments on site. Whilst the proposed development is less than 280 dwellings, cumulatively with development across the whole of the allocated site the policy threshold would be exceeded. As a result, officers recommend that the application proposals make a proportionate contribution. Rather than providing the necessary 0.2ha of allotments on the application site, which would be difficult to manage as such a small facility and which could prejudice the ability to achieve suitable efficiency of housing development on the site, officers recommend that a financial contribution is sought through a planning obligation for provision of further allotments off-site as part of wider new allotment provision at southwest Bicester. Policy Bicester 9 also requires new residential developments to make a contribution towards establishing new cemetery provision in the town and officers recommend that such a contribution is sought through a planning obligation.
- 7.52 New residents as part of the proposed development would also place additional demand on the local community hall within Langford Village. Officers recommend that a financial contribution is secured towards improvements to this existing community hall to mitigate the impact of additional use. Further funds are also sought towards community integration packs for each household.
- 7.52 With respect to education, OCC has identified the need for additional capacity at primary, secondary and special education schools to accommodate new pupils arising from the proposed development. This includes a need to expand Longfields Primary School, provide a new secondary school in Bicester as well as improvements at Bardwell School. The application is in outline with the mix of housing unknown at this stage but OCC is seeking a contribution based on a matrix that corresponds to the final housing numbers/sizes approved as part of reserved matters applications. Officers agree that financial contributions are required to be secured as part of planning obligations to mitigate the impact on local education provision.
- 7.53 Having regard to the above, subject to securing the necessary on and off-site infrastructure through planning obligations, officers are satisfied that the proposed development would provide a satisfactory residential environment for new residents as well as adequately mitigate its impact on public infrastructure in accordance with the requirements of Policies Bicester 13, BSC11 and INF1 of the CLPP1.

Historic Environment

- 7.54 The NPPF places great importance on the preservation and enhancement of heritage assets, dependent on significance, as part of achieving sustainable development. The NPPF further adds that harm to heritage assets should be avoided unless outweighed by public benefits.
- 7.55 The application site is not in close proximity to any designated heritage assets with the Bicester Conservation Area and nearest listed buildings being some distance away. Similarly there are no scheduled monuments on the site or in the immediate surrounding area. There are also no non-designated heritage assets or locally listed buildings close to the site. As a result, the proposals would not have any effect on above-ground heritage assets and so there is no conflict with local or national planning policy in this respect.

- 7.56 Policy Bicester 13 requires an archaeological field evaluation to be undertaken to assess the impact of the development on archaeological features. An archaeological evaluation has been undertaken which recorded a number of archaeological features including possible Iron Age pits and a number of gullies. The evaluation only investigated part of the application site though OCC's archaeologist is satisfied that this is sufficient at this stage to determine likely archaeological interest. Further archaeological features may survive on the site however and a programme of archaeological investigation would therefore be required ahead of any development on the site. Officers are therefore recommending that, in the event planning permission is granted, that conditions should be imposed that require the approval and implementation of a staged programme of archaeological investigation that would be maintained during the period of construction. Subject to such conditions, officers are satisfied that the proposals would adequately preserve and record any buried heritage assets on the site in accordance with best practice and guidance set out in the NPPF.

Trees/Landscaping

- 7.57 As stated previously in this report, Policy Bicester 13 requires the retention and enhancement of significant landscape features. This reflects some of the requirements of Policy ESD10 which promotes the protection of trees as part of development proposals. The Council also has a statutory duty to ensure that in granting planning permission that adequate provision is made for the preservation or planting of trees. Landscaping is a matter reserved for later approval and so detailed landscape protection and planting schemes have not been proposed at this stage. However, the illustrative plans indicate the retention of all existing trees and hedgerows with the exception of the hedgerow that follows the public footpath through the site. Officers have already commented on the acceptability of removing this hedgerow which could be mitigated through new planting around the site edges and which would be expected to be detailed as part of reserved matters submissions. The existing woodland belt along the southern boundary is proposed to be retained and there is the potential for enhancement to replace some of the trees and hedgerows lost as part of the recent Network Rail works which have left a barren northern and western boundary to the site. Reserved matters applications would be expected to detail this new landscaping as well as demonstrate suitable protection measures with respect to retained trees. Reserved matters submissions would also be expected to detail the wildflower planting and grassland along Langford Brook to ensure that it provides suitable ecological habitat.
- 7.58 Consequently, officers are satisfied that a suitable detailed scheme is able to be proposed as part of reserved matters applications that would retain existing landscape features of importance whilst providing opportunity for mitigatory and further planting that would contribute towards biodiversity enhancement objectives and deliver an appropriate quality of development that is in keeping with its context. In this regard officers are therefore of the view that the proposals accord with the requirements of relevant policies of the Development Plan including Bicester 13 and ESD10.

Energy Efficiency/Sustainability

- 7.59 Policy ESD3 of the CLPP1, inter alia, requires new residential development to achieve zero carbon. This part of the policy is however no longer consistent with national planning policy and so can be afforded limited weight. Policy ESD3 does however require new dwellings to achieve a water efficiency limit of 110 litres/person/day – this requirement of the policy is still up-to-date and so a condition is recommended that requires new homes to accord with this limit.

- 7.60 Policies ESD4 and ESD5 are also material and the applicant has submitted an Energy Statement to demonstrate the potential feasibility of incorporating significant on-site renewable energy provision as well as the use of District Heating (DH) or Combined Heat and Power (CHP). Officers are satisfied that there is not a suitable local DH system to draw heat from. CHP is also not considered to be feasible given the lack of a consistent significant heating and water demand from the new homes. CHP systems can only operate efficiently where year round heating demand can utilise the available waste heat from co-generation to improve efficiency – this is not the case as part of the development. Officers have therefore found that the proposals have adequately demonstrated that DH and CHP systems are neither feasible nor viable in accordance with the requirements of Policy ESD4 of the CLPP1.
- 7.61 In accordance with Policy ESD2, the applicant proposes a fabric first approach to energy efficiency with details that would be provided as part of the detailed reserved matters submissions. The applicant does however commit to incorporating solar PV, solar thermal and waste water heat recovery as part of meeting the requirements of Policy ESD5. Officers are satisfied that such commitments meet the need to incorporate significant on-site renewable energy provision and a condition is recommended that requires further details to be submitted as part of reserved matters applications.
- 7.62 Consequently, and having regard to the above, officers have found that the proposals have the opportunity to be sustainably constructed in accordance with the requirements of Policies Bicester 13 and ESD1-5 of the CLPP1 and that further assessments would be required as part of later reserved matters submissions to ensure the relevant standards continue to be met.

Land Contamination

- 7.63 Policy ENV12 of the CLP 1996 resists development that would take place on land that is potentially contaminated unless it is adequately remediated such that there is not a risk to human health or water resources. These policy requirements are consistent with national planning policy in the NPPF. There is no evidence that the site is contaminated such that it would be unsafe for occupation. Nevertheless, as a precautionary measure officers recommend the imposition of conditions that require a phased contamination risk assessment to be undertaken to determine the potential for contamination and any potentially necessary remedial works. Subject to these conditions, officers have no objection to the proposals in this respect.

Local Finance Considerations

- 7.64 The proposed development has the potential to attract New Homes Bonus of £956,196 over 4 years under current arrangements for the Council. Local finance considerations such as this can be material in the determination of planning applications. However, Government guidance set out in the PPG is clear that whether a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. Government guidance goes on to state that *'it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.'*
- 7.65 In the case of the proposed development, it is not clear how the New Homes Bonus payment would make the development acceptable in planning terms. As a result it should not be afforded material weight in the determination of this application. In any event, officers do not think it appropriate that the harmful impacts of a development should be balanced against financial gain for the Council and to do so would jeopardise public confidence in the planning system.

Planning Obligation(s)

- 7.66 Where on and off site infrastructure needs to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). Each obligation must be:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development;
 - c) fairly and reasonably related in scale and kind to the development.
- 7.67 Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. To do so would potentially render any decision unlawful. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. The statutory tests also ensure that planning permissions cannot lawfully be 'bought' by developers offering unrelated, disproportionate but nonetheless attractive contributions to try to achieve a planning permission that would otherwise not be granted. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them.
- 7.68 In order for the proposed development to be acceptable having regard to local and national planning policy requirements, officers recommend that the following items need to be secured via planning obligations within a legal agreement (with both Cherwell District Council and Oxfordshire County Council) in order to mitigate the impact of the proposed development:

Cherwell District Council:

- Provision of 30% affordable housing (70% affordable rent, 30% social rent);
- Provision of a combined LAP/LEAP on the site together with transfer to the Council and commuted sum to cover long term maintenance;
- Financial contribution in lieu of on-site provision of a NEAP;
- Financial contribution towards off-site improvements to indoor and outdoor sports facilities;
- Financial contribution in lieu of on-site provision of allotments (0.12ha);
- Financial contribution towards additional cemetery provision in Bicester;
- Financial contribution towards expansion of Langford Village Community Hall;
- Provision, maintenance and transfer to the Council of on-site public realm features including open space, trees, hedgerows, SuDS features etc;

Oxfordshire County Council:

- Financial contribution of £1000/dwelling towards improving local bus services;
- Financial contribution towards a strategy to increase capacity on the A4421 between Buckingham Road and Gavray Drive;
- £18,000 towards new bus stop infrastructure on Wretchwick Way;
- £1,240 towards monitoring the travel plan;
- £20,000 towards safety improvements at junction between Peregrine Way and Wretchwick Way;
- Financial contributions towards expansion of Longfields Primary School, provision of a new secondary school in Bicester and improvements at Bardwell School;
- A requirement to enter into a highway agreement under s278 of the Highways Act 1980 prior to commencement of the development to provide:
 - works on Gavray Drive including vehicular, pedestrian and cycle access, safe crossing points and a raised crossing across Mallards Way;
 - signalised crossing of Wretchwick Way including hardstanding for bus stops.

Other Matters

- 7.69 Network Rail has raised a number of matters in relation to the proposal that seek to ensure safety of the railway. Much of this relates to construction measures and the need to avoid oversailing of the railway and avoidance of undue levels of vibration. Officers propose that details of such measures are required to be contained within a construction management plan that is recommended to be secured by condition. It is unclear at this stage whether an acoustic fence would be necessary or simply a security fence to reduce risk of trespass onto the railway line and further details are recommended to be required through a condition. Where new fences are necessary, details of long term maintenance will need to be provided. Network Rail would be consulted as part of considering any details submitted in requirement of these conditions.
- 7.70 Network Rail has raised some queries regarding future soft landscaping treatment along the boundary with the east-west rail chord and expressed a preference for evergreen vegetation to avoid risk of leaves falling onto the tracks. It is not clear to what extent these comments are generic to development proposals or perhaps unduly precautionary. Officers would expect Network Rail to be consulted on the landscape proposals that are submitted as part of reserved matters applications to ensure that it has the opportunity to provide input into consideration of the detailed scheme.
- 7.71 The comments from Network Rail are noted and in officers' view can be responded to appropriately through the use of conditions. As a result there is no reason to conclude that the proposed development would be inherently unsafe either for future residents or users of the railway or indeed be generally incompatible with its surroundings.
- 7.72 Bicester Town Council has raised some concern about the capacity of existing sewerage infrastructure to accommodate the development. These concerns would be overcome through the imposition of the condition recommended by Thames Water which would prevent development taking place until any necessary improvements to infrastructure have been identified and undertaken.
- 7.73 Some third parties have raised concerns about the implications of the proposals on the Council's aspirations to designate a Local Green Space on part of the allocated land to the east of Langford Brook. Even if this remains an aspiration through Local Plan Part 2, and it is not clear to officers how this would be consistent with Local Plan Part 1, it has absolutely no weight in the consideration of this application as it is not part of an emerging or adopted development plan document and so is not a material planning consideration.

8. PLANNING BALANCE AND CONCLUSION

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the Development Plan unless material considerations indicate otherwise. Government guidance within the NPPF supports the plan-led system and advises that applications that accord with an up-to-date plan should be approved without delay. For the reasons set out in the report, officers have found that the proposals are consistent with the policies of the Development Plan including, in particular, Policy Bicester 13. As such, the starting point is to approve the application.
- 8.2 It is then necessary to consider whether any material planning considerations indicate otherwise. National planning policy and guidance is one such consideration and includes a presumption in favour of sustainable development. The Council can

demonstrate 5+ years of housing supply within the District and the policies of the CLPP1 were examined and found sound (subject to incorporation of modifications) against the provisions of the NPPF. As such, there is no reason to conclude that its policies are anything other than sustainable, up-to-date and consistent with the NPPF. As a result, the NPPF does not indicate a reason to depart from the decision that would otherwise be reached against the provisions of the Development Plan. Officers are unaware of any other material consideration of significant weight, including matters raised in response to consultation/publicity, that would justify departing from the decision that would be taken against the Development Plan.

- 8.3 As a result, officers have concluded that the application should be approved and outline planning permission granted subject to conditions and the completion of a legal agreement. In coming to this conclusion officers have had regard to the Environmental Statement submitted alongside the planning application and are satisfied that the proposals would not have significant adverse environmental effects subject to the conditions and planning obligations recommended. This report should be considered to constitute the local planning authority's statement for the purposes of reg. 24(c) of the EIA Regulations 2011 (as amended) as to the main reasons and considerations on which a decision to grant planning permission would be based including a description of the measures to avoid, reduce or offset the major adverse effects of the development.

9. RECOMMENDATION

That Members resolve to grant outline planning permission subject to the conditions listed below and delegate the issuing of the decision notice to the Head of Development Management following satisfactory completion of a legal agreement to secure the items listed in paragraph 7.68.

Conditions

1. No development shall commence until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the hereby approved development 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, no application for approval shall be made later than the expiration of three years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

3. The development to which this permission relates shall be begun not later than the expiration of two years from the approval of all of the reserved matters or, in the case of approval on different dates, the approval of the last such matter 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 2015 (as amended).

4. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and drawings:

JJG050-015 Rev. A

14-033/009 Rev. B

and all applications for reserved matters approval shall be in general accordance with the principles set out in the submitted Parameters Plan (dwg no. 001 Rev. D).

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

5. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels of proposed buildings in relation to existing ground levels on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. No dwelling hereby approved shall be occupied until 3 bins for the purposes of recycling, residual and garden waste have been provided for that dwelling in accordance with the following specification:

- One 240 litre blue wheeled bin for the collection of dry recyclable material;
- One 240 litre green wheeled bin for the collection of residual waste;
- One 240 litre brown bin for the collection of garden waste material

Reason - To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policies INF1 and BSC 9 of the Cherwell Local Plan 2011 - 2031 Part 1.

7. Prior to the first occupation of any dwelling hereby approved, full details of the fire hydrants to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any dwelling, the fire hydrants shall be provided in accordance with the approved details and retained as such thereafter.

Reason - To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

8. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

9. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) Order 2015 (and any Order or Statutory Instrument

amending, revoking or re-enacting that order), all water supply, foul drainage, power, energy and communication infrastructure to serve the proposed development shall be provided underground and retained as such thereafter unless with the prior written approval of the local planning authority.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

11. Prior to the commencement of the development, impact studies on the existing water supply infrastructure, which shall determine the magnitude and timing of any new additional capacity required in the system and a suitable connection point, 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 the water supply infrastructure has sufficient capacity to accommodate the additional demand in accordance with Government guidance contained within the National Planning Policy Framework.

12. All applications for reserved matters approval shall be accompanied by a surface water drainage scheme for the site, based on the agreed JBA Consulting Flood Risk Assessment (FRA) and Drainage Assessment of reference 2013s7196, dated April 2015 and its accompanying appendices. The development shall subsequently be implemented in accordance with the surface water drainage scheme approved as part of the grant of reserved matters approval. The scheme shall include:

- Details of the stone blankets/storage basin as outlined in the FRA, including a network drainage plan of these details.
- Reduction in surface water run-off rates to 3.22 l/s/ha for the 6.7ha site.
- Detailed drawings of the flood compensation scheme.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of these in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1.

13. No development shall take place until a scheme for the provision and management of an eight metre wide buffer zone alongside the Langford Brook shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)

- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.

Reason - Development that encroaches on watercourses has a potentially severe impact on their ecological value. Insert site specific examples, e.g. artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. Land alongside watercourses, wetlands and ponds is particularly valuable for wildlife and it is essential this is protected.

14. The development shall be carried out in accordance with the recommendations and conclusions set out in the Flood Risk Assessment submitted as part of the planning application (produced by JBA Consulting and dated April 2015). No dwelling shall be constructed within that part of the site shown to be currently in Flood Zone 3 (as shown in submitted Flood Risk Assessment) except following the completion of the flood compensation scheme set out in the aforementioned Flood Risk Assessment to ensure the risk of flooding has been suitably reduced.

Reason – To ensure the development does not increase risk of flooding or result in new dwellings being unduly vulnerable to flooding in accordance with the requirements of Policy Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

15. All applications for reserved matters approval shall be accompanied by details of the renewable energy provision to be incorporated into the development. Thereafter the development shall be carried out in accordance with the details of renewable energy provision approved as part of the granting of reserved matters approval.

Reason – In the interests of delivering environmentally sustainable development in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

16. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, an Ecological Construction Method Statement (ECMS), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved ECMS.

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

17. Prior to the first occupation of any dwelling hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the retained and proposed landscaped areas on the site shall be managed in accordance with the approved LEMP.

Reason LR4 - To ensure the delivery of green infrastructure and biodiversity gain in accordance with Government guidance contained within the National Planning Policy Framework.

18. All applications for reserved matters approval shall be accompanied by a Biodiversity Statement setting out how the detailed reserved matters proposals would ensure adequate protection and enhancement of biodiversity on the site so that an overall net gain is achieved as part of the development.

Reason – To ensure that a detailed scheme continues to achieve the net gains for biodiversity that the planning application and its supporting documentation indicate is deliverable in accordance with the requirements of Policies ESD10 and Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012).

20. Following the approval of the Written Scheme of Investigation and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

21. Prior to the commencement of the development, full details of proposed alterations to the alignment, surfacing and treatment of Public Footpath 129/3/20 including the link to the rail footbridge to the north and a timetable for its delivery shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason – To ensure suitable permeability of the development in the interests of pedestrian amenity in accordance with the requirements of Policy Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

22. Prior to commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include measures relating to:

- Management and routing of construction traffic;
- Measures to reduce adverse impact on neighbouring amenity;
- Details of measures to reduce risk of harm to the safety and operability of the railway.

The development shall be carried out in accordance with the approved Construction Management Plan at all times.

Reason – To ensure that construction work adequately safeguards the amenity of nearby residents and to minimise adverse impacts from construction traffic on the local highway network.

23. Prior to first occupation of the development hereby approved, the name and contact details of the Travel Plan Co-ordinator should be submitted to the Local Planning Authority and prior to the occupation of the 90th dwelling a full Travel Plan, prepared in accordance

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

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

24. All applications for reserved matters approval shall be accompanied by a noise impact assessment to demonstrate that all habitable rooms within the proposed dwellings experience internal noise levels that do not exceed the criteria specified in Table 4 of the British Standard BS 8233:2014. Thereafter the approved dwellings shall be constructed in accordance with the details set out in the noise impact assessment approved as part of the grant of reserved matters approval so that the above noise standard is achieved.

Reason – In the interests of ensuring a suitable standard of internal and external living environment as part of all new dwellings in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

25. No vibro-compaction machinery or piling shall take place as part of the construction of the development unless the details of such machinery has been submitted to and approved in writing beforehand by the local planning authority in consultation with Network Rail.

Reason – In the interests of the safety of users of the adjacent railway line.

26. All applications for reserved matters approval shall be accompanied by details of the boundary treatment between the site and the adjacent railway line together with details of its long term maintenance arrangements. Thereafter the development shall be carried out in accordance with the details approved as part of the granting of reserved matters approval.

Reason – To ensure the appearance and safety of such a feature can be considered holistically as part of the wider urban design merits of the detailed scheme in accordance with the requirements of Policies ESD15 and Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

27. Prior to the commencement of the development, an earthworks management plan that sets out the approach to the storage and disposal of spoil created as a result of the construction of the development shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved plan.

Reason – In the interests of the visual appearance of the site in accordance with the requirements of Policy ESD15 and Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

28. Prior to the commencement of any part of the development within 10m of the existing public footpath, the footpath shall be protected and fenced to accommodate a width of a minimum of 5m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath shall remain fenced and available for use throughout the construction phase in accordance with the approved details.

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

29. Prior to, and within no more than three months of the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no statutorily protected species which could be harmed by the development have moved on to the site since the previous surveys in support of the planning application were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

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.

30. 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 beforehand that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

31. No development shall commence until details have been submitted and approved in writing by the local planning authority that demonstrate how all dwellings on the site will achieve an energy performance standard equivalent to at least Code Level 4 of the former Code for Sustainable Homes. No dwelling shall be occupied until it has been constructed to meet the energy performance standard in accordance with the approved details.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

32. No dwelling shall be occupied until the means of vehicular access to the development and associated highway works as shown in drawing no. 14-033/009 Rev. B have been fully laid out and made available for continued use.

Reason – To ensure that there is a suitable means of access to the development in accordance with the requirements of Policies SLE4 and Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

33. No dwelling shall be occupied until a scheme of public art for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the artwork, timetable for its provision as well as details of its long term maintenance. Thereafter the public art shall be provided and maintained in accordance with the approved scheme.

Reason – In the interests of creating a high quality residential environment in accordance with the requirements of Policy Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

34. No development shall commence until details of the pedestrian and cycle access links into the development from Gavray Drive as indicated in the Parameters Plan (dwg no. 001 Rev. D) together with associated works to the highway to enable connections with existing footpath/cycle links have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the pedestrian and cycle links have

been provided as approved.

Reason – To enable appropriate means of pedestrian connectivity between the development and the surrounding area in accordance with the requirements of Policies SLE4, ESD15 and Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

35. No dwelling shall be occupied until details of a raised crossing of Mallards Way have been submitted to and approved in writing by the local planning authority together with a timetable for its provision. The development shall thereafter only take place in accordance with the approved details.

Reason – To ensure suitable and safe means of pedestrian and cycle connectivity to and from the development in accordance with the requirements of Policies SLE4 and Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

36. No development shall commence until details of two new bus stops on Wretchwick Way together with associated hardstanding, infrastructure, signalised crossing and footway improvements have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the bus stops and associated means of access to them have been provided in accordance with the approved details.

Reason – In the interests of promoting and delivering sustainable modes of travel for the residents of the development in accordance with the requirements of Policies SLE4 and Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

37. The development shall include a minimum of:

- 45% of the total number of private/market dwellings as three bedroom dwellings;
- 25% of the total number of private/market dwellings as two bedroom dwellings.

All applications for reserved matters approval shall reflect these requirements.

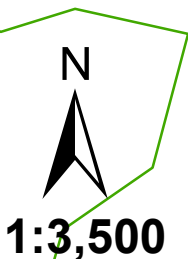
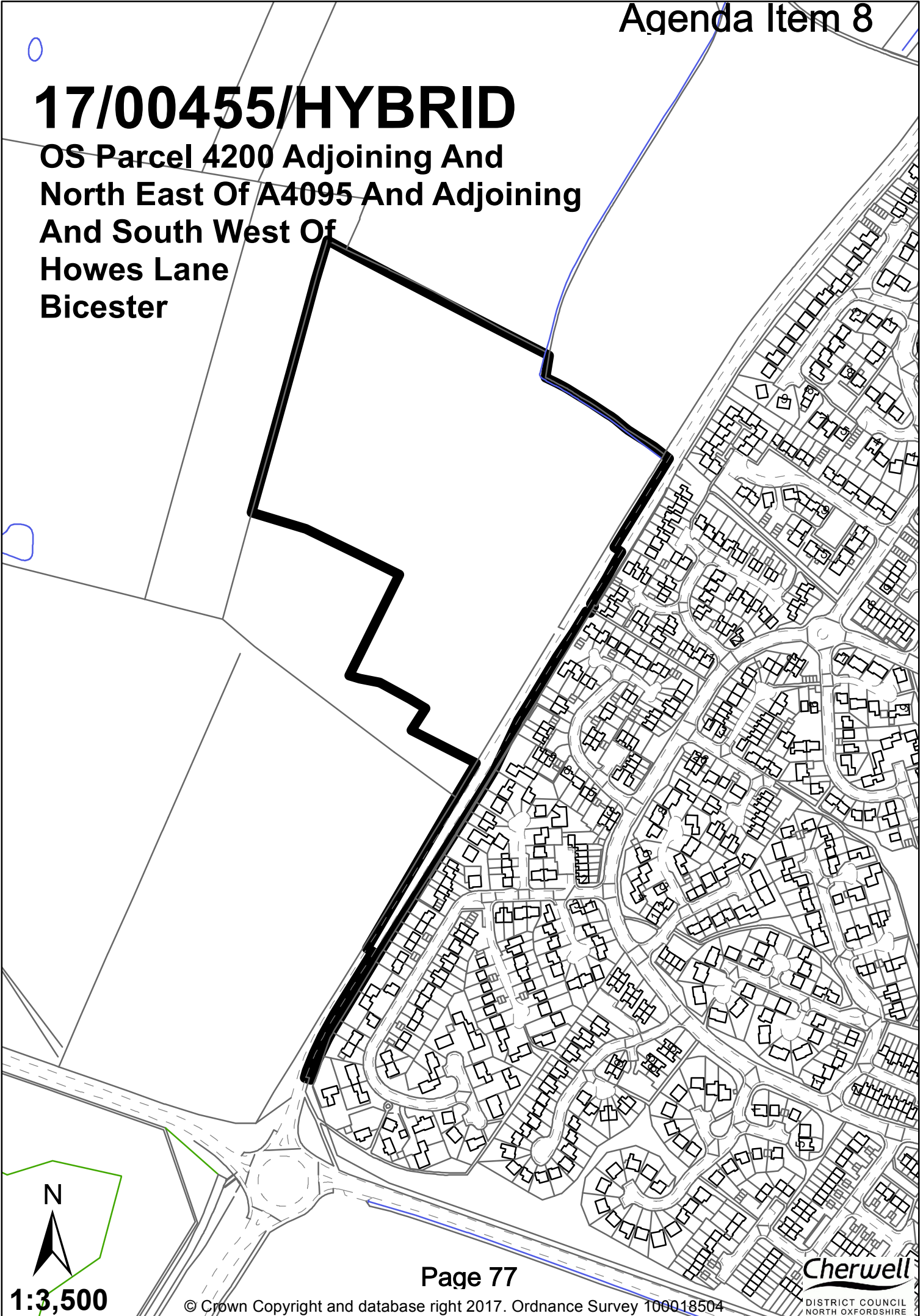
Reason – To ensure that the development responds to identified housing needs within the District in accordance with the requirements of Policy BSC4 of the Cherwell Local Plan 2011-2031 Part 1.

CASE OFFICER: Matthew Parry

TEL: 01295 221837

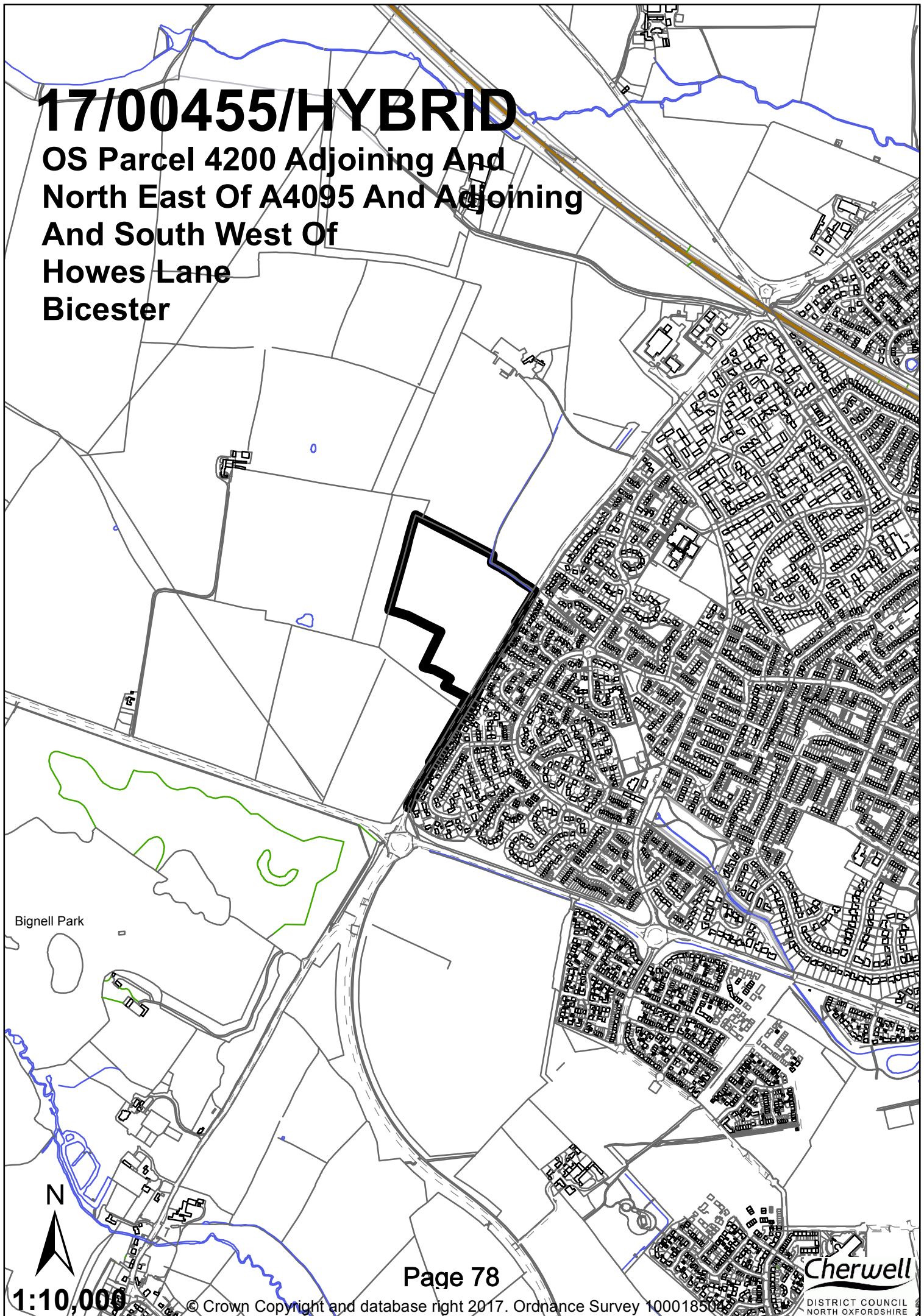
17/00455/HYBRID

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



17/00455/HYBRID

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



Bignell Park

Applicant:	Albion Land Two Limited		
Proposal:	Hybrid (part full and part outline) application for: (1) Full - construction of a temporary vehicular and pedestrian access (including footway along Howes Lane), permanent highway works (part of the proposed realigned Howes Lane) and pedestrian link to Howes Lane; (2) Outline - residential development, including landscaping, public open space, vehicular and pedestrian access.		
Ward:	Bicester North and Caversfield		
Councillors:	Cllr Nicholas Mawer Cllr Lynn Pratt Cllr Jason Slaymaker		
Reason for Referral:	Major application		
Expiry Date:	21 June 2017	Committee Date:	15 June 2017
Recommendation:	Approval; subject to the requirements at the end of this report		

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is situated to the North West side of Bicester and forms part of the allocated site Bicester 1 in the Cherwell Local Plan Part 1 (2011-2031). The majority of the site sits adjacent to the built edge of the western extent of the town but is separated from it by Howes Lane. The red line site area includes part of Howes Lane itself. The site sits approximately 170m along Howes Lane from the roundabout junction (the Middleton Stoney Road/ Howes Lane/ Vendee Drive junction).
- 1.2. The site extends to 6.90ha (including highway land) and the land is currently in agricultural use, predominantly as one field. The site is bound by field hedgerows and trees and a block of woodland to the North West extent of the site. Adjacent to the site, to the north and west is agricultural land, which forms part of the allocated site and which is included within current planning applications, which have been considered by the Planning Committee and benefit from a resolution for approval (full planning history is set out below). To the south lies an area of land subject to a current application for commercial development (17/01090/F), and beyond this lies Bignell Park, an ecologically important landscape. To the east lies the residential area of Bicester.
- 1.3. In terms of site constraints, the land has some potential to be contaminated, there are records of ecological interest nearby and there are trees protected by a Preservation Order in the vicinity.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks planning permission for development in the form outlined above. Full planning permission is sought for highway infrastructure, which includes part of the strategic link road (previously considered and has resolved to be approved under application 14/01968/F), a permanent footway to Howes Lane and for a temporary pedestrian and vehicular access from Howes Lane. An associated new footway/ cycleway along Howes Lane east is also proposed. Outline permission is sought for residential development of up to 150 dwellings on two parcels of land either side of the strategic link road with associated landscaping, public open space, vehicular and pedestrian accesses.
- 2.2. The application is accompanied by a set of parameter plans to establish land uses, residential building heights, vegetation, where vegetation will be retained and access and circulation. An illustrative layout is also provided to demonstrate how a future residential scheme could be accommodated with a design and access statement describing how the scheme has evolved as well as providing guidance on how the scheme could evolve in the future. The application is also accompanied by a suite of technical information including an Environmental Statement.

3. RELEVANT PLANNING HISTORY

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

The site itself:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
01/01689/CDC	Change of Use of agricultural land to Sports pitches	Application Permitted
12/01153/OUT	Outline - Erection of up to 70, 767 sqm of floor space to be for B1(b), B1(c), B2 and B8 use; access off the Middleton Stoney road (B4030); internal roads; parking and service areas; landscaping and the provision of sustainable urban drainage systems incorporating landscaped areas with balancing ponds	Application Withdrawn
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	Application Refused

landscaped areas with balancing ponds and swales. Associated utilities and infrastructure.

16/00114/SO	Screening opinion -Full planning permission for vehicular, cycle and pedestrian access (including temporary works) for the section of consented road link that pass through the site. Temporary access to the Development would be created via an interim link road (built to adoptable standards) from Howes Lane until the remainder of the consented road scheme is completed. Outline permission for residential development providing for up to 150 dwellings	Screening Opinion requesting EIA
17/01090/OUT	Development of B1, B2 and B8 (Use Classes) employment buildings, including landscaping; parking and service areas; balancing ponds and swales; and associated utilities and infrastructure. Construction of a new access off Middleton Stoney Road (B4030); temporary access off Howes Lane; internal roads, footways and cycleways	Pending Consideration

3.2. An appeal is currently pending pursuant to 14/01675/OUT.

3.3. Following the issue of 16/00114/SO, the applicant sought a Secretary of State Screening Direction on the basis that they disagreed that the scheme was EIA development. The Secretary of State directed, on the 03 March 2017, that the proposed development is EIA development and that any application for planning permission must be accompanied by an Environmental Statement. In summary, the reason for this is that the proposal forms an important part of the wider NW Bicester Eco Town and there are likely to be a number of cumulative effects that must be considered.

3.4. Application 17/01090/OUT will be reported to Planning Committee on the 06 July 2017.

3.5. Across the rest of the site allocated by Policy Bicester 1, the following applications are considered relevant:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
10/01780/HYBRID	Development of Exemplar phase of NW Bicester Eco Town to secure full planning permission for 393 residential units and an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a	Application Permitted

community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1)), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined.

14/01384/OUT	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 (reference 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	Pending Decision – resolution for approval 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	Pending Decision – resolution for approval 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	Pending Decision – resolution for approval made at Planning Committee in

	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 associated infrastructure.	February 2016
14/02121/OUT	OUTLINE - Development to provide up to 1,700 residential dwellings (Class C3), a retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1, 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)	Pending Decision – resolution for approval made at Planning Committee in March 2016

4. PRE-APPLICATION DISCUSSIONS

- 4.1. Following the refusal of application 14/01675/OUT, informal discussions have been undertaken between Officers and the applicant both in relation to the appeal and the residential aspects of the refused scheme.

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. The final date for comments was 06.04.2017, although comments received after this date and before finalising this report have also been taken into account.

- 5.2. 21 representations have been received and the comments are summarised as follows:

- Opposed due to the suggested temporary access from Howes Lane.
- The realignment of Howes Lane should be completed before any construction commences.
- Construction of the road should also happen before other development so that the route of the realignment is not influenced or restricted by previously approved planning applications.
- Howes Lane is not fit for purpose and is beyond the roads capacity given the stream of heavy traffic and vehicles manoeuvring under the railway bridge.
- Vehicles travel above the speed limit.

- The noise and pollution from traffic currently affects living conditions and the negative effects will increase if development is approved with a temporary access.
- The noise and pollution must conflict with Bicester's Eco friendly claims
- How can Howes Lane in its current form cope with more traffic?
- Why is it necessary to have a temporary access from Howes Lane when plans for the realignment of Howes Lane are already in place. This development should wait for then.
- The temporary access route could be in place for years.
- The temporary road would incur additional costs of traffic lights and footways when surely it would be more efficient to start building the planned realigned road. The funding should be used towards the realigned road.
- Access should instead be provided off of Middleton Stoney Road.
- B8 warehousing should not be allowed to go ahead until the proposed tunnel and realignment of Howes Lane are in place.
- Support the campaign by Derwent Green residents group calling for a weight limit and reduced speed limit on Howes Lane.
- The proposal sets out that buildings could be 12-16m high. This will exaggerate noise as it reverberates off taller buildings rather than open fields.
- There will be an increased risk of flooding due to the capability of existing culverts, even if you construct a balancing pond.
- The development will bring more traffic to roads which are already at capacity.
- There will be a decrease in property value.
- Object to homes being built on employment land. There are already enough homes planned to be built and more are not required. Employment is needed.
- Question the need for another 150 homes next to a site earmarked for 6000 homes.
- The land should be designated as B1 to provide quality jobs for the people of Bicester and not B8 warehousing.
- The level of noise, pollution and vibration caused by construction and traffic would be unbearable for nearby residents.

Bicester Transport Action Group:

- Although the land is proposed for housing, B8 buildings are also going to be part of the development which means HGVs will be using Howes Lane. The road is currently unsuitable for lorries and trucks
- The new road infrastructure should be built before any development commences. If this cannot be committed to the buildings should not go ahead.
- The temporary access should not go ahead as it is likely to become a permanent access.
- Howes Lane is not suitable for the traffic. The road is not wide enough for heavy lorries and it is not acceptable for the residents whose properties back onto this road to be blighted by HGVs.
- It is considered the applicant is holding CDC to ransom by applying for permission to build houses on the land when B8 warehouses will be built which is not stated on the latest planning application.
- Access should be from the Middleton Stoney Road only.

Derwent Green Residents Association:

- The Group have been campaigning for measures to reduce the speed and volume of traffic on Howes Lane as an interim measure before the opening

of the realigned Howes Lane. Traffic and HGV traffic has significantly increased.

- Members experience an increase loss of amenity on a daily basis.
- It is hoped that the building of the realigned Howes Lane would put an end to the currently dangerous and deteriorating situation; however the earliest date appears to be Christmas 2019/ 2020.
- There has been some comfort from CDC Planning Committee insisting on a cap on new homes before the realigned Howes Lane is in place.
- Dismayed by the decision to allow some development at Himley Village. Hope that construction traffic will be barred from all use of Howes Lane.
- Suspicious that if temporary access is granted then it will be used as further evidence in support of the commercial application.
- The construction phase will result in a significant increase in HGV traffic and developers/ builders vehicle traffic and then 150 homes on Howes Lane.
- Howes Lane already has too much traffic and unacceptable levels of HGV traffic. This proposal will dangerously increase an already dangerous situation both in terms of road safety and environmental pollution.
- OCC have resisted requests for a reduction in speed. Traffic turning and the proposed pedestrian crossing will increase danger and slow the traffic therefore mean traffic is moving more slowly, increasing the likelihood of congestion resulting in greater pollution.
- The road widening around the access point appears to take the footway up to the boundary of properties on Wensum Crescent.
- Urge the Planning Committee to insist that the Howes Lane realignment is complete before agreeing to any further construction on this site.

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. **Bicester Town Council:** Objects to this application as Howes Lane in its current form will not provide safe access.

6.3. **Middleton Stoney Parish Council:** No Objections

6.4. **Chesterton Parish Council:** Strongly Objects to the application.

CHERWELL DISTRICT COUNCIL CONSULTEES

6.5. **Landscape:**

- The LVIA has been considered and its methodology, results and conclusions are agreed with.
- Advice is provided on the play area requirements – 2 LAPs are required so that access is easy without crossing a busy main road. Concern regarding the proximity of a play area close to a water body. A NEAP would be required, but taking into account the attenuation basin, this may not be possible.

- 6.6. **Regeneration and Housing:** The proposal for the residential element of the outline application is for a total of 150 units. A 30% affordable housing requirement is relevant so 45 affordable units would be required. These should be of a tenure split 70% affordable rent and 30% shared ownership. An indicative mix is provided. The housing should be in clusters of no more than 15 properties and which should be a mixture of rent and shared ownership. The required standards are also provided.
- 6.7. **Recreation and Leisure:** The Leisure and Community requirements remain the same as the advice provided to the refused planning application 14/01675/OUT.
- 6.8. **Ecology:**
- The ecological surveys have been undertaken in line with standard methodology and so there is confidence in the results and conclusions drawn.
 - The existing application site is predominantly arable and as such of low ecological value.
 - The Biodiversity Impact Assessment completed takes into account the proposed habitat creation within the site and overall the proposals are expected to lead to a biodiversity gain on site which is welcomed and in line with policy.
 - The onsite habitat enhancements are expected to result in a biodiversity gain on site, however a query as to whether two existing hedgerows are to be retained is raised.
 - The site has value for nesting and overwintering farmland birds and it is acknowledged that the overall adverse effect of the eco town development cannot be mitigated on site due to the loss of arable habitat. Offsite compensation has been outlined within the report through appropriate habitat management off site for farmland birds. It is recommended that the S106 be used to secure this.
 - A number of protected species are likely to be impacted through site clearance works in the absence of any mitigation measures. Mitigation measures are included in the report to safeguard these species and to buffer and protect the existing boundary hedgerows. It is recommended that these measures and a number of other detailed measures are included in a Construction Environment Management Plan.
 - A Landscape and Habitats Management Plan is required to detail the long term habitat creation and management to maximise the biodiversity potential of the development.
 - A number of conditions are recommended.
- 6.9. **Business Support Unit:** It is estimated that this development has the potential to attract New Homes Bonus of £760,121 over 4 years under current arrangements for the Council. This estimate includes a sum payable per affordable home.
- 6.10. **Arboricultural:** No adverse comments are made with regard to the proposal. The tree survey addresses the proposal in terms of good arboriculture and it should be followed with an Arboricultural method statement.

OXFORDSHIRE COUNTY COUNCIL CONSULTEES

6.11. **Transport:**

- Objection on the grounds that insufficient detail of the access road is provided where it is on the alignment of the planned NW Bicester Strategic Link Road and in terms of how future access arrangements to the residential

parcels could be provided. It is anticipated that this objection could be overcome with the provision of further plans/ information.

- A key requirement of this application will be to secure land within the applicant's control that is critical to the delivery of the strategic link road.
- Contributions are required towards planned cycle connections to the town centre and towards eventual NW Bicester bus services. A legal agreement is required to secure a number of contributions and to ensure the strategic link road through the site is delivered. A set of conditions are also recommended.
- The realignment of Howes Lane and the delivery of the rail tunnel is key to unlocking the wider North West Bicester site, as required by Bicester Policy 1 and the North West Bicester SPD. This infrastructure is expected to be provided by A2 Dominion, with contributions secured from other North West Bicester sites via a framework agreement. The route of the realigned road will go through the wider Albion Land site. Clarification is required as to the extent of this infrastructure to be directly provided by this development (Albion Land), and there will need to be careful coordination to ensure that the elements of permanent infrastructure conform to the overall scheme design and specification.
- To cover the small but significant risk that the Albion Land site is not implemented, OCC would wish to ensure there are options in place for full and early delivery of the link road as required by policy Bicester 1 and the NW Bicester SPD. In order to ensure the delivery of the NW Bicester allocation site, OCC consider that it will be necessary to require an appropriate legal mechanism by which delivery of the realigned road can be completed in the event that the wider Albion Land site is not implemented.
- Another important element of the transport strategy for the masterplan site is cycle connections with the town. There are a number of connecting routes proposed and this site would need to make its proportionate contribution.
- Likewise the site must make its proportionate contribution to the NW Bicester strategic bus service.
- The maximum amount of development at NW Bicester to be allowed before the Strategic Road Link has agreed for some time to be 900 homes (including the Exemplar site) and 40% of the employment. It was agreed with the previous Albion Land application that this small element of housing could replace a proportion of the employment amount. Although the Bicester Transport Model has been updated since that time, in light of the importance of securing the Strategic Link Road, as a vital part of facilitating the wider NW Bicester development, we remain satisfied with this as an overall limit on development prior to that road being in place, subject to suitable legal agreements being in place to secure it.
- The temporary site access junction proposed onto Howes Lane is shown to operate with ample capacity in 2022. This means that queuing of traffic turning right into the development is unlikely to cause significant delay on Howes Lane in the peak hours.
- The Travel Plan should be updated to respond to a number of detailed points.
- A detailed drainage condition is recommended.

6.12. OCC Bicester Members:

- No homes should be allowed prior to road and tunnel as the agreed cap has already been exceeded.
- If allowed, there should be no temporary access from Howes Lane; access should be from the new section of the realigned road off the Middleton Stoney road roundabout.
- Developer must contribute to the strategic infrastructure.

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

6.14. Education: No objection subject to S106 contributions towards primary, secondary and special educational needs education towards the required new schools to serve the NW Bicester development and towards the necessary expansion of capacity at Bardwell School in Bicester.

6.15. Property: No objection. Due to the pooling limitations, OCC will not be seeking contributions towards community infrastructure such as libraries, strategic waste, museums or adult day care. OCC seek an administration and monitoring fee and confirm that Bonds are required to provide appropriate security by the landowner/developer for such payments. Contributions are index linked to maintain the real values of the contributions.

EXTERNAL CONSULTEES

6.16. Thames Water:

- With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of the application. A planning condition should be imposed to require a drainage strategy before any development can commence on the site.
- An informative should be imposed relating to water pressure, the presence of a water main which is likely to pose a constraint for the future and the presence of large water mains adjacent to the site.
- With regard to waste water, Thames Water has been unable to assess the infrastructure needs of the development due to insufficient information. Additional information is required to determine the impact of the development on the local sewer network.
- Thames Water raises no objection to the proposal to discharge surface water run off to the existing ditch.

6.17. Environment Agency: No comments to make.

6.18. Sport England: The proposed development does not fall within the remit of Sport England therefore a detailed response has not been provided, however advice is provided to aid the assessment of the application.

6.19. Natural England: No comments to make. Standing advice should be used to assess impacts upon protected species and it is for the Local Planning Authority to determine whether or not this application is consistent with national and local policies on the local environment.

6.20. **Highways England:** No objection

6.21. **Network Rail:** NR has previously commented. Whilst the red line boundary area is not directly adjacent to the existing operational railway, vehicle access and egress leading to and from the site would be under the bridge at the north end of Howes Lane. As long as construction traffic avoids the usage of the bridge then Network Rail has no comments.

6.22. **Bioregional:** have assessed the documents submitted with the application against the Eco Towns PPS and Policy Bicester 1 of the adopted Cherwell Local Plan. A full table of comments is provided and is available via public access but the headline comments are:

- Zero carbon – The submitted application energy strategy states the delivery of the PPS definition of zero carbon; however this is reliant upon a connection to the potential wider district heating network. It will not meet the requirements of true zero carbon on a site only basis. It is important that an energy strategy is provided, with phasing and alternative options for meeting true zero carbon left open.
- Pleased to see the commitment towards Building for Life and Lifetime Homes. Confirmation should be sought as to whether the Code for Sustainable Homes will be targeted or an alternative such as the Home Quality mark.
- Transport – Modal shift – The TA and Travel Plan state their compliance with the long term targets of 50% of trips from non car modes. The more ambitious target is not acknowledged. Details as to when targets will be achieved and how the development will contribute to the NW Bicester wide modal shift targets. There is no information on the use of low and zero emission vehicles. Walking and cycling routes – the proposed location of walking and cycling routes within the residential areas should be provided. Additionally, the links to Bicester and elsewhere across NW Bicester should be identified. Walkability – The applications do not consider the walkability for the residential areas to nearby local centres and the primary schools. In the interim, connections to existing local facilities and schools should be identified.
- Biodiversity – It is acknowledged that biodiversity net gain for this site can be achieved without habitat compensation; however species compensation is still required for farmland bird species.
- A number of key matters that should be secured through planning conditions or S106 include the required hedgerow buffer zones, the requirement for a CEMP and the production of a management plan for habitats and features of value to biodiversity.
- Waste and water – It is expected that a commitment to water efficiency within the dwellings should be sought. The application does not acknowledge the aspirations towards water neutrality or the wider integration of water supply and disposal across the entire masterplan site. There is also no reference to waste targets.
- Monitoring – no commitment or mention of construction and post occupancy monitoring is made, including the embodied impacts of construction and defined sustainability metrics.

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)

Sustainable communities

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

Sustainable development

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

Strategic Development

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

Infrastructure Delivery

- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (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)

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.

Eco Towns Supplement to PPS1

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

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.

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.

Planning Practice Guidance (PPG)

8. APPRAISAL

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

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

8.2. The relevant planning history for the site is highlighted in section 3 above. Of particular relevance is application 14/01675/OUT, which was refused for two reasons as follows:

1. The proposed employment uses, at 70% B8 and 30% B2 floor space, does not comply with Policy Bicester 1 of the Adopted Cherwell Local Plan 2011-2031 which states that the use classes sought across the North West Bicester site will be B1 with limited B2 and B8 uses. The proposed employment uses are not predominantly B1 and would provide lower employment levels than employment predominantly within Use Class B1. Additionally, the resulting scale, height and appearance of development from such a use class split, as established by the parameter plans submitted with the application, would be unacceptable in terms of the impact of the proposal upon the landscape, the visual amenities of the area and the amenity of neighbouring properties by virtue of being obtrusive and out of keeping with the predominantly residential character of the existing town and the development planned by the Masterplan for North West Bicester. The proposal is therefore not considered to be sustainable development and is contrary to Policies Bicester 1, SLE 1, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031, Policies C28 and C30 of the Cherwell Local Plan 1996, the National Planning Policy Framework and the North West Bicester Supplementary Planning Document.
2. By reason of a lack of a satisfactory completed S106 legal agreement to ensure that the development adequately mitigates its impact on community

infrastructure, site wide infrastructure and secures the provision of affordable housing, the local planning authority cannot be satisfied that the impacts of the development in this respect can be made acceptable. In addition, the application provides insufficient information in respect of the detail relating to the Howes Lane temporary access, the provision of Green Infrastructure, the achievement of a net gain for biodiversity and an adequate Framework Travel Plan in order for an assessment to be made as to the acceptability of the proposal in relation to these specific matters. Consequently the proposals conflict with the requirements of Policies BSC3, BSC11, BSC12, INF1, Bicester 1, ESD10 and ESD17 of the Cherwell Local Plan 2011-2031, Policy H5 of the Cherwell Local Plan 1996, the National Planning Policy Framework and the North West Bicester Supplementary Planning Document.

- 8.3. As set out in section 3, this refused application sought permission for two distinct forms of development. A commercial element and a residential element. As Members will be aware, application 14/01675/OUT was refused by the Council's Planning Committee in June 2016 and there is a pending planning appeal in progress.
- 8.4. Following discussions, and on the basis that the refusal reasons predominantly related to the commercial element of the scheme, the applicant submitted the current application for the residential element of the refused scheme. This application is broadly in line with the details that formed part of the refused scheme, with the parameter plans reviewed and updated (as discussed below), and the provision of additional information to satisfy the detailed elements of the second reason for refusal (for example in relation to green infrastructure, net biodiversity gain, the Framework Travel Plan and the Howes Lane temporary access).
- 8.5. A separate planning application has been made for the commercial elements of the scheme and this will be reported to Members in July. Should Members resolve to approve both applications and a timely decision issued (which also relies on the necessary S106 agreements being completed), the applicant has indicated their willingness to withdraw the planning appeal.

Environmental Statement

- 8.6. The application is supported by an Environmental Statement given the proposal is EIA development. The scope of the EIA has been considered and taking into account the scale of the development, the main reason for the requirement for EIA is the cumulative effects of the development with other development, in particular the rest of the NW Bicester site. The ES therefore considers in detail the following topics: transport and access, landscape and visual assessment, ecology and cumulative effects. The ES considers why all other topics were scoped out, however the relevant topics from the 2014 ES are appended to the EIA. On this basis, it is considered that sufficient information is before the Local Planning Authority in order to consider the environmental effects of the development. The ES identifies significant impacts of the development and mitigation to make the development acceptable.
- 8.7. 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 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. As this application was received before the introduction of the Town and Country Planning (Environmental

Impact Assessment) Regulations 2017, the 2011 regulations remain the relevant legislation.

- 8.8. The NPPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. The information in the ES and the consultation responses received have been taken into account in considering this application and preparing this report.
- 8.9. The ES identifies mitigation and this needs to be secured through conditions and/or legal agreements. The conditions and obligations proposed incorporate the mitigation identified in the ES.

Planning Policy

- 8.10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.

Adopted Cherwell Local Plan

- 8.11. The 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 6000 homes and a range of supporting infrastructure including employment land. The application site forms part of the strategic allocation in the Local Plan and thus Policy Bicester 1 is the primary planning policy of the Development Plan that the proposal should be assessed against and has full weight. The Policy identifies that planning permission will only be granted for development at NW Bicester in accordance with a comprehensive masterplan for the whole area to be approved by the Council as part of a NW Bicester SPD. The policy is comprehensive in its requirements including matters relating to sustainable development, transport, housing, community infrastructure, recreation, water, landscape, environment and design. Alongside Policy Bicester 1 and within the Cherwell Local Plan 2011-2031 is the range of detailed policies, highlighted in paragraph 7.2, all of which also carry full weight. The policy requirements are considered throughout this appraisal.

NW Bicester SPD

- 8.12. As referred to above, Policy Bicester 1 seeks a masterplan for the site. This reflects the Eco Towns PPS requirements. A masterplan has been produced for NW Bicester by A2 Dominion and this has been incorporated into an SPD adopted by the Council in February 2016. The SPD amplifies the Local Plan policy and provides guidance on the interpretation of the Eco Towns PPS and standards for the NW Bicester site.
- 8.13. The Masterplan identifies the land subject to the current planning application for residential and green infrastructure purposes as well as indicating the alignment of the realigned Howes Lane strategic link road.

Cherwell Local Plan 1996

- 8.14. The Cherwell Local Plan 1996 includes a number of policies saved by the newly adopted Local Plan, most of which relate to detailed matters such as design and local shopping provision. Policy H18 is a retained policy, and this relates to new

dwellings in the open countryside. The development would conflict with this particular policy but given that the site forms part of an allocation in the newly adopted Plan, this is a material consideration. The policies of the adopted Cherwell Local Plan will be considered in detail through this appraisal.

Eco Towns Supplement to PPS1

- 8.15. 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

- 8.16. 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

- 8.17. The Council's 2016 Annual Monitoring Report (AMR) concludes that for the 5 year period 2017-2022, the District has a 5.6 year supply of housing based upon the housing requirement of 22,840 homes for the period 2011-2031 (1142 homes a year), which is the objectively assessed need for the District contained in the 2014 SHMA. This includes a 5% buffer. As the District can demonstrate a five year housing land supply, the various housing supply policies in the Local Plan are thus up to date and accord with National Policy.
- 8.18. The five year supply position is reliant on housing delivery at strategic sites, including NW Bicester.

Principle of the Development

- 8.19. Given the above, it is concluded that residential development on this part of the site complies with the adopted Cherwell Local Plan 2011-2031 and the Masterplan for NW Bicester and can be considered to be acceptable in principle. The Framework 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

¹ Unless material considerations indicate otherwise

proposal; its benefits and impacts, how it would accord with other detailed policy requirements and consider whether the proposal can be considered to be sustainable development.

Eco Town PPS Standards

- 8.20. As described, the Policy requirements for NW Bicester set within the Eco Towns PPS, reflected within Policy Bicester 1 and expanded within the NW Bicester SPD include the achievement of minimum standards which are more challenging and stretching than would normally be required for new development. The aim is to ensure that eco towns are exemplars of good practice and provide a showcase for sustainable living. The Government's view is that eco towns should be exemplar projects that encourage and enable residents to live within managed environmental limits and in communities that are resilient to climate change. The Eco Town standards need to be considered in further detail.

Zero Carbon

- 8.21. 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.

- 8.22. This standard is higher than other 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.
- 8.23. 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. Paragraph 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.'
- 8.24. The Cherwell Local Plan 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 Policy ESD5 encourages renewable energy development provided that there is no unacceptable adverse impact.
- 8.25. 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.
- 8.26. 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.

- 8.27. Following the Government's review of Housing Standards, a number of changes have been introduced, which essentially mean that the Planning System has limited ability to secure higher housing standards with these matters now controlled through Building Regulations. The Code for Sustainable Homes has also been withdrawn. Planning conditions can however be used to secure higher water efficiency standards and to apply space standards, where there is a planning policy to reflect the national standards. Notwithstanding this, 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 to seek to achieve water neutrality. These requirements have been supported by the Inspector in the 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.
- 8.28. The application is accompanied by an energy statement. This demonstrates how the development meets the zero carbon standards in line with the lean, clean, green energy hierarchy philosophy. This would involve highly efficient building fabric and construction, on site energy generation utilising a low carbon technology with the ability to connect to the proposed future district heating network and a photovoltaic array provided to each dwelling. The report makes it clear that the development as a whole can only achieve zero carbon emissions, once the development is connected into the district heating system and energy centre.
- 8.29. The energy statement has been reviewed by Bioregional for the Council. The advice notes the commitment to the delivery of the PPS defined standard for zero carbon (albeit in a separate part of the report, the commitment relates to regulated emissions only – not unregulated as required), however that this is reliant on connecting to an off site energy centre and the district heating network. The temporary solution is understood from the report to be an on site energy centre.
- 8.30. The information provided within the energy statement is positive in the view of Officers in terms of providing a commitment to meeting the PPS definition of the zero carbon standard and using the energy hierarchy philosophy to fit in with the wider masterplan approach. The achievement of zero carbon will be difficult on a site of this scale when assessed alone as it is unlikely to justify its own energy centre; therefore it is likely to be reliant, eventually, on offsite infrastructure in terms of energy centres and the district heating network. Given the outline nature of the development, it is proposed to include obligations within the required S106 agreement that will seek further detail in relation to how the development will reach the zero carbon standards and the phasing for this (which can include temporary arrangements, a contingency should the district heating network not reach the site for the foreseeable future and the potential for further demand savings and increased provision of PV). This will allow the detailed outstanding points to be considered at a later date on the basis of a more detailed scheme. The achievement of zero carbon on the North West Bicester site overall is a key aspect of the site having been designated as an Eco Town and via the allocation at Bicester 1. It is critical that this development meets the required standards in order to contribute to the site as a whole meeting the aspirations of the Eco Town.

- 8.31. It is not proposed to condition the requirement to reach Level 5 of the Code for Sustainable Homes given this has now been withdrawn, however the requirements regarding reduced water use are recommended to reflect the higher building regulation standard now introduced.

Climate Change Adaptation

- 8.32. 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.

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

- 8.34. 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.

- 8.35. 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.

- 8.36. The Design and Access Statement refers to the design principles established within the SPD, but does not specifically refer to the design principles that could be utilised in the future to contribute to the development being resilient to climate change. The applicant's agent has confirmed that this matter can be the subject of a planning condition to secure further information at the detailed design stage. The issue of orientation, overheating and other detailed matters such as the need for shutters, is a matter that can be considered in detail at a later stage, both in terms of design principles and as part of reserved matter applications. A planning condition is recommended that would require each reserved matter to be accompanied by a statement to demonstrate how the development proposed has been designed to take into account future climate impacts.

Homes

8.37. 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).

8.38. 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, and involves 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.

8.39. Cherwell Local Plan 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'.

8.40. The design and access statement refers to the Built for Life 12 and Lifetime Homes Standards as being applied to the development. 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 included and therefore this requirement will be covered by condition. As referred to above, the requirement to meet the code for sustainable

homes level is not proposed to be conditioned; however the higher water consumption requirements are proposed to be required by condition. The incorporation of energy monitoring systems, real time information and superfast/ next generation broadband can be negotiated at the detailed design stage. A planning condition is recommended to secure real time energy and travel information.

Affordable Housing

- 8.41. Not only does the eco town PPS set out a requirement for affordable housing but saved policy H5 of the Cherwell Local Plan 1996 seeks affordable housing to meet local needs.
- 8.42. Policy BSC3 of the Cherwell Local Plan sets out a requirement for 30% affordable housing for sites in Bicester whilst Policy BSC4 seeks a mix of housing based on up to date evidence of housing need and supports the provision of extra care and other specialist supported housing to meet specific needs.
- 8.43. 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.’

- 8.44. The development is proposed to meet the Policy BSC3 requirement for 30% affordable housing of the identified mix (70% affordable/ social rent and 30% intermediate) subject to the required S106 contributions and/ or changing market conditions bringing into question the sites viability. The provision of affordable housing can be secured by the required S106 planning agreement and the detailed housing mix will also need to be agreed for both affordable and market housing to ensure that it meets local need and again a condition and/or S106 agreement are proposed to address the issue of the housing mix. The provision of affordable housing is a significant benefit of the scheme.

Fabric Energy Efficiency

- 8.45. The PPS sets specific requirements for dwellings in terms of fabric energy efficiency and carbon reduction. As referred to above, the energy strategy confirms that in order to achieve the zero carbon targets, a highly efficient building fabric and

construction is required as well as the use of PV on each dwelling. It also suggests that in time, the homes will be capable of connecting to the District Heating system being delivered as part of the wider eco town.

- 8.46. The application makes provision for market and affordable housing. The detail of the housing will be established through reserved matter submissions guided by the requirements of conditions and agreements attached to any outline permission. These conditions will ensure the housing meets the PPS standards and delivers high quality homes as part of a sustainable neighbourhood as sought in the NPPF.

Employment

- 8.47. 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.
- 8.48. The NPPF identifies a strong, responsive and competitive economy as a key strand of sustainable development (para 7) and outlines the Government's commitment to securing economic growth (para 18). It advises that planning should operate to encourage and not act as an impediment to sustainable growth and significant weight should be placed on the need to support economic growth through the Planning system (para 19). The NPPF identifies offices, commercial and leisure development as town centre uses and advises a sequential test to such uses that are not in a town centre (para 24) and where they are not in accordance with an adopted plan. The benefit of mixed use development for large scale residential development is recognised, and a core principle of the NPPF is to promote mixed use development.
- 8.49. 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.
- 8.50. 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.
- 8.51. The application site is proposed for residential use only and does not include any land for employment or mixed use purposes. The submission does not directly consider employment purposes, however the proposed parameter plans make provision for vehicular, footway and cycle way connections to the rest of the Eco Town and the rest of Bicester where employment opportunities exist or are proposed. Directly to the north of the application site is a proposed local centre and directly to the south is the main employment land, therefore providing connections are secured, the site would be within an accessible location for employment opportunities. At the detailed design stage, the inclusion of opportunities for home working can be considered and addressed (for example with the incorporation of superfast/ next generation broadband and dedicated home office space). Additionally, Policy Bicester 1 refers to the achievement of construction related apprenticeships. It is proposed to secure the provision of apprenticeships, through the requirement for a Training and Employment Management Plan through the S106

legal agreement. It is considered that the proposal would comply with the requirements of policy in this regard.

Transport

- 8.52. 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.
- 8.53. 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).
- 8.54. The Adopted Cherwell Local Plan policy SLE4 requires all development to 'facilitate the use of sustainable transport, make fullest use of public transport, walking and cycling'. Encouragement is given to solutions which support reductions in greenhouse gas emissions and reduce congestion. New development is required to mitigate off site transport impacts. Policy Bicester 1 relates to the NW Bicester site and requires proposals to include appropriate crossings of the railway line, changes and improvements to Howes Lane and Lords Lane, integration and connectivity between new and existing communities, maximise walkable neighbourhoods, provide a legible hierarchy of routes, have a layout that encourages modal shift, infrastructure to support sustainable modes, accessibility to public transport, provide contributions to improvements to the surrounding road networks, provision of a transport assessment and measures to prevent vehicular traffic adversely affecting surrounding communities.
- 8.55. The NW Bicester SPD includes 'Development Principle 6 - Transport, Movement and Access'. This principle requires movement to be addressed within planning applications with priority to be given to walking and cycling through improvements to infrastructure and ensuring that all new properties sit within a reasonable distance from services and facilities, the need to prioritise bus links and with other highway and transport improvements to the strategic road network.
- 8.56. '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.

- 8.57. 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.
- 8.58. 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.
- 8.59. 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.

Introduction to transport matters

- 8.60. As described earlier, the application is essentially in two parts, with full planning permission sought for highway infrastructure in the form of a section of the final strategic link road (the whole route for which benefits from a resolution for approval under 14/01968/F), for a pedestrian access and a temporary vehicular and pedestrian access from Howes Lane. Outline permission is sought for residential development with all matters, including access reserved for later approval.
- 8.61. With regard to the temporary access, the Planning Statement confirms that once the sections of the strategic link road to the north and south of the site are brought forward, that this access would be removed. The Highway infrastructure plans also show the provision of a footway along the eastern side of Howes Lane, a dropped kerb crossing with central refuge close to the proposed point of temporary access from Howes Lane and a signalised pedestrian crossing linking to footpath 129/15, which connects through to Wansbeck Drive. The application parameter access and circulation plan indicates a broad area for where pedestrian accesses could be formed (to allow for accesses to other development parcels) and where residential vehicular accesses could be formed to access the residential parcels, which is directly from the strategic link road.
- 8.62. The application is accompanied by a Transport Assessment, which concludes that the residential development of up to 150 homes will not result in significant impacts on the local road network.
- 8.63. Transport matters are also assessed within the Environmental Impact Assessment. The ES finds that overall the potential for environmental effects is low with negligible residual effects predicted, albeit with minor beneficial effects predicted at the completed development stage for pedestrian delay and amenity given the proposed enhanced provision proposed. The mitigation suggested to avoid environmental effects includes the requirement for a construction traffic management plan and the

provision of a footway/ cycleway network as part of the site. Conditions are recommended in relation to these requirements.

Strategic Link Road and highway capacity

- 8.64. The need for the timely delivery of the strategic link road (realigned Howes Lane) has been identified in all applications for development at NW Bicester in order 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.
- 8.65. 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.
- 8.66. 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.
- 8.67. Officers have recommended to Members in relation to the other applications across the Masterplan site (all of which now benefit from a resolution to approve – as set

out above), how the restricted capacity could be used taking into account the factors above. In summary, that 507 units could be accommodated within the extent of and on a defined area of application site 14/01384/OUT, submitted by A2 Dominion on the basis that the development would sit adjacent to Elmsbrook (where 393 dwellings are already approved giving 900 dwellings in total) and which would benefit from the facilities and services available there and as such would be in a sustainable location. This is also on the basis that A2D are to facilitate the delivery of the strategic infrastructure including the tunnel. In this regard, A2D have secured a resolution for approval of this infrastructure (planning application 14/01968/F), have funding available in the form of a loan (with the cost of provision shared across the NW Bicester development based upon the level of residential development in each application used to secure contributions to repay the loan) and are progressing technical approval from Network Rail for the tunnel (the process also will establish costs and allow track possession for delivery to be booked). Officers have also advised that the trips equivalent to the 40% employment trips could be utilised by development on the Albion Land site (14/01675/OUT) on the basis that the land is adjacent to the western edge of Bicester, with the services and facilities that exist within a reasonable distance therefore accessible by walking and cycling and given the land includes land required for the delivery of the realigned Howes Lane. Application 14/01675/OUT was refused at Planning Committee in June 2016 and the current application forms part of the refused application site.

- 8.68. In addition, application 14/02121/OUT (the site known as Himley Village), has a resolution for approval, having been considered at Planning Committee in March 2017. This application site can deliver 500 dwellings in advance of the road and tunnel once a finalised programme for the delivery of the road and tunnel have been agreed. This level of development is in addition to the 900 dwelling trips and 40% commercial trips on the basis that that level of development would be unlikely to have been delivered in full by the time the road and tunnel are in place based upon current expected timescales therefore meaning that the traffic impact would be less than predicted at that point.
- 8.69. Beyond the above level of capacity identified, each application site would be subject to a Grampian condition to restrict further development until such time that the strategic link road infrastructure and tunnel are in place.
- 8.70. Given the above, and the fact that some capacity has been reserved for development on the application site, it is necessary to consider the traffic impacts of the current proposal and whether there is a need for a Grampian condition on this site area to control development.
- 8.71. The submitted Transport Assessment has used the updated Bicester Transport Model, and this concludes that there is highway capacity available for all 150 dwellings plus a proportion of the employment floor space (to be defined through application 17/01090/OUT) that could be accommodated within the realms of the accepted 40% commercial trips in advance of the road and tunnel. OCC have raised some reservations as to whether the right committed development has been added into the model (which could mean that the congestion at the junction could be worse than shown in the TA), however they have accepted the trip generation carried out as part of the Transport Assessment and therefore accept that 150 dwellings could be accommodated in advance of the road and tunnel based upon traffic impact on the Howes Lane/ Bucknell Road junction. This is also in the interests of facilitating the wider NW Bicester development by securing the strategic link road.
- 8.72. The Howes Lane/ Middleton Stoney Road/ Vendee Drive roundabout is expected to be over capacity, with a maximum queue of 8 vehicles on the Howes Lane arm in the 2022 base scenario and if additional committed development is added, this

impact could worsen. However, the 150 dwellings are shown to add only 4 vehicles to the queue and overall the temporary impact is unlikely to be one which could be considered severe.

- 8.73. On this basis, it is concluded that in regard to highway capacity, all 150 dwellings could be accommodated in advance of the road and tunnel and that there is no requirement for a Grampian condition on this application.
- 8.74. Notwithstanding the above, OCC consider that it will be necessary to require an appropriate legal mechanism by which delivery of the realigned road can be completed in the event that the wider Albion Land site is not implemented. In this regard, a legal agreement relating to the strategic road is proposed; to be entered into by all land owners/ those with an interest along the route of the road to secure the land required to deliver the whole road. It is understood that the applicant would only sign such an agreement if planning permission is resolved to be granted on both the current application site for residential development and the adjacent development site for commercial (17/01090/OUT). On this basis, whilst a Grampian planning condition is not required, the application is recommended subject to a legal agreement being entered into to secure the whole route of the realigned road and tunnel. Should this not be possible (i.e. the commercial application is refused) and the applicant is therefore not prepared to enter into such an agreement, then the current application would be reported back to committee.

Section of the Realigned Howes Lane

- 8.75. The application seeks full permission to deliver a section of the final realigned Howes Lane and the TA advises that the delivery of the remainder of the strategic route will not be prejudiced as a result of the works associated with access to the residential development as part of this application. The applicant confirms their commitment to collaborate in the provision of the whole route (subject to the grant of planning permission on land they control).
- 8.76. OCC confirm that the realignment of Howes Lane and the delivery of the rail tunnel are key to unlocking the wider NW Bicester site, as required by Policy Bicester 1 and the NW Bicester SPD. In this regard, clarification is sought as to the extent of the infrastructure to be provided by this development and there will need to be careful coordination to ensure the permanent infrastructure conforms to the overall scheme design and specification.
- 8.77. Through the application process, it was been identified that insufficient detail of the access road was provided and concern was raised that the proposal does not appear to exactly match the general arrangement of the proposed strategic link road. It is important that these details are entirely consistent given the application seeks full planning permission. The applicant has identified the relevant plans from 14/01968/F that would be complied with and a planning condition would be necessary to secure this.
- 8.78. OCC have commented that given the part of the access road that will form part of the strategic link road cuts through the centre of a future signalised junction, provision must be made to reconstruct the entire junction as a joint through the middle of a junction would be a future weak point due to turning movements. OCC recommend a planning condition to secure details of the remediation work that would be needed to the junction prior to the opening of the strategic link road.
- 8.79. OCC also identify that technical approval is required for the permanent section of the strategic link road (and temporary arrangements) and in this regard, the preference is that the individual section should not proceed unless in line with a S278 technical

approval for the road as a whole. Detailed comments regarding potential traffic calming, turning facilities, bus stops and potential interim drainage arrangements (in the event that the swales to be provided would not be connected to adjacent swales).

- 8.80. Notwithstanding the above acceptance regarding the submitted information of the section of the strategic link road, there is an outstanding matter regarding the applicant's proposed future access arrangements to their residential parcels. This is discussed below and this is the basis for the current OCC objection.

Temporary access

- 8.81. The implication of development occurring in advance of the realigned Howes Lane and tunnel is that a temporary access from Howes Lane would be required. This has attracted concern from Local Members and from nearby existing residents. The temporary access would take the form of a priority T junction, with the details consistent with the strategic link road and as referred to earlier, would be only open until the remainder of the link road is provided. Temporary footway/ cycleway arrangements as described earlier are also proposed. After this, it is proposed that the route would be closed to vehicular traffic and revert to a pedestrian/ cycle link. The speed limit along this section of Howes Lane would be reduced to 40mph and whilst this must be subject to consultation, Officers consider it is likely to be suitable.
- 8.82. The temporary access arrangements have been subject to a Stage 1 Road Safety Audit and an operational assessment as to traffic movements at the temporary access has been undertaken. The results indicate that there is highway capacity to accommodate this access with minimal queuing and delay at the junction during peak periods predicted. The Highway Authority confirms that the temporary site access junction proposed onto Howes Lane is shown to operate with ample capacity in 2022. As referred to above, the Highway Authority have some reservation with the level of committed development used in the model, however the view is expressed that even if additional trips were added reflecting different committed development, then the capacity is such that the traffic impact remains acceptable.
- 8.83. OCC have considered the Stage 1 safety audit, which is based on an assumption that the speed limit will be reduced to 40mph. This raised two concerns – one based upon lighting, and the other the need for safety barriers at the crossing. Both recommendations in terms of the provision of street lighting and safety barriers have been incorporated and can be secured by planning condition or as part of the detailed design submission for S278. On this basis, OCC do not object to the technical provision of a temporary vehicular access or the associated footway/ cycleway infrastructure.
- 8.84. Once the existing Howes Lane is stopped up, much of the infrastructure required for the interim stage will become redundant and likely removed.
- 8.85. Given the above, it is concluded that the aspects of development sought in full are acceptable and can be both accommodated in an acceptable way in highway capacity terms and taking into account highway capacity matters. The proposal therefore complies with policies highlighted above in these terms. Access arrangements to the site are required to be secured through the S106.

Outline matters

- 8.86. The application parameter plans show the proposed future accesses to the residential parcels indicatively from the strategic link road. The TA confirms that the internal arrangements for the residential development including details of the

individual plot location, car and cycle parking provision would be dealt with at the reserved matters stage.

- 8.87. Whilst access to the residential parcels remains a reserved matter, the suitability of how future access can be accommodated should be considered. OCC have confirmed that the original intention for the strategic link road was for no direct access to parcels from it between the main junctions in the interest of traffic flow and interrupting the cycleway, swale and landscaping as little as possible. On the basis of future traffic flows, OCC have confirmed that it is likely that these junctions would require ghost island right turn arrangements, which is not part of the strategic link road that has a resolution to grant permission.
- 8.88. The applicant's Transport Consultant has sought to argue that the detailed positions for the accesses would be established by reserved matters and that the parameter plans would not preclude access from the adjacent junctions instead. However, their view is that there is no technical reason why site accesses should not be formed from the strategic link road and it is considered that it may not be necessary for right turn lanes.
- 8.89. OCC have confirmed that their preference would be for access to be provided to the residential parcels from roads adjacent to the new junctions rather than directly from the strategic link road itself, once the full strategic link road is provided and open (temporary direct access may be acceptable). If this is not possible and permanent access must be taken from the strategic link road into both parcels, ghost island right turn junctions must be accommodated in order to enable traffic on the strategic link road to flow past vehicles waiting to turn right, in the interests of traffic flow and road safety.
- 8.90. A2D have already made a technical submission to the Road Agreements Team for the whole of the strategic link road. As the design of the road will need to incorporate these additional junctions, it will be necessary for the position of the junctions to be fixed now and for liaison to be carried out with A2D regarding the change to the design. The required updated design would need to accommodate all infrastructure already planned (i.e. the footway, footway/ cycleway and drainage and suitable crossing points and a pair of bus stops. The amendment would also make the south eastern arm of the signalised junction redundant and this would need to be incorporated in the re-design. Given the section of the strategic link road is proposed in full, insufficient detail is currently provided and it is on this basis that OCC object. It is however considered that this objection could be removed through the submission of further plans showing the access arrangements and the necessary modifications to the strategic link road design. In addition, amendments would be required to the A2D design for application 14/01968/F and it is hoped that this could be accommodated within the extent of the current red line for that application. Officers are aware that discussions are being undertaken between the applicant and A2D and therefore are confident that this issue can be overcome by the submission of additional information.

Sustainable Travel

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

- 8.92. This application does not include the provision of facilities which the NW Bicester masterplan shows provided elsewhere on the NW masterplan site. The nearest facilities would be located immediately to the North of the current application site in the local centre that is part of application 14/01641/OUT, which is subject of a resolution to grant planning permission subject to the completion of legal agreements.
- 8.93. The current application includes proposals to facilitate a pedestrian connection through to Wansbeck Drive to enable access to existing facilities in the town. The nearest existing local centre is situated on Shakespeare Drive just over 510m from the site boundary and the nearest primary school is approximately 800m from the crossing proposed on Howes Lane. The Eco Towns PPS suggests homes should be within 10 minutes walk of facilities and a maximum walking distance of 800m from a primary school to support sustainable travel. In the long term as the masterplan builds out homes will have convenient access on foot to new facilities including primary schools. If the current application proposals were built out prior to facilities within the wider NW Bicester development being provided they would have access to existing facilities within walking distance, all be it that the access through the existing residential area is not obvious and the nearest primary school would be just beyond 800m from the majority of the residential site. If this interim arrangement did come about improvement of the existing access routes to facilities, including signage and the promotion of sustainable travel would be necessary to encourage the use of sustainable modes and support the delivery of modal shift required to meet the PPS standards.
- 8.94. In this regard, the application directly proposes footway/ cycle links from the site to Howes Lane and Bicester beyond in the temporary period as has been described earlier. Whilst OCC have identified that the distance from the site to existing services and schools is beyond desirable walking distances and that this means walking may not be the mode of choice for local trips for many people in the interim situation, the site does sit adjacent to the existing town and in addition, the proposed facilities would provide the required opportunities.
- 8.95. The application also identifies a parameter for where pedestrian access could be formed within indicated areas. This would allow access to the strategic link road and beyond to other parts of the Masterplan site to allow access to the services and facilities to be provided elsewhere. This is considered acceptable at this stage.
- 8.96. The Masterplan work also identified off site connections, including an offsite cycleway along Middleton Stoney road between Howes Lane and Oxford Road, offsite improvements to a cycle route between Bucknell Road, George Street and Queens Avenue and offsite cycleway and traffic calming on Shakespeare Drive. Improvements towards public rights of way south of the railway, which link NW Bicester to the surrounding countryside are also proposed. In this regard, the current application site is expected to make its proportionate contribution to the cycle connections with the town. These are included within the proposed heads of terms.
- 8.97. The pedestrian cycle link under the railway at NW, west of the Howes Lane realigned vehicle tunnel is excluded from the current applications with the Council but is included in the NW Bicester Masterplan. It has been proposed to require its provision through the use of Grampian conditions to restrict the extent of development until the tunnel is in place on application 14/01384/OUT and contributions to the cost secured from other applications.
- 8.98. With regard to public transport and particularly bus services, and to provide a choice in ways to travel attractive public transport is necessary. The NW Bicester masterplan included proposals for bus services to be provided through the site in

two loops, to the North and the south of the railway line, to provide a regular service to the town centre and stations. This would provide for the majority of properties to be located within 400m of the bus route. To implement this service the parcels of land to the west and north (14/02121/OUT and 14/01641/OUT) would need to be developed.

- 8.99. The TA confirms that the site is situated adjacent to the existing Bicester built up area and which is served by bus services. It is confirmed that the layout, including connections will be designed to ensure the nearest bus stops on Wansbeck Drive to reach Service 21 would be within walking distance. The TA advises that discussions are ongoing as to the potential for an additional stop to reduce the walking distance from the site on Wansbeck Drive and that bus service enhancements are being discussed between the applicant and the bus operator. OCC have confirmed that only half the site would be within the recommended 400m walking distance of the bus stops in Wansbeck Drive, which is not conducive with encouraging people to travel by public transport. Nevertheless, service 21 offers journeys to the town centre with a reasonable frequency and hours of operation as an interim solution. OCC suggest that the developer would need to fund the additional infrastructure being discussed on Wansbeck Drive and that this is welcome given it would shorten the walking distance from the site as far as possible. Whilst the applicant is discussing bus service enhancements, OCC would not insist on this as the existing service is adequate as an interim solution providing service 21 continues to operate. However, the S106 would need to cover the eventuality of the Service 21 being discontinued.
- 8.100. The TA advises that the site will be adjacent to the permanent high frequency bus service in the permanent situation as bus services would run along the southern and eastern boundaries of the site. OCC confirm that the site must make its proportionate contribution to the NW Bicester strategic bus services and to a bus access scheme and this is included within the proposed Heads of Terms. A less accessible bus service early in the development is likely to make it harder to deliver the targets for modal shift and therefore measures to support sustainable travel such as the provision for real time public transport information to each home and business, as supported by the Eco Towns PPS, and active travel planning will be particularly important in these circumstances and the provision of bus services and these measures would need to be secured through planning conditions and legal agreement.
- 8.101. 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 offsite improvements for walking and cycling and bus service provision will support the links to the stations in the town via the town centre.
- 8.102. OCC have also sought to secure a financial contribution towards a scheme of traffic calming for Middleton Stoney Village on the basis of work carried out to support the Masterplan, which identified the impact of the wider masterplan site upon surrounding villages and other junctions on the road network.

Travel Plan

- 8.103. The application is accompanied by a Residential Travel Plan. OCC have raised a number of detailed points and an updated plan has been requested from the applicant. In addition, reason for refusal two referred to the need for an updated framework travel plan. This was on the basis that the targets for modal shift on the site are ambitious and as such will require active measures to support the modal shift. Upon assessment, the travel plans submitted for the appeal scheme

essentially represented a 'business as normal' approach and as such it was unclear whether the site would deliver the significant modal shift sought. This was in contrast to other applications where a greater level of commitment and innovation has been identified such as the provision of car clubs and promotion of electric vehicles.

- 8.104. The current application residential travel plan is an updated version of the appeal version and again represents a business as usual approach that does not refer to the ambitious modal shift targets or give an indication of what measures could be used to meet this. It is hoped that by committee, additional information will have been received in relation to this matter.

Conclusion to transport matters

- 8.105. The impacts of development at NW Bicester across the masterplan site have been modelled in combination with other development in the town to identify the transport mitigation required. Each application at NW Bicester is expected to make appropriate contributions to the provision of the necessary improvements. The primary constraint identified in relation to the current application is the junction at Howes Lane/Bucknell Road.
- 8.106. The resolution of the capacity issues is the construction of a new tunnel under the railway which forms part of the master plan for the development but is outside the current application site. A2Dominion as applicants for 3500 dwellings have identified a route to deliver the tunnel and OCCs advice is that a maximum of 507 dwellings and 40% of the employment should be delivered. The proposed development under this application for 150 dwellings can be accommodated in highway impact terms in advance of the road and tunnel being delivered subject to a legal agreement to be entered into by all parties with an interest in the land being signed to secure the land for the whole route.
- 8.107. In order to accommodate these 150 dwellings in advance of the road and tunnel being delivered, a temporary access is proposed giving access from Howes Lane to the site. The Highway Authority has confirmed that the temporary access arrangements, both in terms of vehicular and pedestrian/ cycle infrastructure can be accommodated in highway capacity terms and in terms of the technical requirements.
- 8.108. This application, if permitted, facilitates part of the realignment of Howes Lane, part of which runs through the site. This realignment is a positive benefit of the scheme both in terms of making provision for vehicular traffic, pedestrians and cyclists but also for the existing residents living close to the existing road.
- 8.109. There is an outstanding matter relating to the final design of the strategic link road in terms of the incorporation of ghost island right turn lanes to facilitate direct access from the strategic link road to the future residential parcels. It is however considered that this matter can be resolved through the submission of further information and Officers are advised that this matter is being progressed. This should allow the Highway Authority objection to be overcome.
- 8.110. The achievement of modal shift is a key ambition for the site. The application proposals are situated on the edge of the existing town and therefore if delivered early could take advantage of access to existing local facilities, all be it that these are less conveniently situated than the proposed new facilities at NW Bicester which would be provided by other developers as they build out. It is also indicated that existing bus services could be enhanced to serve the site. This and securing the routes planned for the site and active promotion of sustainable travel will be key to achieving the reduction in travel from the site by private car.

Healthy Lifestyles

- 8.111. 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 Cherwell Local Plan identifies the need for a 7 GP surgery which is supported by information provided by NHS England.
- 8.112. The NW Bicester SPD includes 'Development Principle 7 – Healthy Lifestyles', which requires health and well being to be considered in the design of proposals. Facilities should be provided which contribute to the well being, enjoyment and health of people, the design of the development should be considered as to how it will deliver healthy neighbourhoods and promote healthy lifestyles through active travel and sustainability. The green spaces should provide the opportunity for healthy lifestyles including attractive areas for sport and recreation as well as local food production.
- 8.113. The application site would contribute to the generous levels of open space across the wider site, with the provision of an area of strategic open space, open space within the residential parcels themselves and play provision. The site also contributes to the network of footways/ cycleways through the site providing opportunities for residents and to encourage healthy and active lifestyle choices. The site does not provide infrastructure on the site itself but it is adjacent to a local centre just to the north (part of application 14/01641/OUT submitted by A2 Dominion), which includes the secondary school, a primary school, mixed uses including retail, leisure, business and community and a GP practice. Contributions towards these off site infrastructure matters are sought. The application would therefore contribute to supporting local facilities and these would be accessible by sustainable modes of transport including walking and cycling helping to achieve healthy communities. It is considered the proposal would comply with the PPS in this regard.

Local Services

- 8.114. 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 Cherwell Local Plan 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.
- 8.115. 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.
- 8.116. The Masterplanned approach to the NW Bicester site has enabled the distribution of local services to be planned taking into account accessibility to housing. As described above, this site does not provide local services directly, however given the

scale of the residential proposal and its proximity to a local centre with service provision and the need to fit in with the masterplan approach, this is acceptable. This local centre is accessible and alongside other local centres would provide a range of services to support future residents on the application site. The application would be expected to contribute to these required services. A cultural strategy has also been developed that would seek to ensure that culture and the arts are incorporated into development proposals. Additionally, 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. Other provision will be sought on other parts of the NW Bicester site; such as provision for extra care, permanent sports pitches and the country park and again, appropriate financial contributions would be sought.

- 8.117. 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 Cherwell Local Plan policies.

Green Infrastructure

- 8.118. The PPS requires the provision of forty per cent of the eco-town's total area to 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.
- 8.119. 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).
- 8.120. 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.
- 8.121. 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.
- 8.122. As part of the refused planning application, Officers raised concerns that the required 40% green infrastructure had not been demonstrated; in particular in terms of how green infrastructure would be accommodated within the residential parcel itself. The absence of this information was included within reason for refusal 2. The current application includes parameter plans to show where green infrastructure provision could be accommodated in broad terms and a green infrastructure calculation which defines the areas of green infrastructure that could be

accommodated within the residential parcels (albeit given that the layout is indicative, this is indicative at this stage, but shows how 40% could be accommodated). This calculation also includes green infrastructure along the strategic link road, in the form of the SuDs and footway/ cycleways there. Taking into account all areas of open space identified, over 40% of the current site area would be provided as green open space and this is in compliance with the policy requirements as described. Officers have queried the calculation in terms of including GI along the strategic link road as other application sites which also include this have not relied upon that GI; however the policy wording, with respect to defining green infrastructure includes reference to SUDs, footways and cycleways. Officers are therefore content that at this stage, it has been demonstrated that 40% green infrastructure can be accommodated at the later detailed design stages and it is suggested that the required design work (in terms of the urban design framework), should demonstrate the 40% GI to be planned for as part of the design work for the site.

8.123. The application has also been assessed against Cherwell Local Plan policy BSC11 which is the minimum standard that most developments are expected to meet. The policy sets out standards for general green space, play space, formal sport and allotments. For this application, based on 150 dwellings, this policy seeks around 1.06ha of general amenity space, 0.30ha of play space, 0.44ha of outdoor sport provision and 0.14ha for allotments. Across the application site, the proposal provides sufficient general amenity space and play space to meet the Policy BSC11 requirements. In particular, with regard to play, Officers have sought to secure a NEAP (Neighbourhood Equipped Area for Play) on the large area of open space, and a LAP (Local Area of Play) to the east of the strategic link road. This is on the basis that larger areas of play are sought to avoid numerous small play areas. Whilst local areas of play and open spaces are required throughout the housing layout, an equipped LAP is sought to the east of the strategic link road for reasons of accessibility, particularly for small children. The main area of open space sits to the west of the proposed realigned Howes Lane and this would be required to form an attractive landscaped area that may also include sustainable drainage features. This open space would be open and available for public use. The proposal does not indicate how it would meet the requirements for allotments, and provision is sought on site (of 0.14ha) on the basis that the site could meet its own requirements, providing allotments in an accessible location. Allotments are also provided across the rest of the site.

8.124. In respect to outdoor sport, on the advice of the Recreation and Health Improvement Manager the A2D masterplan sought a single location for sports pitches to serve the site to enable higher standard provision and to facilitate long term management and maintenance. In addition, it was desirable for the sports pitches to be located adjacent to the secondary school site to facilitate future sharing of facilities. As a result the sports pitches are located adjacent to the secondary school site but outside the current application site area. The provision of adequate outdoor sport space is important and it is proposed that contributions to the long term provision should be made. This would be secured through legal agreements.

8.125. The proposal complies with Policy in respect of the extent of GI provision to be no less than 40% of the site area and the requirements of Policy BSC11 as far as it is reasonable to. The proposal is considered to be acceptable in this regard.

Landscape and Historic Environment

8.126. The Eco Town PPS advises that planning applications should demonstrate that they have adequately considered the implications for the local landscape and

historic environment to ensure that development compliments and enhances the existing landscape character. Measures should be included to conserve heritage assets and their settings. The NPPF recognises the intrinsic character and beauty of the countryside (para 17). The NPPF advises that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.

8.127. 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.

8.128. 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.

8.129. ‘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.

8.130. ‘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.

8.131. ‘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.

8.132. The application is submitted with an LVIA, and landscape and visual matters are included within the Environmental Statement. The application is accompanied by an LVIA within the Environmental Statement. The assessment finds the site to be within the Cotswolds Landscape Character area (Natural England National Character Area Map for England). The site also sits within the Wooded Estatelands’ Landscape Character Type as set out within the Oxfordshire Wildlife and Landscape Study 2004. This character type has the following key characteristics:

- Medium to large, regularly-shaped hedged fields.
- Small, geometric plantations and belts of trees.
- Large country houses set in ornamental parklands.

- Small estate villages and dispersed farmsteads.

8.133. The LVIA finds that in terms of landscape effects, the effects range from minor to moderate to substantial. However substantial effects are limited to the site area only and with mitigation, these effects would be reduced to minor to moderate adverse. Visual impacts will be experienced, particular on localised views from within the site or immediately at its edges as would be the case with development as allowed for by the allocation. Visual effects range from negligible to substantial and any substantial effects are limited to short range views only. The LVIA concludes that the degree of change upon landscape character can be accommodated without detriment to the character of the wider setting. Where future development is taken into consideration, the development will result in minor alterations to the landscape character. It is considered that the development can be integrated without substantial harm to the landscape context. The landscape has some capacity to absorb change and through introducing effective mitigation, the predicted landscape and visual effects can be reduced.

8.134. In mitigation, it is concluded that a Construction Environment Management Plan (CEMP) will be required as well as landscaping, buffers to retained hedgerows, enhancements to hedgerows and creation of amenity landscape areas. These matters can be secured via planning condition.

8.135. The application also considers lighting effects (in terms of internal and external lighting) and a moderate to substantial impact is predicted. In order to mitigate effects, the use of shrouds, angled fitting and low energy light fittings are proposed.

8.136. The Council's Landscape Officer has reviewed the LVIA and has confirmed that he agrees with the methodology, results and conclusions. Officers would also agree that the LVIA represents a fair assessment and that on this basis, development of the form identified could be accommodated without causing undue harm to the landscape and visual amenities in the future within the parameters identified subject to an appropriate design and layout as identified later.

8.137. The site is bound on three sides by hedgerows consisting of native species as well as an area of tree and scrub planting to the north western boundary of the site approximately 40m wide. An Arboricultural statement is provided with the application. This identifies that 9 individual trees, 5 groups of trees and 3 hedges can be retained and protected through this development. Sections of 3 hedges and 1 group of trees will need to be removed to facilitate the proposed development layout. The Arboricultural Officer has not raised objections to the conclusions reached in the Arboricultural survey. The NW Bicester Masterplan requires the provision of hedgerow buffers in the form of 10m either side of hedgerows and these will need to be accommodated within the future design of the parcel where hedgerows are retained.

8.138. In respect to archaeology, an archaeological investigation has been undertaken and has identified a number of archaeological features. The County Archaeologist has raised no objections to the proposal subject to conditions to require further work and therefore it is considered that the proposal is acceptable in this regard. There are no other heritage constraints with this proposal.

8.139. The Cherwell Local Plan suggests a soil management plan may be required. The Environmental Statement has scoped out soils and agricultural land, albeit that chapter from the 2014 ES is appended to the assessment. This identifies that the land is classified as 3b which does not make it 'best and most versatile'. The conclusion was that there is a likelihood that some damage to soil structure may

result, but that measures will be taken to ensure that soil quality is maintained as far as possible. A planning condition is recommended in relation to this matter.

Biodiversity

8.140. 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 provide 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 Cherwell Local Plan 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.

8.141. 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.

8.142. 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.

- 8.143. The application is accompanied by an Ecological Assessment, which finds that the site is not covered by or adjacent to any sites that are subject to statutory or non-statutory protection. Construction of the development will involve the permanent loss of arable land, which is found to be of negligible ecological importance. A small section of hedgerow and the associated field margin will be lost to facilitate the construction of the temporary access; however the majority of hedgerows will be retained and provided with buffers in line with the NW Bicester Biodiversity Strategy. The report identifies the proximity of the site to ponds containing breeding populations of Great Crested Newts and that there is a possibility that individuals could be found on the site in suitable terrestrial habitat. The applicant seeks to utilise a CEMP to implement reasonable avoidance measures. The CEMP would also provide construction safeguards in order to avoid potential impacts upon badgers. Vegetation removal is also recommended to be carried out outside of the bird nesting season or after a check for active nests by an ecologist. The report also refers to the need for contributions to be provided towards offsite farmland bird mitigation. The assessment confirms that existing habitats will be retained and enhanced and new habitat created on site in line with local planning policy, the SPD specific to NW Bicester and the Biodiversity Strategy. Additional enhancements are also proposed including bat and bird boxes. A Landscape and Habitat Management Plan is also suggested as being suitable to provide a comprehensive ecological monitoring programme to describe measures to maximise the biodiversity potential of retained and newly created habitats through appropriate management and a programme of monitoring.
- 8.144. Ecology is also considered within the Environmental Statement and generally, whilst some environmental impacts are identified, it is concluded that with appropriate management through the use of a construction environment management plan to set out specific mitigation measures for particular species, that resulting impacts can be avoided. Additionally, with additional planting and its management through the submission of a Landscape Ecology Management Plan, habitats should be protected and enhanced. The ES acknowledges that farmland birds cannot be mitigated for onsite and that an offsite solution is required, identifying the mitigation as funding towards this matter.
- 8.145. With regard to Net Biodiversity Gain, the application documents include a biodiversity strategy and biodiversity offsetting metric, which includes a calculation based upon current planting proposals. As referred to, the refused application did not provide convincing evidence that a net biodiversity gain could be achieved and this therefore was included within reason for refusal two. The current calculation concludes that a +0.14 biodiversity unit gain can be provided based upon the calculation carried out considering existing and proposed habitats. A biodiversity gain would also be demonstrated in terms of linear impacts. It is therefore clear that the proposal is capable of delivering a net gain in biodiversity in principle. As the calculation can only be carried out based upon the current best available

information and it is dependent upon the future detailed proposals, it is suggested that a planning condition be used to require an updated calculation to be carried out based upon future reserved matter submissions.

- 8.146. The Council's Ecologist has confirmed that the ecological surveys have been undertaken in line with standard methodology and so confidence can be attributed to the results and conclusions drawn. The existing application site is predominantly arable and so of low ecological value. The Biodiversity Impact Assessment completed by the applicant takes into account the proposed habitat creation within the site and the proposals are expected to lead to a biodiversity gain on site, which complies with the above mentioned policies. The onsite habitat enhancements are expected to result in a biodiversity gain on site. The applicant's contribution to offsite compensation for farmland birds is welcomed as it is known that these species cannot be mitigated for onsite following the development. The Ecologist suggests that a Construction and Ecological Management Plan be provided to establish the measures to mitigate potential harm to a number of protected species that are currently suggested in the ecological assessment. A Landscape and Habitats Management Plan is also requested to detail the long term habitat creation and management to maximise the biodiversity potential of the development. Lighting schemes should also be sensitively designed to avoid light spillage onto the site boundaries in order to avoid any adverse impacts on bat commuting and foraging routes. A number of conditions are recommended.
- 8.147. In the view of Officers, subject to the imposition of planning conditions as referred to above, the developed proposed can be accommodated, during the construction and operational stages without causing significant harm to protected species. Additionally, a net biodiversity gain can be achieved, subject to the details of matters such as a landscaping scheme in the future. The proposed development is considered acceptable in relation to the above mentioned matters and in compliance with the above referenced policies.

Water

- 8.148. 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.
- 8.149. 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.

- 8.150. 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.
- 8.151. The application is not accompanied by a water cycle strategy, however, upon requesting additional information with regard to how this application site will contribute to water neutrality, a document has been submitted, providing information as to what could be considered at the future detailed design stage in order to contribute to the aspiration for water neutrality. This includes the potential for features to be incorporated such as rainwater harvesting, low consumption water appliances and strategies for wastewater treatment and the use of SUDs across the site to improve water quality and manage surface water to avoid flooding. It is proposed to recommend a planning condition to require each reserved matters application be submitted with a scheme to demonstrate how the detailed scheme will contribute to the aspirations towards water neutrality. As referred to earlier, it is also proposed to secure, via condition, the higher building regulations standard for water consumption, which again would contribute to minimising water consumption from the site.

Flood Risk Management

- 8.152. 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 Cherwell Local Plan 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.
- 8.153. 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
- 8.154. The application is accompanied by a site specific flood risk assessment and drainage strategy. This concludes that the site is within flood zone 1 and that it is at limited risk from flooding. The broad principle of the drainage strategy is to allow for restricting the flows to the ditch alongside Howes Lane to greenfield run off using the on site swales/ ponds and retention tanks and be designed for a 1 in 100 year + 30% climate change storm event.
- 8.155. Oxfordshire County Council, as Lead Local Flood Authority does however query the drainage design, stating that it is unclear what the mode of surface water discharge from the site is. Their assumption is that it will be via a piped system with

a limited rate of discharge via a hydro brake or similar and they query the surface water features referred to as swales as the shape and size of these suggest they are more like ponds. It is considered that the applicant has demonstrated through the information provided that the site is unlikely to be at risk of flooding and that a suitable drainage strategy can be achieved. It is therefore considered that with suitable conditions to agree a full drainage strategy, the application can be considered to comply with the PPS, NPPF and the Cherwell Local Plan policies with regard to flood risk.

Waste

8.156. The Eco Towns PPS advises that applications should include a sustainable waste and resources plan which should set targets for residual waste, recycling and diversion from landfill, how the design achieves the targets, consider locally generated waste as a fuel source and ensure during construction no waste is sent to landfill. The National Waste Policy identifies a waste hierarchy which goes from the prevention of waste at the top of the hierarchy to disposal at the bottom. The National Planning Practice Guidance identifies the following responsibilities for Authorities which are not the waste authority;

- promoting sound management of waste from any proposed development, such as encouraging on-site management of waste where this is appropriate, or including a planning condition to encourage or require the developer to set out how waste arising from the development is to be dealt with
- including a planning condition promoting sustainable design of any proposed development through the use of recycled products, recovery of on-site material and the provision of facilities for the storage and regular collection of waste
- ensuring that their collections of household and similar waste are organised so as to help towards achieving the higher levels of the waste hierarchy

8.157. 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.

8.158. The application submission does not provide a detailed sustainable waste and resources plan or set relevant targets. However it has been confirmed that such a plan will be provided at the detailed design stage to ensure that the amount of waste to landfill and the location of the landfill is the solution that results in the lowest possible impact on the environment. It will also demonstrate that targets for residual waste levels and landfill diversion can be met. It has also been confirmed that at the detailed design stage, where practical and viable, materials will be selected having regard for their ability to be locally sourced, reclaimed, recycled and renewable in order to assist in reducing waste and the reduction of landfill materials. It is therefore important that a condition is used to require a site waste management plan that sets appropriate targets to ensure that the requirements of the PPS and the SPD can be achieved.

Masterplanning

8.159. 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.

8.160. The Cherwell Local Plan 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.'

8.161. 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. As referred to throughout this report, a Masterplan has been approved and is embedded within the NW Bicester SPD. This provides a framework for securing a comprehensive development. The application documents accompanying the current application align with the Masterplan and can be considered to comply with it. The application provides for the delivery of part of the strategic road, should this be required to be constructed in advance of the main route and opportunities for connections throughout the rest of the site are identified. 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.

Transition

8.162. 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.

8.163. The timing of the delivery of community services and infrastructure has been part of the discussions that have taken place with service providers in seeking to establish what it is necessary to secure, through legal agreements, to mitigate the impact of development. This has included working with Oxfordshire County Council on education provision and transport, NHS England, Thames Valley Police and CDC's Community Development Officer. Considerable work has been undertaken by others with regard to establishing a community management organisation (LMO).

- 8.164. The monitoring of the development is important and will allow the success of the higher sustainability standards to be assessed and inform future decision making. A monitoring schedule has been developed for the Exemplar development that is currently under construction which was secured through the legal agreement accompanying the application. A similar approach is proposed for the applications proposed by A2 Dominion and Officer's intend to negotiate a similar approach for this application.
- 8.165. The limiting of carbon from construction has been addressed on the Exemplar application by measures such as construction travel plans, work on reducing embodied carbon and meeting CEEQUAL (sustainability assessment, rating and awards scheme for civil engineering). It is 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.
- 8.166. The requirements for transition arrangements can therefore be met and secured as part of any planning permission that might be granted.

Community and Governance

- 8.167. 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. Cherwell Local Plan Policy Bicester 1 requires the submission of proposals to support the setting up of a financially viable local management organisation.
- 8.168. The NW Bicester SPD includes 'Development Principle 13 – Community and Governance', which 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.
- 8.169. Work with a group of local stakeholders has been underway by A2 Dominion and CDC officers for a number of years. This has demonstrated there is a local appetite for such an organisation and helped to inform the role the LMO could play in future management of the development. As part of the work on the Exemplar application an interim management body will be formed to help inform and shape the management of the site. Work is progressing on this, with new residents showing an appetite for such an organisation. When the development reaches a critical mass this will move to a more formal structure and then to a fully-fledged LMO. The aim is for the LMO to develop as the development grows, subject to the residents and businesses having the appetite to take on the responsibility. Discussions have taken place with regard to the funding of the organisation and a mix of funding has been sought including an endowment of funds and property secured through legal agreements that could potentially generate an income.
- 8.170. There has been good progress in progressing the LMO through the work on the Exemplar application and to ensure the PPS and Cherwell Local Plan requirements are met, it is intended that details of the setting up of the LMO and funding for it so that it can be sustainable in the long term will be included in legal agreements for the site. The applicant has indicated their acceptance to discussing S106 matters and this would form part of those discussions.

Design

- 8.171. 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.
- 8.172. 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.
- 8.173. 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.
- 8.174. The application is an outline proposal, therefore at this stage it is necessary to consider the Design and Access Statement and the principles established for the site to guide development moving forward to the reserved matters stage. The application is accompanied by a set of parameter plans to identify the land use areas, residential building heights and vegetation parameters. An illustrative layout is also provided. The parameter plans generally align with those submitted in respect to the refused application 14/01675/OUT and Officers concluded that these were, on balance acceptable.
- 8.175. However, the parameter plan relating to residential building heights has been reviewed and updated and the parameter now allows for taller buildings along the whole route of the strategic road, up to 16m in height. The rest of the site would have a maximum height parameter of up to 12m. The increased height of development along the route of the realigned Howes Lane is generally acceptable in the view of Officers given that the NW Bicester SPD identifies that in local centres and along the strategic route, taller buildings with up to four storeys (up to 20m), will be considered in the Masterplan to increase density. Additionally, the parameter plans considered and accepted for other sites along the strategic route generally accords with the current proposals. The rest of the site being up to 12m in height also complies with the SPD guidance. Notwithstanding Officers view that the building heights proposed are generally acceptable, Officers do have some reservations as to a building of the maximum parameter being proposed in the future on the south east corner of the site (adjacent to the temporary link) due to the potential relationship with the existing two storey dwellings on the edge of Bicester. It is therefore suggested that a planning condition be imposed to restrict residential

building heights in this particular location so that the impact upon existing residential amenity is lessened.

- 8.176. The design and access statement explains a number of key design principles including considering where different type and density of development is best accommodated, responding to topography, providing for the 40% green infrastructure and the relationship with surrounding development. Connectivity is also considered to provide links to the rest of the eco town area as well as highway and parking arrangements. The document also refers to building materials and their sustainability performance and local sourcing and the document also commits to meeting Built for Life 12 and Lifetime Homes Standards as well as ensuring inclusive design.
- 8.177. The indicative layout has been considered and beyond the indicative access arrangements identified in the highway section of this report, the layout and form of development have been considered. Officers have identified a number of areas of concern, including the form of development identified that fronts the strategic link road, the rear of dwellings backing onto the existing route of Howes Lane, the relationship of buildings to each other and the public realm, the range of house types, the street structure and the relationship of the built areas to the landscaped areas and the place making qualities that are likely to result. Officers would also highlight that features such as the need for play space and design taking into account orientation will affect how the site can be developed. Whilst these concerns are highlighted, Officers have not sought amendments on the basis that the plan is indicative only and it has been demonstrated that up to 150 dwellings could be accommodated on the site. The intention is for additional design work to be established through an urban design framework prior to the submission of reserved matter applications so it is expected that these detailed design concerns can be addressed through detailed design work that will guide detailed planning applications.
- 8.178. Additionally, 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. Nevertheless it will need to also be routed in the location and appropriate for the area.
- 8.179. Beyond the potential concern highlighted above regarding a building of the maximum parameter on the south east corner and the adjacent existing residential dwellings, Officers consider that the parameter plans provide a sound basis for being able to achieve a form of development that can be appropriately accommodated without causing serious harm to the residential amenity of dwellings either existing within Bicester or elsewhere across the NW Bicester site.
- 8.180. The approach to cultural wellbeing at NW Bicester is set out in a strategy appended to the NW Bicester SPD. The expectation is that proposals to support cultural wellbeing will be incorporated for each application site to make NW Bicester a culturally vibrant place through high quality design and community engagement. Whilst financial contributions are not sought, the approach to cultural wellbeing will be established through the S106 to secure the contribution of each site to the overall approach. This will contribute to the design, public realm and quality of the site.
- 8.181. The framework plan provides a sound basis, albeit at a high level, on which further detailed design can be based and the submitted information demonstrates that the proposal can be accommodated without causing serious harm to the residential

amenity of neighbouring properties both in respect of existing and proposed residential properties. Design will need to be developed and this can be secured through the imposition of conditions to fulfil the requirements of the policies in the Cherwell Local Plan.

Conditions and Planning Obligations

8.182. Planning obligations need to meet the requirements of Community Infrastructure Levy (CIL) regulation 122 which states 'A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- 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.'

8.183. In addition 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.

8.184. The development will require a S106 legal agreement to secure the mitigation and infrastructure necessary to make the development acceptable. In order to secure the land for the strategic link road, a S106 is proposed that all Land Owners along the route would be required to enter into. Alongside this, a site specific S106 is required as required for all developments at NW Bicester in line with the Heads of Terms identified at appendix A. This application forms part of a large scale and complex site and the matters to be secured by planning obligation have been identified for the site as a whole with the proportionate requirement for each site identified. Discussions are currently underway with the applicant as to the Heads of Terms and progress upon drafting an agreement should have been made by the date of committee.

8.185. 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). A list of planning conditions is recommended as set out below and as discussed and identified through this report. As discussed in the transport section of this appraisal, there is no need for a Grampian condition to restrict development on this site until the strategic realigned Howes Lane and tunnel are in place as there is highway capacity available to accommodate the level of development proposed by this application.

Other Matters

8.186. As referred to above, the temporary access and footway/ cycleway arrangements on the existing Howes Lane would require lighting and the new residential areas would require lighting. The lighting in the residential areas would be designed to accord with industry best practice and consideration of environmental receptors and as referred to above, could be mitigated to avoid significant landscape impacts and therefore impact upon residential amenity. Lighting along the existing Howes Lane would be designed to highway standards and would be required to be agreed by the Highway Authority.

8.187. The ES also considers detailed environmental topics such as air quality, noise and vibration, waste and recycling, flood risk and water resources, utilities, archaeology and built heritage and ground conditions and contamination. No significant

environmental effects are expected in respect of any of these detailed matters and can be controlled, for example through the construction phase by appropriate management.

- 8.188. The ES also considers cumulative impacts and does not predict significant impacts, either at the construction or operational phases particularly when mitigation measures, such as construction management are taken into account.

Pre-application community consultation and engagement

- 8.189. 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).
- 8.190. The application is accompanied by a Statement of Community Involvement. This explains the level of community consultation that has been undertaken in the past (including that carried out in relation to the Masterplan for NW Bicester as a whole) and that which has been carried out since the refusal of application 14/01675/OUT. In respect to the current application, the applicant has engaged with Officers and Members and has contacted local residents by post to advise of their intention to submit a new application for residential development.

Financial Implications

- 8.191. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. This can include payments under the New Homes Bonus. The scheme has the potential to secure New Homes Bonus of £760,121 over 4 years under current arrangements for the Council. This estimate includes a sum payable per affordable home. However, officers recommend that this is given no weight in decision making in this case given that the payments would have no direct relationship to making this scheme acceptable in planning terms and Government guidance in the PPG states that it is not appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the Development Plan unless material considerations indicate otherwise. 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.
- 9.2. The principle of residential development as proposed complies with Policy Bicester 1 of the Development Plan and the Masterplan for North West Bicester and is therefore considered to be acceptable. The number of dwellings proposed would fall within the overall number of residential units allocated for the site and it has generally been demonstrated that the number can be accommodated on the site. The development would also provide for 30% affordable housing. This contributes to the economic and social role of sustainability by contributing to the supply of market and affordable housing on a sustainable site.

- 9.3. The proposal has been assessed against the high standards sought at NW Bicester in order to achieve a zero carbon development as required by Policy Bicester 1, the Masterplan and the Eco Towns PPS. Subject to the use of obligations/ conditions to secure additional detailed information, it is considered that this development can meet these high standards in terms of being zero carbon, adapting to climate change and highly energy efficient. This would contribute to the environmental role of sustainability by helping to mitigate and adapt to climate change including moving to a low carbon economy.
- 9.4. In transport terms, the proposal can be accommodated without causing a severe highway impact, both in the long term and short term, including the provision of a temporary access. Additionally, the proposal contributes towards the land required to provide the long term strategic link road (and other land will be required to be made available through a legal agreement to secure the land for the route of the whole road). The proposal would also be required, through the imposition of condition/ legal agreement obligation to contribute towards the achievement of securing sustainable travel measures offsite and on site to the wider NW Bicester site.
- 9.5. The proposal has also been demonstrated to comply with other required criteria, including the achievement of a net biodiversity gain, without causing an impact upon existing biodiversity, the provision of 40% green infrastructure, being close to local services and the ability to be designed to promote healthy communities, in an area of low flood risk, with it possible to accommodate drainage in a suitable way and by making a contribution to the aspiration to water neutrality and the sustainable management of waste.
- 9.6. Subject to the completion of a satisfactory S106 agreement to secure mitigation resulting from the impact of the development both on and off site, and a set of conditions it is therefore concluded that overall the development represents sustainable development, complies with the policies identified through this report and is recommended for approval.

Environmental Impact Assessment Determination

- 9.7. 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.
- 9.8. 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.

10. RECOMMENDATION

That permission is granted, subject to

- a) Delegation of the negotiation of the S106 agreement and Strategic Road Agreement to Officers in accordance with the summary of the Heads of Terms attached at appendix A (to follow) and subsequent completion of S106 agreements
- b) Resolution of the Highway Authority objection regarding the strategic link road, including the submission of plans for approval
- c) The following conditions with delegation provided to the Development Services Manager to negotiate final amendments to the wording of conditions:

Conditions to follow

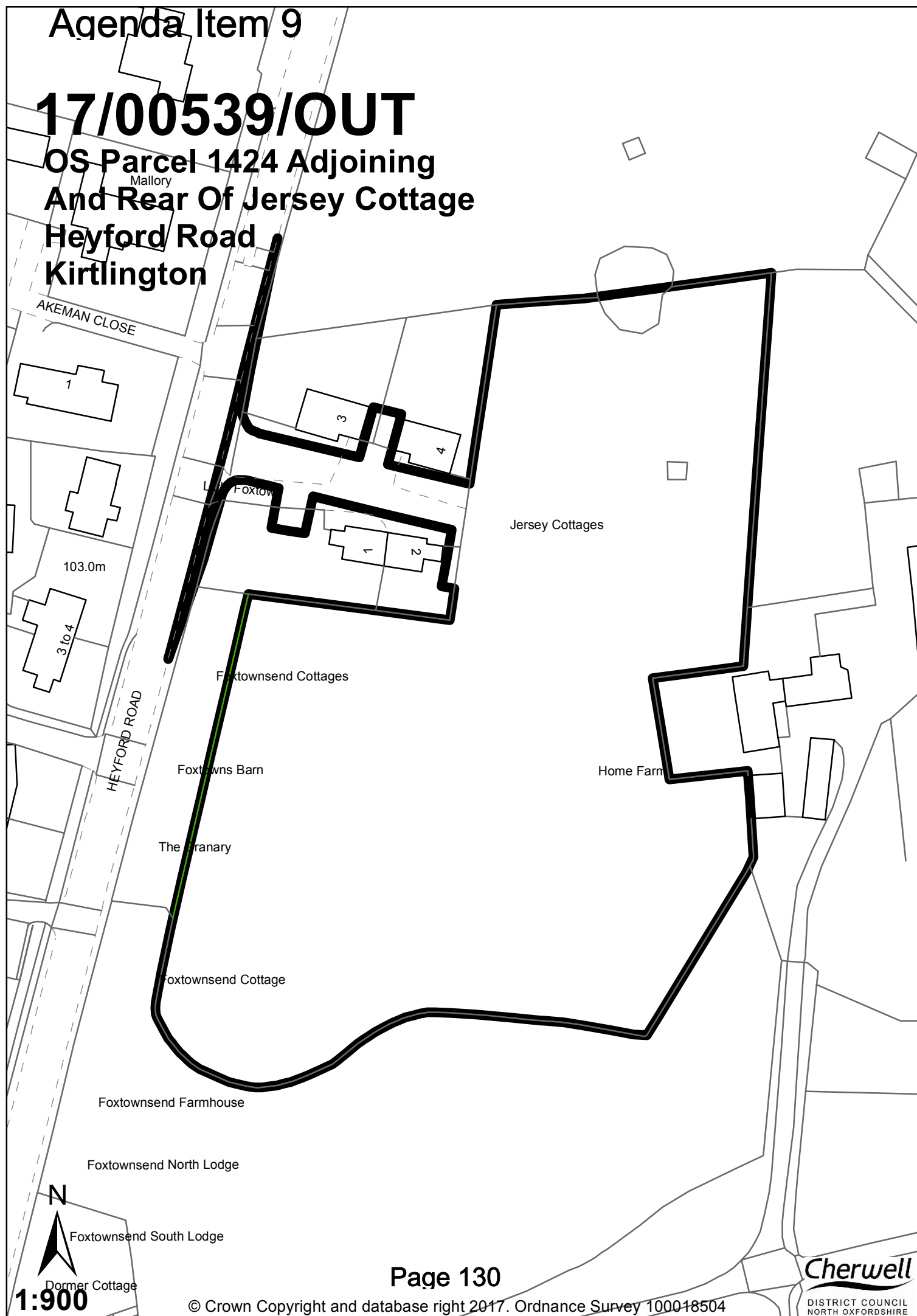
CASE OFFICER: Caroline Ford

TEL: 01295 221823

Agenda Item 9

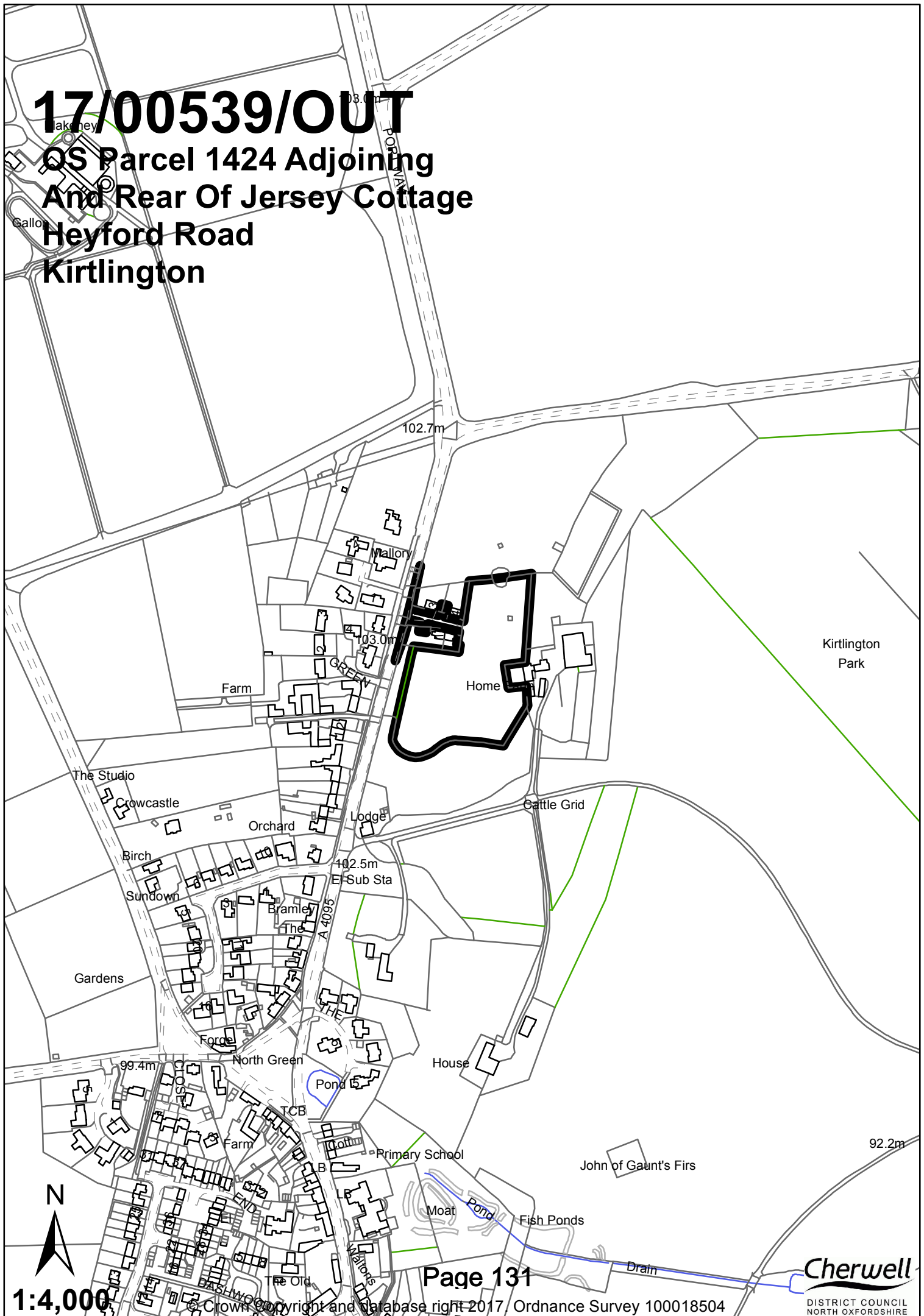
17/00539/OUT

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



17/00539/OUT

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



1:4,000

Page 131

© Crown Copyright and Database right 2017. Ordnance Survey 100018504

Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Applicant: Manor Farm Developments Ltd, S Nicholson, JF & CM Budgett,
DC Grayland & HC Tylor

Proposal: OUTLINE – Proposed residential development for up to 20 new
dwellings and associated works with all matters reserved except
access

Ward: Fringford and Heyfords

Councillors: Cllr Ian Corkin
Cllr James Macnamara
Cllr Barry Wood

Reason for Referral: Major development

Expiry Date: 23 June 2017 **Committee Date:** 15th June 2017

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site is located to the northern side of Kirtlington to the east of Heyford Road. It comprises land to the south and east of 1-4 Jersey Cottages and paddock and is approximately 1.26ha in area.
- 1.2 The northern boundary of the site is defined by a hedge, trees and fences. The western boundary comprises a dry stone wall, approximately 1.6m high, with a belt of mature trees within the site. The southern boundary of the site is formed by woodland which extends along the entire southern boundary and merges with a larger block of woodland to the east of the site. The eastern boundary is defined with a post and rail fence which borders Home Farm and its associated agricultural buildings.
- 1.3 To the south of the site, beyond the woodland is the driveway into Kirtlington Park and parkland; to the north is a paddock forming part of Home Farm. The western side of Heyford Road is characterised by a strong building line of dwellings fronting onto Heyford Road with a couple of cul-de-sacs, Akeman Close and Foxtowns. Conversions of traditional farm buildings have also taken place to the rear of Foxtownsend Farm.
- 1.4 The application site lies partly within the Conservation Area and partly within the Grade II Registered Park and Garden of Kirtlington Park. There are several Grade II listed buildings adjacent to the application site including Home Farm.
- 1.5 There are no Tree Preservation Orders within the site. The site is within 2km of a SSSI (Kirtlington Quarry) and there are records of Spotted Fly catchers, a legally protected species within 250m of the site. There are also records of common swift within 250m which are a UK BAP Priority and Section 41 Species and it abuts a UK BAP Priority and Section 41 Habitat, lowland mixed deciduous woodland. The site lies within a buffer zone for potentially contaminated land and is a site of medium level archaeological interest.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Consent is sought for the erection of up to 20 dwellings with open space and associated works. The application is in outline with only access to be considered at this time. Appearance, landscaping, layout and scale are reserved for subsequent approval.
- 2.2 Vehicular access will be from a new access slightly northwards of the existing one which serves the Jersey Cottages from Heyford Road. The existing access will be closed off. The development will be served by a 5.5m wide access road with 2m footways provided on both sides. The footway will be extended south of the proposed access to a new pelican crossing allowing access to the existing footway network on the western side of Heyford Road.
- 2.3 An indicative layout has been submitted showing 20 dwellings served by a single access from Heyford Road with an area of open space to the east, separating the proposed housing from Home Farm. Three plots are shown located to the north of this access, with the remainder to the south. Nos. 1 to 4 Jersey Cottages will remain and are not included in this application.

3. RELEVANT PLANNING HISTORY

- 3.1 An application was received in 2015 for residential development which included the replacement of Jersey cottages, 15/01128/OUT, but this was withdrawn by the applicant following a number of concerns raised by officers about the principle and layout of development and impact on heritage assets.

4. PRE-APPLICATION DISCUSSIONS

- 4.1 Pre-application advice was sought in December 2016, under application 16/00329/PREAPP, for the development of the site for 20 dwellings. The conclusion of the advice given was that the site was not considered to be acceptable for residential development in the form and scale proposed due to the impact on the visual amenities and rural character of the village and its setting. It was also considered to be harmful to the traditional settlement pattern and would have a significant adverse impact on Kirtlington Park neither preserving nor enhancing the character and appearance of the Conservation Area nor the setting of Home Farm, a listed building.
- 4.2 Further advice was given that if the scheme received clear support from the Parish Council and a significant number of village residents and any harm to the heritage assets and visual amenities of the area could be shown to be limited and outweighed by public benefits it may result in a positive officer recommendation being given having regard to the presumption in favour of sustainable development contained within the NPPF.

5. 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. The final date for comments was 25.05.2017, although comments received after this date and before finalising this report have also been taken into account.

5.2 The comments raised by third parties are summarised as follows below and the letters can be viewed in full in the application documentation which is published on the Council's website.

5.3 9 letters have been received objecting to the proposal and they are summarised as follows:

- Not consistent with Local Plan
- Site not in 2014 SHLAA
- Kirtlington Park is an attractive historical part of Kirtlington
- Within the Conservation Area
- Highway safety and increased traffic
- Impact of loss of trees and dry stone wall to create access on Conservation Area and visual amenities
- Capacity of school
- Housing too large/expensive. Doesn't cater for average village dweller.
- Noise from pelican crossing and vehicles pulling away
- 'Town Green' wouldn't be used by public
- Impact on wildlife
- Site forms part of agricultural heritage of the village
- Within the overall scheme of park designed by Capability Brown
- Detrimentially affect character and appearance of Registered Park and its setting
- Set a precedent for building within the park
- There are less sensitive areas in the village for development
- Impact on rural and linear character of the village
- Visual impact of the development
- Impact on the setting of the listed building (Home Farm)
- Environmental Impact Assessment needed
- Strain on local infrastructure and amenities
- Public transport limited and reliance on cars
- Distance from village facilities
- Benefits of scheme don't outweigh the harm to the Conservation Area and Registered Park and Garden
- No consideration of alternative sites for development within the village
- Comments on Kirtlington Parish Council's response regarding village boundaries and sites for affordable housing

5.4 9 letters in support of the proposal have been received, including two from the same responder and one from a representative of a responder. They are summarised as follows:

- Developer has listened to needs of villagers
- Reduced No. of houses from previous scheme
- Affordable housing and mix of smaller units
- Current residents can remain in village
- Benefits outweigh concerns of location in Conservation Area
- Enhance the area
- Provide safer egress onto A4095 for existing dwellings
- In accord with draft Neighbourhood Plan
- Does not contradict linear form of village
- Not visually intrusive
- Safe access to village amenities
- Minimal impact on traffic flow
- Within current boundaries of the village

5.5 The applicant's agent has responded to one of the above objections, from Worlledge Associates, and this response is summarised as follows:

- The boundary and openness for the former 'Town Green' is not legible as former common land. It is now only readable from historic maps
- There will not be a loss of a significant part of the ancient 'Town Green'
- The historic relationship of Home Farm to its historic landscape setting is already changed (early 19th century)
- Home Farm is not understood as an integral part of the Park nor as a line of cottages on the edge of a green.
- There is a more generous buffer against new development than with the previous scheme and retains a greater sense of openness around the building.
- The site was part of a larger piece of common land brought within the ownership of the Dashwoods and demarcated by a wall. It was deliberately screened off from the new driveway and entrance lodge by a belt of trees.
- It was not meant to form part of the experience of entering the park. Experiences of the designed landscape will remain unaffected by the proposed development.
- The boundary wall signifies the presence of the Park but not as strongly as the original tree-lined boundary.
- The site does not have the character of parkland. This ambiguous status is compounded by the status of the land immediately to the north of the application site that was not included in the Registered Park when it was enclosed at the same time.
- It has a different character to the designed landscape in the park
- The wall will maintain the sense of enclosure and the visibility of the earlier tree lined park boundary will remain unaffected
- The designed entrance to the park will remain as currently.
- Access into the site will modify the existing access into Jersey Cottages and not compete with the designed entrance
- The historically linear form of development will remain legible. Development opposite the application site has introduced development in depth and this has not removed the legibility of the linear development of historic buildings to the south.

5.6 Two responses have been received from national campaign groups and their comments are summarised as follows:

CAMPAIGN TO PROTECT RURAL ENGLAND: **object** on the following grounds:

- Cherwell has a 5 year housing supply
- Represents a mass increase in the size of the village
- Unsympathetic to the character of the village due to its form and to the landscape and due to its location and proximity to Kirtlington Park
- Not sustainable due to the lack of facilities in the village such as the small school, loss of green space and increase in traffic
- It is in the Conservation Area

SAVE: **object** on the following grounds:

- Endorses points made by the Gardens Trust below
- Kirtlington and its park is an outstanding example of the 18th century English genius for architecture and landscape design
- Eroding edges of such landscapes damages their integrity

- Highly damaging to have development outside a park shelter-belt as inside, as the protecting trees are intended to be seen from without as well as from within
- Country house parkland is a key feature of English landscape and must be protected from damaging development.

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 KIRTLINGTON PARISH COUNCIL: **Supports** the application in principle for the following reasons:

- In line with feedback received from wider village (individual discussions and written feedback following public consultation event for the proposal).
- CDC officers referred to share of Cat A housing as 17 dwellings.
- In 2014 Kirtlington Parish Council (KPC) carried out a survey about development in the village and 43% of respondents wanted no more houses and 44% wanted some but only a few.
- Kirtlington needs a small number of social/affordable houses to keep those with close family connections in the community.
- Existing mix of houses within the village is currently unbalanced. Smaller homes are required.
- Kirtlington has several constraints on development:
 - linear village and boundaries beyond which development should be opposed were agreed unanimously at a Parish Council meeting in 2016 (Western boundary – old Woodstock Way, Eastern boundary – original sections of the park, North boundary – Akeman Street and South boundary- 30mph sign on Bletchingdon Road).
 - In recent appeals regarding the site to the west of old Woodstock Way mention was made of the landscape views and rural setting of the village to the west.
 - Primary school at or around capacity with playground at the minimum size. No space to expand the buildings.
 - Infrastructure problems with sewerage and water pressure.

KPC knows of no other available and accessible site which would provide a few social/affordable houses and the Cat A village contribution whilst not causing any primary school children to be bussed out of the village. Any more than 20 houses would be a problem for the village and any fewer would not deliver the required social housing.

- KPC supports the proposal as it is overwhelmingly villagers' preferred site offered for development, provides affordable housing, is commensurate with Kirtlington's share of new housing required of Cat A villages in the Cherwell Local Plan Part 1, its location is within boundaries defined in 2016 and fits into the traditional linear pattern of the village whilst offering small dwellings.
- The site is in the Conservation Area but the PC considers any perceived harm will be overcome with consideration of arboreal and 'estate' wall issues.
- Clear distinction needs to be made between land outside the historic park and the historic park designed by Capability Brown. It is not within the historic park, nor part of any vistas in the historic park. It is adjacent to it and is well screened from it and

does not affect the setting of Kirtlington Park House nor vistas in or from the historic park.

- It will not be unsympathetic to the surrounding area or set a precedent for further development in the park.
- Provision of new green space is sufficient to reduce the harm to the setting of Home Farm but a condition is required restricting any proposed dwellings from within 35m of Home Farm. This green should be nominated as a Local Green Space.
- The design of the dwellings in an appropriate vernacular for the village should be a reserved matter.
- Access should be safe and visually secondary to the existing entrance to the Park.
- The archaeological field investigations haven't revealed anything of interest on the site.
- Important screening is primarily due to the trees outside the red line boundary. A condition is required to provide a management plan for these trees for sufficient screening to be maintained for at least 30 years. Screening both from the historic park and from Heyford Road is an important part of village acceptance of the proposal.
- Conditions are sought to protect root protection zones of trees outside the red line boundary.
- A Landscape and Visual Assessment is required as a reserved matter with regard to views from the north. Planting is required to the north of the site to mitigate the visual effect.
- No dwellings should be within 11m of the extent of the canopy of the southern belt of trees to reduce future pressure on the trees.
- The trees and stone wall are important boundary features along Heyford Road.
- It needs to be made clear who is responsible for the repair/maintenance of the wall.
- Works to the wall need to be sympathetic to it.
- The illustrative layout is improved from the previous scheme.
- Villagers aspirations are for 2 and 3 bed dwellings.
- Provision of sufficient parking is required and these spaces should be protected from future development.
- Information is required at the reserved matters stage regarding materials, heights of buildings, and boundary treatments.
- Information regarding ownership and on-going maintenance of green spaces is required.
- Conditions required by Oxfordshire County Council in respect of key transport issues should be respected.
- KPC wish to be consulted on works within the highway including lighting.

6.3 KIRTLINGTON PARISH COUNCIL (following receipt of amended information):
Comment that they only have one issue and one concern regarding the revised Transport Survey.

- Kirtlington does not have a cycle route and access to nearby (Tackley) railway station as it passes through the Cherwell flood zone and is often impassable in winter.
- The Road Safety Audit Sage 1 report mentions that the existing illumination is inadequate for the pelican crossing at night and recommends improvements to lighting. This would be very unpopular within the village and especially from residents on this stretch of road. It also mentions that the pelican crossing will have a red man phase indicating that it will have lights. This is of great concern and KPC considers that this should be established before granting planning permission.

STATUTORY CONSULTEES

6.4 HIGHWAY AUTHORITY: **Object** on the following grounds:

- Drainage issues
- Improved bus stop infrastructure and area of hardstanding is required for bus stops on the Heyford Road
- Full width resurfacing of Heyford road adjacent to the bell-mouth is required
- Resurfacing of a 50m length with a high PSV aggregate (designed to DMRB for skid resistance appropriate for this location) in the northbound lane of Heyford Road is required
- More information is required detailing the formal pedestrian crossing to the south of the access across Heyford Road
- A legal agreement is required to secure:
 - Financial contribution of £2,180 to provide improvements to the bus stop infrastructure.
 - Section 106 contribution of £1000 per dwelling towards the cost of enhancing this service towards a Connector level of service, as defined in the Local Transport Plan 4, with two daytime buses per hour in both directions with some evening and Sunday buses.
- A Section 278 Agreement is also required to be entered into between the applicant and OCC for works in the highway, to include:
 - A new access onto the Heyford Road
 - Improvements to the bus stop infrastructure to include the provision of what is stated above.
 - Provision of a hardstanding area on the southbound carriageway, to accommodate waiting area for bus stop.
 - New pelican crossing as detailed in the Transport Assessment, drawing number 15013/103.
- If consent is granted the Highway Authority has requested the attachment of conditions relating to the access specification, provision of visibility spays, construction of works within Heyford Road, surface water drainage scheme, a Construction Traffic Management Plan (CTMP), and preparation and submission of a travel plan.
- The applicant should provide plans showing any roads being proposed for adoption within the development, as they will need to enter into a Section 38 Agreement with OCC.

These issues could be overcome by the imposition of conditions.

- 6.5 OCC DRAINAGE: **Object** as the drainage strategy and proposals for the site should demonstrate compliance with Cherwell local planning policy and non-statutory technical standards for SUDS. There should be no excess run-off of water out onto the highway. This issue could be overcome with the imposition of conditions.
- 6.6 HISTORIC ENGLAND: **Do not wish to offer any comments** recommending the Council seeks advice from its own specialists.
- 6.7 THE GARDEN TRUST AND OXFORDSHIRE COUNTY GARDENS TRUST: **Object.** They state that the parcel of land is outside the most sensitive area of the park landscape but is within the designated area. They consider that the development will neither conserve nor enhance the character and appearance of the Registered Park (RPG) and its setting and will set a precedent for further unsympathetic development within the RPG. They comment that no mention is made within the application whether other sites not affecting a designated heritage asset have been considered by the applicant, and why a less sensitive area was not chosen in preference.

If approved they would wish to see thickening to the western, northern and eastern boundary tree belts. The repair of the boundary wall along the length of the application site on the western perimeter and also the reduction in housing numbers from 34 in the previous application (15/01128/OUT) is welcomed.

They would wish to see the principles within Policy ESD15 and Policy Villages 2 of the Cherwell Local Plan 2031 adhered to.

6.8 ENVIRONMENT AGENCY: **No comment to date**

- 6.9 THAMES WATER: **Comment** that they have not been able to determine the waste water infrastructure needs of the application and recommend that should the Local Planning Authority look to approve the application ahead of further information being provided, a 'Grampian Style' condition should be applied requiring the submission and approval of a drainage strategy detailing any on and/or off site drainage works. 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. In addition they state that due to insufficient information they have been unable to determine the foul infrastructure needs of the development and they require a drainage strategy for foul water detailing the peak discharge rate, point of connection to the public sewer as well as how the flow is discharged to enable the assessment of the impact of the development on the local sewer.

No objections are raised with regard to water infrastructure capacity or surface water run-off management.

NON STATUTORY CONSULTEES

6.10 CDC PLANNING POLICY: **No comment to date**

- 6.11 CDC DESIGN AND CONSERVATION: **Object**. The proposed development will be harmful to the Registered Park and Garden, listed buildings adjacent to the site and the Kirtlington Conservation Area. It is considered that there will not be a substantial public benefit to outweigh the harm and there is no evidence produced as part of the application that the proposed benefits of meeting local housing need could not be provided elsewhere in a more suitable location.

- 6.12 CDC ECOLOGY: **Comments** that information regarding the potential of the development to impact on protected species needs to be provided prior to determination of the application as there is a number of protected species records in the local surrounding area including reptiles, bats and notable bird species, as well as nesting swifts on Heyford Road. There is potential for reptiles to be present on site and no specific survey for reptiles has been undertaken. The stone wall may also have potential for roosting bats but this does not seem to be assessed within the report.

Trees within the site have potential for bat roosting but are shown to be retained. Bat surveys would be required if any of these trees require removal or remedial work as part of the reserved matters to determine if the works are likely to have an impact on a roost. Two of the buildings to the north of the site have been identified as bat roosts and the other two have bat roosting potential. Although the buildings are not expected to be impacted by the proposed works, any new lighting scheme should be sensitively designed to avoid lighting the buildings or foraging/commuting routes, as this could lead to abandonment of the roost.

The biodiversity enhancement scheme provides suitable mitigation and enhancements for bats and nesting birds within the scheme, including a minimum of 10 bat boxes (5 on trees and 5 Habitat integrated boxes on the new builds). Due to the local swift records it is recommended that enhancement for swift nesting in addition to the other species is provided with the incorporation of swift bricks.

The creation of the attenuation basin is welcomed but it would be beneficial if a permanently wet attenuation feature was provided and included seeding the marginal habitat with an appropriate native wildflower seed mix. Landscaping should comprise of native species local to the local landscape area. It is recommended that in line with the NPPF and Local Policy ESD10, that the woodland is managed in the long-term in line with a woodland management plan with the aim to achieve no net loss of biodiversity as a result of the development. A long-term management plan should be provided as part of an overall Landscape and Ecological Management Plan (LEMP) for the site.

- 6.13 CDC BUSINESS SUPPORT UNIT: **Comment.** It is estimated that this development has the potential to attract New Homes Bonus of £101,926 over 4 years under current arrangements for the Council. This estimate includes a sum payable per affordable home.
- 6.14 CDC STRATEGIC HOUSING: **Comments** that the proposal for the residential element of the outline application is for a total of 20 units. The planning contribution for affordable housing in rural areas is 35% and so we would require 7 of these units to be for affordable housing. The policy tenure split is for 70% of these to be affordable rent and 30% to be for shared ownership. Therefore a proposed mix will be as follows:

Affordable Rent

2x 1Bed 2 person maisonette

3 X 2Bed 4 person house

Shared Ownership

2X 2Bed 4 person House

All properties should meet the nationally described space standards

50% of the properties should meet Building Regs Part M4(2).

It is preferred that the parking adjoins the property where possible.

The registered provider will need to be agreed in advance with the District Council.

- 6.15 CDC RECREATION AND LEISURE: **Comments:** The following contributions will be sought for off-site sports, community, and arts provision:

Sports Facilities Provision:

Off-site contribution towards providing increased outdoor sports facilities capacity within the locality of Kirtlington/Bicester (actual project to be specified when district sports studies are published later this year). Based on 20 residential dwellings x 2.39 persons x £466.03 per person = £22,276.234

Off-site contribution towards creating additional indoor sports facilities capacity within the locality of Kirtlington/Bicester (actual project to be specified when district sports studies are published later this year). Based on 20 dwellings x 2.39 persons x £314.26 = 15,021.628

Community Halls Provision: A contribution towards helping the local community hall accommodate an increase in capacity will be based on a sum per dwelling. These are:

<u>Unit</u>	<u>Contribution</u>
1 bed	£104.73
2 bed	£151.21
3 bed	£235.39
4+ bed	£323.70

Public Art Provision:

There will be a requirement to provide public art either on site to enhance a new communal area or community resource or offsite to encourage community cohesion and improve cultural infrastructure. Expected contribution £150 per dwelling with an agreed public art plan, or £200 per dwelling and CDC will take on the development and delivery of appropriate public art intervention.

6.16 CDC LANDSCAPE SERVICES: **Comments** that the following contributions are required:

- Provision of an unequipped play area and a financial contribution of £12,394.26 towards maintenance
- Attenuation basin – financial contribution of £11.63 per sq m towards maintenance
- Provision of public open space – 1104 sq m minimum provision and a financial contribution of £9.32 per sq m.

6.17 CDC ARBORICULTURALIST: **No comment to date**

6.18 CDC WASTE AND RECYCLING: **Comments** that accessible and adequate storage for waste and recycling is required. Guidance is 1.8 sqm per household.

A Section 106 contribution of £106.00 per property will also be required.

6.19 OCC ARCHAEOLOGIST: **No comment to date**

6.20 OCC PLANNING AND PROPERTY: **No objection.** OCC is not seeking Education contributions to mitigate the impact of this development on primary school, secondary school, Special Educational Needs or Early Years infrastructure. Existing capacity is forecast to be sufficient, taking into account this proposed development and other development already approved.

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 Levy Regulations 2010 (as amended).

The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. A condition is required seeking the provision of hydrants in accordance with the requirements of the Fire & Rescue Service. It is recommended that new dwellings should be constructed with sprinkler systems.

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)

- VIL1 - Village Categorisation
- VIL2 - Distributing Growth Across the Rural Areas
- VIL4 - Meeting the Need for Open Space, Sport & Recreation
- BSC3 - Affordable Housing
- BSC4 - Housing Mix
- BSC10 - Open Space, Outdoor Sport & Recreation Provision
- BSC11 - Local Standards of Provision - Outdoor Recreation
- ESD3 - Sustainable Construction
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 - New dwellings in the countryside
- C8 - Sporadic development in the open countryside
- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development
- C33 - Protection of important gaps of undeveloped land
- ENV12 - Development on contaminated land
- TR1 - Transportation funding

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Kirtlington Conservation Area Appraisal (2011)
- CDC Annual Monitoring Report (AMR) 2016
- CDC Countryside Design Summary SPG (1998)
- Mid-Cherwell Neighbourhood Plan: The Mid Cherwell Neighbourhood Plan remains at an early stage of preparation following the formal designation of the Neighbourhood Area on 7 April 2015. In particular a pre-submission Plan is yet to be published for consultation. Therefore only very limited weight can be afforded to the Neighbourhood Plan.

8. APPRAISAL

8.1 The key issues for consideration in this case are:

- Planning policy and principle of the development
- Visual amenity and landscape impact
- Design issues and form of development
- Heritage assets

- Archaeology
- Transport and access
- Ecology
- Flooding and drainage
- Service and infrastructure impacts, and affordable housing
- Planning balance

Planning policy and principle of the development

- 8.2 The Development Plan for Cherwell District comprises the Cherwell Local Plan 2011-2031 and saved policies in the Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission, the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.3 The site in question is not allocated for development in any adopted or draft plan forming part of the Development Plan. Kirtlington is designated as a Category A settlement in the Cherwell Local Plan 2011-2031 and as such is one of the more sustainable villages in the district, where minor development, infilling and conversions will be permitted within the built-up limits of the village. However the site is not within the built up limits and the proposal does not therefore qualify for consideration under Policy Villages 1 of the Local Plan.
- 8.4 Saved Policy H18 of the Cherwell Local Plan 1996 restricts new dwellings beyond the built up limits of settlements in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet an identified and specific housing need that cannot be met elsewhere. Quite clearly the development proposed fails to comply with this policy and in doing so also conflicts with Policy C8 which seeks to prevent sporadic development in the open countryside but also serves to restrict housing development.
- 8.5 Policy Villages 2 of the Cherwell Local Plan 2011-2031 is concerned with the distribution of housing growth across the rural areas. It states that a total of 750 homes will be delivered at Category A villages across the Plan period, in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014. In identifying and considering sites particular regard will be given to a number of criteria including:
- Whether land has been previously developed land or is of lesser environmental value;
 - Whether significant adverse impact on heritage or wildlife assets could be avoided;
 - Whether development would contribute in enhancing the built environment.
- 8.6 Notwithstanding the conflict with saved Policy H18 and C8, the provision of some additional housing at Kirtlington could therefore accord with the Development Plan, subject to development proposals being acceptable having regard to these criteria and other material considerations. In this case the application site is, as stated previously, within a Grade II Registered Park, in the setting of Grade II listed buildings

and within the Kirtlington Conservation Area. It is also in an area of archaeological interest and has ecological potential as habitat for protected species. The proposal would also extend development into the countryside and would introduce an area of built development in a presently very loose knit part of the village. These issues will be considered further below.

- 8.7 The Cherwell Local Plan 2011-2031 recently passed through examination and was found sound and consistent with the NPPF. Likewise, and taking account of recent appeal decisions, the saved policies within the Cherwell Local Plan 1996 are considered up-to-date insofar as they are consistent with the NPPF. The NPPF advises that proposed development that conflicts with the Development Plan should be refused unless other material considerations indicate otherwise.
- 8.8 The NPPF is a material consideration in respect of the consideration of this proposal. The NPPF at paragraph 14 states 'At the heart of the National planning policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking'.....For decision taking this means:
- Approve development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole, or
 - Specific policies in this framework indicate development should be restricted
- 8.9 Paragraph 49 of the NPPF states 'housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. Cherwell District Council can currently demonstrate a five year housing land supply and the enhanced presumption in favour of sustainable development set out in the NPPF does not apply.
- 8.10 Therefore the test in this case is whether there is conflict with the Development Plan, and if so, whether there are other material considerations that outweigh that conflict such that the proposal can be considered sustainable development. The key issues are expanded upon below however other material considerations can include whether there is public support for the scheme and whether there are any other more suitable sites for development within Kirtlington. These other considerations will be returned to in the planning balance at the end of this report.

Visual amenities and landscape impact

- 8.11 The application site lies beyond the existing built up limits of Kirtlington in an area of open countryside which forms part of the Grade II Kirtlington Park. Saved Policy C8 of the Cherwell Local Plan 1996 seeks to protect the landscape, preventing sporadic development that would cause harm to the topography and character of the landscape and the explanatory text states that tight control should be exercised over all development proposals in the countryside if the character is to be retained and enhanced. Careful control of the scale and type of development is necessary to protect the character of these designated areas. Policy ESD 13 of the Cherwell Local Plan 2011-2031 seeks to conserve and enhance the distinctive and highly valued local character of the entire district. The NPPF also advises that the open countryside should be protected for its own sake.

- 8.12 Whilst the development will have a limited effect on the wider landscape it will be visible from the north when entering the village along Heyford Road as well as from Akeman Street and from within the village itself. In your officer's opinion a housing development in this location would have a detrimental impact on the setting of the village introducing an urban feature into this very rural edge to the village. The required upgrading of the access and laying of footways along with the provision of a pedestrian crossing will increase the urbanisation of this part of Kirtlington to the further detriment of the rural character and visual amenities of the area. Therefore the development is considered to be contrary to saved Policy C8 of the Cherwell Local Plan 1996 and Policy ESD13 of the Cherwell Local Plan 2011-2031.
- 8.13 The proposal will also represent an extension of the village contrary to the established linear settlement pattern of Kirtlington. The Council's Countryside Design Summary SPG suggests that "new development should reinforce the existing street pattern, which creates the basic village form. In linear villages, development should strengthen the dominant street scene and limit backland development." The proposed development does not respect the street pattern as it is primarily a cul-de-sac development extending almost 100m to the east of Heyford Road with no frontage onto Heyford Road, which at this point is defined by a strong linear building line fronting the west side of Heyford Road. Jersey Cottages is the exception to this, with parkland and farmland extending to the north and south along Heyford Road.
- 8.14 As such the proposal is not well integrated with the village and is considered to harm the character of the settlement and visual amenities of the area. Further the Countryside Design Summary SPD states that "development in historic parklands or within their setting must maintain or enhance the specific character, which defines this part of the District." The proposed development does not maintain or enhance the parkland character, and issue returned to later in this report.

Design issues and form of development

- 8.15 The NPPF advises that 'securing high quality and inclusive design goes beyond aesthetic considerations', and that decisions should 'address the connections between people and places and the integration of new development'. Supporting advice in the Planning Practice Guidance (PPG) says that 'achieving good design is about creating places or spaces that work well; successful integration of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre; proposals should promote accessibility and safe local routes by making places that connect appropriately with each other and are easy to move through; a place should have an appropriate number of routes to and through it; and that designs should ensure that new and existing buildings relate well to each other, that spaces complement one another.'
- 8.16 Access is the only matter to be considered at the current time and with this development proposal accessibility would be limited to the northern part of the site. The development would have a very limited connection with the village and in your officer's view it would appear as a separate housing estate on the edge of the village. It would not be well integrated into the fabric of the built environment of Kirtlington and this would be emphasised by the siting behind the park wall and a mature tree belt. It would therefore fail to comply with the Framework and would not amount to sustainable development. If additional access points were to be created to link the site better into the village the wall enclosing the Park would need to be breached which would have an adverse impact on the character and appearance of the Conservation Area and the setting of the Park.

- 8.17 The illustrative layout submitted with the application has the appearance of a suburban estate with no connectivity through and terminating in private drives, and whilst this is only an indicative plan it is difficult to see how an alternative layout could be achieved without increasing the potential harm to the heritage assets such as introducing further access points into the wall bounding Heyford Road. It further demonstrates the lack of integration with the settlement.
- 8.18 The layout is indicative only however officers are concerned about the proximity of a number of the plots to the trees around the site. In particular officers are concerned about the proximity of the dwellings, and the size of the gardens, to the trees to the southern boundary of the site. It is likely that there will be pressure from the occupiers of those properties to fell/carry out works to the trees due to proximity to and overshadowing of gardens/windows and the nuisance related to leaf loss in the autumn.
- 8.19 On the matter of whether an acceptable living environment for existing and proposed occupiers can be achieved, whilst the layout is indicative only, due to the relationship with other dwellings it does not appear that the proposal will result in any detriment to the residential amenities of the existing residents nearby, nor to those of the new residents. Adequate details of the layout of plots and the detailing of elevations can be secured at reserved matters stage in this respect.

Impact on the Heritage Assets

- 8.20 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Likewise section 72 of the same Act states that in considering proposals for development in a Conservation Area, “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.21 Paragraph 132 of the NPPF states 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”. It continues “substantial harm to or loss of a grade II listed building, park or garden should be exceptional”.
- 8.22 There are a number of heritage assets affected by the proposal. The site is partly within the Kirtlington Park Registered Park and Garden and the Kirtlington Conservation Area. There are a number of listed buildings surrounding the site including Grade II listed Home Farm and further to the east, the Grade I Listed Kirtlington Park. It is also within an area of archaeological interest.
- 8.23 The Conservation Officer has objected to the application as it is considered that the proposed development will be harmful to the Registered Park and Garden, listed buildings adjacent to the site and the Kirtlington Conservation Area. It is also considered that there will not be a substantial public benefit to outweigh the harm and there is no evidence produced as part of the application that the proposed benefits of meeting local housing need could not be provided elsewhere in a more suitable location.
- 8.24 Whilst it is argued by the applicant that the application site is distinct from the wider, formal landscaped parkland and as such does not have the same level of significance, it is within the boundary of the Registered Park and the development is considered to be inappropriate resulting in harm to the Park and its setting. The

Gardens Trust has objected to the application as they consider that “development here will neither conserve nor enhance the character and appearance of the Registered Park (RPG) and its setting”. Further they consider that “the north and west park are today still much as Brown intended them and if this development is allowed it would set a dangerous precedent for further unsympathetic development within the RPG”. The loss of this area of park land will in your officers’ opinion weaken the understanding of the estate and park land lying behind the stone boundary wall eroding its significance.

- 8.25 As noted in the consultation response, whilst the site lies beyond the tree belt enclosing the formal parkland, currently the site provides a traditional rural setting to the parkland and views across the site on the approach to the village help inform an understanding of the extent of the parkland and its deliberate enclosure. The introduction of modern housing in this location would significantly erode this character and setting and would cause harm to the significance of the Grade II Registered Park and Garden, and the wider setting of Kirtlington Park House.
- 8.26 The proposed development will result in harm to the setting of the Grade II listed Home Farm but it is acknowledged with the provision of the ‘green’ to the west of Home Farm some semblance of a rural setting for the listed farm is retained. The Heritage Impact Assessment also refers to the removal of unsightly barn structures associated with Home Farm; these are outside the red and blue line areas and do not appear to form part of the proposal and therefore the Council has no control over their removal. In any case, modern farm buildings are not necessarily inappropriate in a rural setting, and the benefits arising from their removal are limited. Works to Home Farm itself could be a public benefit however officers are not persuaded that the proposed residential development is necessary to secure this benefit.
- 8.27 Notwithstanding the concern in principle with development in this location, there are concerns with a form of development at the gateway to the village which is designed to be inward looking and being concealed behind boundaries, and which would therefore read as a modern self-contained cul-de-sac development. This form of development does not preserve, enhance or better reveal the character and appearance of the conservation area or registered parkland. The proposal does not integrate well with either the historic parkland or the village and is not considered to be a sustainable form of development. As noted earlier in this report the Conservation Officer has also raised concerns about the urbanising effect of introducing a pelican crossing on Heyford Road, with harm resulting to the character and appearance of the Conservation Area.
- 8.28 The NPPF states at paragraph 137 that ‘Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. The proposed development cannot be considered to either preserve or enhance / better reveal the significance of any of the heritage assets.
- 8.29 All in all the proposed development is considered to cause significant, albeit less than substantial harm, to the heritage assets and their settings, and it is not considered that public benefits that could potentially outweigh this high degree of harm have been demonstrated in the application. Furthermore there is no direct link between the proposed development and the long term viability of the heritage assets, other than a proposal to repair the stone boundary wall as proposed in the Heritage Impact Assessment submitted with the application. This is considered insufficient justification for the level of harm proposed.

Archaeology

- 8.30 The site is located in an area of significant archaeological interest to the south of the Roman Road of Akeman Street and to the east of a second possible Roman road, the Portway. Iron Age settlement has been recorded to the north of the site, North of Akeman Street along with Iron Age and Roman burials and two possible Saxon burials have been recorded immediately south of Akeman Street. A gold Roman coin has been recovered immediately south of the proposed site and a second Roman coin has been found in the vicinity. A Roman stone building has been recorded along the line of the Portway, to the south of Kirtlington.
- 8.31 Comments have not been received from the County Archaeologist to date. However, an archaeological evaluation has been submitted with the application which was carried out following the withdrawal of the previous application on the site (15/01128/OUT). The conclusion of the evaluation advises that there is little evidence of any activity within the site dating from late pre-historic to early modern periods. Little evidence of archaeological importance was exposed by the evaluation and none of the geophysical anomalies appear to have been of any archaeological significance. In response to the pre-application submission which included this evaluation the County Archaeologist raised no objection. Therefore, and in the absence of further comment from the County Archaeologist, the impact on archaeology is considered acceptable and could be mitigated by condition.

Transport

- 8.32 Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in*. This is consistent with Paragraph 35 of the NPPF which states that: *developments should be located and designed where practical to...create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians*.
- 8.33 The Highway Authority has objected to the application on the grounds that further information and highway improvement works are required. However their response also indicates that subject to conditions relating to the submission of a drainage scheme and additional information regarding the formal pedestrian crossing to the south of the access across Heyford Road, their objection can be overcome. Improved bus stop infrastructure and an area of hardstanding for bus stops on the Heyford Road, full width resurfacing of Heyford road adjacent to the bell-mouth and resurfacing of a 50m length of highway with a skid resistant surface in the northbound lane of Heyford Road is also required; it is requested that these be secured by way of a legal agreement.
- 8.34 The Highway Authority have stated that in terms of traffic generation and impact there is likely to be an insignificant effect on the adjacent highway network as a result of the proposed development. It is recommended that a light controlled pelican crossing is constructed to ensure pedestrian safety to make the development acceptable and s106 contributions towards bus routes and bus stops are sought.
- 8.35 All in all, the issues raised in the consultation response from the Highway Authority appear technical and do not go to the heart of the acceptability of new housing development in this location. Therefore, subject to the recommended conditions and a planning obligation, your officers consider that the proposal can be made acceptable in transport terms.

Ecology

- 8.36 Paragraph 99 of Circular 06/05 states that: it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Likewise Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: every public authority must in exercising its functions, have regard...to the purpose of conserving (including restoring/enhancing) biodiversity”.
- 8.37 The Council's Ecologist has advised that a reptile survey of the site should be carried out to determine the impact of the development on reptiles and inform appropriate mitigation measures. There are a number of reptile records in the local area and there is potential for reptiles to be present on site within the tall ruderal, woodland habitat and the stone wall boundary provides good opportunities for shelter and hibernation. The proposed stone wall repair work has potential to impact on reptiles, should they be present. In addition the stone wall may also have potential for roosting bats and further information about the roosting potential of the stone wall is required.
- 8.38 In addition trees within the site have potential for bat roosting but are shown to be retained. Bat surveys would be required if any of these trees require removal or remedial work as part of the reserved matters to determine if the works are likely to have an impact on a roost. Any new lighting scheme should be sensitively designed to avoid lighting the existing buildings to the north of the site, two of which have been identified as bat roosts and the other two have bat roosting potential, or foraging/commuting routes, as this could lead to abandonment of the roost.
- 8.39 The biodiversity enhancement scheme provides suitable mitigation and enhancements for bats and nesting birds within the scheme, but it is recommended that, due to the local swift records, enhancement for swift nesting in addition to the other species is provided with the incorporation of swift bricks.
- 8.40 The creation of the attenuation basin adjacent to Home Farm within the 'Town Green' would be beneficial if a permanently wet attenuation feature was provided and included seeding the marginal habitat with an appropriate native wildflower seed mix. It is recommended that in line with the NPPF and Local Policy ESD10, that the woodland is managed in the long-term in line with a woodland management plan with the aim to achieve no net loss of biodiversity as a result of the development. In addition a long-term management plan should be provided as part of an overall Landscape and Ecological Management Plan (LEMP) for the site.
- 8.41 Whilst conditions could be applied to address a number of the issues identified above, the matter of carrying out further survey work to establish the extent of any presence of protected species on the site, in particular reptiles, required addressing prior to determination as potentially this could impact on the extent of the areas that are suitable for development. Without this information, the Council cannot be satisfied that the proposal for up to 20 dwellings on this site would not have a detrimental impact on protected species.

Flooding and Drainage

- 8.42 Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 seek to ensure that new development is directed to areas at lowest risk of flooding, and that new development does not increase the risk of flooding elsewhere. The use of sustainable drainage systems to manage surface water runoff within the site is supported.

The applicant has provided a flood risk assessment and the conclusions of which are that no significant flood risks have been identified and that appropriate surface water drainage management will ensure that the development will be safe from surface water run-off and there will be no increase in run-off from the development.

- 8.43 Thames Water has requested a condition requiring that a drainage strategy, detailing any on and/or off site drainage works, is submitted to and approved by the local planning authority as they consider that the development may lead to sewage flooding. The drainage works set out in the strategy would need to be completed prior to discharge of foul or surface water from the site into the public system. The reason for the strategy is to ensure that sufficient capacity is made available to cope with the new development and to avoid adverse environmental impact upon the community.
- 8.44 Oxfordshire County Council has requested a condition requiring that 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, is submitted to and approved in writing by the local planning authority and the works set out in the scheme implemented prior to the completion of the development.
- 8.45 The Environment Agency was consulted on the application but they have not responded to date. No other technical evidence has been submitted that contradicts with the applicant's evidence. Therefore the scheme is considered to be acceptable in this regard subject to the recommended conditions.

Planning Obligations

- 8.46 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation to enable the development to proceed. New development often creates a need for additional infrastructure or improved community services and facilities without which there could be a detrimental effect on local amenity, service provision, and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for or contribute towards the cost of all or part of the additional infrastructure/services necessary to make the development acceptable. Obligations are the mechanism to secure these measures.
- 8.47 In respect of planning obligations the NPPF advises at paragraph 204 that these should only be sought where they meet all the following tests:
- Necessary to make development acceptable in planning terms
 - Directly related to the development, and
 - Fairly and reasonably related in kind and scale to the development.

- 8.48 Having regard to the above the following contributions would be sought in the event that planning permission was to be granted:

Affordable housing

7 units with 70% of these to be affordable rent and 30% to be for shared ownership. The mix would be 2x 1Bed 2 person maisonettes and 3 X 2Bed 4 person house for Affordable Rent, and 2X 2Bed 4 person House Shared Ownership. All properties should meet the nationally described space standards with 50% of the properties meeting Building Regs Part M4(2). It is preferred that the parking adjoins the property where possible. The registered provider will need to be agreed in advance with the District Council.

Off-site sports provision

£22,276.23 - outdoor sports (based on 20 residential dwellings x 2.39 persons x £466.03 per person)
£15021.63 – indoor sports (based on 20 dwellings x 2.39 persons x £314.26)

Community Halls

A contribution towards helping the local community hall accommodate an increase in capacity will be based on a sum per dwelling. These are:

<u>Unit</u>	<u>Contribution</u>
1 bed	£104.73
2 bed	£151.21
3 bed	£235.39
4+ bed	£323.70

Play space - Provision of a unequipped play area and a financial contribution of £12,394.26 towards maintenance

Attenuation basin – financial contribution of £11.63 per sq m towards maintenance

Public Open Space - Provision of public open space – 1104 sq m minimum provision and a financial contribution of £9.32 per sq m.

Although a contribution toward the provision of public art has also been sought, this is not considered to meet the tests outlined above and in particular is not necessary to make the development acceptable in planning terms.

Oxfordshire District Council

Contribution of £2,180 to provide improvements to the bus stop infrastructure. This contribution is comprised of £1,090 for a pole, flag, and timetable case at the northbound stop and another £1,090 for the same provision at the southbound stop.

Contribution of £1000 per dwelling towards the cost of enhancing this service towards a Connector level of service, as defined in the Local Transport Plan 4, with two daytime buses per hour in both directions with some evening and Sunday buses.

9. PLANNING BALANCE AND CONCLUSION

- 9.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2 Economic role – The NPPF states that the planning system should do everything it can to support sustainable economic growth. Whilst there will be an economic benefit provided by the construction of the proposed dwellings, sourcing materials through local building suppliers and future maintenance by local tradespeople along with the use of local services and facilities by future residents which will help to support services and shops etc. it should be noted that employment opportunities within the village and the immediate area are very limited.
- 9.3 Social role – The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. The proposal will

deliver affordable housing and the Parish Council's support for the scheme is based in part on this benefit, and the mix of housing that would be provided. Significant weight should be attributed to this benefit. Conversely however, objectors have expressed concern that a lack of local services and lack of capacity within existing facilities will make it difficult for future residents to integrate fully into the community and result in residents having to go elsewhere for essential services. In addition to this the location of the application site and its form are considered to create a development that is not well integrated with existing streets and public spaces and prevents an appropriate level of interaction with the existing village.

- 9.4 Environmental role – for development to be acceptable it must contribute to the protection and enhancement of the natural and built and historic environment. These issues have been covered in the sections above. The development is considered to result in serious harm to the various heritage assets affected and due to the lack of information provided regarding protected species it is not possible to properly assess the potential harm that the development may cause in these respects.
- 9.5 To conclude the site is not considered to be acceptable for residential development in the form and scale proposed due to its impact on the visual amenities and rural character of the village and its setting. It will also be harmful to the traditional settlement pattern and will have a significant adverse impact on Kirtlington Park and will neither preserve nor enhance the character and appearance of the Conservation Area nor the setting of Home Farm. The proposal is in conflict with the relevant policies of the Development Plan in this respect.
- 9.6 Turning to other material considerations, the Parish Council has advised that they support the principle of the development and a number of members of the public have also made representations supporting the scheme. Paragraph 17 of the NPPF emphasises the importance of planning “empowering local people to shape their surroundings” and so some weight should be afforded to this expression of local support. Nevertheless a similar number of members of the public have made representations objecting to the application, and currently the Neighbourhood Plan is at an early stage of preparation. Paragraph 17 also emphasises, in the same bullet point, the importance of planning decisions being “genuinely plan-led”. The application site is not currently identified as suitable or the preferred option for development in any local or neighbourhood plan, and in the absence of clear, strong and unequivocal local support for the scheme it cannot be concluded with any degree of reliability that the site has the majority support of the village community. As such the level of local support that has been expressed is not sufficient to outweigh the significant conflict with the Development Plan.
- 9.7 No other sites have been put forward or discounted as potential development sites within the village by the applicant, but it is noted that there have been a number of schemes put forward on alternative sites to the east of the village that have been dismissed at appeal or refused planning permission. This does not mean however that there could not be other more suitable sites forthcoming, and in the context of a 5 year housing land supply, there is not an immediate pressure to release land for housing that would justify allowing the harm caused by the current proposal.
- 9.8 The Council can demonstrate a 5 year housing land supply which has been supported by the Inspector for the Local Plan Inquiry and the Inspector for the recent appeal for residential development at Lince Lane in Kirtlington. However even if it were to be determined that the Council cannot demonstrate a 5 year housing land supply in accordance with paragraph 14 of the NPPF the adverse impact of the development on the locality, character and form of the village as well as on the heritage assets significantly and demonstrably outweighs the benefits that housing would bring. The development would not constitute sustainable development and the presumption in

favour does not apply. In particular he benefits of providing affordable housing and enhanced bus infrastructure along with the modest level of public support shown for the proposal does not outweigh the serious harm to heritage assets and visual amenities of the area, and the lack of integration with the existing settlement pattern.

10. RECOMMENDATION

Refusal for the following reasons:

1. By virtue of its siting, scale, size and form the proposal fails to respect the traditional linear settlement pattern of Kirtlington extending well beyond its built up limits to the east into open countryside and into Kirtlington Park, resulting in an incongruous and inappropriate form of cul-de-sac development which would relate poorly to the remainder of the village, and cause demonstrable harm to the rural character and setting of the village and visual amenities of the area. Therefore the proposal is contrary to saved Policies H18, C8, C27, C28 and C30 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and Central government advice within the National Planning Policy Framework.
2. The proposed development would by reason of its location, scale, and form cause considerable harm to the character and significance of the heritage assets of Kirtlington Conservation Area and the Grade II Registered Kirtlington Park, and would cause unacceptable harm to the settings of nearby listed buildings in particular Home Farm and the wider setting of Kirtlington Park House. Whilst, on balance, this harm is less than substantial the public benefits do not outweigh this harm. Therefore the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and the National Planning Policy Framework in particular paragraph 17 'Core planning principles' and section 12 'Conserving and enhancing the historic environment', and the Planning Practice Guidance.
3. In view of the harm identified in refusal reasons 1 and 2 above and in the context of the Council being able to demonstrate an up-to-date 5 year housing land supply, the proposal is considered to be unnecessary, undesirable and unsustainable new housing development that would conflict with the criteria for assessing proposals for minor development listed under Policy Villages 2 of the Cherwell Local Plan 2011-2031. Therefore the proposal is unacceptable in principle contrary to Policy Villages 2 of the Cherwell Local Plan 2011-2031 and Central government advice within the National Planning Policy Framework.
4. The application site has the potential for protected species and important habitats to be present on the site and in the absence of adequate survey information, in particular relating to reptiles, the Local Planning Authority cannot be satisfied that the proposal would not result in unacceptable and unavoidable harm to protected species and their habitats. Therefore the proposal conflicts with Policies ESD10 and Policy Villages 2 of the Cherwell Local Plan 2011-2031, the National Planning Policy Framework in particular paragraph 17 'Core planning principles' and section 11 'Conserving and enhancing the natural environment', and the Planning Practice Guidance.
5. In the absence of a satisfactory planning obligation the Local Planning Authority is not convinced that the infrastructure required to mitigate the impacts of the development on existing community infrastructure and services, along with the affordable housing directly required as a result of this scheme, will be delivered. This would be contrary to Policies BSC3 and INF1 of the Cherwell Local Plan 2011-2031 and central government guidance within the National Planning Policy Framework.

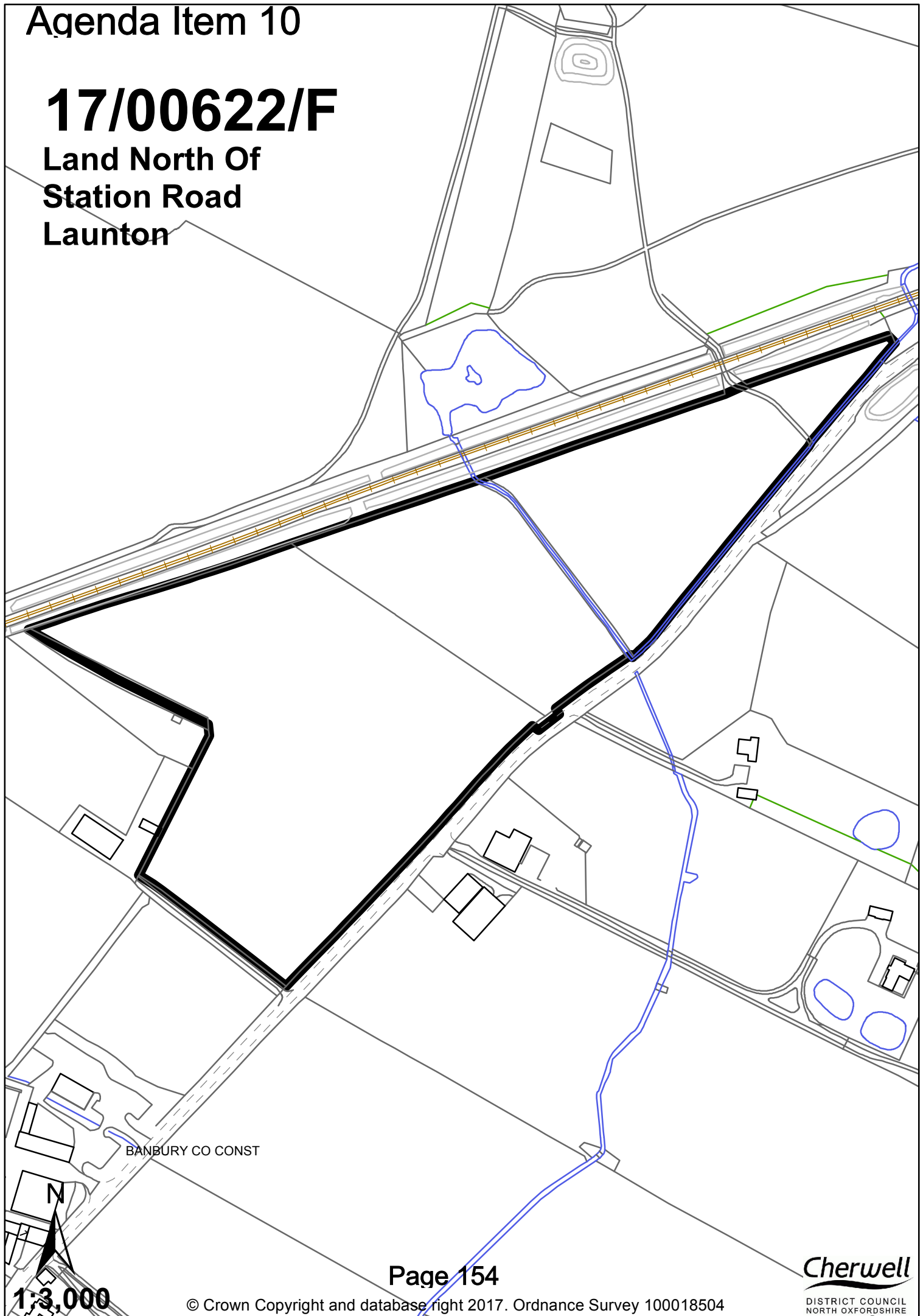
CASE OFFICER: Shona King

TEL: 01295 221643

Agenda Item 10

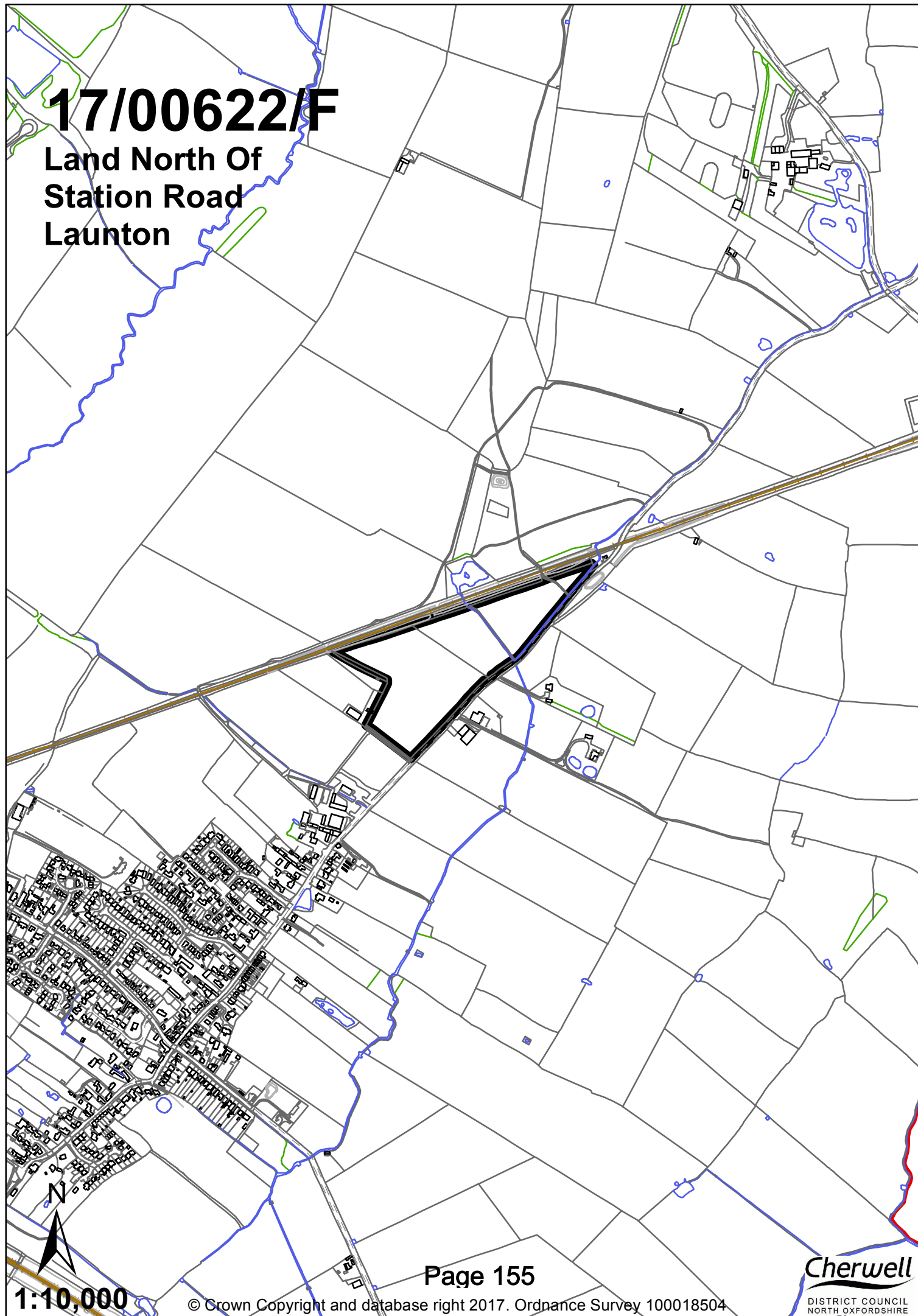
17/00622/F

Land North Of Station Road Launton



17/00622/F

**Land North Of
Station Road
Launton**



Applicant: Network Rail

Proposal: Creation of six ponds, earthworks and hibernaculum, along with the planting of new habitat and soil inversion.

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Major Application

Expiry Date: 16 June 2017 **Committee Date:** 15 June 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is 8.33ha in size and is located approximately 250m north east of Launton adjacent to Station Road and approximately 50m south west of the Station Road crossing. The site is currently in agricultural use and is generally flat with no existing development or structures upon it. It consists of three fields, enclosed by mature hedgerows, an existing railway line forming the northern boundary and Station Road the southern boundary. Cutters Brook runs from the north to the south across the centre of the site. There is also a small tributary of the brook running along the north eastern boundary, the two converge at Station Road where the watercourse is culverted and the brook flows south. The site is surrounded by further agricultural land, a mixture of arable and pasture fields, along with farm buildings and isolated properties.
- 1.2. The site is situated adjacent to the railway line to the north, which travels alongside the northern boundary of the site. It is the intention that the railway line will be upgraded as part of the East West Rail scheme.
- 1.3. An existing Public Right of Way travels through the centre of the site from Station Road up to and over the railway line. The proposed development would not require the extinguishment or permanent diversion of the Public Right of Way, but it would be necessary to temporarily close it during the proposed construction. The site benefits from existing access points from Station Road at the north eastern corner along the centre of the south eastern boundary.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application seeks consent for the creation of 6 ponds and associated earthworks, creation of 2 hibernaculum, planting of 293 metres of hedgerow, planting of 0.5 hectares of scrub/thicket, 5.4 hectares of soil inversion, weeding and seeding and 0.03 hectares of marginal planting around ponds. The works seek to

transform an area of arable habitat (improved grassland) into suitable habitat for notable species including Great crested Newts, reptiles, birds, invertebrates and bats.

- 2.2. The proposed ponds will be located in the centre and south western area of the site. Excavated material would be used to create bunds and re-profile the land around the two ponds. Marginal and aquatic planting would be provided at the pond edges.
- 2.3. This is the first of three applications which follow on the agenda for similar proposals all relating to ecological improvements in connection with EWR2.

3. RELEVANT PLANNING HISTORY

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

17/00017/SO	Screening Opinion to 17/00622/F - Creation of six ponds, earthworks and hibernaculum, along with the planting of new habitat and soil inversion.	Screening Opinion not requesting EIA
-------------	--------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------

4. PRE-APPLICATION DISCUSSIONS

- 4.1. Informal verbal pre-application discussions have taken place with regard to this proposal. The submission is in line with the advice given.

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. The final date for comments was 07.05.2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No comments have been raised by third parties

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. Launton Parish Council: have no objections but are dismayed at the lack of long term provisions for the maintenance of the two ponds. Earthworks and hibernaculum. Who would be responsible for the care of this area.

STATUTORY CONSULTEES

- 6.3. Environment Agency: No objections. Although a small part of the site is within Flood Zone 2 and 3, the described works are deemed to have no impact on flood risk at

the site or in surrounding areas as they are all taking place in the surrounding land within Flood Zone 1.

- 6.4. Natural England: No comments. Natural England has published standing advice which can be used to assess impacts on protected species.

NON-STATUTORY CONSULTTEES

- 6.5. Environmental Protection Manager: There are no objections to this application in respect of noise, contaminated land, air quality, odour and light.
- 6.6. Arboricultural Officer: No adverse comments
- 6.7. Landscape Architect: It is important to retain the hedgerows and trees for the benefit of the landscape structure and character, and of course for wildlife. Any structural vegetation (Trees and Hedgerows) near ponds or contractor's plant should be protected in accordance with BS5738:2012 Trees in Relation to Construction. I support the development proposals as long as Network Rail adhere to a number of recommendations, including providing a management plan. The landscape drawing is acceptable.
- 6.8. Ecologist: It is not possible to assess whether the proposed protected species mitigation are sufficient to mitigate for the forthcoming proposed EWR2 at this stage as this assessment has not come forward, and this will be assessed as part of the Environmental Impact Assessment when this is submitted. As such, any comments just relate to the current application as it stands. As part of the requirements of the great Crested Newt mitigation licence, and depending on the impact of the proposals on other protected and notable species through EWR2 proposal, it is possible that further areas of habitat creation or amendments to the design of the habitat creation on site may be required.
- 6.9. The EclA has been undertaken in line with appropriate methodology and I agree in general with the conclusions. The application site comprises of improved grassland and is generally of low ecological value, however, features of higher ecological value on site are present including broad-leaved semi-natural woodland, mature hedgerows and a number of mature trees. I would recommend that appropriate methods to safeguard protected species and existing hedgerows and trees on the site are provided within a CEMP and secured by condition.
- 6.10. The 30 year Ecological Management Plan is welcomed which includes biodiversity enhancements of the site and for the creation of a wildflower grassland with 6 new water bodies and 88m of hedgerow planting for nesting birds and for BAP priority invertebrate species such as black and brown hairstreak. Details of on-going monitoring of the site and reporting is welcomed (section 6.1), however there appears to be a mistake as reference to Aylesbury Vale Ecologist rather than CDC. It is understood that Network Rail are entering into a legal management agreement with the landowner to secure management of the site. I would recommend the plan is secured as part of any permission via condition or Section 106 Agreement. This is to secure the long-term management of the site in line with the details submitted.
- 6.11. BBOWT: No comments received
- 6.12. OCC Archaeology: No objection subject to conditions
- 6.13. OCC Transport: No objection subject to conditions, although concerns were initially raised in respect of the access points and the numbers of HGV's that might be

accessing the site. Following the receipt of additional information on behalf of the applicant, OCC further advise that the concerns raised are fully addressed.

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)

- ESD15 - The Character of the Built and Historic Environment
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

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
- Ecology
- Flood Risk
- Heritage
- Access

8.2. Principle of Development

8.3. The applicant has been commissioned by Network Rail to deliver EWR2, from design to operation. This phase of the EWR scheme aims to upgrade train services between Bicester Town and Bedford as well as Milton Keynes to Aylesbury and Princes Risborough.

8.4. The applicant is in the process of producing a Transport and Works Act Order for EWR2 which includes an Environmental Impact Assessment to assess the likely environmental impacts and effects of EWR2. Assessments undertaken to support the Environmental statement have highlighted that EWR2 is likely to result in significant effects on local biodiversity which need to be avoided, mitigated or compensated in accordance with local and national planning policy.

- 8.5. The proposed development is required to provide established compensatory habitat for notable species, including great crested newts and reptiles, prior to construction works commencing on Phase 2 of the East West Rail Western Section. A key objective of the East West Rail Alliance is to achieve a Net Positive biodiversity target for the wider scheme. The proposed works at the application site would make a valuable contribution towards achieving this target.
- 8.6. Ecology
- 8.7. The application is accompanied by an Ecological Impact Assessment to determine the potential impacts of the proposed development on any ecological features within the site. An ecological walkover survey of areas within and adjacent to the application site, including land up to 50m from the site boundary where access was permitted, was undertaken on 16th February 2017 broadly following the Phase 1 habitat survey methodology. The Phase 1 habitat survey included a Preliminary Roost Assessment of trees (where access was allowed) within the survey area. No Phase 2 surveys were completed.
- 8.8. The site is not within a statutory or non-statutory designated site, although there is a Site of Special Scientific Interest (SSSI) located within 2 kilometres, this being Stratton Audley Quarries. NERC Act S41 Habitats are present to the north on the opposite side of the railway line and to the south on the opposite side of Station Road.
- 8.9. The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures’.
- 8.10. Policy ESD10 of the adopted Cherwell Local Plan Part 1 seeks to protect and enhance biodiversity and the natural environment and sets out a number of objectives to ensure that this is achieved.
- 8.11. Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and ‘local planning authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a ‘competent authority’ in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places’.
- 8.12. Under Regulation 41 of the Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the conservation Regulations 2010, licences from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed.
- 8.13. The proposals include the transformation of an area of improved grassland into suitable habitat for notable species including great crested newts, reptiles, birds, invertebrates and bats. The proposals will include the provision of six ponds to provide suitable aquatic habitat for great crested newts. The creation of new terrestrial habitats include the creation of wildflower meadow, planting of new

hedgerows, trees and scrub habitat will be in addition to the construction of four hibernacula (refugia for hibernating amphibians). The new ponds will incorporate scalloped edges in order to increase the surface area for marginal planting with marginal shelves for planting of emergent species. Due to the heavy clay content of the soil it is unlikely that the ponds will need to be lined.

- 8.14. Another key aspect of the scheme is the creation and management of meadows comprising native species of grasses and wildflowers. The proposed wildflower meadow habitat creation will be of value to ground-nesting birds such as Skylark which are present within the locality. The hedgerow planting will support blackstreak butterfly and the incorporation of hybrid elm will support brown and white-letter streak butterflies.
- 8.15. Network Rails Biodiversity Impact Assessment Metric was used to calculate the biodiversity value of the site before and after the proposed development. This indicates that the proposed development would result in the gain of 18.2 area biodiversity units and 210 linear biodiversity units once all the habitats have matured. This has been assessed by the Council's Ecologist who is satisfied with the findings.
- 8.16. The application is accompanied by a 30 year Ecological Management Plan which sets out how the habitats will be maintained in optimal condition for the species. It would be periodically reviewed to ensure that the conservation status of the species, found within the site are maintained in a favourable condition.
- 8.17. The Council's Ecologist has assessed the submission, which also includes an Ecological Management Plan and Construction Environmental Management Plan (CEMP). It is agreed that CEMP generally includes appropriate mitigation measures to safeguard protected species and habitats on site during construction, however, they should also include the identification and protection of biodiversity protection zones in line with British Standards for Biodiversity 42020:2013. It is further advised that the CEMP should also be updated to include the details of the Precautionary Method of Working to avoid impacts on great crested newts, to be informed by the surveys which are ongoing this year. The applicant is aware of these requirements and a revised CEMP is awaited. A number of conditions are recommended and are included at the end of the report.
- 8.18. Consequently, having regard to the above, it is considered that Article 12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present on the site will continue, and will be safeguarded. The proposal therefore accords with the NPPF and Policy ESD10 of the adopted Cherwell Local Plan Part 1 2011-2031.
- 8.19. Flood Risk
- 8.20. The application is accompanied by a Flood Risk Assessment (FRA). The FRA report includes a review of site information and the likely extent of any flood risk at the site; identification of whether there are any flooding or surface water management issues related to the development that might warrant further consideration; identification of scoping or other flood risks as required, such as groundwater flooding and determining whether further assessment is required.
- 8.21. The proposals will include the provisions of six ponds to provide suitable aquatic habitat for great crested newt. The ponds will all be below ground level with no positive outfall provided.

8.22. The NPPF sets out the Government's national policies in relation to flood risk. The Planning Practice Guidance also advises on flood risk. The Environment Agency mapping shows the majority of the site to be located within fluvial Flood Zone 1 (Low probability). A small section of the south eastern boundary of the site is identified as being located in Flood Zone 3 (high probability) and Flood Zone 2 (medium probability). The Environment Agency has assessed the submission and has no objections to the proposal. Although a small part of the site is within Flood Zone 2 and 3, the described works are deemed to have no impact on flood risk at the site or in the surrounding areas as they are all occurring within Flood Zone 1.

8.23. Heritage

8.24. A Heritage Appraisal has been undertaken to support the submission which establishes the nature, extent and significance of the historic environment resource within the site and its environs as well as identifying any potential impacts from the proposed development.

8.25. The site is located in an area where no formal archaeological investigation or recording has been undertaken and therefore the archaeological interest of the proposed site is unknown. This is confirmed by the submitted heritage assessment. The general area of the proposed works is located in an area of archaeological interest however, as identified by the submitted heritage assessment. The proposed site therefore has the potential to encounter previously unidentified archaeological deposits and a programme of archaeological investigation will need to be undertaken ahead of the construction of these ponds.

8.26. Section 12 of the NPPF sets out the planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance.

8.27. Due to the scale of the proposed pond, the OCC archaeologist is satisfied that this can be dealt with by a condition.

8.28. Access

8.29. Station Road is a rural connector road linking Launton Village to Twyford Village via Poundon. It is mostly narrow and winding in nature. The application submission indicates that the site shall be accessed by three existing access points, two of which are adjacent to each other and the third access located about 240m further north along Station Road.

8.30. The application has been assessed by OCC as highway authority who advises that it is not clear whether the two adjacent accesses shall be upgraded into a single access and in the interests of highway safety recommends that they are formed into a single improved access. It is further advised however that the required visibility splays to the left are unachievable due to the bend in the vicinity of the access. DMRB guidance shows that carriageway speeds of 60mph would require in excess of 200m. It is anticipated that the northern access which is marked for use by a mobile welfare unit shall not be utilised on completion of the proposed works. Similarly, OCC would require the access gates to be set back at least 15m from the carriageway edge to ensure sufficient room for the accommodation of a large size vehicle on access or exit.

8.31. In traffic generation terms, OCC consider the proposed development would have a negligible impact on traffic flow and congestion on the surrounding highway network

with a periodical officer car trip for monitoring and maintenance of the hibernaculum and ponds. However, they consider that during construction/development of the site, there would be a considerable generation of HGV movements involved in earthworks movement. The submitted planning design and access statement advises that the excavated material from creating the ponds would be used to create bunds and to re-profile the land around the ponds. It is unlikely therefore that there would be significant HGV movement to and from the site.

- 8.32. To counter the substandard visibility splays at the access during construction, temporary mitigations such as 'slow down – heavy vehicles turning ahead' signs on the approach to the site should be considered and should form part of the Construction Traffic Management Plan.
- 8.33. Having regard to the concerns raised by OCC, the applicant has responded with a note which sets out how the proposed mitigation works will be undertaken. This confirms that access to the site will be via the existing farmers field accesses and will not require the creation of new access points and that the numbers of vehicles accessing the site has been minimised with a cut/fill balance maintained to ensure that no bulk material is required to be transported to and from the site. The access to the site will also be controlled and advance warning signs erected. OCC have since confirmed that these comments successfully address the points raised.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports the plan-led system and advises that planning applications which accord with an up-to-date development plan should be approved without delay.
- 9.2. The application proposes development that is considered to be in accordance with the development plan and the NPPF. The application proposal will have no adverse impacts in respect of the natural environment, highway safety, heritage and flood risk and will help to deliver biodiversity enhancement as required by local plan policies and Government advice within the NPPF. The proposal is therefore considered acceptable.

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: Planning, Design and Access Statement dated March 2017; Construction Environmental management Plan – Advanced Environmental Mitigation Site, document number 133735-EWR-REP-EEN-000032 dated March 2017; Ecological Impact Assessment dated March 2017; Heritage Appraisal dated March 2017; Ecological Management Plan dated March 2017; Flood Risk Assessment dated March 2017 and drawing numbers: 133735-2A-EWR-OXD-

XX-DR-L-010002 Rev P01.01; 010006 Rev P01.01; 010009 Rev P01.01; 0100010 Rev P01.01; 0100011 Rev P01.01 and 010014 RevP01.01 and e-mail from James Oliver dated 4th May 2017.

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 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 the approved construction Traffic management Plan shall be implemented and operated in accordance with the approved details

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

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

Reason: To safeguard the recording of archaeological matters within the site in accordance with the NPPF.

5. Following the approval of the Written Scheme of Investigation referred to in condition 4, and prior to the commencement of any development (other than in accordance with the written scheme of investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and usable archive and a full report for publication which shall be submitted by the Local Planning authority.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting seasons following the construction of the ponds. Any trees, planting or hedgerow which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area and to comply with Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the national Planning Policy Framework.

7. Prior to the construction of the pond hereby approved, a landscape management plan, to include the timing of the implementation of the plan, establishment of the planting, management responsibilities, maintenance schedules and procedures for failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to comply with Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

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

Reason: To ensure the continued health of retained trees and hedgerows and to ensure that they are not adversely affected by the development and to comply with policy ESD13 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

9. K19 Landscape and Ecological Management Plan

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

10. K21 Construction Environmental Management Plan

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

Planning Notes

PN6: Public Footpaths

PN22: Construction Sites

PN26: Nesting birds

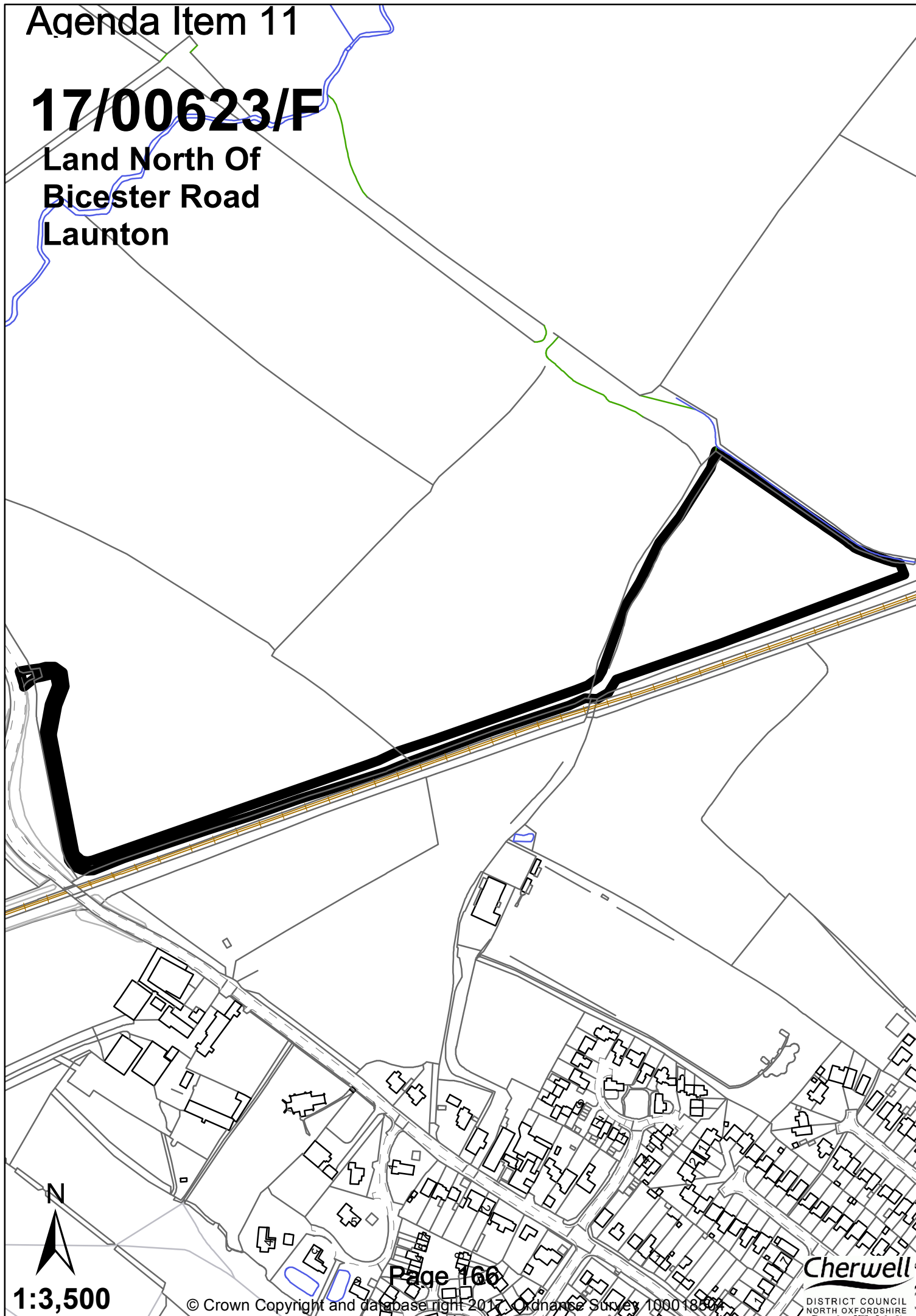
Environment Agency Consultation Letter

CASE OFFICER: Linda Griffiths

TEL: 01295 227998

17/00623/F

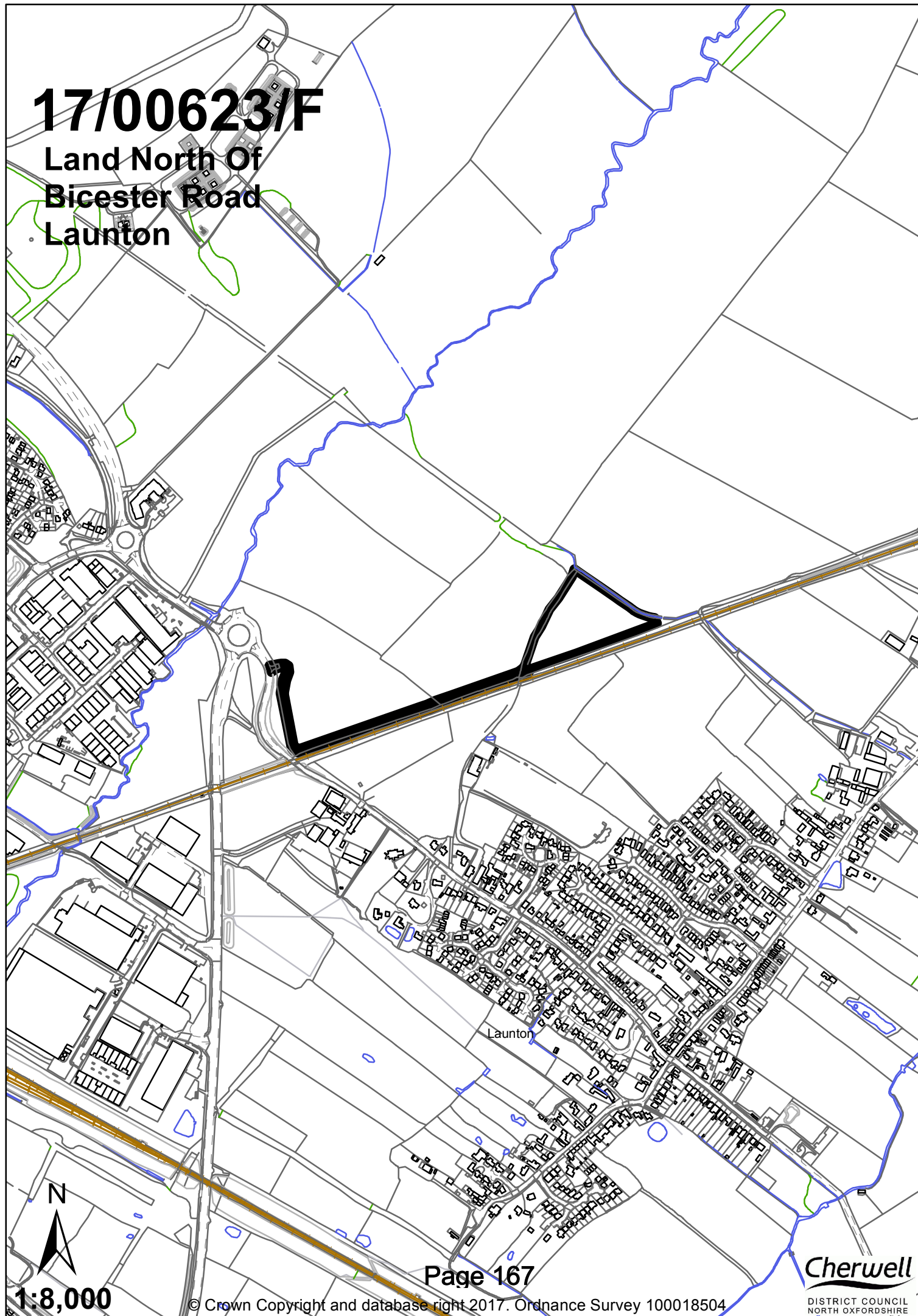
**Land North Of
Bicester Road
Launton**



1:3,500

17/00623/F

**Land North Of
Bicester Road
Launton**



Applicant:	Network Rail		
Proposal:	Creation of two ponds, earthworks and hibernaculum, and the planting of new habitat.		
Ward:	Launton And Otmoor		
Councillors:	Cllr Tim Hallchurch Cllr Simon Holland Cllr David Hughes		
Reason for Referral:	Major Application		
Expiry Date:	21 June 2017	Committee Date:	15 June 2017
Recommendation:	Approve		

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is a triangular piece of land 2.18ha in size and is located approximately 0.3km north of Launton village which is separated from the site by the railway line. The site is currently under pasture and consists of a single field, enclosed by mature hedgerows with an existing railway line forming the southern boundary. The site is surrounded by further agricultural land. Overhead wires run across the middle of the site from north to south and a high pressure gas main runs through the south of the site. It is generally flat with no existing development or structures upon it. There is an existing ditch which runs along the eastern boundary. The site is approximately 400m south of Langford Brook, an identified main river. Cutters Brook is also located approximately 700m south east of the site which is also a main river.
- 1.2. There are no existing public rights of way across the site or adjacent to its boundary. Vehicular access to the site is gained via an existing track from Bicester Road, close to the roundabout to the south western corner of the site. The existing railway line to the southern boundary is to be upgraded as part of the East West 2 Railway scheme.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application seeks consent for the creation of 2 ponds and associated earthworks including aquatic/marginal planting; the creation of 2 hibernaculum, the planting of 88m of new hedgerow, the planting of 0.02 hectares of scrub/thicket and marginal planting around the ponds. The works seek to transform an area of improved grassland into suitable habitat for notable species including great crested newts, reptiles, birds, invertebrates and bats.
- 2.2. The proposed ponds would be situated in the north eastern area of the site and would measure 290m² and 300m² respectively. The ponds will not exceed 1.5m in

depth. It is proposed to use the excavated material to create the bunds and to re-profile the land around the ponds. Marginal and aquatic planting is proposed at the pond edges.

3. RELEVANT PLANNING HISTORY

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

17/00018/SO	Screening Opinion to 17/00623/F - Creation of two ponds, earthworks and hibernaculum, and the planting of new habitat.	Screening Opinion not requesting EIA
-------------	------------------------------------------------------------------------------------------------------------------------	--------------------------------------

4. PRE-APPLICATION DISCUSSIONS

4.1. Informal verbal pre-application discussions have taken place with regard to this proposal. The submission is in line with the advice given.

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. The final date for comments was 07.05.2017, although comments received after this date and before finalising this report have also been taken into account.

5.2. No comments have been raised by third parties.

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. Launton Parish Council: have no objections but are dismayed at the lack of long term provisions for the maintenance of the two ponds, earthworks and hibernaculum. Who would be responsible for the care of this area.

STATUTORY CONSULTEES

6.3. Environment Agency: No objections. These ponds are on unproductive strata, as such there are no real groundwater concerns.

6.4. Natural England: No comments. Natural England has published standing advice which can be used to assess impact on protected species.

NON-STATUTORY CONSULTEES

6.5. Environmental Protection Manager: There are no objections to this application in respect of noise, contaminated land, air quality, odour and light.

6.6. Arboricultural Officer: No adverse comments

- 6.7. Landscape Architect: It is important to retain the hedgerows and trees for the benefit of the landscape structure and character and wildlife. Although highlighted in the CEMP, any structural vegetation near new ponds and earthworks subject to contractor's works should be protected in accordance with BS5837:2012 Trees in relation to Design, Demolition and Construction – Recommendations. I support the development proposals, as long as Network rail adhere to a number of recommendations, including providing a management plan. The landscape layout design is acceptable.
- 6.8. BBOWT: No comments received
- 6.9. Ecologist: It is not possible to assess whether the proposed protected species mitigation are sufficient to mitigate for the forthcoming proposed EWR2 at this stage as this assessment has not come forward, and this will be assessed as part of the Environmental Impact Assessment when this is submitted. As such, any comments just relate to the current application as it stands. As part of the requirements of the great crested newt mitigation licence and depending on the impact of the proposals on other protected and notable species through EWR2 proposal, it is possible that further areas of habitat creation or amendments to the design of the habitat creation on site may be required.
- 6.10. The EcIA is comprehensive and I can have confidence in the conclusions drawn. The application site comprises of tussocky improved grassland with localised inundation of ridge and furrow. The habitat is suitable for reptiles, however, a reptile survey has been scoped out. As the proposals would not result in any loss of existing reptile habitat, and include creation of ponds and hibernaculum, I would agree with this approach, however, suitable mitigation measures will be required during earthworks on site to safeguard reptiles, such as appropriate timing of works and ecological supervision of works. All reptiles are protected against killing and injury under Wildlife and Countryside Act 1981. A badger sett is present within 10m of the site and an updated pre-commencement survey would be required. The report details outline measures to safeguard protected species including GCN, reptiles, nesting birds, invertebrates and badgers. I would recommend that details of these are provided by condition through the submission of a Construction Environmental Management Plan (CEMP) prior to works commencing on site.
- 6.11. The proposed 30 year Ecological Management Plan is welcomed, which includes the creation of two new water bodies within the site and 88m of hedgerow planting for nesting birds and for UK BAP priority invertebrates such as black and brown hairstreak. The existing grassland will be retained and managed as existing tussocky grassland which is of value to wildlife. Details of the ongoing monitoring of the site and the reporting to the CDC ecologist and BBOWT is welcomed (section 6.1) and it is understood that Network Rail is entering into a legal management agreement to secure management of the site. I would recommend the plan is secured as part of any permission granted via a condition or Section 106 Agreement. This is to secure the long-term management of the site in line with the details submitted.
- 6.12. OCC Archaeology: No objection subject to conditions
- 6.13. OCC Transport: No objection

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)

- ESD15 - The Character of the Built and Historic Environment
- ESD10 – The Protection and Enhancement of Biodiversity and the Natural Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

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
- Ecology
- Flood Risk
- Heritage
- Access

8.2. Principle of Development

- 8.3. The applicant has been commissioned by Network Rail to deliver EWR2, from design to operation. This phase of the EWR scheme aims to upgrade train services between Bicester Town and Bedford as well as Milton Keynes to Aylesbury and Princes Risborough.

- 8.4. The applicant is in the process of producing a Transport and Works Act Order for EWR2 which includes an Environmental Impact Assessment to assess the likely environmental impacts and effects of EWR2. Assessments undertaken to support the Environmental Statement have highlighted that EWR2 is likely to result in significant effects on local biodiversity which need to be avoided, mitigated or compensated in accordance with national and local planning policy.

- 8.5. The proposed development is required to provide established compensatory habitat for notable species, including great crested newts and reptiles, prior to construction works commencing on Phase 2 of the East West Rail Western section. A key objective of the East West Rail alliance is to achieve a Net Positive Biodiversity target for the wider scheme. The proposed works at the application site would make a valuable contribution towards achieving this target.

8.6. Ecology

- 8.7. The application is accompanied by an Ecological Impact Assessment to determine the potential impacts of the proposed development on any ecological features within the site. The site comprises improved ridge and furrow grassland bounded by a strip of broadleaved woodland to the west along a disused track which extends north-west to join the access track. To the north is a tree line and farm ditch while to the south is a species rich hedgerow with standard trees and ditch, separating the application site from the railway line. Further ditches and strips of broadleaved woodland run adjacent to the western access track. Compensatory habitat will include two ponds to provide suitable aquatic habitat for great crested newt. Terrestrial habitats include the planting of new hedgerows, trees and scrub habitat in addition to the construction of two hibernacula which are refugia for hibernating amphibians.
- 8.8. An ecological walkover survey of the areas within and adjacent to the application site, including land up to 50m from the site boundary where access was allowed was undertaken on 7th February 2017 broadly following the Phase 1 habitat survey methodology. The walkover survey records information on the habitats within the survey area and was extended to include a search for evidence, presence, and an appraisal of the potential of each habitat to support notable and protected species as recommended by the Chartered Institute of Ecology and Environmental Management 2013.
- 8.9. The site is not within a statutory or non-statutory designated site, although there is a Site of Special Scientific Interest (SSSI) located within 2 kilometres, this being Stratton Audley Quarries. There are protected and notable species, these being Small Heath and Common Pipistrelle within 250m of the site.
- 8.10. The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109 that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures’.
- 8.11. Policy EDS10 of the adopted Cherwell Local Plan Part 1 2011-2031 seeks to protect and enhance biodiversity and the natural environment and sets out a number of objectives to ensure that this is achieved.
- 8.12. Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and local planning authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a ‘competent authority’ in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places’.
- 8.13. Under Regulation 41 of the Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or nesting place, but under Regulation 53 of the Conservation Regulations 2010, licences from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed.
- 8.14. The proposals include the transformation of an area of improved grassland to provide biodiversity enhancements to help compensate for effects of EWR2 on

biodiversity. The two new ponds will incorporate scalloped edges to increase the surface area for marginal vegetation and marginal shelves for the planting of emergent species. Due to the heavy clay nature of the soil it is not expected that the ponds will need to be lined. Once constructed and the ponds have filled with water, they will be planted up with a variety of native submerged, floating, emergent and marginal plants. The scheme will also incorporate planting of native trees, hedgerow and scrub which will include blackthorn and hybrid elm to support the black hairstreak and also the brown and white-letter hairstreak butterflies.

- 8.15. Network Rails' Biodiversity Impact Assessment Metric was used to calculate the biodiversity value of the site before and after the proposed development. This indicates that the proposed development would result in the gain of 0.8 area biodiversity units and 88 linear biodiversity units once all habitats have matured. This has been assessed by the Council's ecologist who is satisfied with the findings although the proposal has only resulted in a small net gain on this site.
- 8.16. The application is accompanied by a 30 year Ecological Management Plan which sets out how the habitats will be maintained in optimal condition for the species. It would be periodically reviewed to ensure the conservation status of the species, found within the site are maintained in a favourable condition.
- 8.17. The Council's ecologist has assessed the submission, including the Ecological Management Plan and Construction Environmental Management Plan (CEMP). It is agreed that the CEMP generally includes appropriate mitigation measures to safeguard protected species and habitats on site during construction, however, they should also include identification and protection of biodiversity protection zones in line with British Standards for Biodiversity 42020:2013. It is further advised that the CEMP should also be updated to include the details of the Precautionary Method of Working to avoid impacts on great crested newts, to be informed by surveys which are ongoing this year. The applicant is aware of these requirements and a revised CEMP is awaited. A number of conditions are recommended and are included at the end of the report.
- 8.18. Consequently, having regard to the above, it is considered that Article 12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site will continue, and will be safeguarded. The proposal therefore accords with the NPPF and Policy ESD10 of the adopted Cherwell Local Plan Part 1 2011-2031.
- 8.19. Flood Risk
- 8.20. The application is accompanied by a Flood Risk Assessment (FRA). The FRA report includes a review of the site information and the likely extent of any flood risk at the site, identification of whether there are any flooding or surface water management issues related to the development that might warrant further consideration, identification and scoping of other flood risks as required, such as ground water flooding and determining whether further assessment is required.
- 8.21. The proposals will include the provision of two ponds to provide suitable aquatic habitat for great crested newts. The creation of the new terrestrial habitats include the planting of new hedgerows, trees and shrub habitat are in addition to the construction of hibernacula for hibernating reptiles. The ponds will all be below ground level with no positive outfall provided.
- 8.22. The NPPF sets out the Government's national policies in relation to flood risk. The Planning Practice guidance also advises on flood risk. The Environment Agency mapping shows the site to be located entirely within Flood Zone 1 (Low probability).

The proposed development will not increase surface water runoff rates and there will be no impact or impedance to water flows or increase flood risk in the wider area. The Environment Agency has assessed the submission and has no objections to the proposal.

8.23. Heritage

8.24. A Heritage Appraisal has been undertaken to support the submission which establishes the nature, extent and significance of the historic environment resource within the site and its environs as well as identifying any potential impacts from the proposed development.

8.25. The site is located in an area where no formal archaeological investigation or recording has been undertaken and therefore the archaeological interest of the proposed site is unknown. This is confirmed by the submitted heritage assessment. The general area of the proposed works is located in an area of archaeological interest however, as identified by the heritage assessment. The proposed site therefore has the potential to encounter previously unidentified archaeological deposits and a programme of archaeological investigation will need to be undertaken ahead of the construction of these ponds.

8.26. Section 12 of the NPPF sets out the planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance.

8.27. Due to the scale of this proposed pond, the OCC archaeologist is satisfied that this can be dealt with by condition.

8.28. Access

8.29. The proposed development is intended to utilise an existing access off Bicester Road, approximately 55m south east of the A4421/Charbridge Lane/Bicester Road roundabout. Visibility splays at the access are considered to be sufficient with respect to the vernacular of the adjacent road network. By virtue of the proximity to the roundabout and the horizontal deflection in the carriageway, vehicle speeds are envisaged to be low.

8.30. The access gate is observed to be set back approximately 15.5m from the edge of the carriageway, a distance considered to be sufficient to accommodate a HGV whilst the gates are operated on access or egress.

8.31. The anticipated daily vehicle movements would be negligible on the highway network with a periodical officer car trip for monitoring and maintenance of the hibernaculum and ponds after construction. During the construction phase the Design and Access Statement assumes up to about 15 vehicle movements per day which is modest.

8.32. The proposed development is therefore not envisaged to have a significant detrimental impact on the safety and movement of the local highway network and is therefore in accordance with Government advice within the NPPF.

9. PLANNING BALANCE AND CONCLUSION

9.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications to be

determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports the plan-led system and advises that planning applications that accord with an up to date development plan should be approved without delay.

- 9.2. The application proposes development that is considered to be in accordance with the development plan and the NPPF. The proposal will have no adverse impacts in respect of the natural environment, highway safety, heritage impact and flood risk and will help to deliver biodiversity enhancement as required by local plan policies and Government advice within the NPPF. The proposal is therefore considered acceptable.

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: Planning, Design and Access Statement dated March 2017; Construction Environmental Management Plan – Advanced Environmental Mitigation Site, document number 133735-EWR-REP-EEN-000031 dated March 2017; Ecological Impact assessment dated March 2017; Ecological Management Plan dated March 2017; Heritage Appraisal dated March 2017; Flood Risk assessment dated March 2017 and drawing numbers: 133735-2A-EWR-OXD-XX-DR-L-010001 Rev P01.01; 010005 Rev P01.01; 010009 Rev P01.01; 010010 Rev P01.01; 010011 Rev P01.01 and 010012 Rev P01.01.

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. K19 Landscape and Ecological Management Plan
Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning policy Framework
4. K21 Construction Environmental Management Plan
Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the adopted Cherwell local plan 2011-2031 and Government guidance within the National Planning Policy Framework.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting seasons following the construction of the ponds. Any trees, planting or hedgerow which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area and to comply with Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the national Planning Policy Framework.

6. Prior to the construction of the pond hereby approved, a landscape management plan, to include the timing of the implementation of the plan, establishment of the planting, management responsibilities, maintenance schedules and procedures for failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to comply with Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

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

Reason: To ensure the continued health of retained trees and hedgerows and to ensure that they are not adversely affected by the development and to comply with policy ESD13 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

Prior to 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 the approved construction Traffic management Plan shall be implemented and operated in accordance with the

8. approved details

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

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

Reason: To safeguard the recording of archaeological matters within the site in accordance with the NPPF.

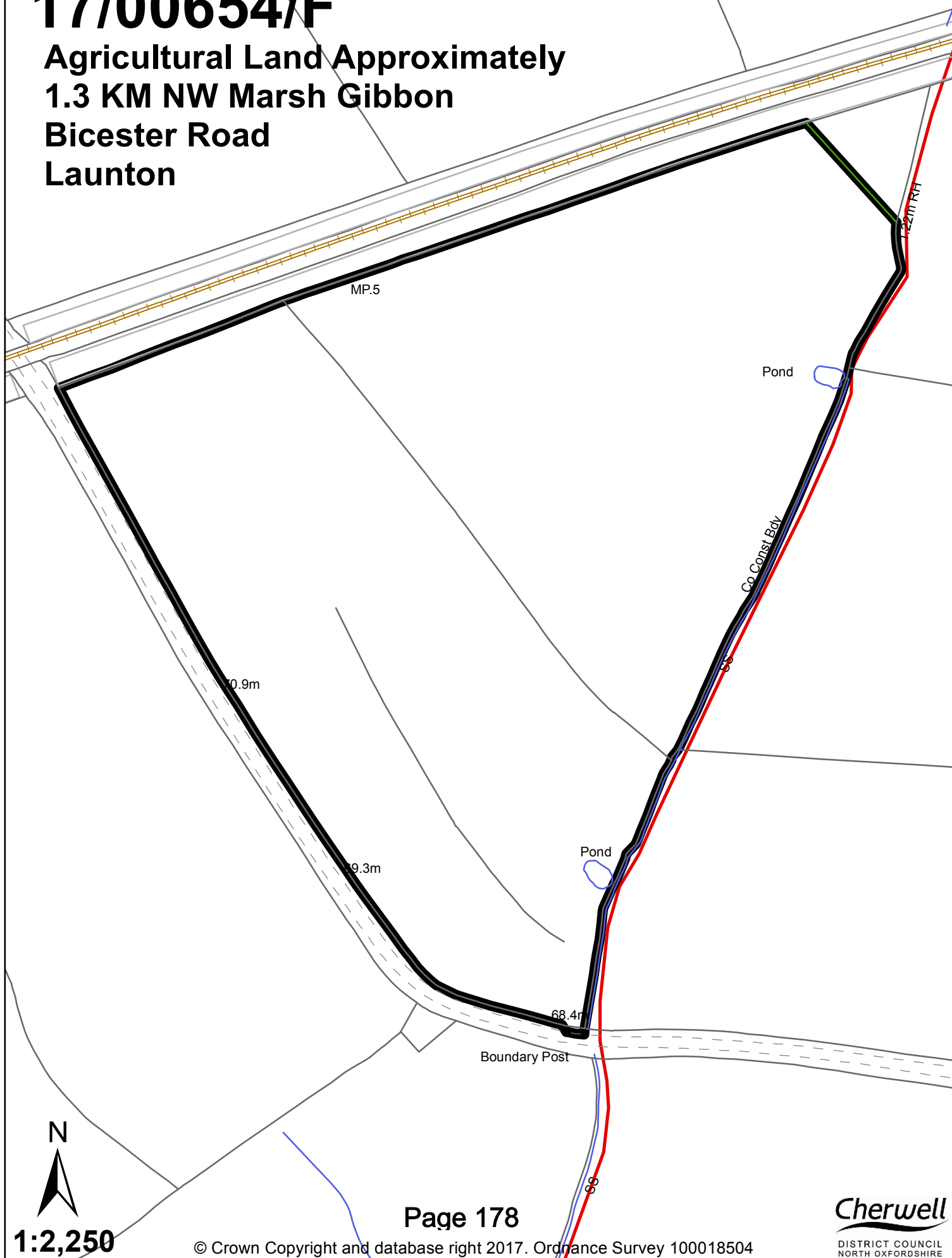
10. Following the approval of the Written Scheme of Investigation referred to in condition 4, and prior to the commencement of any development (other than in accordance with the written scheme of investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and usable archive and a full report for publication which shall be submitted by the Local Planning authority.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF.

Agenda Item 12

17/00654/F

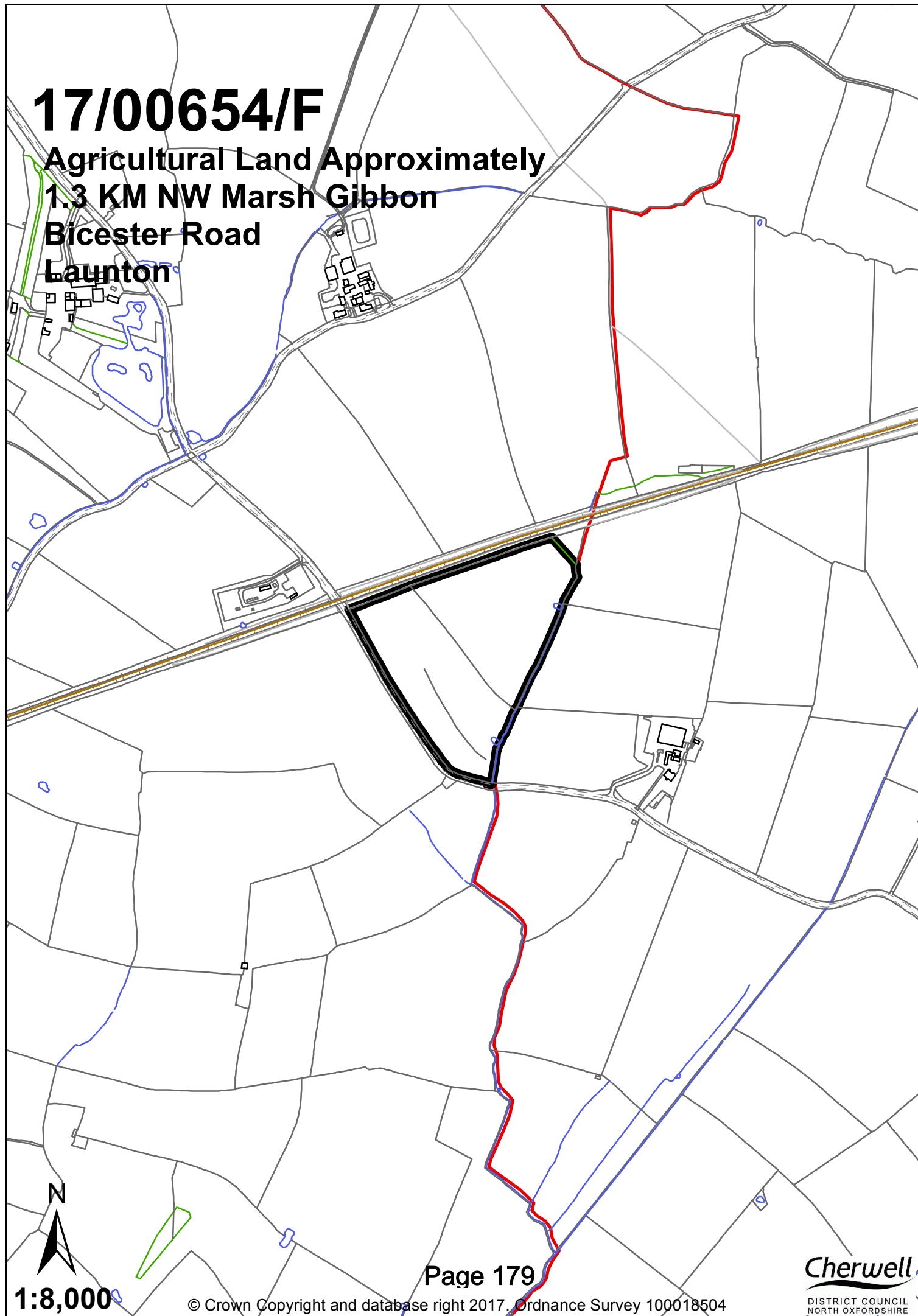
Agricultural Land Approximately
1.3 KM NW Marsh Gibbon
Bicester Road
Launton



1:2,250

17/00654/F

**Agricultural Land Approximately
1.3 KM NW Marsh Gibbon
Bicester Road
Launton**



Applicant: Network Rail

Proposal: Creation of five ponds, earthworks and hibernaculum, along with the planting of new habitat and soil inversion.

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Major Application

Expiry Date: 21 June 2017 **Committee Date:** 15 June 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is 8.90ha in size and is located approximately 1.3km north west of Marsh Gibbon adjacent to Bicester Road close to the border between Oxfordshire and Buckinghamshire. It comprises two fields enclosed by mature hedgerows with an existing railway forming the northern boundary. Apart from the railway to the north, the site is surrounded by further agricultural land, a mixture of arable and pasture fields. A gas works is located northwest within 20m of the site boundary, Westbury Court Farm is located 200m to the east of the site.
- 1.2. There is a small drainage ditch/ordinary watercourse adjacent to the site on the eastern boundary. The ditch is a tributary to the cutters Brook, a main river, which is approximately 1km south of the site. The site has a gentle slope with the northeast parts slightly elevated above the south west boundary.
- 1.3. There are no existing Public Rights of Way through the site or adjacent to it. Existing access to the site is obtained from Bicester Road at the southern corner. The existing railway line to the northern boundary is to be upgraded as part of East West 2 Railway Scheme.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application seeks consent for the creation of 5 ponds and associated earthworks in 2 groups, the creation of 4 hibernaculum, planting of 95 metres of hedgerow, planting of 0.41ha of scrub/thicket, 5.6ha of soil inversion, weeding and seeding and marginal planting around the ponds. The works seek to transform an area of improved grassland into suitable habitat for notable species including great crested newts, reptiles, birds, invertebrates and bats.

- 2.2. The proposed ponds would be positioned within the southern corner of the site. The proposed surface area of the ponds would measure 300m², 390m² and 380m². The ponds will not exceed 1.5m in depth and the excavated material would be used to create bunds and re-profile the land around the two ponds. Marginal and aquatic planting would be provided at the pond edges.

3. RELEVANT PLANNING HISTORY

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

17/00020/SO	Screening Opinion to 17/00654/F - Creation of five ponds, earthworks and hibernaculum, along with the planting of new habitat and soil inversion.	Screening Opinion not requesting EIA
-------------	---------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------

4. PRE-APPLICATION DISCUSSIONS

- 4.1. Informal verbal pre-application discussions have taken place with regard to this proposal. The submission is in line with the advice given.

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. The final date for comments was 07.05.2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No comments have been raised by third parties

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. Launton Parish Council: have no objections but are dismayed at the lack of long-term provisions for the maintenance of the five ponds, earthworks and hibernaculum as well as the new habitat planned. Who would be responsible for the care of this area.

STATUTORY CONSULTEES

- 6.3. Environment Agency: No comments received
- 6.4. Natural England: No comments. Natural England has published standing advice which can be used to assess impact on protected species.

NON-STATUTORY CONSULTEES

- 6.5. Landscape Architect: It is important to retain the hedgerows and trees for the benefit of the landscape structure and character and wildlife. Although highlighted in the

CEMP, any structural vegetation near new ponds and earthworks subject to contractor's works should be protected in accordance with BS5837:2012 Trees in relation to design, demolition and construction recommendations. I support the development proposals as long as Network Rail adhere to a number of recommendations including providing a management plan. The landscape layout design is acceptable.

6.6. BBOWT: No comments received

6.7. Ecologist: It is not possible to assess whether the proposed protected species mitigation measures are sufficient to mitigate for the impacts of the forthcoming proposed EWR2 at this stage as this assessment has not come forward and this will be assessed as part of the Environmental Impact Assessment when this is submitted. As such my comments just relate to the current application as it stands. As part of the requirements of the great crested newt mitigation licence, and depending on the impact of the proposals on other protected species through the EWR2 proposal, it is possible that further areas of habitat creation or amendments to the design of the habitat creation on site may be required.

6.8. The EclA is comprehensive and I welcome the proposals to enhance the existing arable habitat into suitable habitat for species including GCN, reptiles, birds, invertebrates (including the black hairstreak) and bats. The report identifies the presence of a metapopulation of great crested newts in the area of the site through surveys of the entire rail route and it is assumed GCN are present. GCN are known to be present in one pond on the eastern boundary of the site. However, GCN appear to have been scoped out of the ecological zone of influence. As GCN are present on site, this information doesn't appear to be right and should be clarified in the report.

6.9. General mitigation measures have been outlined in section 4.2 for works to avoid impact on protected species including GCN, reptiles and nesting birds, and to protect the existing mature trees (a number of which have roosting bat potential) and hedgerows during construction works. A condition requiring the submission of a CEMP is recommended to detail these measures.

6.10. The reference to Aylesbury Vale District Council should be amended to CDC ecologist.

6.11. The 30 year Ecological Management Plan is welcomed, which includes extensive habitat management and creation including creation of species-rich wildflower meadow grassland, 5 new waterbodies within the site and planting for BAP priority species such as black, brown and white-letter hairstreak. Are the existing ponds also to be enhanced? The existing ditch is described as very turbid and heavily shaded, can this also be enhanced. The monitoring and reporting on the management plan is welcomed but the CDC ecologist should be added to this and should be secured by condition or Section 106 Agreement.

6.12. OCC Archaeology: No objection subject to conditions

6.13. OCC Transport: No objection subject to conditions

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)

- ESD15 - The Character of the Built and Historic Environment
- ESD10 – The Protection and Enhancement of Biodiversity and the Natural Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

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
- Ecology
- Flood Risk
- Heritage
- Access

8.2. Principle of Development

- 8.3. The applicant has been commissioned by Network Rail to deliver EWR2, from design to operation. This phase of the EWR scheme aims to upgrade train services between Bicester Town and Bedford as well as Milton Keynes to Aylesbury and Princes Risborough.

- 8.4. The applicant is in the process of producing a Transport and Works Act Order for EWR2 which includes an Environmental Impact Assessment to assess the likely environmental impacts and effects of EWR2. Assessments undertaken to support the Environmental Statement have highlighted that EWR2 is likely to result in significant effects on local biodiversity which need to be avoided, mitigated or compensated in accordance with national and local planning policy.

- 8.5. The proposed development is required to provide established compensatory habitat for notable species, including great crested newts and reptiles, prior to the construction works commencing on Phase 2 of the East West Rail Western section. A key objective of the East West Rail alliance is to achieve a Net Positive biodiversity target for the wider scheme. The proposed works at the application site would make a valuable contribution towards achieving this target.

8.6. Ecology

- 8.7. The application is accompanied by an Ecological Impact assessment to determine the potential impacts of the proposed development on any ecological features within the site. Compensatory habitat will include five ponds to provide suitable aquatic habitat for great crested newt. Terrestrial habitats include the creation of wildflower meadow, hedgerows, trees and scrub habitat and the construction of four hibernacula to provide refugia for hibernating amphibians and reptiles. The application site comprises arable fields which are also surrounded by primarily arable land and boundary ditches. The immediate boundaries of the site comprise strips of broad leaved woodland to the north and east, and species poor intact hedgerow to the west. A species poor hedgerow and area of broad leaved woodland also intersect the two arable fields.
- 8.8. An ecological walkover survey of areas within and adjacent to the site, where access was allowed was undertaken on 31 January 2017 broadly following a Phase 1 habitat survey methodology. The walkover survey records information on the habitats within the survey area and was extended to include a search for evidence of presence and an appraisal of the potential of each habitat to support notable and protected species as recommended by the Chartered Institute of Ecology and Environmental Management 2013.
- 8.9. The site is not within or adjacent to a statutory or non-statutory designated site.
- 8.10. The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109 that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures’.
- 8.11. Policy ESD10 of the adopted Cherwell Local Plan Part 1 2011-2031 seeks to protect and enhance biodiversity and the natural environment and sets out a number of objectives to ensure that this is achieved.
- 8.12. Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and local planning authorities must also have regard to the requirements of the EC Habitats directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a competent authority in exercising their functions, must have regard to the requirement of the Habitats directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 8.13. Under Regulation 41 of the Conservation Regulations 2010 it is a criminal offence to damage, destroy a breeding site or nesting place, but under Regulation 53 of the conservation Regulations 2010, licences from natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed.
- 8.14. The primary purpose of this scheme is to provide some compensation for the significant effects of EWR2 on biodiversity. These enhancements have particular emphasis on maintaining favourable conservation status for great crested newts but also include enhancements for species such as black hairstreak, reptiles and birds such as Skylark. This will be achieved through the creation of areas of terrestrial and aquatic habitat. The five new ponds will incorporate scalloped edges in order to increase the surface area for marginal vegetation and shelves for the planting of

emergent species. Due to the heavy clay nature of the soil it is not expected that the pond will need to be lined. Once constructed and the ponds have filled with water they will be planted up with a variety of native submerged, floating, emergent and marginal plants. Another key aspect of this scheme is the creation and management of meadows comprising native species of grasses and wild flowers. The scheme design also incorporates planting of native hedgerows, trees and scrub to support the black hairstreak, brown hairstreak and white-letter butterflies.

- 8.15. Network Rail's Biodiversity Impact Assessment Metric was used to calculate the biodiversity value of the site before and after the proposed development. This indicates that the proposed development would result in a net gain of 21.5 area biodiversity units and 95 linear biodiversity units once all the habitats have matured. This has been assessed by the Council's ecologist who is satisfied with the findings.
- 8.16. The application is also accompanied by a 30 year Ecological management Plan which sets out how the habitats will be maintained in optimal condition for the species. It will be periodically reviewed to ensure the conservation status of the species found within the site are maintained in a favourable condition.
- 8.17. The Council's ecologist has assessed the submission, including the Ecological Management Plan and Construction Environmental Management Plan (CEMP). It is agreed that the CEMP generally includes appropriate mitigation measures to safeguard protected species and habitats on site during construction, but requires further detail. This can be dealt with by condition of the planning permission.
- 8.18. Consequently, having regard to the above, it is considered that Article 12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site will continue and will be safeguarded. Furthermore the proposed scheme will result in significant biodiversity gain across this site. The proposal therefore accords with the NPPF and Policy ESD10 of the adopted Cherwell Local Plan Part 1 2011-2031.
- 8.19. Flood Risk
- 8.20. The application is accompanied by a Flood Risk Assessment (FRA). The FRA report includes a review of the site information and the likely extent of any flood risk at the site, identification of whether there are any flooding or surface water management issues related to the development that may warrant further consideration, identification and scoping of other flood risks as required, such as ground water flooding and determining whether a further assessment would be necessary.
- 8.21. The proposals will include the provision of five ponds to provide suitable aquatic habitat for great crested newt. The creation of new terrestrial habitats including the creation of wildflower meadow, planting of new hedgerows, trees and scrub habitat will be in addition to the construction of four hibernacula. The ponds will all be below ground level with no positive outfall provided.
- 8.22. The NPPF sets out the Government's national policies in relation to flood risk. The Planning Practice Guidance also advises on flood risk. The Environment Agency mapping shows the site to be located entirely within Flood Zone 1 (Low Probability).
- 8.23. The proposed development will not increase surface water run-off rates and there will be no impact or impedance of surface water flows or increased flood risk to the wider area. The proposal is therefore considered acceptable in terms of flood risk.
- 8.24. Heritage

- 8.25. A Heritage Appraisal has been undertaken to support the submission which establishes the nature, extent and significance of the historic environment resource within the site and its environs as well as identifying any potential impacts from the proposed development.
- 8.26. The site is located in an area where no formal archaeological investigation or recording has been undertaken and therefore the archaeological interest of the site is unknown. This is confirmed by a heritage assessment submitted with this application. The general area of the proposed works is located in an area of archaeological interest however, as identified by the heritage assessment. The proposed site therefore has the potential to encounter previously unidentified archaeological deposits and a programme of archaeological investigation will need to be undertaken ahead of the construction of these ponds.
- 8.27. Section 12 of the NPPF sets out the planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate for their significance.
- 8.28. Due to the scale of the proposed ponds, the OCC archaeologist is satisfied that this can be dealt with by condition.
- 8.29. Access
- 8.30. The site is served by an existing access to the south from Bicester Road for which the visibility splay to the right is substandard due to the bend in the carriageway. The Design and Access Statement identifies the expected vehicle movements as modest and also proposes to locate the access gate a few metres from the carriageway edge to ensure sufficient room for the accommodation of a large size vehicle on access or exit.
- 8.31. In traffic generation terms, the proposed development would have a negligible impact on traffic flow and congestion on the surrounding highway network with a periodical officer car trip for monitoring and maintenance of the hibernaculum and ponds. During construction however, OCC as highway authority recommend that a series of warning signs are erected on the approaches to the site. The details of these should be included within a Construction traffic management Plan which will need to be agreed prior to the commencement of any development on the site.
- 8.32. The proposed development is therefore not envisaged to have a significant detrimental impact on the safety and movement of the local highway network and is therefore in accordance with Government advice within the NPPF.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports the plan-led system and advises that planning applications that accord with an up to date development plan should be approved without delay.
- 9.2. The application proposes development that is considered to be in accordance with the development plan and the NPPF. The proposal will have no adverse impacts in respect of the natural environment, highway safety, heritage impact and flood risk and will help to deliver biodiversity gain within the site as required by local plan

policies and Government advice within the NPPF. The proposal is therefore considered acceptable.

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: Planning, Design and Access Statement dated March 2017; construction Environmental Management Plan dated March 2017; Ecological Impact Assessment dated March 2017; Ecological Management Plan dated March 2017; heritage Appraisal dated March 2017; Flood Risk Assessment dated March 2017 and drawing numbers: 133735-2A-EWR-XX-DR-L-010003 Rev P01.01; 010007 Rev P01.01; 010009 Rev P01.01; 010010 Rev P01.01; 010011 Rev P01.01 and 010015 Rev P01.01.

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 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 the approved construction Traffic management Plan shall be implemented and operated in accordance with the approved details

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

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

Reason: To safeguard the recording of archaeological matters within the site in accordance with the NPPF.

5. Following the approval of the Written Scheme of Investigation referred to in condition 4, and prior to the commencement of any development (other than in accordance with the written scheme of investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and usable archive and a full report for publication which shall be submitted by the Local Planning authority.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of

the evidence in accordance with the NPPF.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting seasons following the construction of the ponds. Any trees, planting or hedgerow which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area and to comply with Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the national Planning Policy Framework.

7. Prior to the construction of the pond hereby approved, a landscape management plan, to include the timing of the implementation of the plan, establishment of the planting, management responsibilities, maintenance schedules and procedures for failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to comply with Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

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

Reason: To ensure the continued health of retained trees and hedgerows and to ensure that they are not adversely affected by the development and to comply with policy ESD13 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

9. K19 Landscape and Ecological Management Plan

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

10. K21 Construction Environmental Management Plan

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

CASE OFFICER: Linda Griffiths

TEL: 01295 227998

BRIDGE STREET

17/00658/F
18 Bridge Street
Banbury

18

17

to

15

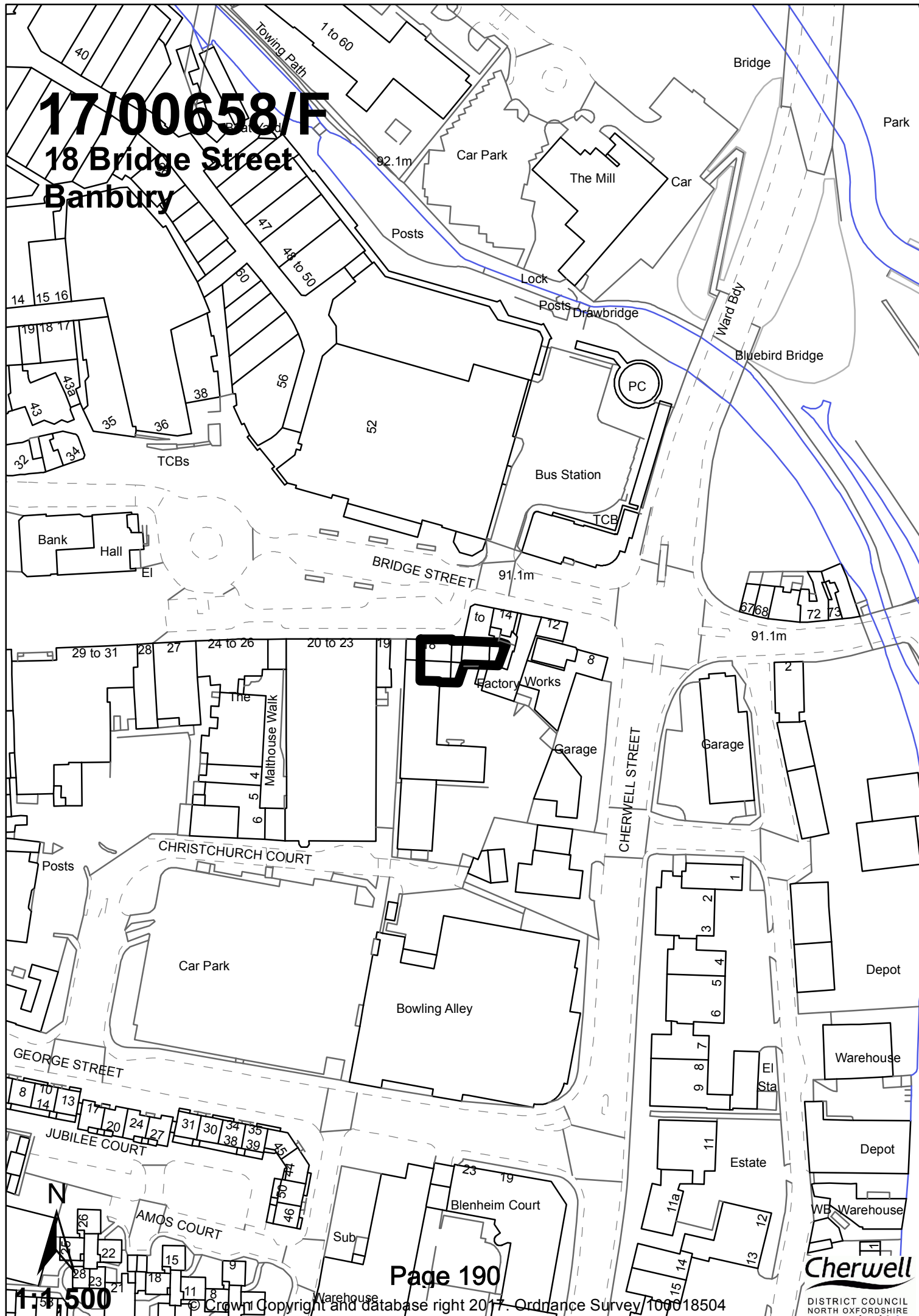
14

Factory



1:200

17/00658/F
18 Bridge Street
Banbury



Applicant: Brickmort Investments

Proposal: Change of use of existing building to create coffee shop (Class A3) and 1 no. 1 bedroom unit at ground floor level and 3 no. residential units (2 no. studio units and 1 no. 2 bed unit) at first floor level

Ward: Banbury Cross And Neithrop

Councillors: Cllr Hannah Banfield
Cllr Surinder Dhesi
Cllr Alastair Milne-Home

Reason for Referral: Outside scope of delegation

Expiry Date: 18 May 2017 **Committee Date:** 15 June 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. 18 Bridge Street (Crown House) is a part three, part four storey, former office building in the centre of Banbury which was granted prior approval in November 2016 under Schedule 2, Part 3, Class O of the General Permitted Development Order 2015 for change of use to a residential use comprising 37 apartments. The internal operations required in connection with this change of use have now commenced and the external alterations required were approved under application reference 17/00243/F. Planning approval for an additional 10 apartments was granted under application reference 17/00288/F. The building is located within a mixed use area, comprising a range of commercial, retail and light industrial uses and is accessed via Christ Church Court.
- 1.2. Adjoining this building is a two-storey mock-Tudor building which directly fronts Bridge Street. This building comprises a ground floor commercial unit with ancillary office accommodation on the ground and first floors. These elements of the building are current vacant and form part of this application. The building is also occupied by a ground floor hairdresser with ancillary accommodation on the first floor, which does not form part of the current application. The mock-Tudor building has a timber and rendered façade with timber commercial unit frontages.
- 1.3. In November 2016, prior approval was sought for the conversion of the commercial unit and ancillary office accommodation to residential (16/02280/O56). It was not however possible for the applicant to proceed with this application as the building was not in B1 (Offices) use at the time of the application. The building is believed to have been last lawful use as an A2 (Financial and Professional Services) use.
- 1.4. The application site is located within the designated Banbury Conservation Area and is located adjacent to a locally listed building (15-17 Bridge Street). The building is not located within an area identified to be at risk of fluvial flooding.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning permission is being sought for the conversion of the existing building to provide 4 apartments, including 2 x studios and 1 x 2 bedroom apartments on the first floor and 1 x 1 bedroom apartments on the ground floor.
- 2.2. Planning permission is also being sought to change the use of the existing ground floor retail unit into a coffee shop (a Class A3 use).
- 2.3. Limited external alterations are also proposed, including the removal of a first floor external door and fire escape on the rear elevation of the building and the creation of an outdoor amenity space serving the ground floor apartment.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/01763/O56	Proposed change of use of existing office building into 37 No. apartments	Application Permitted
17/00243/F	External alterations to include additional windows, doors and canopy alterations in connection with prior approval 16/01763/O56 for the proposed change of use of existing office building into 37 No apartments	Application Permitted
17/00288/F	Four storey extension to existing building to create 10 self-contained apartments	Application Permitted

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No formal pre-application discussions have been undertaken in relation to this proposal. However, the applicant was advised to submit a full planning application following the withdrawal of a prior approval application relating to the conversion of the building to apartments.

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. The final date for comments was 11 May 2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No comments have been raised by third parties as a result of this consultation process.

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. **Banbury Town Council:** No objections.

STATUTORY CONSULTEES

- 6.3. **Local Highways Authority:** The absence of car parking is acceptable due to the sustainable town centre location. Details of cycle parking and pedestrian access arrangements are required as well as a construction traffic management plan.

NON-STATUTORY CONSULTEES

- 6.4. **Design and Conservation Officer:** The change of use will have minimal impact on the significance of this building and its visual contribution to the streetscape and character and appearance of the conservation area.
- 6.5. Advertising should be controlled as this could adversely impact on the streetscape.
- 6.6. **Landscape Officer:** The plant species, sizes and plant densities area are unknown - there is no planting schedule. For implementation and establishment all planting is to comply with the National Plant Specification and CPSE's plant handling and establishment, *BS 3936 Specification for Nursery Stock*. Specifically for tree planting and establishment, *BS 8545: 2014* is the most current. For planting and aftercare, *BS4428: 1989* is appropriate.
- 6.7. **Housing Standards:** No comments received.
- 6.8. **Investment and Growth Team Leader:** Concurs that no affordable housing contribution be sought for the reasons given at paragraph 8.13 below

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.

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
- BSC1 – District Wide Housing Distribution
- BSC2 – Effective & Efficient Use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC11 – Local Standards of Provision – Outdoor Recreation
- SLE4 – Improved Transport & Connections
- ESD15 – Character of the Built & Historic Environment
- Banbury 7 – Strengthening Banbury Town Centre

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design of New Residential Development

7.2. 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 the character of the area
- Housing mix and affordable housing
- Residential amenity
- Contamination
- Highways Safety
- Waste
- Landscaping and play provision
- Sport, public art and community facilities
- Other matters

8.2. Principle of development

8.3. The conversion of the ground floor commercial unit to an A3 use is considered to be an appropriate town centre use and therefore complies with Policies Banbury 7 and SLE2, which state that shopping, leisure and other main town centre uses will be supported within the town centre.

8.4. Although the conversion of the office accommodation to residential accommodation would result in the loss of a main town centre use (offices), Policy Banbury 7 encourages mixed use schemes and proposals which would contribute towards the regeneration of the town centre. The redevelopment of this building is considered to support the redevelopment of Crown House and is therefore considered to comply with Policy Banbury 7.

8.5. Policy BSC 1 provides a target of 7,319 dwellings within Banbury over the plan period mostly on allocated sites. Of this total, 416 dwellings are expected to be delivered through windfall sites. In the latest Annual Monitoring Report dated March 2016, it was reported that there have been 206 completions of windfall dwellings. The 4 units proposed are therefore considered to contribute towards the remaining windfall dwellings identified under Cherwell Local Plan 2011-2031 Part 1 and maintain the Council's current 5 year housing land supply.

8.6. The proposal is therefore considered to comply with Policy BSC 1.

8.7. Design, and impact on the character of the area

8.8. The proposed development, which comprises mainly internal works, would not have a significant impact on the external appearance of the building or the character of the designated Banbury conservation area. The proposed development is therefore considered to comply with Policies C28 and ESD15 and Government guidance contained within the National Planning Policy Framework.

8.9. Housing mix and affordable housing

- 8.10. Policy BSC 4 states that new residential development should provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities. Development should also take into account the provision of affordable housing as required by Policy BSC 3.
- 8.11. The proposed development provides a mix of homes including 2 x studios and 1 x 2 bedroom and 1 x 1 bedroom apartments. The mix does not accord with the requirements of the Strategic Housing Market Assessment due to the high proportion of studio and one bedroom apartments. However, taking into account the number of apartments within the wider scheme, the proposal is considered to comply with the requirements of Policy BSC 4.
- 8.12. Policy BSC 3 states that proposed developments which include 11 or more dwellings or which would be provided on sites suitable for 11 or more dwellings will be expected to provide at least 30% of new housing as affordable homes on site. As the proposed development is for 4 dwellings, there is no requirement for the provision of affordable housing. The proposal is therefore considered to comply with Policy BSC 3.
- 8.13. However, taking into account the additional 10 dwellings recently granted planning consent (see 17/00288/F), a total of 14 new dwellings have been created, which would have required total of 4 affordable dwellings to have been provided within the development (or an equivalent financial contribution to have been paid towards affordable housing). However, given that these were not considered as a joint application, the appropriateness of securing affordable housing, and in order to facilitate the regeneration of this site by bringing these long term empty buildings back into use as town centre housing your officers consider that it would be appropriate for no affordable housing contribution to be sought .

8.14. Residential amenity

- 8.15. The proposed development is located within a mixed use area, comprising a range of commercial, retail and leisure uses. There is therefore the potential for the residents of the proposed development to be affected by noise from these uses. It is therefore recommended that a condition is imposed, requiring a scheme for the acoustic installation of these apartments to be submitted to and approved by the Council. Subject to this condition, the proposal is considered not to cause harm to future occupants in terms of noise disturbance. Furthermore, due to the residential nature of the development proposed, it is unlikely that the surrounding uses will be adversely affected in terms of noise disturbance, including disturbance from the proposed coffee shop.
- 8.16. Throughout the course of this application, concerns have been raised about the residential amenity of the proposed ground floor apartment. This is due to its location, directly adjacent to the pedestrian entrance to Crown House and the potential for noise disturbance, privacy and security implications. It is however considered that the proposed conversion would provide an acceptable standard of residential amenity providing an acceptable level of amenity space is created. The applicant has therefore proposed a landscape buffer strip which provides defensible space immediately to the front of the apartment and a small private enclosed courtyard serving the apartment. Furthermore, a pedestrian access gate within the

passageway adjacent to the apartment will provide additional security. Subject to conditions relating to landscaping and the pedestrian access gate, the proposal is considered to provide an acceptable level of residential amenity and is therefore considered to comply with Policies C30 and ESD15.

8.17. Highways safety

8.18. The proposed development is located in a highly sustainable town centre location and it is therefore considered acceptable that no car parking has been proposed in connection with these apartments or the commercial unit. It is however crucial that sufficient cycle parking is provided and the Local Highways Authority has raised concerns over the level of provision of cycle parking within the wider Crown House development. However, the applicant has confirmed that sufficient cycle parking can be provided within the site via the use of double decker cycle racks. The proposal is therefore considered to be capable of providing an acceptable level of cycle parking provision. A condition is however recommended to ensure that sufficient cycle parking is provided prior to occupation.

8.19. The Local Highways Authority has also recommended a condition requiring the submission of a Construction Traffic Management Plan. This is considered necessary to ensure the satisfactory management of the site and safety of pedestrians and other road users during the construction phase of the development.

8.20. Subject to the aforementioned conditions, the development is considered unlikely to cause harm in terms of highways safety.

8.21. Waste

8.22. No waste storage has been proposed within the red line area of the site but has been proposed within the wider development. As limited details relating to the waste storage and collection arrangements have been supplied, a condition is recommended to ensure satisfactory waste storage is provided.

8.23. Landscaping

8.24. A landscaping scheme has been submitted as part of this application but the Landscape Officer has raised concerns about the scheme as proposed and has noted that a planting schedule has not been provided. As landscaping is required in order to provide an acceptable standard of residential amenity, it is important that a comprehensive, high quality landscaping scheme is provided. A condition is therefore recommended to ensure that a satisfactory landscaping scheme is provided.

9. PLANNING BALANCE AND CONCLUSION

9.1. The proposed development will contribute towards the reuse and regeneration of a brownfield site in the centre of Banbury which has remained vacant for a significant period of time. The extension will result in the addition of 4 apartments to the 47 apartments recently approved and will contribute towards the Council's housing targets. The proposed development is not considered to harm the character or appearance of the existing building and is not considered to cause harm in terms of residential amenity or highways safety. Overall, the proposal is considered to represent sustainable development, comply with the policies outlined in Paragraph 7 of this report and is therefore recommended for approval subject to the conditions below.

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 Application Form and Drawing Number 12659-C100-F.

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, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason - To ensure the delivery of satisfactory streets that deliver the green infrastructure, play and other features necessary to create a successful place, to accord with a high standard of design and to comply with Policy ESD 15 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 first occupation of the development hereby approved, covered cycle parking facilities shall be provided 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 Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 5 Notwithstanding the details submitted and prior to the commencement of the development hereby approved, full details of the pedestrian access to the site from Bridge Street (adjacent to 15 - 17 Bridge Street), including specification details of the proposed pedestrian gate (which is considered to provide an element of public art within the site) and access arrangements, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the pedestrian access gate shall be installed, and the pedestrian access permanently retained and maintained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the pedestrian access and to ensure the creation of a safe and convenient access to the site for pedestrians in accordance with Policies SLE4, ESD1 and ESD15 of the Cherwell Local Plan

2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 6 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.

Thereafter, the development shall be carried out in strict 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.

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, 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 a scheme for acoustically insulating all habitable rooms within the apartments such that internal noise levels do not exceed the criteria specified in Table 4 of 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. Thereafter, and prior to the first occupation of development, the apartments 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 Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 9 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 Policy ENV12 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 10 No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods, details of construction vehicle parking/waiting areas, compound details as well as an agreed route for HGV traffic to the development site. The approved Plan shall be implemented in full throughout the entirety of the construction phase of the development.

Reason - In the interests of highway safety and to safeguard the amenities of pedestrians and other road users in accordance with Government Guidance in the NPPF.

PLANNING NOTES

- 1 Consent has been granted subject to conditions. It is the developer's responsibility to ensure that they have read and understood the requirements of the conditions, and that they comply with the conditions when carrying out the development. If you are unclear about what is required, please contact the case officer for further advice.

In some cases conditions require further details to be submitted and approved by the Local Planning Authority. You will need to make a formal application to the Council for approval of these details, and you need to allow up to 8 weeks (following receipt of a valid application) for the Council to make a decision on the acceptability of the details. This is particularly important where a condition requires further details to be approved before any work commences as any work carried out before those details have been approved would be unauthorized and at risk of planning enforcement action.

The conditions application fee is £28 in respect of householder development, and £97 per in any other case. The fee is payable each time a conditions application is made. You can include multiple conditions in one application, and this can be more cost and time effective than submitting details for each condition separately.

Guidance on making an application is available online on the Council's website by going to <http://www.cherwell.gov.uk/index.cfm?articleid=8983>

CASE OFFICER: Lewis Bankes-Hughes

TEL: 01295 221884



Front Elevation
existing windows retained and made good with secondary glazing



Rear Elevation



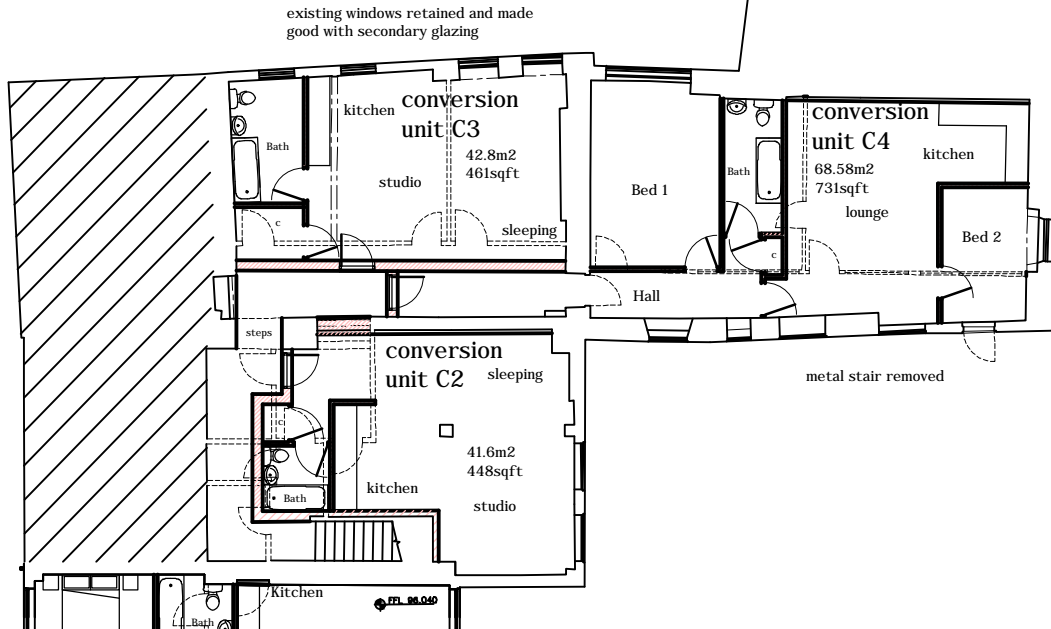
Flank Elevation



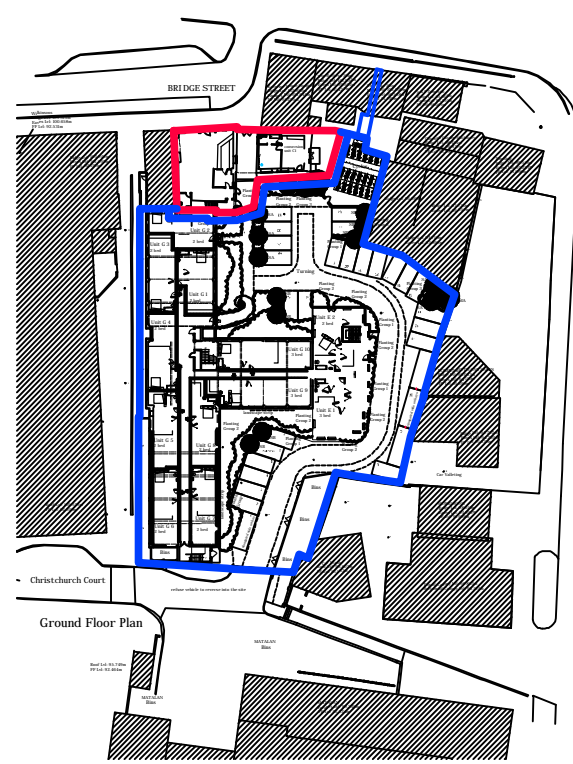
Side Elevation



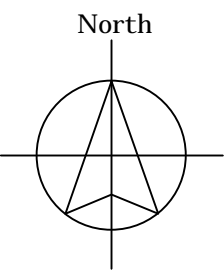
First Floor Plan
1:200 Scale



Note,
works within the blue area are
part of separate applications



Location Plan
1:1250 Scale



Ground Floor and Site Plan 1:200 Scale

notes:

any discrepancies should be reported immediately

all dimensions should be checked on site prior to commencement of work

site/survey based on ordnance survey information provided by prodat systems plc, (www.promap.co.uk) prodat does not guarantee that all past or current uses or features will be identified in the product

the product does not give details about the actual state or condition of the site nor should it be used or taken to indicate or exclude actual suitability or unsuitability of the site for any particular purpose, or relied upon for determining suitability or value, or used as a substitute for any physical investigation or inspection.

drawings to be read in accordance with the dwelling emission rate (der/ter) calculation, the building must be built 'as designed' meeting the criteria set for air permeability.

© HERTFORD PLANNING SERVICE

note when printing off pdf's. it is the responsibility of the user to verify that the resulting prints are to scale on the appropriate sized sheet. also that the scale bars on the plan measure correctly.

Date	Description	Rev
May 17	cycles and gate	F
March 17	surfaces and fencing gate blue line	E
March 17	surfaces and fencing gate	D
March 17	PN scheme now Full Planning	C
Nov 16	Notes - red and blue line	B
Date	Description	Rev



Westgate House, 37-41 Castle Street,
Hertford, Herts SG14 1HH
Tel: 01992 552173 Fax: 01992 587643
Email: contact@hertfordplanning.co.uk
www.hertfordplanning.co.uk



Client Brickmort Investments Ltd

Project 18 Bridge Street. Adjacent to Crown House Banbury OX16 5PN

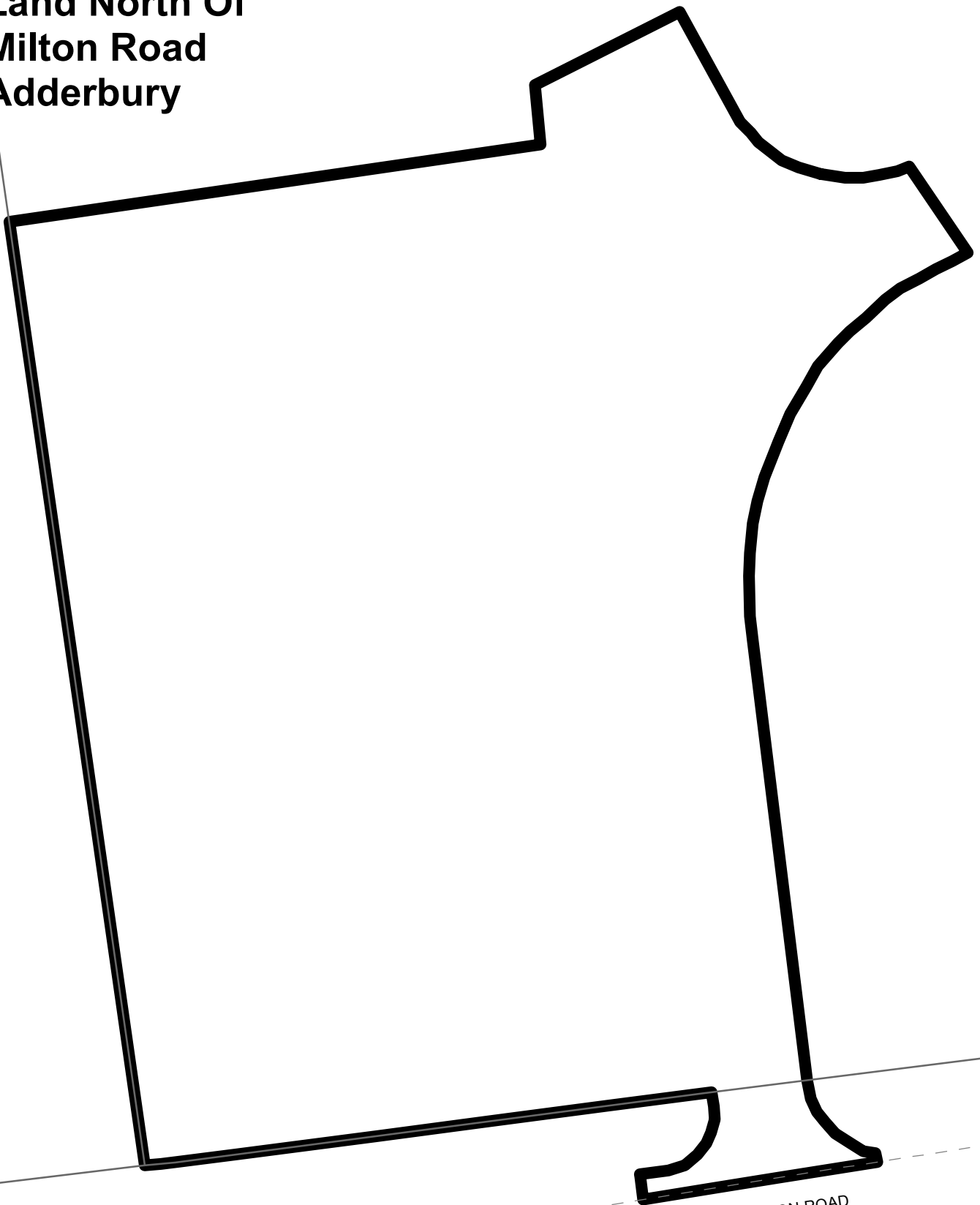
Drawing Proposed Conversions

Date 21/03/17
Scale 1:100
Sheet size A1
Drawn mRn

12659-C100-F

17/00813/F

**Land North Of
Milton Road
Adderbury**

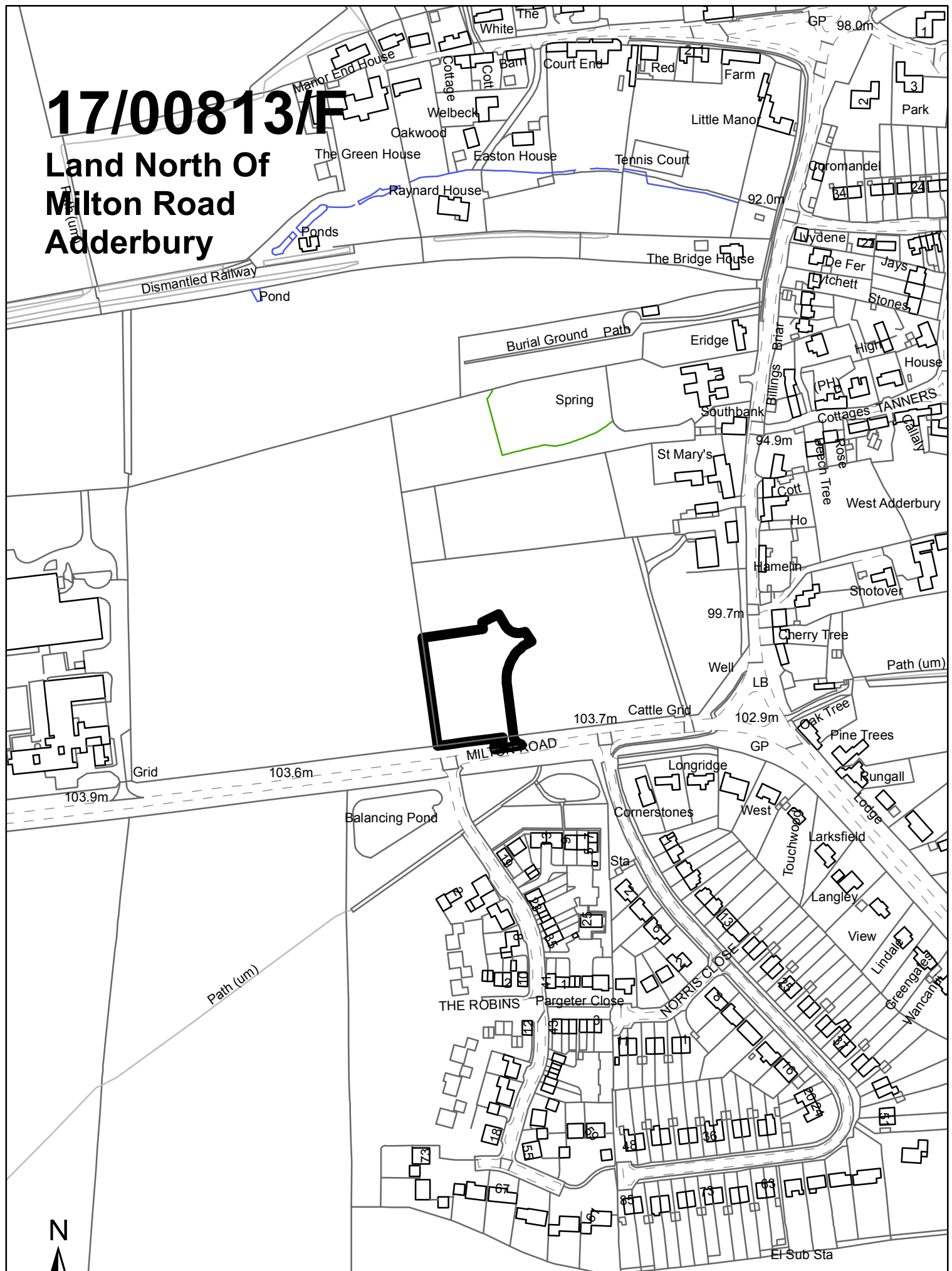


MILTON ROAD



1:400

Land North Of Milton Road Adderbury



Applicant: Nicholas King Homes

Proposal: Erection of 5 No private market sale dwellings on land previously allocated for possible community use

Ward: Adderbury, Bloxham And Bodicote

Councillors: Cllr Mike Bishop
Cllr Chris Heath
Councillor Andrew McHugh

Reason for Referral: **Proposed alteration to previous legal agreement and association with major site adjoining**

Expiry Date: 7 June 2017 **Committee Date:** 15 June 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. This application relates to a site on the north side of Milton Road adjacent to the applicant's development. It is an area of land that was originally proposed to be set aside for community facilities and has been conveyed to the Parish Council for such purposes. The site is bounded to the south by Milton Road, to the east and north by the housing development currently being built, and the west by agricultural land that is intended to be made available for sports and community facilities – land that has been conveyed to Adderbury Parish Council as a function of the Bloors development on Aynho Road. It has a roadside hedgerow and extension trees/hedgerow to the western boundary.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The proposal is to erect 5 detached houses on the site, two houses fronting towards the Milton Road, but accessed off a private drive to the north of the hedgerow line (in a similar fashion to the approved development to the east), and 3 houses facing onto the internal access road being constructed to serve the remainder of the adjacent development.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
10/00512/OUT	Residential development, estate road and	Application

open space

Refused

14/00250/F	Demolition of existing agricultural buildings and erection of 20 private houses and 11 affordable dwellings, provision of public open space and land for a possible community use	Application Permitted
15/00046/NMA	Non Material Amendment to 14/00250/F - Amendment to Plot 31 to provide a detached garage	Application Permitted
15/00228/DISC	Discharge of Conditions 5, 7, 8, 11, 13, 16, 17, 18, 19, 20, 22, 23, 28 and 29 of 14/00250/F	Application Permitted
16/00518/DISC	Discharge of Conditions 15 (access vision splays), 26 (archaeological written scheme of investigation) and 27 (archaeological evaluation) of 14/00250/F	Application Permitted
16/00105/NMA	Non Material Amendment to application 14/00250/F - New house type substitution to plots 3, 15 and 30	Application Refused

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The proposal has been the subject of pre-application discussions with the applicant and the Parish Council

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 25.05.2017, although comments received after this date and before finalising this report have also been taken into account.

- 5.2. Two responses have been received from residents of Wallin Road who object as follows

- Concerned about outlook from their property – they were not aware of the possibility of the wider scheme when purchasing their property
- Exacerbating the noise dust and inconvenience of the building works
- Impact upon wildlife
- Not in keeping with the village
- Add even more houses to the village that has seen excessive development recently
- Adding to the very busy traffic on the Milton Road and through Adderbury
- An example of excess housing creep which does not serve the community in any way, only developers profits

- 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

Adderbury Parish Council comments that it supports the above application and requests that all the houses are built in stone with slate roofs, which is in-keeping with the Conservation Area because it is adjacent to it. The Parish Council also requests that there is a footpath access into the adjacent community site to the west.

The Parish Council requests that the funds which are generated from the application, will be allocated towards the funding of the proposed Parish Council's community and leisure facilities in accordance with the emerging Adderbury Neighbourhood Plan Policy AD18 (now at Submission stage).

The Parish Council also requests that any Section 106 agreement should include the provision of services to the Parish Council's community land which adjoins this site to the west, as agreed previously with the developer.

6.2. STATUTORY CONSULTEES

6.3. Oxfordshire County Council comments as follows

- Concern about siting of private accesses to Plots A and B – and suggesting conditions to deal with these concerns
- Seeking pro-rate increase in Section 106 contributions for public transport support and strategic planning contribution (amounting to £8,419 combined); for primary education (£26,754); and secondary education (£31,371)

NON-STATUTORY CONSULTEES

6.4. **CDC Recreation and Leisure** – There are concerns over the loss of community land and this must be replaced on a like for like basis as a minimum. However the community and sports proposals of the Parish Council are supported with the expected contributions specified towards outdoor and indoor sports and community hall provision.

6.5. **CDC Environmental Protection Officer** – wishes to make no comments

6.6. **CDC Strategic Housing** comments that its clearly under threshold for affordable housing but of course does have a relationship to the larger site where Nicholas King homes are arguing that they need a change of tenure mix on viability grounds. I think we had previously argued that this should really be regarded as part of the current scheme and therefore increase the AH contribution across the site as a whole but I accept they are seeking to provide a contribution to the community facilities.

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)

- Policy PSD 1 Presumption in favour of sustainable development
- Policy BSC2 The effective and efficient use of land
- Policy BSC3 Affordable housing
- Policy ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1 Village categorisation
- Policy Villages 2 Distributing growth across the rural areas
- Policy Villages 4 Meeting the need for open space, sport and recreation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 Design control

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Adderbury Neighbourhood Plan has been published for consultation but can carry little to no weight at this time. Policy AD18 seeks to allocate the land to the west of this site for sports and community uses

8. APPRAISAL

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

- Principle of development
- Loss of previously proposed community facility
- Affordable housing
- Financial value and consequent contribution
- Design and layout
- Impact on the character of the area
- Residential amenity
- Access
- Other infrastructure contributions

Principle of development

8.2 In December 2014 full planning permission was granted on this and the adjacent site for 31 houses (11 of which are to be affordable units) with the part of the site to which this application relates shown as a future site for community uses. The land for this use was secured through a Section 106 agreement through which the ownership of the land was transferred to Adderbury Parish Council. The 2014 permission was granted at a time when the Council did not have a 5 year land supply, and this does not apply currently. The site is committed for development and in policy terms its use for additional housing rather than as a site for a community building and associated car parking (its likely alternative use) is considered acceptable.

Loss of previously proposed community facility

8.3 The Section 106 agreement associated with the planning permission granted for the scheme on the adjacent land currently being implemented (14/00250/F) delivered a number of financial contributions to both this Council and OCC. It also required the laying out and handing over of a large area of land on the eastern side of the site as

public open space. In addition the Section 106 agreement provided for an area of land (this application site) as a site for community facilities.

- 8.4 Adderbury PC has also recently acquired an area of land immediately to the west of the application site under the auspices of a Section 106 agreement associated with the Bloors Homes development on the Aynho Road. It is understood that the Parish Council's aspirations for that site are at an early stage of development. A letter from the Parish Council which explains their involvement with this application and their developing ideas is attached as Appendix 1. It will be seen that the Parish Council supports this proposal on their land as they see its disposal as a way of raising capital to facilitate their aspirations on the adjacent land. In principle your officers see no objection to the utilisation of funds generated from the sale of this land to assist in the bringing forward of a new facility on the adjacent land. Indeed it may be thought undesirable to have two adjoining sites trying to cover the same set of community facilities. It is understood that the Parish Council and the developers have agreed in principle to the quantum of the funding, and that the previous land – owners are comfortable with the emerging arrangement subject to an appropriate recompense to them given the uplift in value of the land.

Affordable housing

- 8.5 The application proposes that all 5 houses will be for open market sale and that no affordable housing is included. The applicants explain in their planning statement that this is to enable the maximisation of the receipt to the Parish Council. They suggest that this is a very specific and exceptional instance where raising funds for a wider community facility should outweigh the normal policy of the Council to ensure the provision of affordable housing.
- 8.6 It will be seen that the Council's Housing Strategy Officer supports non-provision of affordable housing and the diversion of the released capital to the Parish Council to fund community facilities. In Appendix 1 it is also confirmed that the Parish Council support this approach and understand that no further affordable housing will result.
- 8.7 Policy BSC3 of the adopted Local Plan requires that on sites of 11 or more dwellings that 35% of the new dwellings on a site should be affordable houses. This policy is applicable in a situation like this where extra housing is being provided as an adjunct to a larger site for which affordable housing has already been provided. The application is therefore contrary to policy.
- 8.8 This is an unusual and exceptional case where the Parish Council has, with the involvement of planning officers through the negotiation of planning applications ended up with two adjoining sites for community and sports uses. To facilitate the provision of a high quality facility not only is it being suggested that the smaller site should be allowed to be developed for housing, but that furthermore to maximise the capital receipt the requirement for affordable housing should be foregone. Given the support of the Council's housing officers this is considered acceptable provided a sufficient financial contribution is secured and that an appropriate mechanism is put in place to secure the funding and the way it is spent.

Financial value and consequent contribution

- 8.6 As the development proposal does not include affordable housing the applicants have been asked to supply a financial submission with regards to the contribution that they are to make to the Parish Council explaining how this has been calculated. This is considered relevant to the Local Planning Authority as the proposal to not include affordable housing is contrary to Local Plan policy and because the current legal agreement requires to be amended, and it is therefore important that we

ascertain that adequate recompense is being offered. The financial figures have been submitted in confidence and the HDS has sought the advice of the Council's Property and Facilities Manager. Her comments are awaited

Design and layout

- 8.7 This detailed application proposes five detached houses of a similar design to those approved on the adjacent site and currently being built. Three of the houses (including the two on the Milton Road frontage) are proposed to be constructed in stone. The designs are considered acceptable, and the use of stone helps to address some of the criticisms that the HDS has received about the current construction.
- 8.8 One plot is accessed off a private drive running to the north of the Milton Road hedgerow: it is this access that the Highway Authority consider should be repositioned. The other Milton Road frontage plot has its own driveway direct to the internal access road. The other three houses have a shared driveway accessed off the internal access road. Five layby parking bays are provided on the internal road frontage. The layout is considered acceptable.
- 8.9 An acceptable scheme for hard and soft landscaping has accompanied the application

Impact on the character of the area and residential amenity

- 8.10 The site is an important gateway site at the entrance to Adderbury when approaching from Bloxham and Milton. The intention is to retain the Milton Road hedgerow at a height of not less than 3 metres. This will help the transition into the village. The proposal for the Milton Road frontages to be built in stone will also improve this approach and will be more in keeping with the new development on the south side of Milton Road. This small extra development is considered acceptable in these terms.
- 8.11 These new houses will have no impact upon the amenity of the houses in Wallin Road because of the set back from the Milton Road of both those properties (40-50 metres) and those now proposed ,which are proposed to be 16 metres back from the road and behind a retained 3 metres hedgerow.

Access

- 8.12 The County Council has expressed concerns about the proximity of one access to the junction of the internal access road with the Milton Road. In planning terms it is desirable in townscape terms to have these two houses fronting onto the Milton Road and this arrangement is considered tolerable
- 8.13 The highway authority also express concerns about the arrangement of the private drive to three of the plots and the layby parking. It is probable that this can be overcome by the omission of all or some of the layby parking. It is recommended that this issue is dealt with by condition.

Infrastructure contributions

- 8.14 The site currently is the subject of a Section 106 agreement which secured a local area of play (and its maintenance); public open space (and its maintenance); refuse bins; the community land to which this application relates; and affordable housing. A Deed of Variation of that agreement will need to be entered which will update the relevant clauses of that agreement and will include the payment of an

appropriate financial contribution which will compensate the Parish Council for the land and compensate this Council for the affordable housing that would be foregone. It will require the Parish Council to spend that receipt on community and sports facilities

- 8.15 The legal agreement also included covenants with the County Council. The Deed of Variation will also need to provide an appropriate pro-rata increase in payments due for the additional 5 houses.

PLANNING BALANCE AND CONCLUSION

- 9.1. The prospect of an additional five houses in this location is considered to be acceptable in principal. A complication arises however as the site was originally secured for community use. The applicants and the Parish Council consider that it would be better if this site was developed for housing with the proceeds from the uplift in value of this site being channelled into the provision of sports and community facilities on the other land that the Parish Council controls.
- 9.2. On balance your officers consider that this is acceptable. The value of the contribution that can be made towards the off-site provision of community facilities can be enhanced by this Council foregoing the affordable housing element of the development that would usually be required by policy. It will be noted that both planning, recreation and housing officers consider that this is acceptable in this set of circumstances, and that it does not set a precedent for other sites.

9. RECOMMENDATION

That permission is granted, subject

- (i) The receipt of comments from the Council's Property and Facilities Manager,
- (ii) The completion of a satisfactory Deed of Variation of the existing Section 106 agreement as set out in paragraphs 8.14 and 8.15 of the report
- (iii) 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:

MDL-1271-PL01;02;PL03;PL04;PL05;PL06;PL07;PL08;PL09;and porch and other details PL20, PL21 and PL22; and landscaping details NKH21116-11 and in general accord with the Planning, Design and Access statement submitted with the application

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, natural stone, tile and slate to be used in the construction of the walls, roof, hardstanding 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. The houses on Plots A, B and E shall be constructed in stone. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development where indicated shall be laid, dressed, coursed and pointed in strict accordance with the stone sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. 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.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surrounding and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. That before any of the dwellings are first occupied the whole of the estate roads and footpaths of this phase, shall be laid out, constructed, lit and drained and if required temporary or permanent traffic calming to the Oxfordshire County Council's Specifications.

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

7. 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.

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

8. Prior to the commencement of the development hereby approved, details of a drainage strategy for this part of the site, detailing all on and off site drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

Reason - In the interests of flood prevention

9. That the garages associated with each house shall be retained as such and shall not be adapted for living purposes unless planning permission has first been granted by the Local Planning Authority on a formal application.

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

10. Prior to the commencement of the development hereby approved, full details of the access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation the vision splays shall be constructed in accordance with the approved details and the 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.

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

11. The hedgerow on the Milton Road frontage shall be retained at a height not less than 3 metres.

Reason - 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.

12. A fencing plan showing how trees, hedgerows and any grassland to be retained will be protected during construction, in accordance with BS5837:2005 'trees in relation to construction'.

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.

13. That the landscaping scheme shall be carried out strictly in accordance with ACD drawings no. NKH21116-11 unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason - In the interests of the visual amenities of the area, to ensure the

creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 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, within the curtilage or forward of the principle elevation/on the site without the prior express planning consent of the Local Planning Authority.

Reason - To retain the open character of the development and the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Bob Duxbury

TEL: 01295 221821

ADDERBURY PARISH COUNCIL

Clerk & Responsible Financial Officer
Theresa Goss
3 Tanners Close
Middleton Cheney
Banbury, OX17 2GD

(01295) 710965
adderburypc@hotmail.com
www.adderburypc.co.uk

Mr B Duxbury
Team Leader – Development Management
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

3 April 2017

Dear Bob,

Milton Road, Adderbury - Planning Application for Five Houses on Community Land

As you will be aware, Adderbury Parish Council has recently taken ownership of land comprising circa 7.5 acres immediately to the west of the Nicholas King Homes development, off Milton Road (the Milton Road field). The Parish Council intends to use this land to deliver a new sports and community facility in the future.

Adderbury Parish Council's proposals for the sports and community facility on the Milton Road field (i.e. the Parish Council land) are at an early stage, but the Adderbury Neighbourhood Plan Policy AD18 supports this development on the Milton Road field. The ANP is now at the submission stage. The Parish Council is currently consulting to identify which organisations and individuals would be interested in developing the site within the constraints of the restrictive covenant, for 'sports pitches and a community facility'. At the APC meeting on 28.03.17 a resolution was passed to set up a working group to progress this project.

With the Milton Road field now secured, there is a smaller parcel of land allocated for potential community use within the Nicholas King Homes site (circa 0.67 acres), that could now be seen as somewhat of an over provision or duplication of provision, and if it could potentially alternatively be utilised by Adderbury Parish Council as a source of funds to contribute to the proposed community facilities, this could then be considered as a significant benefit.

I write as Clerk of Adderbury Parish Council to confirm the Parish Council's support for the Nicholas King Homes planning application that proposes the delivery of five additional houses on the land currently allocated for potential community uses. This is on the basis that revenue generated by the granting of this planning application and the release of the previous Section 106 obligation on Nicholas King Homes to deliver this land for community uses, will be allocated towards the funding of the proposed community facilities.

In order to maximise the land value and therefore the receipt towards the funding of the community facility, the Parish Council supports the proposal that all five units will be for private sale, with no additional affordable housing provision.

It is the Parish Council's view that the benefit of the funding towards the community facility would outweigh any potential lack of additional affordable housing being provided on the Nicholas King Community Land. The Parish Council does though recognise and welcomes the provision of the additional financial developer contributions to Cherwell District Council and Oxfordshire County Council that will be required to support the five extra houses.

ADDERBURY PARISH COUNCIL

An agreement in principle has been reached between the Chairman of Adderbury Parish Council (on behalf of APC) and Nicholas King Homes with regard to the potential land value and the provision of services to the Milton Road field, and therefore the potential quantum of funding contribution towards the Parish Council facility, based on this application

The Parish Council understands that it is Nicholas King Homes' intention that should this application be granted, it would be implemented immediately to retain continuity with the existing construction works on site, which would also then deliver the funding contribution to the Parish Council at the earliest opportunity

Finally, it is acknowledged and welcomed that following discussions with Nicholas King Homes regarding elevational treatments, that the proposal includes the provision of three of the five new dwellings to be constructed with stone elevations, the plots being the two detached units facing out onto Milton Road and the detached plot that could be viewed down the access road, from the new Public Open Space within the site, which when viewed from the entrance to the village, will have a significantly positive impact

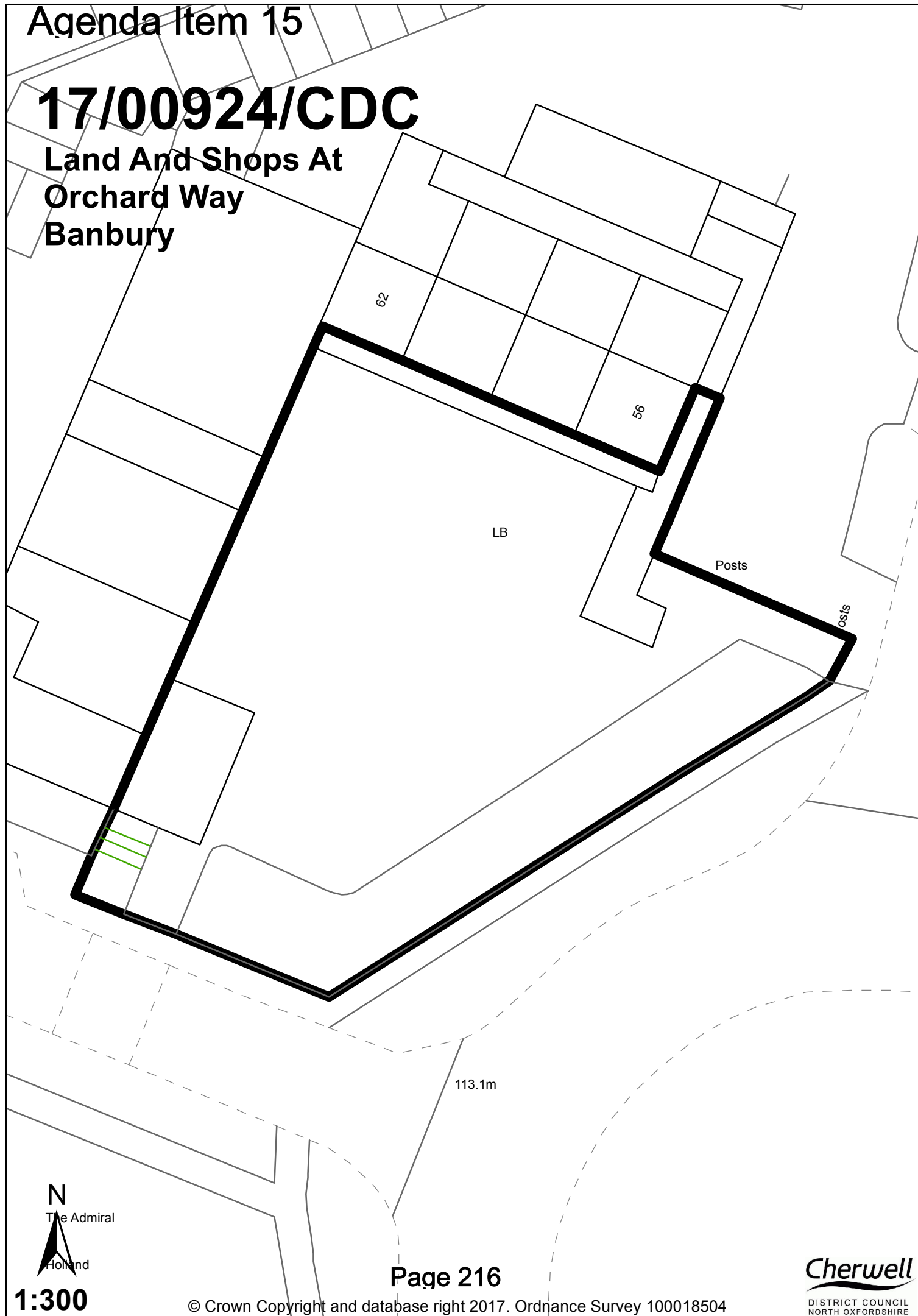
I look forward to confirmation that the application will be considered favourably

Yours sincerely

Theresa Goss
Clerk and Responsible Financial Officer for Adderbury Parish Council

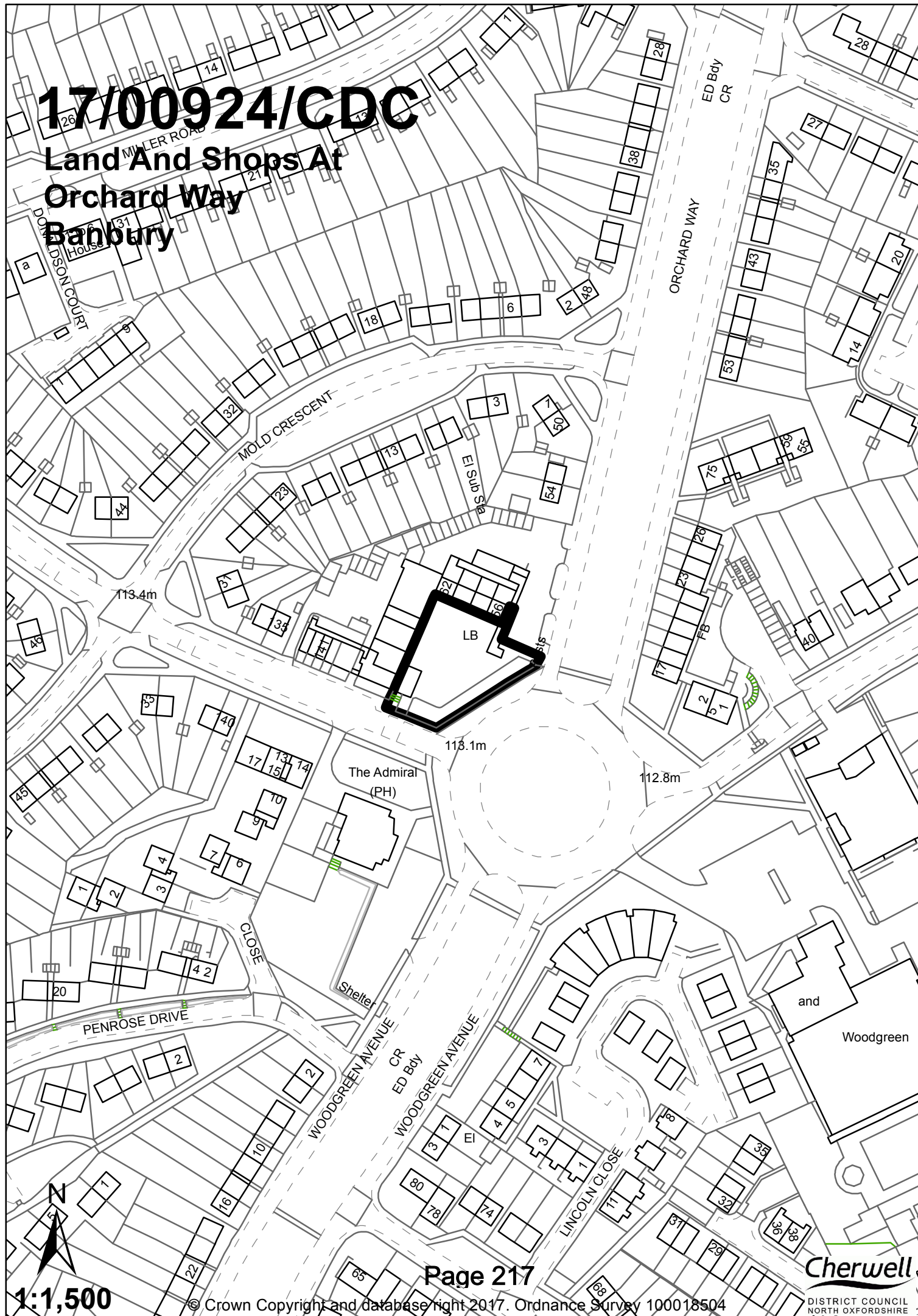
17/00924/CDC

**Land And Shops At
Orchard Way
Banbury**



17/00924/CDC

Land And Shops At Orchard Way Banbury



Applicant: Cherwell District Council

Proposal: Improvements to the area in front of the shops

Ward: Banbury Ruscote

Councillors: Cllr Barry Richards
Cllr Sean Woodcock
Cllr Mark Cherry

Reason for Referral: CDC Application

Expiry Date: 21 June 2017 **Committee Date:** 15th June 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is located on a prominent corner at the intersection roundabout linking Orchard Way and The Fairway, within the Bretch Hill residential area of Banbury. The site comprises an area of hardstanding (constructed from concrete paving and macadam) to the front of a shopping precinct containing a mixture of uses including residential uses, retail uses, a takeaway, a bookmakers and a hair salon. The site also comprises an area of grass adjacent to the highway boundary and there are three trees on the site.
- 1.2. The site is in an area of naturally occurring elevated levels of arsenic, and Swifts (a protected species) have been recorded in the vicinity.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning permission is sought for a number of alterations to the site including:
- The removal of some of the existing hard standing with the extension of the existing grass area;
 - The installation of a triangular section of permeable resin surfacing;
 - The installation of new lighting;
 - The installation of three tree grills around the existing trees on the site;
 - Making good of existing macadam surfacing and resurfacing the areas of concrete paving with macadam;
 - The installation of new benches and bins;
 - Reforming the stairs from The Fairway, along with the replacement of the handrails;
 - The removal of the existing knee rail and alterations and extensions to the existing retaining walls on the site to be constructed from materials to match.

3. RELEVANT PLANNING HISTORY

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

- 09/01776/F - Proposed mixed use development including 4 shops and 33 social housing units – APPROVED on 2nd August 2010 (not implemented). This approved scheme proposed the entire demolition of the existing shopping and residential parade and the construction of a mixed use development comprising 4 no shops and 33 no social housing units, associated parking area, bin and cycle storage, landscaped areas and shared amenity area.

4. PRE-APPLICATION DISCUSSIONS

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

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. The final date for comments is 09.06.2017, and any comments received after the finalising of this report will be included in the written updates.

5.2. To date, no comments have been raised by third parties.

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. BANBURY TOWN COUNCIL: **No comments received to date.**

STATUTORY CONSULTEES

6.3. None consulted

NON-STATUTORY CONSULTEES

6.4. None consulted

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)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

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 the Development
- Design, and Impact on the Character of the Area
- Residential Amenity
- Highways Safety

Principle of the Development

8.2. Paragraph 14 of the National Planning Policy Framework (NPPF) 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. There is no change of use proposed as a result of the development and so there are no land use implications to consider. As such it is considered that the development is therefore acceptable in principle.

Design, and Impact on the Character of the Area

8.4. Government guidance contained within the NPPF requiring good design 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. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

8.5. 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.”*

8.6. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

8.7. The locality in which the site is located is considered to have a suburban character, but officers hold the opinion that the existing expansive hard surfaced area on the site is an urbanising feature that does not make a positive contribution towards the

character and appearance of the area. Thus, the reduction of the amount of hard surfacing on the site along with the increase in the area of grass is considered to be a positive alteration to the site. The other alterations proposed to the hard standing and stairs, as well as the new tree grills, lights, benches and bins, are considered to have a negligible impact upon the visual amenities of the locality, and result in a more legible and inviting public space. The alterations to the retaining walls are also considered to have a limited impact upon the visual amenities of the locality.

- 8.8. Therefore, the proposals are considered acceptable in design terms, in compliance with Policy ESD15 and saved Policy C28 and the NPPF.

Residential Amenity

- 8.9. Both local and national planning policy and guidance seek to ensure that development proposals provide an acceptable living environment for existing and future residents. Given the nature of the proposal, being minor alterations to an existing public space, officers consider that it would not have an undue impact upon neighbour amenity.
- 8.10. Whilst the provision of new benches may encourage people to congregate in the area, this is not considered inappropriate given the mix of uses in the shopping precinct, and is unlikely to cause additional nuisance or disturbance to the residents of the flats.
- 8.11. The additional lighting proposed is considered appropriate in this location and will aid with safety and security. It is not considered excessive, or likely to cause a nuisance to the residents of the flats.

Highways Safety

- 8.12. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in*. This is consistent with Paragraph 35 of the NPPF which states that: *developments should be located and designed where practical to...create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians*.
- 8.13. The proposal would result in no alterations to the public highway network and pedestrian routes through the site, serving the shops, would be retained. Officers therefore consider that it would have a neutral impact upon accessibility and highways safety.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The proposal is for minor alterations to an area of public open space that would retain and enhance its function, with no adverse impacts on the character of the area, the amenity of residents, or highway safety. The proposed development is therefore considered to constitute a sustainable form of development and it is recommended that permission be granted.

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 Form submitted with the application;
- Design & Access Statement (Job No: 27724) by Baily Garner submitted with the application;
- Drawing Numbers: (OW) 01; (OW) 201 Revision C; and (OW) 203 submitted with the application;
- Drawing Numbers: 3623/E Revision 0 received from the applicant's agent by e-mail on 30th May 2017;
- 'Specification for the External Lighting for Orchard Way Shopping Centre' by PJC Consultants received from the applicant's agent by e-mail on 30th May 2017;
- Specification details for the 'Starflood' lighting, 'Starbeam' lighting and 'Realta' lighting by Thorlux Lighting received from the applicant's agent by e-mail on 30th May 2017; and
- E-mails received from the applicant's agent on 30th May 2017.

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.

PLANNING NOTES

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

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754

17/00202/DISC

Cherwell District Council

**Former Offices
Old Place Yard
Bicester**



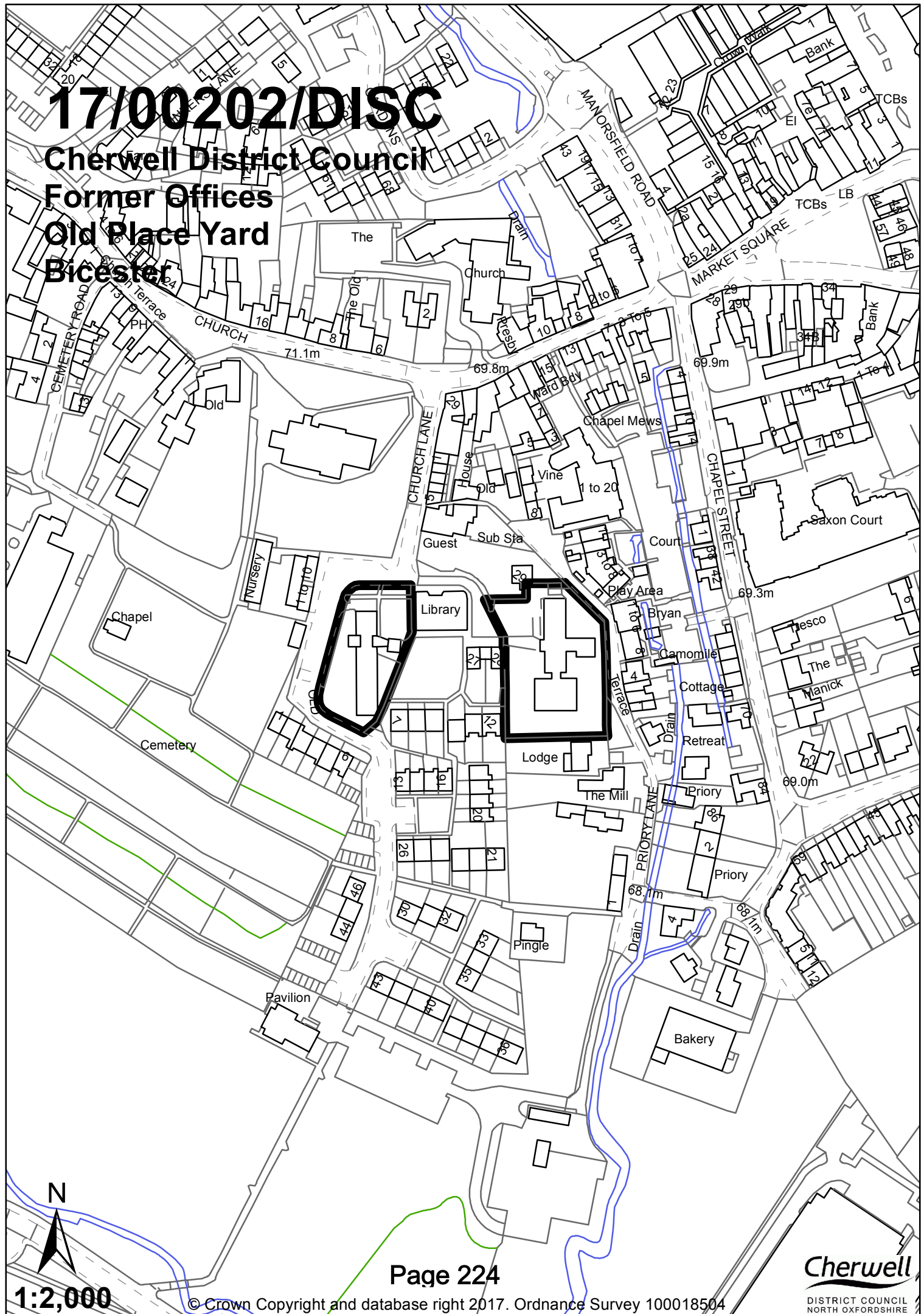
17/00202/DISC

Cherwell District Council

Former Offices

Old Place Yard

Bicester



Applicant: Cherwell District Council

Proposal: Discharge of Conditions 9 (site B floor levels), 13 (render sample) 18 (external lighting) and 19 (parking and manoeuvring areas) of 16/00043/F

Ward: Bicester South And Ambrosden

Councillors: Cllr David Anderson
Cllr Nick Cotter
Cllr Dan Sames

Reason for Referral: The Council is the applicant

Expiry Date: 13 July 2017 **Committee Date:** 15 June 2017

Recommendation: Delegate to officers to determine

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 western-most site (Site A) is a Grade II listed dovecote. The sites are also within the setting of the Grade I 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 an adopted footway running 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 9, 13, 18 and 19 of that permission.

2 APPRAISAL

- 2.1 Condition 9 of the planning permission requires the submission and approval of full details of the finished floor levels for the proposed buildings on Site B in relation to

existing ground levels. The reason for the condition is to ensure that the proposed development is in scale and harmony with its neighbours and surroundings.

- 2.2 The finished floor levels are to be approximately 650mm above the existing ground levels to the east of the site adjacent to Priory Lane. This is considered to be acceptable due to the height of the neighbouring and proposed buildings and, because of the height of the boundary wall and the single storey scale of the proposed buildings, the development will not result in significant overlooking of the existing properties to the east in Priory Lane.
- 2.3 Condition 13 of the planning permission requires the construction and approval of a render sample panel. The reason for condition 13 is to ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality.
- 2.4 The sample panel has been constructed and the render that has been used is Monocouche Mushroom, a natural coloured render. This material is to be used at Site B only. It is considered that the render is acceptable for this development and compliments the surrounding development.
- 2.5 Condition 18 of the planning permission requires the submission of full details of the external lighting for approval. The reason for condition 18 is to ensure the satisfactory appearance of the completed development.
- 2.6 The lighting proposed is mainly low level bollard lighting to communal areas (max 1m high) with wall mounted down-lighting adjacent to external doorways. However the lighting to the car parking areas for both Site A and B is to be provided by down-lighting on 5m high columns. Old Place Yard is currently lit with street lights and therefore the proposed lighting will not result in the introduction of lighting into an unlit area. The amount and type of lighting proposed is considered appropriate to meet the needs of the development and would not detract from the amenities of the area, and so the proposed lighting will not result in detriment to the appearance of the development.
- 2.7 Condition 19 of the planning permission requires the submission of full specification details of the parking and manoeuvring areas for approval. The reason for condition 19 is to ensure highway safety.
- 2.8 The Highway Authority has been consulted on the details of the proposed parking and manoeuvring areas and their comments are awaited.
- 2.9 The discharge of conditions relating to such matters as engineering drawings, materials and design details is normally delegated to officers and it is purely because Cherwell District Council is the applicant that this application is before Members. It therefore seems prudent to seek delegated authority to officers to determine the application. Should the comments of the Highway Authority be received and matters resolved before Committee, this will be reported to Members and an amended recommendation will be made.

3	RECOMMENDATION - Delegate authority to officers to approve the application subject to the Local Highways Authority confirming no objections in respect of condition 19.
---	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

CASE OFFICER: Shona King

TEL: 01295 221643

Cherwell District Council

Planning Committee

15 June 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 **16/02378/O56 – Thames Valley Police, 30 Church Street, Banbury, OX16 9PR.** Appeal by Daejan Enterprises Limited against the refusal of prior approval for change of use from B1 (office) to C3 (dwelling) to provide 9 residential units.

16/02491/Q56 – Hovel Meadow Barn, Clump Lane, Horley. Appeal by Mr Freeman against the refusal of prior approve for the conversion of agricultural building into a dwelling house (Class C3).

16/02538/F – Land Adj to 65 The Phelps, Kidlington, OX5 1SU. Appeal by Mr Ronaldson against the refusal of planning permission for the demolition of existing porch to 65 The Phelps and erection of new dwelling.

17/00090/F – Greenheys, 97 Green Road, Kidlington, OX5 2HA. Appeal by Mr Nowakowski against the refusal of planning permission for the development of 2 No. dwellings and change of use of 97 Green Road to 2 No. flats – re-submission of 16/00543/F.

17/00138/F – Otmoor House, High Street, Charlton on Otmoor. Appeal by Mr Littlewood against the refusal of planning permission for a first floor side extension

over existing extension to provide bedroom with en suite - re-submission of 16/00438/F.

17/00397/F – 32 Orchard Way, Bicester, OX26 2EJ. Appeal by Mr White against the refusal of planning permission for the erection of a two storey side extension.

2.2 Forthcoming Public Inquires and Hearings between 15th June and 6th July 2017.

None.

2.3 Results

Inspectors appointed by the Secretary of State have:

1) Allowed the appeal by Mr Douglas against the refusal of planning and listed building consent for the conversion of a single storey outbuilding to become part of the Lower Green Farm house to form an external glazed link to the outbuilding with a new single storey garden room between the existing farm house and the outbuilding. Lower Green Farm, Church Lane, Horton Cum Studley, OX33 1AQ. 16/00849/F + 16/00850/LB – (Delegated).

The proposed development was to convert a single storey outbuilding to become part of the main Lower Green Farm House (Grade II listed), by constructing a glazed link. The scheme also sought approval for a single storey garden room between the farmhouse and the outbuilding. The main issue in this case was whether the proposed works would preserve the special architectural and historical interest of the Grade II listed building and its setting.

The Inspector noted that the significance of the farmhouse, as far as its exterior is concerned, derives essentially from its architectural quality and detailing, and its prominent setting facing towards the village. This setting is enhanced by the property's positioning on slightly higher ground than the village centre. The Inspector considered that the siting and placement of the garden room would be fully subordinate to the principal elevation of the listed building, being set back and of single storey height. Further, the Inspector considered that whilst the proposals would remove the physical separation between the farmhouse and its outbuildings, this would be done in a low key and acceptable manner. The Inspector therefore concluded that the appeals should be allowed.

2) Dismissed the appeal by Mr Hyett against the refusal of Tree Preservation Order consent for the felling of 1 No Cedar Tree, subject to TPO 8/200. 5 Ty Craig, Victoria Road, Bicester, OX26 6PP. 16/01582/TPO – (Delegated).

The appellant sought approval to remove a mature cedar tree located to the front of their property. The Inspector concluded that the main issue was the impact the removal of the tree would have on the character and appearance of the area and whether sufficient justification to fell the tree had been provided.

The Inspector concluded that the semi-mature tree made a positive contribution to what is a 'densely developed urban area'. The appellant's case for removing the tree was based on: falling debris and needles being a nuisance; the difficulty in growing anything under the canopy and that nearby block paving had risen

slightly. The Inspector, unsurprisingly, was not persuaded by any of these arguments. Therefore, given that it was not in dispute that the tree was in good health, the Inspector dismissed the case.

3) Dismissed the appeal by Mr Noquet against the refusal of planning permission for the erection of a single storey building providing 3 No en-suite letting rooms – re-submission of 16/01525/F. The Pheasant Pluckers Inn, Burdrop, OX15 5RQ. 16/02030/F – (Committee).

The development proposed was for the erection of a single storey building providing three en-suite letting rooms.

The Inspector identified the main issues as:

- The effect of the development on the character and appearance of the street scene; and
- whether it would preserve or enhance the character and appearance of the Sibford and Burdrop Conservation Area.

The Inspector identified that the Locally Listed public house (PH) currently makes a positive contribution to the Conservation Area. It is proposed to erect a low, single storey building to provide a further 3 en-suite holiday letting rooms (the old bottle store already has permission for one holiday letting room) for use in conjunction with the PH. Given the slope of the land, which falls away to the south, the proposed single storey building would sit higher than the PH. Other buildings in the village to the north sit on higher ground, and on a similar level to the proposed building and furthermore, two storey dwellings facing the Green sit on even higher ground. Therefore the Inspector concluded that the proposed building would not appear particularly prominent or intrusive given its single storey nature and the immediate street scene which comprises variations in building levels.

Currently views of the Sibford Gap are possible across the existing car park and it was argued by the Council that the proposal would disrupt these views, however the Inspector concluded that these views would be largely retained due to a good sized gap retained between the proposal and adjacent properties. Secondly because the proposed building would, in the main, be viewed against the backdrop of the PH and thirdly, the elevated position of the adjacent roads and buildings combined with single storey form of the proposal would mean any reduction in view would not be significant. The Inspector concluded that the proposed building would appear ancillary to the PH as it is single storey and located within the PH car park and would cause no harm to the character and appearance of the street scene and would preserve the character and appearance of the Conservation Area.

The Inspector determined that the additional income that the holiday let would create for the business weighed in favour of the proposal and particularly in the light of the designation of the PH as an Asset of Community Value. He went on further to state that the PH could not be viable without it. The proposal promotes the retention of a PH in line with the NPPF.

The Inspector, when allowing the appeal, agreed with the recommended conditions to restrict the use of the building for short term holiday lets up to a

period of 28 days in any calendar year and the building is to remain ancillary to the property known as the Pheasant Pluckers Inn (formerly Bishops Blaize/Bishops End).

4) Dismissed the appeal by Mr Hardiman against the refusal of planning permission for a two storey side extension to provide a garage and bedroom accommodation and new orangery to rear – revised scheme of 16/01299/F. 1 Buchanan Road, Upper Arncott, OX25 1PH. 16/02175/F – (Delegated).

The appeal related to a proposed two storey side extension and single storey rear extension).

The Inspector found that the main issues in this case were the effect of the proposed development on:

- The character and appearance of the application site and surrounding area; and
- The living conditions of the occupants of 2 and 4 Woodpiece Road - in terms of loss of light, overshadowing and overbearing appearance.

The Inspector considered that there would be no terracing effect caused by the extension. However, the two storey element was considered to detract from the symmetry of the original building given the lack of subservience from the front elevation and ridgeline. The lack of symmetry was considered to be further emphasised by the single storey front and rear extension. Rather than being discrete and providing some variety, the Inspector considered that the extension would attract the eye by projecting in front of the existing front elevation and the lean-to roof against the side elevation would be seen on entering Buchanan Road which detracts from the simplicity of the existing dwelling.

The Inspector found that the relationship between the appeal property and Nos 2 and 4 Woodpiece Road would be much tighter than between other properties within the area. As a result it was considered that the proposed two storey extension would be unacceptably overbearing when from these neighbours. Whilst no objections were received from these neighbours or the Parish Council, this did not justify allowing the appeal as other occupiers might have a different view. Whilst there would be no unacceptable loss of daylight, overshadowing or perceived overlooking, the proposal would be unacceptably overbearing contrary to Policy ESD15 of the CLP2031, and saved Policy C30 of the CLP1996.

The Inspector concluded that, notwithstanding the presumption in favour of sustainable development in the NPPF, the adverse impacts would significantly outweigh the benefits which would generally be private not public and the appeal was dismissed.

5) Allowed the appeal by Mr Gardner against the refusal of planning permission for a two storey rear extension and internal alterations to form additional bedroom, repositioned bathroom and extended kitchen. 28 Barn Close, Kidlington, OX5 1SW. 16/02243/F – (Delegated).

The development proposed was the erection of a two storey rear extension and internal alterations to form an additional bedroom, repositioned bathroom and extended kitchen.

The Inspector identified the main issue as the effect the development would have on the living conditions of the neighbouring property, 25 Barn Close, in terms of outlook and overshadowing.

25 Barn Close has a limited rear garden area and the separating distance between rear facing openings and the blank wall of the proposed extension would fall short of the 14 metre minimum set out in the Cherwell District Council Home Extensions and Alterations Guide (2007) at only 11 metres. Due to the narrow width of this neighbour's dwelling, this would result in the extension running across the entirety of the rear of 25 Barn Close and associated rear garden with no respite, which officers believed would cause harm in terms of an overbearing appearance. Further, as the extension was positioned to the east of the neighbour, it was considered that a loss of morning sunlight would result.

However, the Inspector concluded that despite the size of the rear garden, they did not consider that the proposed extension would have any significant effect upon the outlook from the neighbouring property and given the size and scale, the proposal would not lead to unacceptable effects from overshadowing. The Inspector further determined that it was unlikely that the proposed development would create an unacceptable sense of enclosure when viewed from the neighbouring property. Based on this assessment the appeal was therefore allowed.

6) Dismissed the appeal by Mr Lodge against the refusal of planning permission for raising the existing roof to create second floor extension. 14 Redwing Close, Bicester, OX26 6SR. 17/00074/F – (Delegated).

The development proposed was the raising of the existing roof to create a second floor extension.

The main issue was the effect of the proposed development on the character and appearance of the streetscene.

The property consists of a two storey link detached property, a prominent dwelling at the end of a row, within a larger development of two and three storey terraced, detached, linked detached and semi-detached dwellings. The form, design details and materials are all very similar throughout the development.

The proposal would involve adding a third floor level of accommodation by raising the plate level and building a new simple gable ended roof to match that removed. Due to the location of the dwelling on a corner plot the Inspector considered that the increase in height would result in a prominent addition to the streetscene, although given that three storey dwellings are a feature of the wider development the Inspector was not persuaded that a well-designed three storey dwelling here would necessarily be so out of scale with its neighbours as to cause harm to the character of the existing streetscene. The principle of a three storey dwelling may therefore be acceptable.

The Inspector noted that the existing dwelling, due to the proportions of the existing windows, has a strong horizontal emphasis. The appellant, as well as

proposing to keep the existing window design and proportion on the lower floors, also proposed that the new windows at third floor level would be identical, which would be in direct contrast to the nearby three storey dwellings, where the windows are of a vertical proportions, reflecting the verticality of the buildings form. It was considered that the retention and adoption of the existing cottage style window format would be seriously detrimental to the overall visual appearance and character of the dwelling. Further, given the proportion of the windows, the overall lack of any modelling, and the proportion of void to solid, these elements would fail to achieve the necessary quality of design required for such an extension to visually enhance rather than detract from the streetscene. The dwelling would, as a result of its design, appear so overly prominent as to draw undue attention to itself, appearing as such a dominant addition as to cause substantial harm to the streetscene.

Based on this assessment, the appeal was dismissed.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

- 4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

5.0 Implications

Financial and Resource Implications

- 5.1 The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by:

Denise Taylor, Group Accountant, 01295 221982,
Denise.Taylor@cherwellandsouthnorthants.gov.uk

Legal Implications

- 5.2 There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:

Nigel Bell, Team Leader – Planning, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

- 5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

Nigel Bell, Team Leader – Planning, 01295 221687,

nigel.bell@cherwellandsouthnorthants.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Tom Plant, Appeals Administrator, Development Directorate
Contact Information	01295 221811 tom.plant@cherwell-dc.gov.uk