

Public Document Pack



Committee: Planning Committee
Date: Thursday 6 July 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 - 17)

To confirm as a correct record the Minutes of the meeting of the Committee held on 15 June 2017.

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

7. **Land South Of Banbury Rise Adj To, Edinburgh Way, Banbury** (Pages 20 - 31)
17/00189/F
8. **OS Parcel 4200 Adjoining And North East Of A4095 And Adjoining And South West Of Howes Lane, Bicester** (Pages 32 - 103) **17-00455-HYBRID**
9. **OS Parcel 4200 Adjoining & North East Of A4095 And Adjoining And South West Of Howes Lane Bicester** (Pages 104 - 164) **17-01090-OUT**
10. **8 Tubb Close, Bicester, OX26 2BN** (Pages 165 - 176) **17/00585/F**
11. **St Edburgs Church Of England Voluntary Aided School, Cemetery Road, Bicester, OX26 6BB** (Pages 177 - 201) **17/00696/OUT**
12. **Land Adj To Orchard House, Sir Georges Lane, Adderbury** (Pages 202 - 213)
17/00766/F
13. **Land Adj To Manor Farm Barns, Spring Lane, Cropredy** (Pages 214 - 241)
17/00778/OUT
14. **OS Parcel 2945 Grange Farm West Of Station Cottage, Station Road, Launton**
(Pages 242 - 265) **17/00803/OUT**
15. **West Of Homestead, Church Lane, Epwell** (Pages 266 - 281) **17/00913/F**
16. **Land To Rear Of Ladygrass, Church Lane, Weston On The Green**
(Pages 282 - 291) **17/00920/F**
17. **Cherwell District Council, Former Offices, Old Place Yard, Bicester**
(Pages 292 - 295) **17/00287/DISC**

Review and Monitoring Reports

18. Amendment of legal agreements for Lincoln Close, Banbury and Coach House Mews, Bicester (Pages 296 - 300)

Report of Head of Development Management

Purpose of report

To enable Members to consider the acceptability of the proposed changes to tenure arrangements of these Build project housing schemes.

Recommendations

The meeting is recommended:

- 1.1 To accept the proposed changes to the legal agreement and authorise a deed of variation.

19. Appeals Progress Report (Pages 301 - 307)

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 28 June 2017

Agenda Item 5

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 15 June 2017 at 4.00 pm

Present: Councillor David Hughes (Chairman)

Councillor Andrew Beere
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor Chris Heath
Councillor Simon Holland
Councillor Mike Kerford-Byrnes
Councillor Richard Mould
Councillor D M Pickford
Councillor Lynn Pratt
Councillor G A Reynolds
Councillor Les Sibley

Substitute Members: Councillor Hugo Brown (In place of Councillor Alan MacKenzie-Wintle)
Councillor Barry Wood (In place of Councillor Alastair Milne-Home)

Apologies for absence: Councillor James Macnamara
Councillor Alastair Milne-Home
Councillor Alan MacKenzie-Wintle
Councillor Barry Richards
Councillor Nigel Simpson

Officers: Lewis Bankes-Hughes, Planning Officer - Obligations Monitoring
Matt Chadwick, Planning Officer
Caroline Ford, Principal Planning Officer
Linda Griffiths, Principal Planning Officer
Alex Keen, Team Leader (Minors)
Matt Parry, Principal Planning Officer
Ben Arrowsmith, Solicitor
Lesley Farrell, Democratic and Elections Officer

Declarations of Interest

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

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

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

Councillor Lynn Pratt, Declaration, 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.

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

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

Councillor Les Sibley, Declaration, as a member of Bicester Town Council which had been consulted on the application and local resident.

Councillor Lynn Pratt, Declaration, 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.

13. 18 Bridge Street, Banbury.

Councillor Andrew Beere, Declaration, 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.

15. Land and Shops At Orchard Way, Banbury.

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

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

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

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

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

Councillor Mike Kerford-Byrnes, Declaration, as a member of the executive would leave the chamber for the duration of the item.

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

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

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

Councillor Colin Clarke, Declaration, as a member of Executive 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 therefore leave the chamber for the duration of the item.

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

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

Councillor Lynn Pratt, 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.

Councillor Mike Kerford-Byrnes, Declaration, as a member of Executive would leave the meeting for the duration of the item.

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.

Requests to Address the Meeting

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

26 **Urgent Business**

There were no items of urgent business.

27 **Minutes**

The Minutes of the meeting held on 15 May 2017 were agreed as a correct record and signed by the Chairman. The Minutes of the meeting held on 18 May 2017 were agreed subject to the inclusion of the following additional minute, with all subsequent Minutes renumbered accordingly:

Minute 8 Part Land On The North East Side of Gavray Drive, Bicester

The Committee considered application 15-00837-OUT an outline application for Residential development of up to 180 dwellings to include affordable housing, public open space, localised land remodelling, compensatory flood storage and structural planting at Part Land On The North East Side Of Gavray Drive, Bicester for Gallagher Estates, Charles Brown And Simon Digby.

Councillor Richards proposed that application 15-00837-OUT be deferred to allow the applicant to submit an appropriate ecological management plan relating to Gavray Drive Meadows LWS. Councillor Dhesi seconded the proposal.

Resolved

That application 15-00837-OUT be deferred to allow the applicant to submit an appropriate ecological management plan relating to Gavray Drive Meadows LWS.

28 **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.

29 **Land North Of Station Road Launton**

The Committee considered application 17/00622/F for the creation of six ponds, earthworks and hibernaculum, along with the planting of new habitat and soil inversion on land north of Station Road, Launton for Network Rail.

Nathan Conway the applicants' agent addressed the Committee in support of the application. His address also covered applications 17/00623/F and 17//00654/F which were linked to this application.

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

Resolved

That authority be delegated to the Head of Development Management to grant permission, subject to the following conditions and any amendment to those conditions as deemed necessary:

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: 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.
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
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.
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.
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.

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.
8. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS 5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning authority. Thereafter all works on site shall be carried out in accordance with the approved AMS.
9. K19 Landscape and Ecological Management Plan
10. K21 Construction Environmental Management Plan

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Land North Of Bicester Road, Launton

The Committee considered application 17/00623/F for the creation of two ponds, earthworks and hibernaculum, and the planting of new habitat at the land north of Bicester Road, Launton for Network Rail.

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

Resolved

That authority be delegated to the Head of Development Management to grant permission, subject to the following conditions and any amendment to those conditions as deemed necessary:

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: 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.

3. K19 Landscape and Ecological Management Plan
4. K21 Construction Environmental Management Plan
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.
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.
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.

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
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.
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.

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

The Committee considered application 17/00654/F for the creation of five ponds, earthworks and hibernaculum, along with the planting of new habitat and soil inversion on Agricultural Land, Approximately 1.3 KM NW, Marsh Gibbon, Bicester Road, Launton for Network Rail.

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

Resolved

That authority be delegated to the Head of Development Management to grant permission, subject to the following conditions and any amendment to those conditions as deemed necessary:

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: 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-OXD-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.
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
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.

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.
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.
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.
8. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS 5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning authority. Thereafter all works on site shall be carried out in accordance with the approved AMS.
9. K19 Landscape and Ecological Management Plan
10. K21 Construction Environmental Management Plan

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Part Land On The North East Side Of Gavray Drive Bicester

The committee considered application 15/00837/OUT an outline application for a Residential development of up to 180 dwellings to include affordable housing, public open space, localised land remodelling, compensatory flood storage and structural planting at part of the land on the North East side of Gavray Drive, Bicester for Gallagher Estates.

Councillor Dan Sames, local ward member addressed the committee.

Mr Dominic Woodfield, Ecologist and Mr John Broad, local resident addressed the committee in objection to the application.

Mr Darren Bell agent for the applicant, addressed the Committee in support of the application.

Councillor Sibley proposed that application 15/00837/OUT be refused on the grounds that it was contrary to Policy Bicester 13. Councillor Wood seconded the proposal.

On the advice of Officers, it was agreed that the precise reasons for refusal were to be agreed with the Chairman, Councillor Sibley and Councillor Wood.

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

Resolved

That application 15/00837/OUT be refused for the following reasons:

1. The proposed development represents an inappropriate attempt at piecemeal development of the strategically allocated Bicester 13 site in the Cherwell Local Plan 2011-2031 Part 1 which, in the absence of a single comprehensive application covering the whole of the allocated site, leaves the Council unable to satisfactorily determine whether the proposals would enable development across the whole of the site to properly meet the overall objectives and requirements of Policy Bicester 13. In doing so the proposals fail to demonstrate that the allocated housing total can be appropriately provided across the allocated site in a manner that adequately protects and enhances locally significant ecological interests on the land to the east of Langford Brook which is in direct conflict with the inherent and sustainable balance contained within Policy Bicester 13 between housing delivery and biodiversity enhancement. As a result the proposals are considered to be contrary to the overall provisions of the Development Plan and the specific requirements of Policies Bicester 13, ESD10 and ESD11 of the Cherwell Local Plan 2011-2031 Part 1.
2. In the absence of a satisfactory completed legal agreement, the proposals would not commit to the necessary provision of on-site and off-site infrastructure to mitigate the impact of the development or contribute towards providing affordable housing in order to create a mixed and balanced community. As a consequence the proposals would not deliver suitable and sustainable residential development and would have a significant detrimental impact on wider public infrastructure. The proposals are therefore found to be contrary to the requirements of Policies Bicester 13, BSC3, BSC4, BSC9, BSC10, BSC11, BSC12, SLE4, ESD15 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance set out in the National Planning Policy Framework.

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

The Committee considered application 17/00455/HYBRID, a 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 at OS Parcel 4200 adjoining and North east of A4095 and adjoining and south west of Howes Lane, Bicester for Albion Land Two Limited.

Prior to the Planning Officer presenting the report, Councillor Sibley proposed that application 17/00455/HYBRID be deferred to be considered alongside application 17/01090/OUT. Councillor Pratt seconded the proposal.

Resolved

That application 17/00455/HYBRID be deferred to be considered alongside application 17/01090/OUT.

34 **Land Adjoining And Rear Of Jersey Cottages Heyford Road Kirtlington**

The Chairman advised the Committee that application 17/00539/OUT had been withdrawn by the applicant.

35 **18 Bridge Street, Banbury**

The Committee considered application 17/00658/F for the change of use of an existing building to create a 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 at 18 Bridge Street, Banbury for Brickmort Investments.

In reaching its decision the Committee considered the officers' report and presentation.

Resolved

That application 17/00658/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 Application Form and Drawing Number 12659-C100-F.
- 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.

- 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.
- 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.
- 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.
- 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.

- 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.
- 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.
- 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.

36

Land North Of Milton Road, Adderbury

The Committee considered application 17/00813/F for the erection of five private market sale dwellings on land previously allocated for possible community use at land north of Milton Road, Adderbury for Nicholas King Homes.

David Griffith, Adderbury Parish Councillor addressed the Committee in support of the application.

In reaching its decision the Committee considered the Officer's report and presentation, written update and address of the public speaker.

Resolved

That application 17/00813/F be approved subject to:

- (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 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. The Deed of Variation will also need to

- provide an appropriate pro-rata increase in payments due for the additional 5 houses in relation to covenants with the County Council.
- (iii) The following conditions, with conditions 2 and 13 amended as necessary to refer to the correct plans:
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:
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
 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.
 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.
 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.
 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.
 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.

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.
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.
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.
11. The hedgerow on the Milton Road frontage shall be retained at a height not less than 3 metres.
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'.
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.
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. 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.

37 **Land And Shops At Orchard Way, Banbury**

The Committee considered application 17/00924/CDC for improvements to the area in front of the Orchard Way shops at land and shops Orchard Way, Banbury for Cherwell District Council.

In reaching its decision the Committee considered the Officers' report and presentation.

Resolved

That application 17/00924/CDC be approved subject to the following conditions:

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

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

The Committee considered application 17/00202/DISC for the discharge of conditions 9 (site B floor levels), 13 (render sample) 18 (external lighting) and 19 (parking and manoeuvring areas) of 16/00043/F at Cherwell District Council, Former Offices, Old Place Yard, Bicester for Cherwell District Council.

In reaching its decision the Committee considered the Officer's report and presentation.

Resolved

That authority be delegated to officers to approve application 17/00202/DISC subject to the Local Highways Authority confirming no objections in respect of condition 19.

39

Appeals Progress Report

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

Resolved

(1) That the position statement be accepted.

The meeting ended at 6.55 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

6 July 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.

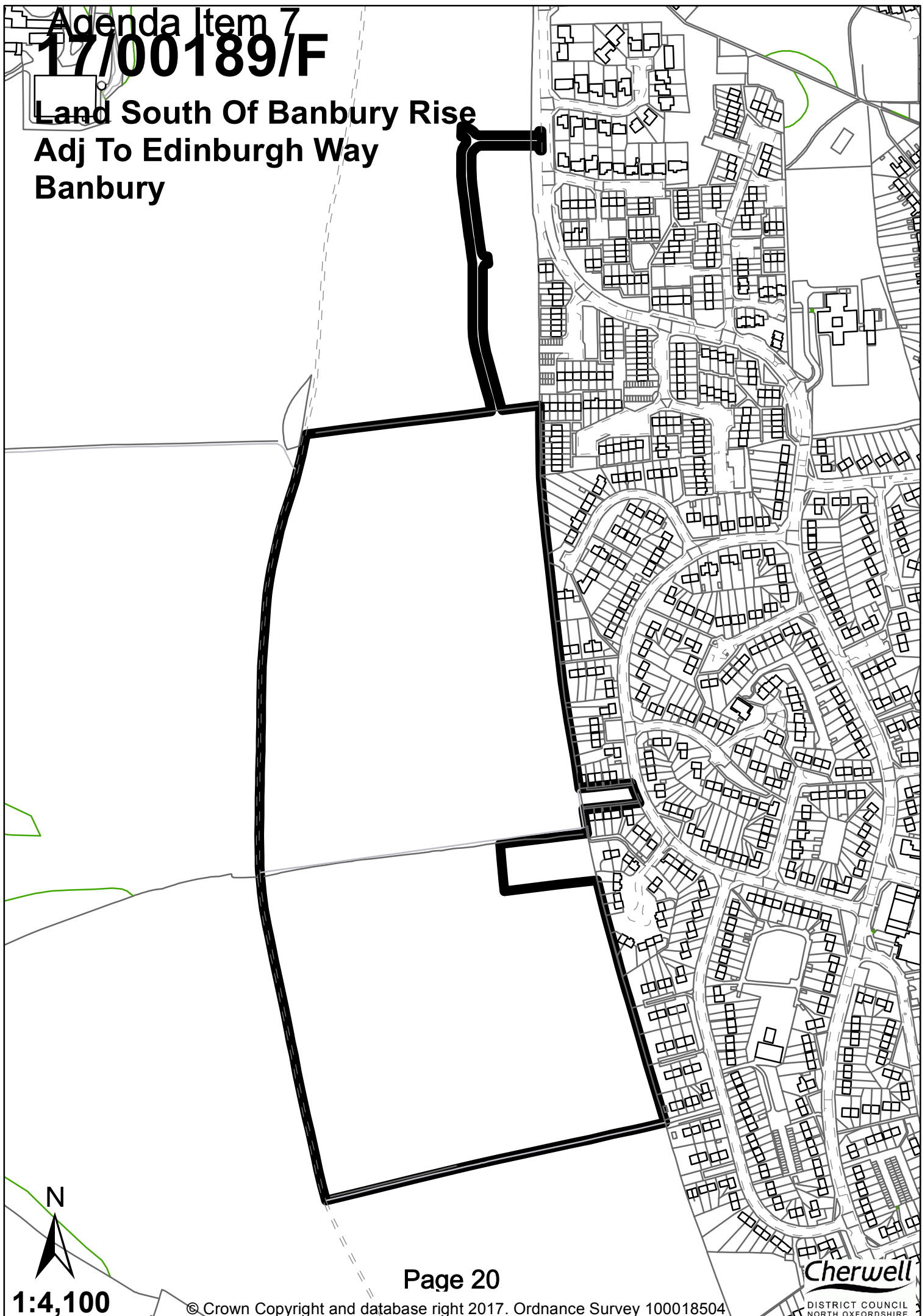
Background Papers

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	Land South Of Banbury Rise Adj To, Edinburgh Way, Banbury	17-00189-F	Banbury Ruscote	Approval	Bernadette Owens
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	OS Parcel 4200 Adjoining & North East Of A4095 And Adjoining And South West Of Howes Lane Bicester	17-01090-OUT	Bicester North And Caversfield	Approval	Caroline Ford
10	8 Tubb Close Bicester, OX26 2BN	17/00585/F	Bicester West	Approval	James Kirkham
11	St Edburgs Church Of England Voluntary Aided School, Cemetery Road Bicester, OX26 6BB	17/00696/OUT	Bicester South And Ambrosden	Refusal	Linda Griffiths
12	Land Adj To Orchard House, Sir Georges Lane, Adderbury	17/00766/F	Adderbury, Bloxham And Bodicote	Refusal	Matthew Chadwick
13	Land Adj To Manor Farm Barns, Spring Lane Cropredy	17/00778/OUT	Cropredy, Sibfords And Wroxton	Approval	Bernadette Owens
14	OS Parcel 2945 Grange Farm West Of Station Cottage, Station Road Launton	17/00803/OUT	Launton And Otmoor	Refusal	Bernadette Owens
15	West Of Homestead Church Lane Epwell	17/00913/F	Cropredy, Sibfords And Wroxton	Refusal	Shona King
16	Land To Rear Of Ladygrass, Church Lane Weston On The Green	17/00920/F	Launton And Otmoor	Refusal	Shona King
17	Cherwell District Council, Former Offices Old Place Yard Bicester	17/00287/DISC	Bicester South And Ambrosden	Delegate to officers to determine	Shona King

Agenda Item 7
17/00189/F

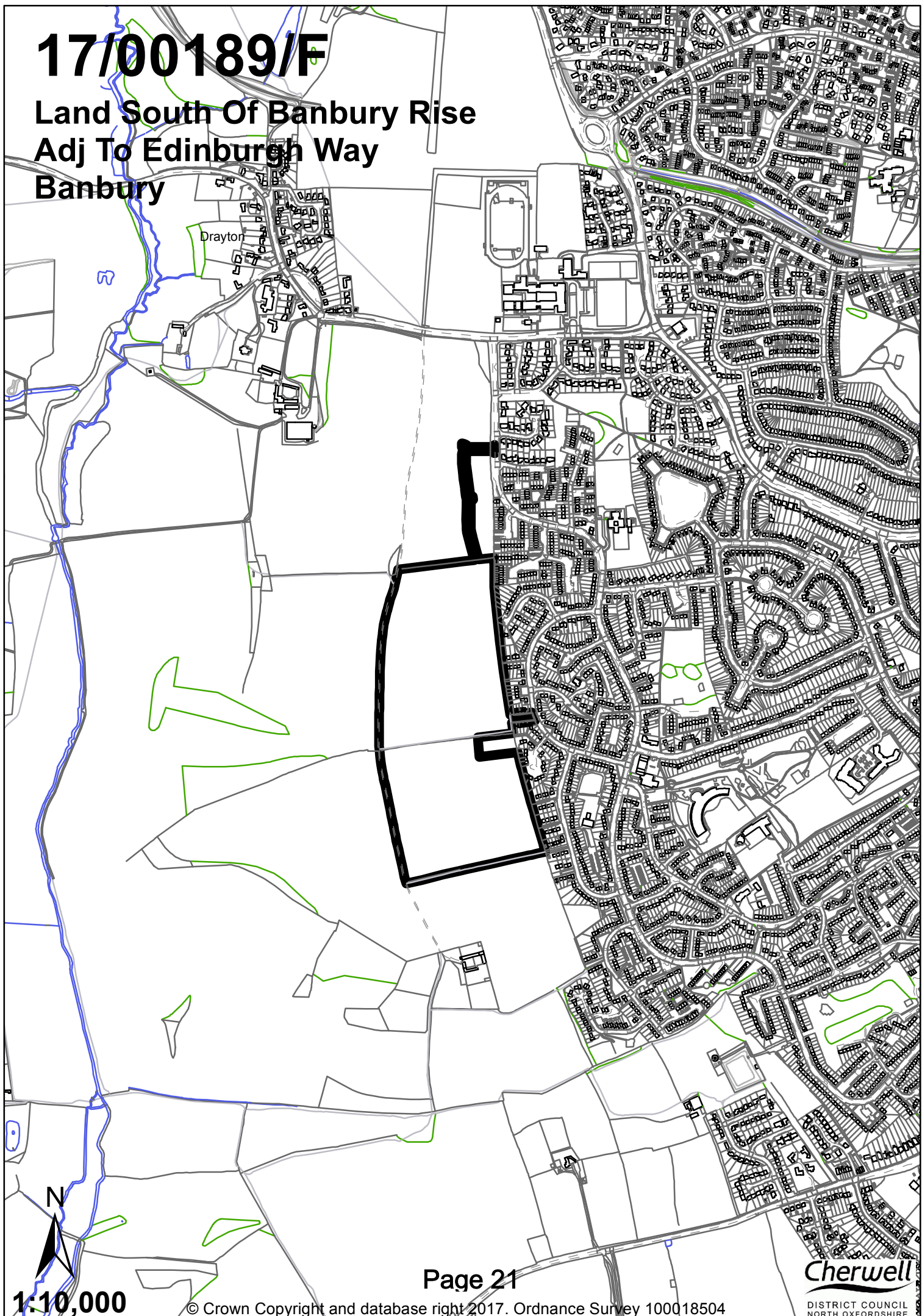
**Land South Of Banbury Rise
Adj To Edinburgh Way
Banbury**



17/00189/F

Land South Of Banbury Rise Adj To Edinburgh Way Banbury

Drayton



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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Applicant:	Bloor Homes	
Proposal:	Full application for the erection of 319 dwellings, including affordable housing, areas of open space, new vehicular junction onto Bretch Hill and Edinburgh Way and associated infrastructure.	
Ward:	Banbury Ruscote	
Councillors:	Cllr Barry Richards Cllr Sean Woodcock Cllr Mark Cherry	
Reason for Referral:	Major Development	
Expiry Date:	11 May 2017	Committee Date: 6 July 2017
Recommendation:	Approve	

1. APPLICATION SITE AND LOCALITY

- 1.1. Outline planning permission (ref 13/00444/OUT) was granted for 400 dwellings in March 2016 within the area allocated in the Cherwell Local Plan 2011-2031 Part 1 under Policy Banbury 3: West of Bretch Hill to provide an integrated extension to the Bretch Hill area of approximately 400 homes.
- 1.2. The site allocation lies on the western edge of Banbury abutting the existing Bretch Hill residential area to the east and the Drayton Conservation Area to the west.
- 1.3. The application site forms the second phase of residential development, occupying the southern part of the overall site. To the north, residential development permitted under the outline consent and subsequent reserved matters application is currently under construction.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks full planning permission for the erection of 319 dwellings (including affordable housing), open space and associated infrastructure.
- 2.2. This full application, in addition to the 110 dwellings already approved in the northern part of the site and the 51 unit sheltered housing development, which forms part of the development, would bring the total number of houses within the site allocation to 480.
- 2.3. The application takes access through the northern parcel from Bretch Hill and also incorporates a further secondary access between no.s 39 and 55 Edinburgh Way. The application includes a mix of dwelling types including affordable housing, substantial areas of open space, landscaping and equipped areas of play.

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>
13/00444/OUT	Outline - Construction of up to 400 residential dwellings including 60 sheltered housing/extra care accommodation, 500sqm of small scale employment and training premises, open space, new vehicular junction and accesses and associated infrastructure	Approved
16/00576/REM	Reserved Matters application in respect of planning permission reference 13/00444/OUT for the erection of 110 dwellings, associated infrastructure and landscaping.	Approved

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, 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 18.04.2017, although comments received after this date and before finalising this report have also been taken into account.

5.2. Four letters have been received from local residents. The comments raised by these third parties are summarised as follows:

- Concern regarding an additional access point which will result in a loss of green space and exacerbate existing problems associated with car parking within the area.
- Additional traffic flow through the Bretch Hill estate and onto Warwick Road.
- Loss of countryside setting and impact on wildlife.
- Amount of housing being built in Banbury and impact on surrounding villages.
- Loss of hospital facilities at the Horton.
- Lack of affordable housing

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. Banbury Town Council: No objections, although the Town Council still has concerns regarding the access arrangements.
- 6.3. North Newington Parish Council: The council reiterates its original comments regarding the detrimental visual effect on the surrounding landscape, skyline and historic features. A condition should be imposed to ensure adequate landscaping is incorporated to minimise the effect of the development.

CHERWELL DISTRICT COUNCIL

- 6.4. CDC Planning Policy: No comments received.
- 6.5. CDC Strategic Housing: No objection
- 6.6. CDC Recreation and Leisure: Seek contributions towards outdoor sports facilities within the locality of Banbury and additional indoor sports facility capacity in Banbury. A contribution is also sought towards increasing capacity of local community halls and towards funding community development and a community development worker. There will also be a requirement to provide public art.
- 6.7. CDC Business Support: It is estimated that this development has the potential to attract New Homes Bonus of £1,746,884 over 4 years under current arrangements for the Council. This estimate includes a sum payable per affordable home.
- 6.8. CDC Conservation: No comments received.
- 6.9. CDC Ecology: Standard conditions are recommended with relevance to the protected species of badger and bat.
- 6.10. CDC Environmental Protection: Conditions recommended.
- 6.11. CDC Economic Development: No comments received.
- 6.12. CDC Landscape Services: Detailed comments have been made in respect of the equipped areas of play and the landscaping scheme. Some amendments will be required in order to make the scheme acceptable.
- 6.13. CDC Urban Design: No comments received.
- 6.14. CDC Waste and Recycling: No comments received.

OXFORDSHIRE COUNTY COUNCIL

- 6.15. OCC Transport: Objection. A number of concerns are raised in respect of the layout and design of the scheme. OCC Transport officer anticipates that the objection could be removed subject to amendments being made to the design and the submission of further information. A legal agreement is also required to link the development to the outline consent and secure further pro rata contributions to take account of the increase in housing numbers. Conditions are also suggested and a Residential Travel Plan will also be required.

- 6.16. The development will also affect a public right of way; these must be taken into consideration in the layout and development of the site.
- 6.17. OCC Drainage: Some concerns are raised relating to the detail of the drainage strategy for the development and further information is required to overcome these concerns.
- 6.18. OCC Education & Property: No objection subject to conditions. A legal agreement is required to link the development to the outline consent and secure further pro rata contributions to take account of the increase in housing numbers.

OTHER CONSULTEES

- 6.19. Natural England: Standard response issued. No objection is raised in respect of Statutory nature conservation sites and Natural England advises that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 6.20. Historic England: The submitted landscape plans differ from the approved Masterplan showing fewer proposed trees resulting in a weaker screen to the development so that it would be more visible in key views resulting in a greater adverse impact on the grade II* listed building (Drayton Arch) and registered park. Planting proposals should be intensified.
- 6.21. Sport England: Objects, as it is not clear how the demand for sports facilities will be met through this development. Sport England may be willing to withdraw this objection if further information regarding contributions is available.
- 6.22. Thames Water: No objection in respect of sewerage infrastructure capacity, foul water discharge or surface water run-off. Recommend that petrol/oil receptors be fitted in all car parking/washing/repair facilities. The developer is required to adhere to the Broughton Road Development Modelling Report.
- 6.23. Oxfordshire Clinical Commissioning Group: A financial contribution is sought towards funding healthcare infrastructure.
- 6.24. Banbury District CPRE: Proposed buffer planting will be important to screen the proposal. Concern raised about a potential access shown on the southern boundary of the site, CPRE would not wish to see further development beyond the limits of the application site.
- 6.25. National Planning Casework Unit: No comment to make on the Environmental Statement.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in favour of Sustainable Development
- BSC 1 – District Wide Housing Distribution
- BSC 2 – Housing Density
- BSC 3 – Affordable Housing
- BSC 4 – Housing Mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD 1 – Mitigating and Adapting to Climate Change
- ESD 2 – Energy Hierarchy and Allowable Solutions
- ESD 3 – Sustainable Construction
- ESD 6 – Sustainable Flood Risk Management
- ESD 7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- INF1 - Infrastructure
- Policy Banbury 3 – West of Bretch Hill

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)
- Bretch Hill Design Code

8. APPRAISAL

8.1. A number of matters will have already been dealt with at the Outline planning stage. The key issues for consideration in this case therefore are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Transport, highways, connectivity and parking
- Landscaping and Landscape Visual Impact
- Noise, air quality and contaminated land
- Impact on heritage assets
- Infrastructure and Planning Obligations

Principle of Development

8.2. The principle of development of the site has been established through the allocation of the site within the Cherwell Local Plan 2011 – 2031 Part 1 (Policy Banbury 3 – West of Bretch Hill) and the granting of outline planning consent (ref. 13/00444/OUT) for up to 400 residential dwellings and related development and infrastructure.

- 8.3. This current application seeks full planning permission outside of the constraints of the local plan allocation and the outline consent in order to increase the provision of residential dwellings within the site, taking the overall development from 400 to 480 residential units. As such the proposal is contrary to Policy Banbury 3.
- 8.4. Policy BSC 1 sets out a commitment to delivering a wide choice of high quality homes to meet the District's housing need and the overall housing strategy to focus strategic housing growth at the towns of Banbury, Kidlington and Bicester and seeking to concentrate development in sustainable locations to protect the Oxford Green Belt. Policy BSC 2 seeks to ensure that land earmarked for development within the District is not under utilised, stating that '*Housing development in Cherwell will be expected to make effective and efficient use of land*'.
- 8.5. The site has been identified as a sustainable location for development on the edge of Banbury where services and facilities are easily accessible and reliance on private modes of transport is reduced. Increasing the provision of housing within this sustainable site also ensures the effective use of land, providing that a satisfactory design and layout can be achieved and adequate levels of amenity can be maintained , and that the objective of ensuring that this development area should not impact detrimentally upon either the visual amenity of the countryside of the local heritage interests can be met.
- 8.6. Policy BSC 2 also requires new housing to be provided at a density of at least 30dph. The increase in housing numbers results in a development at 34dph.
- 8.7. In accordance with policies BSC 1 and BSC 2, the increase in housing provision within the Bretch Hill site would be acceptable in principle. The development will be expected to conform to policies ESD 15 and the site specific principles set out in policy Banbury 3.

Design, and impact on the character of the area

- 8.8. The site is subject of an approved Design Code setting out the design principles for the overall development. Although submitted as a full application, the whole site is required to be brought forward in accordance with the Design Code and as such is applicable to this application.
- 8.9. The Design Code divides the wider site into 3 character areas, each of which are represented within this phase of the development, being the eastern fringe - taking a lead from the existing Bretch Hill context, the rural edge - responding to the open countryside, and the main street at the centre of the site.
- 8.10. The layout and design of the roads proposed complies with the road hierarchy set out in the Design Code and Key Buildings and Groups have also been designed to reflect the principles set out in the Code.
- 8.11. The submitted house type drawings are considered to comply with the aspirations of the Design Code and follow the same design as those already approved within the first phase of the development. As such the design and external appearance of the proposed dwellings is considered acceptable. In addition, material finishes as well as boundary treatment details are also in accordance with the Design Code.
- 8.12. Notwithstanding the above, some concerns have been raised by OCC Transport in relation to the detailed design of the streets and the design approach to some plot specific car parking.

- 8.13. In addition, planning officers have raised concerns in relation to the most southerly development parcel and an area of particularly concentrated frontage car parking situated along the eastern boundary of the site within the eastern edge character area as set out in the Design Code. Whilst the Design Code allows for frontage car parking within this location, officers have significant concerns that the concentration and proliferation of frontage car parking within this area is a poor design solution and would result in an unsatisfactory car dominated form of development and poor residential environment for future residents.
- 8.14. Officers have sought to secure a revised design to this part of the layout as well as revisions to overcome OCC concerns and the applicant is currently in the process of making amendments to the scheme to remove areas of frontage parking in favour on more acceptable on plot parking solutions.
- 8.15. Officers are confident that an acceptable design solution can be achieved to overcome their concerns and provide a high quality development in keeping with the rest of the site.

Residential Amenity

- 8.16. The proposed layout demonstrates an acceptable level of residential amenity for future residents and adequate separation distances have been achieved across the site. The relationship to existing residential properties to the east of the site is also considered to be satisfactory, maintaining adequate separation distances and protecting the private amenity of existing residents. Any revised scheme received will need to be the subject of a further re-consultation exercise with nearby properties.
- 8.17. The loss of an existing area of amenity open space to accommodate the new access between nos 39 and 55 Edinburgh Way has been raised as an objection/concern from a neighbouring resident. Whilst it is noted that the loss of convenient amenity space is unfortunate, the inclusion of an additional access offers benefits to existing residents by providing 12 new on street parking bays directly outside their properties which will be more convenient and will assist in the reduction of on street parking in Edinburgh Way which has also been raised by nearby residents as an issue. This arrangement was agreed as part of the previous outline approval.
- 8.18. The proposed development also provides for a much larger area of public open space adjacent to this location which will be as convenient for local residents and is also overlooked by proposed housing. The new access at this point also provides a link for existing residents directly through to the new parkland edge which forms part of the proposed development providing wider opportunities for recreation and public amenity.
- 8.19. The application is therefore considered to be in accordance with policy ESD15 in this respect.

Transport, highways, connectivity and parking

- 8.20. As set out above, the layout accords with the road hierarchy set out in the Design Code although some detailed design comments have been made by OCC and these are being addressed by the applicant.
- 8.21. The access proposed, as part of this application, from Edinburgh Way into the site provides for an additional secondary access to the proposed development. OCC have made no adverse comments in respect of this proposed access and provision

of parallel parking bays and it is therefore considered that the submitted detail is acceptable.

- 8.22. As set out above, as well as providing vehicular access into the site, permeability and connectivity is improved for pedestrians which promotes integration as set out in policy Banbury 3. Existing residents within the area will be able to access the proposed areas of public open space just within the site as well as the wider parkland edge which is considered to be a substantial public benefit of the overall development.
- 8.23. Within the site footpaths provided through the generous open space provision on the western side of the site allow interconnectivity between the side streets and also to the north and west to the Banbury circular walk to the west and to Stratford Road.
- 8.24. As set out above, officers have raised concern in relation to one specific area of the site and the proliferation of frontage car parking as a solution. These concerns have been noted by the applicant and revisions are being made to overcome this issue. Car parking across the remainder of the site is considered to be acceptable in accordance with the Design Code.
- 8.25. In considering the additional traffic impact as a result of the increase in residential development to 480 units, OCC have highlighted an error within the Transport Statement which needs to be reviewed in order to ascertain the impact of additional trips and whether any further mitigation is necessary. This additional information will be provided as part of the revisions and amendments required to the scheme.

Landscaping and Landscape Visual Impact

- 8.26. The overall outline consent provides for 12.5ha of public open space. This full application is in accordance with the outline parameters providing 7.7ha of natural/semi natural green space within the western parkland area, locally equipped areas of play and 1.4ha of incidental open space. The additional area in the outline consent will already be provided as part of the first reserved matters submission that was approved.
- 8.27. Detailed landscaping plans have been submitted to accompany the application setting out the proposed soft and hard landscaping proposals for the site including equipped areas of play. The Landscape Officer has provided comment in respect of the submitted proposals and some amendments are required. The applicant has already addressed some of these matters through the submission of revised drawings and officers are confident that any outstanding issues can satisfactorily be resolved.
- 8.28. A Landscape Visual Impact Assessment has been submitted with the application and the Landscape Officer has confirmed that he is satisfied with the LVIA.

Impact on heritage assets

- 8.29. In considering and mitigating the impact on heritage assets in close proximity to the application site, the large area of open space/parkland on the western side of the site was designated as part of the outline planning consent in accordance with policy Banbury 3.
- 8.30. This parkland area is designed to protect the setting of the adjacent Conservation Area as well as the listed Drayton Arch. Historic England have raised a concern that the submitted landscape plans differ from the approved Masterplan showing fewer proposed trees resulting in a weaker screen to the development so that it would be

more visible in key views thus resulting in a greater adverse impact on the grade II* listed building (Drayton Arch) and registered park.

- 8.31. This issue has been discussed with the applicant and will be resolved as part of the revisions to the landscaping plans.

Infrastructure and Planning Obligations

- 8.32. In accordance with policy INF1, a S106 legal agreement will be required to secure the necessary infrastructure required to mitigate the impact of the proposed development.
- 8.33. A S106 agreement has already been secured as part of the outline planning consent and a deed of variation will be required to link this development to the existing agreement and also secure an uplift in obligations to take account of the additional 80 dwellings proposed.
- 8.34. Any additional contributions sought will also need to meet the tests set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended).
- 8.35. Delegated authority is sought to give officers authority to secure the required uplift contributions and obligations and secure any additional contributions or obligations which are considered to be necessary and reasonable in accordance with Regulation 122 as set out above.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance benefits against any harm in order to come to a decision on the acceptability of a scheme.
- 9.2. The proposed development, subject to satisfactory amendments would be in accordance with the site wide Bretch Hill Design Code and the layout and appearance of the development would broadly accord with the outline planning consent and as such would integrate and be in keeping with the first phase of development, currently under construction, as well as the wider Bretch Hill area.
- 9.3. Whilst a number of matters remain outstanding, officers are confident these issues are relatively minor and can be satisfactorily resolved through the submission of amendments and additional information.
- 9.4. The proposed development provides for adequate living conditions of neighbouring and future occupiers and would not adversely affect highway safety. The proposed development also brings about substantial public benefits secured through the outline consent and the increase in housing numbers aids the viability of the scheme to ensure and enable these public benefits to be realised in a timely manner.
- 9.5. As such the proposed development would be in accordance with Cherwell Local Plan 2011-2031 Part 1 policies, in particular policy Banbury 3, BSC1, BSC2 and ESD15.

10. RECOMMENDATION

That authority be delegated to officers to secure satisfactory amendments to the layout to overcome the design, highway and landscaping issues identified in the above report and approve planning permission subject to the imposition of planning

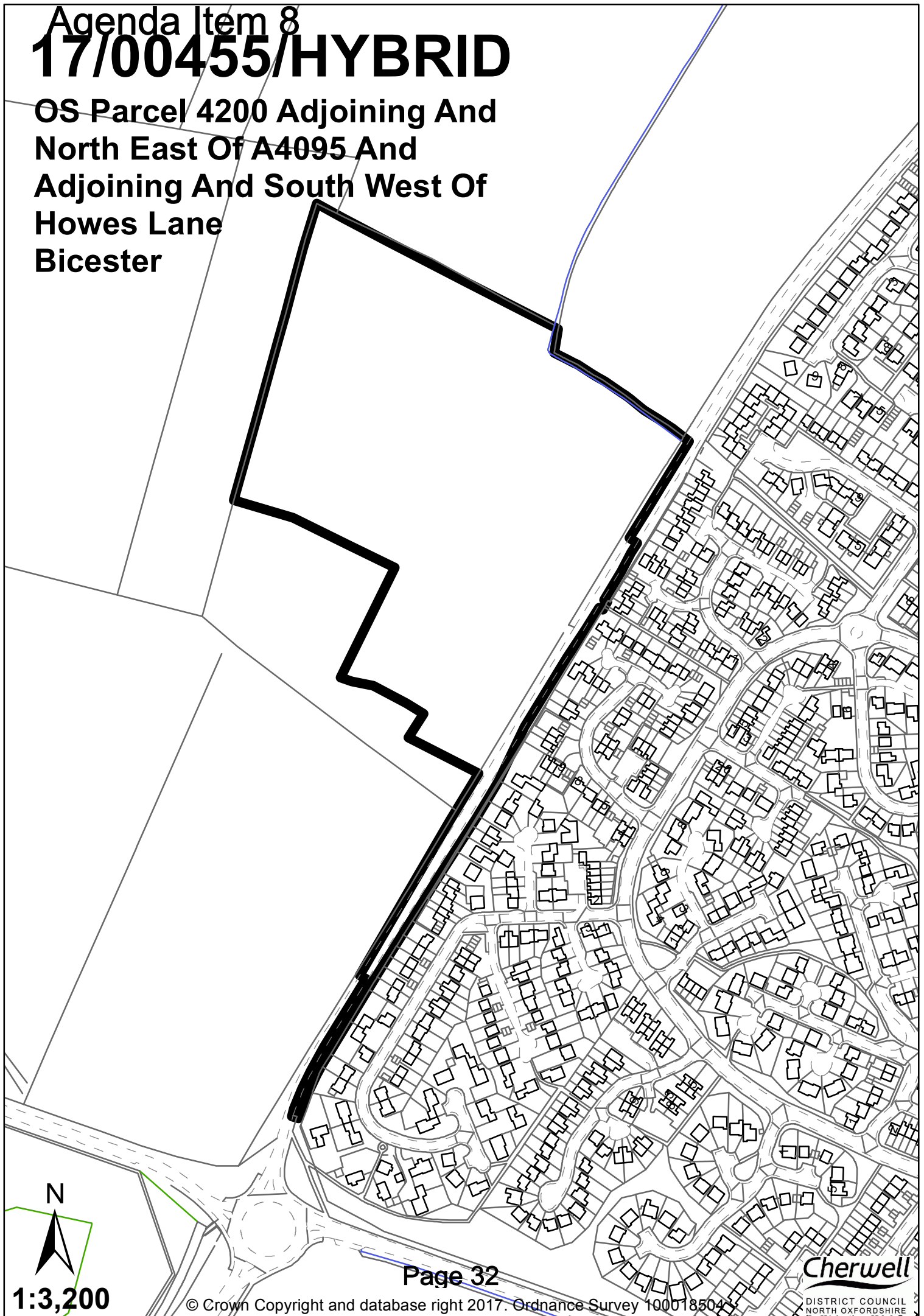
obligations and conditions (delegated authority shall also given to negotiate and draft the required planning obligations and conditions).

CASE OFFICER: Bernadette Owens

TEL: 01295 221830

Agenda Item 8
17/00455/HYBRID

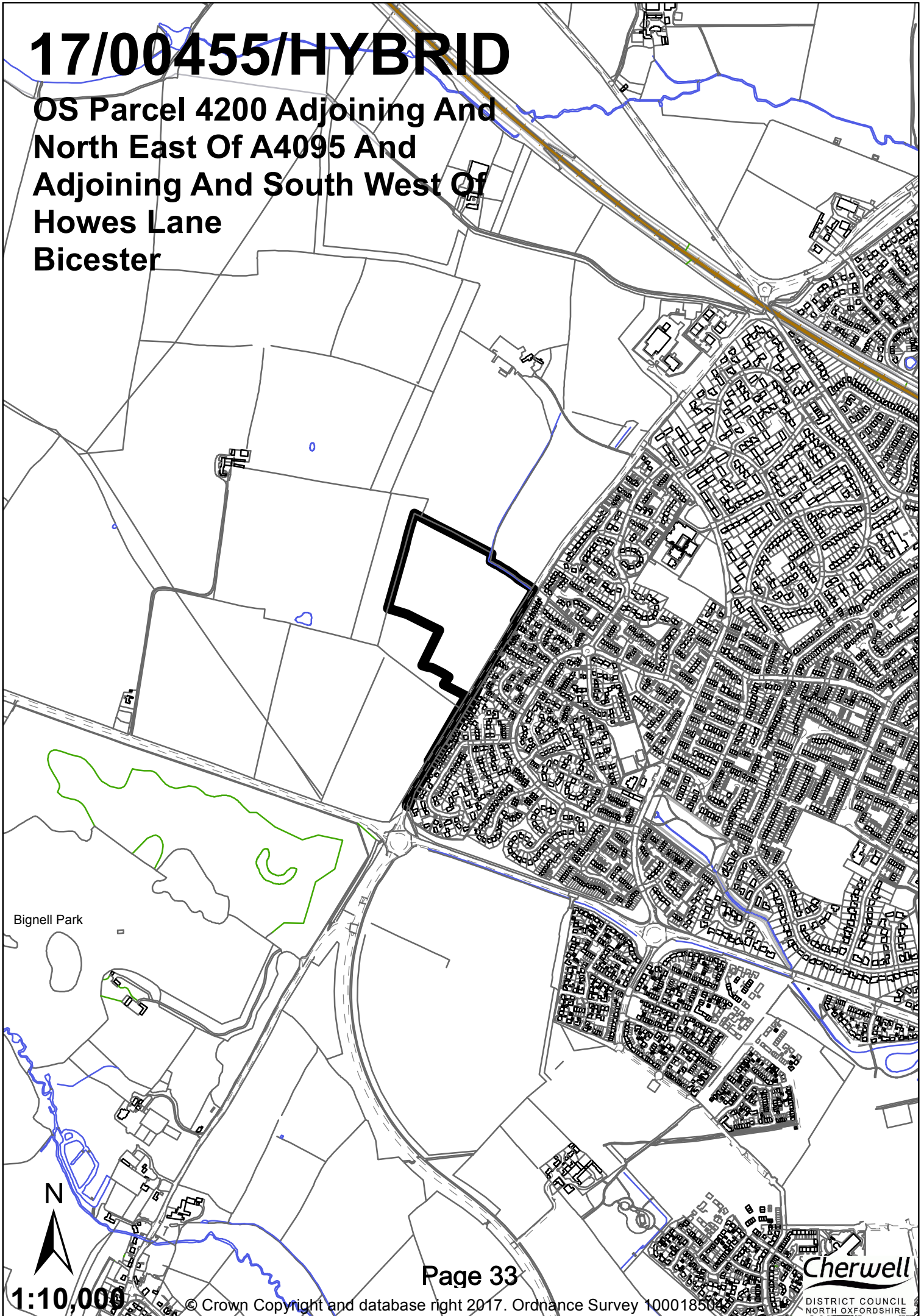
**OS Parcel 4200 Adjoining And
North East Of A4095 And
Adjoining And South West Of
Howes Lane
Bicester**



N
1:3,200

17/00455/HYBRID

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



Bignell Park



1:10,000

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: 6 July 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.
- 2.3. The application was presented to committee in June 2017 but deferred for consideration alongside application 17/01090/OUT. Both applications will appear on the committee agenda for July 2017 Planning Committee.

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	Application Refused

land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (G1); provision of sustainable urban systems (suds) incorporating landscaped areas with balancing ponds and swales. Associated utilities and infrastructure.

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),	Application Permitted

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 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	Pending Decision –

Lane, east of Purslane Drive, to include the construction of a new crossing under the existing railway line north of the existing Avonbury Business Park, a bus only link east of the railway line, a new road around Hawkwell Farm to join Bucknell Road, retention of part of Old Howes Lane and Lord's Lane to provide access to and from existing residential areas and Bucknell Road to the south and associated infrastructure.

resolution for approval made Planning Committee in 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 2017

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 been 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.

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 has 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

¹ Unless material considerations indicate otherwise

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 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 national definitions of zero carbon as it includes the carbon from the buildings (heating and lighting = regulated emissions) as with other definitions, but also the carbon from the use of appliances in the building (televisions, washing machines, computers etc = unregulated emissions). This higher standard is being included on the exemplar development which is being referred to as true zero carbon.
- 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. The applicant has indicated that there may be a viability concern regarding the provision of affordable housing when taking into account other S106 requirements. Policy BSC3 would require viability to be tested through an open book financial analysis to inform the decision taking. No such viability appraisal has been provided at this stage.

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.
- 8.91. Following the June committee, a plan has been submitted for consideration showing two accesses, with right turn ghost island arrangements. This would fix the access points at this stage. Oxfordshire County Council has assessed this information and has raised concerns that this does not meet DMRB standards relating specifically to the width of the turning lanes and the taper lengths. The response advises that it would appear two ghost island right turn junctions in this short stretch between the two signalised junctions could not be accommodated. Discussions have been undertaken with the applicant's Transport Consultant and these are ongoing at the time of writing this report.
- 8.92. Given the section of the strategic link road is proposed in full, insufficient acceptable 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 plans to address the concerns. 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.

Traffic Management

- 8.93. The issue of construction traffic management is also important and in this regard construction traffic management plans will be negotiated to again avoid construction traffic approaching the site from the north along Howes Lane and therefore routed to and from the site to the south up to the temporary access.

Sustainable Travel

- 8.94. 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.
- 8.95. 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.
- 8.96. 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.
- 8.97. 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.

- 8.98. 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.
- 8.99. 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.
- 8.100. 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.
- 8.101. 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.
- 8.102. 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.
- 8.103. 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.

- 8.104. 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.
- 8.105. 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

- 8.106. 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.
- 8.107. 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

- 8.108. 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.
- 8.109. 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.
- 8.110. 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.

- 8.111. 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.
- 8.112. 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.
- 8.113. 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

- 8.114. 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.
- 8.115. 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.
- 8.116. 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

- 8.117. 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.
- 8.118. 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.
- 8.119. 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.
- 8.120. 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

- 8.121. 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.
- 8.122. 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).

- 8.123. 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.
- 8.124. 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.
- 8.125. 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.
- 8.126. 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.

8.127. 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.

8.128. 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

8.129. 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.

8.130. 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.

8.131. 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.

8.132. '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.

8.133. '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.

8.134. '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.

8.135. 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.

8.136. 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.

8.137. 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.

8.138. 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.

8.139. 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.

- 8.140. 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.
- 8.141. 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.
- 8.142. 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

- 8.143. 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.
- 8.144. 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.
- 8.145. 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.

- 8.146. 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.

- 8.147. 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.
- 8.148. 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.
- 8.149. 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.
- 8.150. 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

8.151. 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.

8.152. 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.

8.153. 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.

8.154. 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

8.155. 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.

- 8.156. 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
- 8.157. 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.
- 8.158. 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

- 8.159. 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
- 8.160. 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.

- 8.161. 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

- 8.162. 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.
- 8.163. 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.’
- 8.164. 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

- 8.165. 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.

8.166. 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).

8.167. 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.

8.168. 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.

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

Community and Governance

8.170. 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.

- 8.171. 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.
- 8.172. 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.
- 8.173. 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

- 8.174. 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.
- 8.175. 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.
- 8.176. 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.

- 8.177. 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.
- 8.178. 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.
- 8.179. 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.
- 8.180. 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.

- 8.181. 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.
- 8.182. 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.
- 8.183. 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.
- 8.184. 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

- 8.185. 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.’
- 8.186. 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.
- 8.5 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. The applicant has questioned some of the contributions and asked for further justification. Officers are in the process of providing this to satisfy their concerns.

8.187. 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

8.188. 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.

8.189. 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.

8.190. 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

8.191. 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).

8.192. 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

8.193. 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 subject to viability testing. 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 a satisfactory S106 agreement to include securing the construction through the application site, and the ability to construct the Strategic Road through land within the control of Albion Land (within application sites 17/00455/HYBRID and 17/01090/OUT) to Officers and; further in accordance with the summary of the Heads of Terms (to follow) and subsequent completion of S106 agreement
- 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:

Outline Permission

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

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

Development Procedure) Order 2015 (as amended).

2. In the case of the reserved matters, application for approval shall be made for the first residential phase of development not later than the expiration of 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. In the case of all other reserved matters for subsequent phases, application for approval shall be made not later than the expiration of five years beginning with the date of this permission.

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

4. The development to which this permission relates shall be begun not later than the expiration of two years from the approval of the first reserved matter and for all other matters two years from the final approval of the reserved matters or, in the case of approval on different dates, two years from the final approval of the last reserved matters to be approved.

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

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

- Drawing number 4216_PL_01 (Application site boundary)
- 4216_PL_02 (Parameter Plan 02 Land Use)
- 4216_PL_03 (Parameter Plan 03 Residential Building Heights)
- 4216_PL_04 (Parameter Plan 04 Vegetation Parameters)
- 4216_PL_05 (Parameter Plan 05 Vegetation Retention and Removal)
- 4216_PL_06 (Parameter Plan 06 Access and Circulation)
- Biodiversity Strategy and Biodiversity Offsetting Metric dated 24th February 2017
- Arboricultural Statement dated February 2017
- Site specific flood risk assessment and drainage strategy Issue 3 dated February 2017
- Energy Statement dated February 2017
- Environmental Statement (February 2017)

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

6. No more than 150 dwellings shall be constructed on the site.

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

Design

7. Prior to the submission of the first reserved matter, an Urban Design Framework to cover the whole application site shall be submitted to and approved in writing by the Local Planning Authority. The Urban Design Framework shall set out the urban design approach for the site to include a regulating plan and supporting information to include;

- Details to provide continuity with adjacent development
- Key approaches to deliver sustainable development that as a minimum meets the Eco Town PPS standards
- Character areas for built form and green spaces and their key features
- A Plan to demonstrate that 40% Green Infrastructure will be provided across the site and how this will be achieved
- Indicative block size, structure and permeability
- Movement network and streetscape including bus routes and stop locations
- Public realm and public open space
- Density and open space
- Building heights
- Key views, vista, landmarks, landscape character, trees and retained hedges
- Legibility and diversity of built form and landscape
- Adaptability
- Play provision in accordance with Adopted Cherwell Local Plan Policy BSC 11
- Information as to how Lifetime Homes standards will be achieved.

All reserved matters applications and development shall thereafter be in accordance with the approved Urban Design Framework.

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

8. Notwithstanding the detail on drawing number 4216_PL_03 (Residential Building Heights), the height of development within the hatched area indicated on the attached version of drawing number 4216_PL_03 (Residential Building Heights) shall not exceed a height of 12m to the ridge.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Each reserved matter submission for built residential development shall be

accompanied by details showing how Building for Life 12 has been used to inform the design process and that the scheme achieves Built for Life™.

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

10. Any reserved matters application for residential development shall be accompanied by a schedule of the market housing, to accord with the requirements of Policy BSC4 of the Local Plan. The market housing shall thereafter be provided in accordance with the approved schedule (and detailed reserved matter approval) unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

13. Prior to the commencement of each phase, those areas of the phase that are subject to elevated levels of noise, principally from road traffic sources, shall be identified and the dwellings that are constructed in these areas shall be designed and constructed in such a manner that they contain elements of sound insulation that will ensure that the internal noise levels contained within BS 8233:2014 Table 4 are achieved in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

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

Phase conditions

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

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

15. Each reserved matter for any phase of development shall be accompanied by a strategy outlining how embodied carbon will be minimised for that phase. No work shall commence until the report has been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the strategy so approved.

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

16. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not (permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details.

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.

Transport

17. Prior to the commencement of any phase of residential development hereby approved, full details of the means of vehicular accesses for that particular phase between the land and the strategic link road, including layout, construction, drainage, lighting and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation on any phase, the means of access shall be constructed and retained in accordance with the approved details.

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

18. Prior to the commencement of the development hereby approved, full details of the means of footway and cycleway links between the land and the local highway network to be provided on the NW Bicester site extending to the boundary of the application site, including, position, layout, construction, drainage and street lighting and a programme for provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of footway and cycleway links shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government

guidance contained within the National Planning Policy Framework.

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

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

20. Prior to the first occupation of the development, a Travel Plan setting out how the development (and/or the specific phase) will enable at least 50 per cent of trips originating within the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent, in accordance with the Eco Towns PPS ET 11.2 (a) and to meet the requirements set out in the Oxfordshire County Council guidance document 'Transport for New Developments Transport Assessments and Travel Plans'. The Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The actions of the Travel Plan shall thereafter be delivered in accordance with the Travel Plan.

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

21. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

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

Contamination

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

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to

workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

23. If a potential risk from contamination is identified as a result of the work carried out under condition [22], prior to the commencement of development within that phase, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development of the phase shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

24. If contamination is found by undertaking the work carried out under condition [23], prior to the commencement of development on the relevant phase, a scheme of remediation and/or monitoring for that phase to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development on the phase shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

25. If remedial works have been identified in condition [24], the development within that phase shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition [24]. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

contained within the National Planning Policy Framework.

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

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

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

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

Biodiversity

28. The retained hedges shown on drawing reference 4216 PL 05 (Parameter Plan 05 Vegetation Retention and Removal) shall have a buffer of a minimum of 20m in width comprising of 10m either side of the retained hedge. The hedge buffers shall be maintained as public open space and managed to maintain and create bio diversity.

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

29. Each reserved matter application submission shall be accompanied by a statement setting out how the proposed development will contribute to the Bio Diversity Strategy and net biodiversity gain within that phase to include a calculation to demonstrate a net biodiversity gain. The development shall be carried out in accordance with the approved biodiversity statement.

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

Construction

30. Construction noise levels from the site shall not exceed the predicted

mitigated façade construction noise criteria levels as set out within Table 10.11 of Appendix 2.5 of the Environmental Statement dated February 2017 .

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

Drainage

31. Development shall not commence until a study of the existing water supply infrastructure has been submitted to, and approved in writing by, the Local Planning Authority. The study should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

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

32. Development shall not commence until a foul drainage strategy for conveyance and treatment, detailing any on and/or off site drainage works has been submitted to and approved in writing by, the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. No building shall be occupied until the foul drainage has been provided in accordance with the approved strategy.

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

33. In addition to the site wide surface water drainage scheme, each Reserved Matters application shall be accompanied by a detailed surface water drainage scheme, to meet the flood risk, water quality, green infrastructure and biodiversity requirements of the relevant phase. The detailed surface water drainage scheme shall be in compliance with the approved Flood Risk Assessment, the Masterplan Surface Water Drainage Strategy and the approved site wide detailed surface water drainage strategy. No residential phase shall commence until the detailed surface water drainage scheme for that relevant phase has been approved in writing by the Local Planning Authority. The development shall be carried out and managed in accordance with the approved scheme.

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

34. Each detailed surface water drainage scheme shall be accompanied by a scheme of maintenance for all drainage features which shall be agreed in writing by the Local Planning Authority. The scheme shall include timings of the implementation of the plan, long term objectives, management responsibilities, maintenance schedules and procedures for dealing with

the failure of any part of the systems. The scheme for maintenance shall apply thereafter and in perpetuity unless agreed otherwise in writing with the Local Planning Authority.

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

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

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

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

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

Waste

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

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

Full Permission

38. The development to which this full 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.

39. Except where otherwise stipulated by condition, the full development shall be carried out strictly in accordance with the following plans: drawings numbered 14042-35 Rev C (titled Highway Infrastructure Post North West Bicester Link Road), 14042-37 (titled Proposed Footway/ Cycleway), 14042-39 (titled Interim Residential Access with RSA Amendments) and the following drawings prepared by Arcadis, drawing numbers 204-UA005241-04 (titled Detailed General Arrangement Plan Sheet 4 of 5), 203-UA005241-06 (titled Detailed General Arrangement Plan Sheet 3 of 5),

227-UA005241-03 (titled General Arrangement Road Markings Sheet 4 of 5), 226-UA005241-05 (titled General Arrangement Road Markings Sheet 3 of 5), 3001-UA005241-04 (Strategic Infrastructure Landscape General Arrangement 1 of 5), 3002-UA005241-04 (Strategic Infrastructure Landscape General Arrangement 2 of 5), 3006-UA005241-04 (Strategic Infrastructure Landscape Detailed General Arrangement Main Boulevard Layout), 3016-UA005241-02 (titled Landscape Details Typical Swale Crossing), 3017-UA005241-02 (titled Landscape Details Swale Cross Section), 3018-UA005241-02 (titled Landscape Details Swale Tree Planting), 3019-UA005241-02 (titled Landscape Details: Tree pits), 3020-UA005241-02 (titled Landscape Detail: Hard Swales), 3022-UA005241-01 (titled Landscape Detail: Tree Planting in Hard Surfacing), 7809-UA005241-02 (titled Typical Service Locations), 207-UA005241-01 (titled Long Section Sheet 1 of 2) and drawings showing existing and proposed levels and topography – referenced BIMP6 305B and BIMP6 306B unless otherwise agreed in writing by the Local Planning Authority.

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.

40. Prior to the first use of the temporary access hereby approved, the existing field accesses onto the A4095 shall be permanently stopped up by means of full face kerbing, planting, and the reinstatement of the highway verge and shall not be used by any vehicular traffic whatsoever.

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

41. Prior to the commencement of the development hereby approved, full details of the means of vehicular access between the land and the temporary access junction with Howes Lane, including, position, layout, construction, drainage and vision splays and lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation, the means of access shall be constructed and retained in accordance with the approved details.

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

42. Prior to the commencement of the development hereby approved, details of the final surface treatment of road, cycleway and footway shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

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

43. Prior to the commencement of the development, full construction details of
- the temporary access road between Howes Lane and the Strategic Link Road,
 - the element of the Strategic Link Road to be constructed as part of this development and

- the junction with Howes Lane

shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- Construction details to adoptable standards including the interface with the remainder of the Strategic Link Road.
- Interim drainage arrangements
- The construction programme for the works

Thereafter, and prior to first occupation of any dwelling, the road shall be constructed in its entirety in accordance with the approved plans and details.

Reason – In order to secure the proper planning of the area and the comprehensive development of adjoining land and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

44. Prior to the commencement of the development, details of the closure of the temporary vehicular access onto Howes Lane and the removal of the temporary access arrangements shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a. Details of areas of the temporary access road that fall outside the approved Strategic Link Road layout, showing how they will be removed and the ground remediated, or otherwise treated, following the opening of the Strategic Link Road
- b. Details of the closure of the temporary vehicular access onto Howes Lane
- c. Details of the decommissioning and removal of street lighting and traffic signals on Howes Lane, and any other infrastructure required solely as part of the temporary access strategy
- d. Details of the areas of the temporary access road that fall within the line of the Strategic Link Road and their alteration

Thereafter, the temporary road link shall be closed to vehicular traffic and removed, in accordance with the approved details and programme, at the same time that the realigned Howes Lane approved under application 14/01968/F, or any subsequent application for the realignment of Howes Lane through the NW Bicester site, is opened to vehicular traffic, and temporary access arrangements removed in accordance with the approved details.

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

45. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, 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, 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 and specifications.

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.

46. 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:-

- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas

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.

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 final surface course of the road/ footways being completed. 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 Saved Policy C28 of the adopted Cherwell Local Plan 1996 and Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

47. Except to allow for the means of access and vision splays the existing hedgerow/trees along the boundary of the site with Howes Lane shall be retained and properly maintained and any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

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

48. Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the

development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, including details of any required engineering solution methods for development within the Root Protection Area of any tree/ hedgerow 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 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.

49. The development shall be constructed to meet a minimum of CEEQUAL Standard 'Very Good'.

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

50. Prior to the commencement of the development, a report outlining how embodied carbon has been minimised for 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 report.

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

Conditions relevant to Both Full and Outline permissions:

51. Prior to the submission of reserved matters and prior to the commencement of the development in respect of the Full permission, a full surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS - Swales, Ponds, Permeable Paving, Filter Strips, Rain Gardens
- Network drainage calculations
- Phasing

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

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

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

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

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

54. No development shall commence on any phase until a Construction Environment Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but shall not be limited to):

- a) the suggested mitigation in the Environmental Statement including measures to be taken to ensure construction works do not adversely affect the existing biodiversity of the site and residential properties on, adjacent to or surrounding the site;
- b) details of the consultation and communication to be carried out with local residents;
- c) Details of how carbon emissions from the construction process have been minimised;
- d) A Soil Resources Plan that detail the soils present, proposed storage location, handling methods and locations for reuse; and
- e) A Site Waste Management Plan, targeting zero waste to landfill and setting targets for residual waste, recycling and diversion from landfill.

Thereafter the development of the phase shall be carried out in accordance with approved CEMP.

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

55. If a period of more than two years elapses from the date of the outline planning permission, no development shall commence on any phase thereafter until an updated extended Phase 1 Habitat survey for that phase has been undertaken. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any

protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

56. No removal of hedgerows, trees or shrubs, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on 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.

57. Notwithstanding the submitted information, no development shall commence on any phase until a scheme for the provision of protective fencing in the form of an Arboricultural Method Statement, to prevent damage during construction, for the retained hedgerows, trees and areas of green space, within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed in accordance with the approved plans prior to work commencing on site.

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

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

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

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

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

60. Prior to the commencement of any phase of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the area covered by that phase, which shall be submitted to and approved in writing by the Local Planning Authority.

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

61. Prior to the commencement of any phase of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition [61], 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).

Planning notes:

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
2. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
3. There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

CASE OFFICER: Caroline Ford

TEL: 01295 221823

Appendix A

SUMMARY HEADS of TERMS

Committee 06 July 2017

Application site specific S106

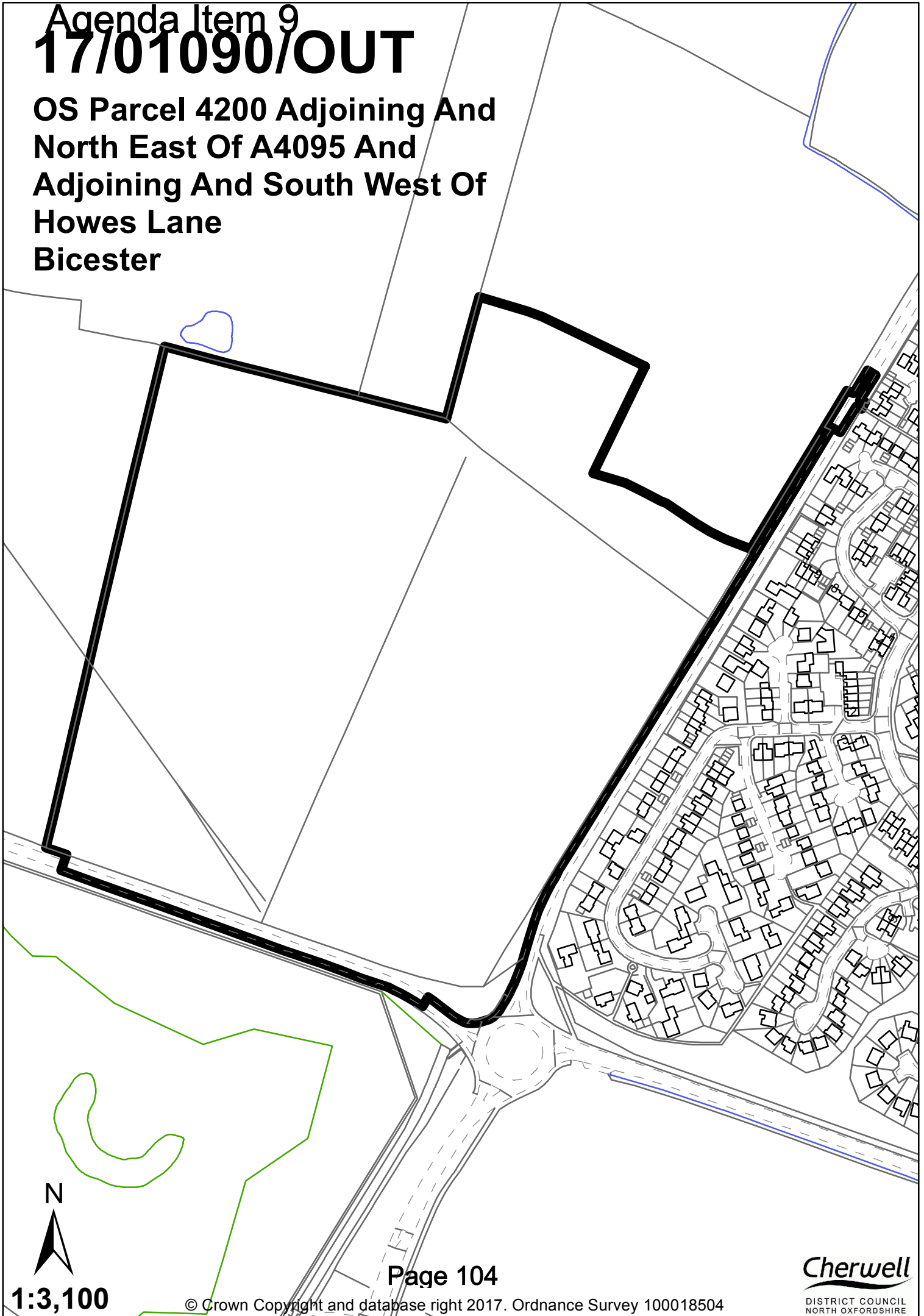
1.	Strategic Link Road	
	<p>Prior to implementation of the development:</p> <ul style="list-style-type: none"> - A) to enter into a licence arrangement free of charge to allow access to the road land (with margin of tolerance) on the Albion site for surveys and for construction of the strategic road. The relevant land is to be safeguarded so that it is retained for the strategic road as approved by the County Council – any additional highway works will be subject to County Council approval - B) to agree that on the issue of the certificate of completion for the strategic road by the County Council, the site of the road will be deemed to have been dedicated with immediate completion of any easements required for operation (including maintenance and drainage) of the strategic road. <p>The Owner is to enter into the agreement for the delivery of the strategic road so as to carry forward items A and B within a single comprehensive agreement for the strategic road. The strategic highways agreement will secure a contingency in the event that there is a default in delivery of the strategic road. The application is also required to make a proportionate contribution to the delivery of the Strategic Highway Infrastructure.</p>	
2	Affordable Housing	
	<p>Provide 30% affordable housing in accordance with an agreed phasing and mix</p> <p>Affordable housing to be provided by a Registered Provider.</p> <p>Affordable Housing scheme to be submitted and approved prior to submission of first residential reserved matter submission identifying the distribution of the affordable housing.</p> <p>Affordable housing to be delivered in clusters of no more than 15 affordable housing units unless agreed.</p> <p>Nomination agreement</p>	
3	GP Surgery	
	Provide financial contribution to the provision of a new GP Surgery	
4	Thames Valley Police	
	Provide financial contribution to neighbourhood policing	
5	Community Hall & Sports Pavilion	
	Financial Contributions towards build cost of hall and sports pavilion south of the railway line along with other applicants south of the railway line	
6	Community Development Worker	
	Financial contribution for the provision of a community development worker(s) to deliver the creation of the new community during the build out of the site.	
7	Community Development Fund	
	Financial contribution to deliver community development	

8	Employment and Training	
	Provide employment and training action plan to include measures to ensure opportunities for local labour and businesses through the development, measures to support home working and to work with the local job club to advertise jobs created through construction on the site. Delivery of specified number of construction (and related trades) apprenticeships in accordance with the number of opportunities identified through the CITB, through the Bicester ATA or other agreed provider.	
9	Primary School	
	Financial contribution towards the provision of primary schools	
10	Secondary School	
	Financial contribution towards the provision of secondary schools	
11	SEN	
	Provide contribution for the provision of SEN places	
12	Permanent Sport Pitches	
	Provide contribution for the sports pitches both capital and revenue.	
13	Public Open Space	
	Layout or fund the laying out of the public open space and transfer it to CDC in accordance with an agreed plan and phasing Provide a commuted sum for maintenance, or make provision for a management company in accordance with CDC's criteria for the long term management and maintenance of open space	
14	Allotments	
	Layout or fund the laying out of the allotments and transfer them to CDC in accordance with an agreed plan and phasing or make provision for a management company in accordance with CDC's criteria for the long term management and maintenance of open space	
15	Play Areas	
	Layout or fund the laying out of the NEAP and LAPS and transfer to CDC in accordance with an agreed plan and phasing. Provide commuted sum for maintenance. Provide local areas of play within the residential parcels so every dwelling is within 400m of play provision. Make provision for secure long term ownership and management.	
16	Indoor Sport	
	Provide funding for the expansion of the Bicester Sports Centre	
17	Green Space that could be used for a Burial Ground	
	Provide contribution to the provision of a burial ground	
18	Bio Diversity Off Sett	
	Provide funding for off site bio diversity mitigation, to be used for off setting grant scheme or land purchase for bio diversity.	
19	Cultural & Wellbeing Strategy	
	Provide a cultural and wellbeing strategy and action plan for delivery across the site	
20	Local Management Organisation	
	Work with CDC to establish the LMO Provide funding for the establishment of the LMO and its activities	
21	Waste Collection & Recycling	
	Provide funding for the provision of domestic bins for waste and recycling	
22	Bus Provision	
	Provide funding for the provision of the bus service to serve the site in accordance with agreed phasing	
23	Bus Access Scheme	
	Provide or provide funding for the improvement of Bucknell Road and Field	

	Street and Queens Avenue to facilitate bus access	
24	Off Site Cycle Way Improvements	
	Provide a contribution towards the following improvements; <ul style="list-style-type: none"> • Off-site cycleway along Middleton Stoney Road between Howes Lane and Oxford Road. • Off-site improvements to cycle route between Bucknell Road, George Street and Queens Avenue • Off site cycleway and traffic calming scheme on Shakespeare Drive 	
25	Field Path Improvements	
	Fund improvements to Bridleway Bicester 9 and Bucknell 4	
26	Highway Works	
	Temporary access off Howes Lane with linking footway and pedestrian crossing of Howes Lane. Provision of part of the Strategic Link Road, in line with the details to be agreed under S278 for the whole road, as required by the Strategic Highway Agreement.	
27	Village Traffic Calming	
	Contribution to funding village traffic calming	
28	Travel Plan	
	Provide and agree a travel plan Provide funding for travel plan monitoring	
29	Monitoring	
	Provide scheme of monitoring eco town standards	
30	Bond/Guarantee	
	Provide bond or guarantee for the delivery of the infrastructure	
31	Monitoring fees	
	Provide a fee for monitoring of legal agreements	
32	Drainage	
	SUDs to be provided on site	
33	On site internal roads/ streets	
	Commuted sums for road adoption will be applicable Agreement to secure internal roads and vehicular, bus only and pedestrian/cycle linkages to adjacent Northwest Bicester sites.	
34	Zero Carbon	
35	Building Standards	
36	Closure of the temporary access from Howes Lane once the realigned Howes Lane is open and available for use	
37	Eco Town Quality Standards	
	That development will be to eco town standards or other higher standards, relevant at the time, and the "quality" of the development shall be supported through assessments of schemes by an independent expert panel which shall consider the schemes approach and compliance with: <ol style="list-style-type: none"> (a) the proposed Masterplan; (b) the design standards; (c) the sustainability standards; (d) the proposed governance arrangements; (e) the proposed maintenance arrangements; (f) the proposed "Panel" arrangement for resolving issues and dealing with changes in standard; (g) measures to ensure delivery of panel decisions 	

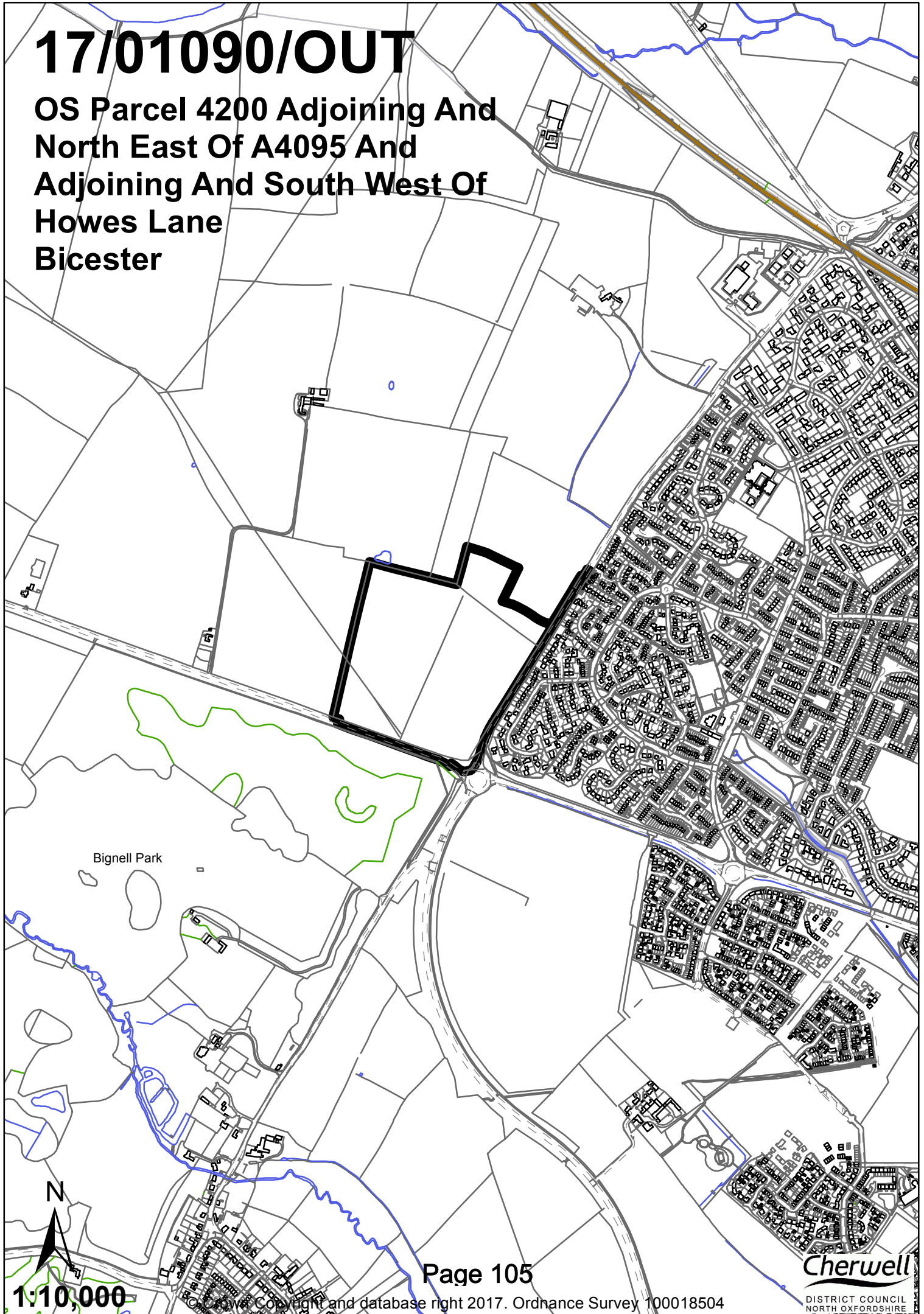
Agenda Item 9 17/01090/OUT

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



17/01090/OUT

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:	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.		
Ward:	Bicester North And Caversfield		
Councillors:	Cllr Nicholas Mawer Cllr Lynn Pratt Cllr Jason Slaymaker		
Reason for Referral:	Major Application and Departure		
Expiry Date:	4 September 2017	Committee Date:	6 July 2017
Recommendation:	Approval; subject to the requirements at the end of this report		

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is situated to the North West side of Bicester at the junction of the Middleton Stoney Road and Howes Lane and sits adjacent to the build edge of the existing western extent of the town but is separated from it by Howes Lane. The site sits within the extent of the allocated site Bicester 1 in the Adopted Cherwell Local Plan which seeks to achieve a new zero carbon mixed use development including 6000 homes.
- 1.2. The land extends to 14.47ha in total and is currently in agricultural use with field margins formed from trees and hedgerows and a block of woodland on the edge of the site area. Adjacent to the site to the north and west is agricultural land, which forms part of the allocated site, to the south is Bignell Park, to the south east is the new development currently under construction at Kingsmere and to the east is the existing edge of Bicester. In terms of site constraints, there are trees protected by a preservation order on the site, there are records of ecological interest nearby, Bignell Park, an ecologically important landscape sits opposite the site and there is some potential for the land to be contaminated. The land slopes down from west to east.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application seeks outline planning permission with all matters reserved except for access. The proposal seeks to establish two employment zones, the larger to be accessed via a new junction from the Middleton Stoney Road (referred to as Plot 2)

and the smaller to be accessed via a temporary access from Howes Lane, pending the completion of the proposed realigned Howes Lane (referred to as Plot 1). Once the realigned route opens, the temporary access would be closed to motor vehicles. The Planning Statement advises that the proposed mix of uses has been determined on the basis of Market Evidence from Colliers (a copy of which is submitted within the application), which identifies particularly strong demand for B8 floorspace in the Bicester area, together with some latent demand for B2 floorspace. The application is for B1, B2 or B8 uses and therefore seeks a flexible consent. However the Environmental Statement, transport assessment and other supporting documents have assessed a mix of B8 (storage and distribution) 37,100 sq.m maximum 70%, B1c and B2 (light and general industrial) 15,900 sq.m maximum 30% and B1a (Office) 5,300 sq.m maximum 10%.

- 2.2. Other associated infrastructure including, landscaping, parking and service areas, balancing ponds and swales, associated utilities and Green infrastructure are proposed and demonstrated on the proposed parameter plans. The application demonstrates a total of up to 53,000 sq.m of flexible employment provision. Importantly, this application includes part of the land required for the realignment of Howes Lane and the second application submitted by Albion Land (17/00455/HYBRID) also provides a section directly. The two applications submitted by Albion Land, alongside the outline applications submitted by A2 Dominion (14/01384/OUT and 14/01641/OUT) would establish the principle of and secure the land for the realigned road in line with the Masterplan. Planning permission has been resolved to be approved for the delivery of the realigned road and tunnel infrastructure (14/01968/F).
- 2.3. The application is accompanied by a set of parameter plans to establish various matters and an illustrative layout is also provided. The application seeks parameters for the commercial development of up to 16m in height to the ridge. 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	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	Application Refused

covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access of Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (G1); provision of sustainable urban systems (suds) incorporating landscaped areas with balancing ponds and swales. Associated utilities and infrastructure.

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
17/00455/HYBRID	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.	Pending Consideration

3.2 Planning application 14/01675/OUT was reported to Planning Committee in January 2016 with a recommendation for approval. The application was deferred by Members at the January 2016 committee in order to allow Officers time to negotiate with the applicant in response to Member concerns expressed at that meeting relating to the use class mix. The application was reported back to Planning Committee in June 2016 with a recommendation for approval, on the same basis that was presented to Planning Committee in January 2016. Members resolved to refuse the application for the following reasons:

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.
- 3.3 An appeal pursuant to 14/01675/OUT was subsequently lodged and is scheduled to be heard at a public inquiry in September 2017.
 - 3.4 Following the issue of 16/00114/SO (a screening opinion submitted pursuant to the proposal for a residential development), 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.
 - 3.5 Application 17/00455/OUT was reported to Planning Committee on the 15 June 2017 but was deferred to be considered alongside this application. It therefore appears elsewhere on the committee agenda and is recommended for approval.
 - 3.6 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	Application

	<p>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 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.</p>	Permitted
14/01384/OUT	<p>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</p>	<p>Pending Decision – resolution for approval made at Planning Committee in March 2015</p>
14/01641/OUT	<p>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</p>	<p>Pending Decision – resolution for approval made at Planning Committee in October 2015</p>

14/01968/F	Construction of new road from Middleton Stoney Road roundabout to join Lord's Lane, east of Purslane Drive, to include the construction of a new crossing under the existing railway line north of the existing Avonbury Business Park, a bus only link east of the railway line, a new road around Hawkwell Farm to join Bucknell Road, retention of part of Old Howes Lane and Lord's Lane to provide access to and from existing residential areas and Bucknell Road to the south and associated infrastructure.	Pending Decision – resolution for approval made Planning Committee in 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 2017

4. PRE-APPLICATION DISCUSSIONS

- 4.1. Following the refusal of 14/01675/OUT, informal discussions have been undertaken between Officers and the applicant both in relation to the appeal and the residential and commercial 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 15.06.2017, 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:

10 letters of objection

- Flooding – the proposed development could lead to flooding to the south
- Previous objections made should be taken into account

- The plan has hardly changed from that previously refused.
- Commercial development would be out of context with the residential development.
- Impact of noise and disturbance on nearby residential properties from 24 hour working
- Policy B1 states that limited B2 and B8 uses to be provided where it does not adversely affect residential uses.
- The existing highway network and the proposed highway improvements will not cope with the level of traffic generated by the proposed development.
- This site is considered more suitable for hi-tech B1 business uses.
- The employment floor space and enormity of the warehouse site is immense.
- There are other possible sites in and around Bicester where B8 could be sited away from residential uses.
- The uses and construction traffic would cause noise pollution and harm to the air pollution of the area due to movement of trucks.
- Noise and air pollution could be caused from industrial machinery
- The requirement for flood lighting on the site would cause harmful light pollution
- Existing traffic on Howes Lane already causes disruption to residents in the locality.
- Temporary access should not be allowed. The access from the Middleton Stoney Road/ the realignment of Howes Lane should be built first.
- The temporary access could retained in the long term. Where is the assurance that this will be removed?

5.3 OTHER THIRD PARTIES

Portfolio Property Partners: Object to the application.

- It is considered that an inappropriate Class B8 use development should not be granted planning permission because the land forms part of the Strategic Road Improvement Scheme.
- The level of employment use proposed in the application is contrary to Policy Bicester 1 – seeking use classes B1, with limited B2 and B8 uses.
- The level of B2 and B8 employment floor space across the NW Bicester site, amounting to 79% of the total employment across the site, cannot be considered as “limited”.
- Class B8 will produce relatively little employment opportunity compared to other uses. Do not agree that there is no demand for B1/B2 uses.
- The proposed sheds in terms of scale, height and excessive bulk will appear overwhelming in terms of scale and impact. The proposed development will have a significant impact on the landscape setting contrary to Policy Bicester 1.

- The existing and new planting will not screen the sheds sufficiently to mitigate their visual impact. The proposed buffers are not considered sufficient to allow for appropriate landscaping required to mitigate the proposal.
- The application should be amended in accordance with CDC Landscape officer's advice.
- The 50m buffer between the site and the adjacent GCN ponds should be provided.
- The planning application has not assessed the critical Howes Lane and Bucknell Road Junction, does not demonstrate the delivery of a 3.0m combined footway and cycle way between Himley Village and access to the site from Middleton Stoney Road. It is considered these are required in the Transport Impact Assessment.

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

6.0 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. **Middleton Stoney Parish Council:** Objects to this proposal and provides the following summarised comments.

- The proposal contains provision for 4.5ha of residential land which will fall within the scope of the overall eco town development. Given the number of homes expected within the plan period (to 2031) and the other applications already submitted, a further application to provide 150 units is surely premature.
- In respect of the B8 proposal, it is considered this is a wholly inappropriate location for buildings of the size and design proposed. The build height is unreasonable and will blight the adjacent residential area.
- The development is likely to attract a considerable volume of traffic and there is concern that traffic (especially HGVs) accessing the site from the North will leave the M40 at junction 10 and pass through Middleton Stoney adding to the existing problems at the cross roads in the centre of the village
- If this is to be supported then a routing agreement must be in place for HGV traffic using the site so that such traffic will not be able to access the site through Middleton Stoney. This must also apply to construction traffic.
- The proposal to build on, currently productive agricultural land next to and including residential development will blight the area to an even greater extent than the planned eco town development.
- There are a considerable number of unused industrial sites in Bicester which should be considered for redevelopment in preference to the proposed greenfield site. Alternatively, brown field sites would be more suitable and provide less damaging and disrupting access to the M40/ rail network. Whilst it is considered that the town has enough warehouses, if more are required, they could be located amongst others that exist and which offer better transport connection. Alternatively, the development could be accommodated at Graven Hill and the Bicester Business Park.
- The final approval for the North West Bicester Masterplan has not yet been given. Only at that stage will the totality of the eco town be clearly defined and

understood. As such, it is considered premature to consider an employment site of the scale proposed.

- The Bicester Masterplan, which is currently the subject of a consultation process provides for 'sites location in North West Bicester 'eco community' for businesses which have strong eco credentials and wish to be located in the very heart of this special place'. It is strongly believed that this proposal has few eco credentials, most particularly it will generate traffic, not reduce it.
- The applicant claims that significant job creation will ensue under the criteria laid down within the eco town concept. The Parish Council fail to see that this will be the case given the nature of the proposals. Such jobs as may be created will, initially, if not then permanently, be taken up by people currently living outside Bicester since no part of the eco town has yet been built.

CHERWELL DISTRICT COUNCIL CONSULTEES

6.3 **Cherwell District Council Landscape Officer:** Comments on the Landscape and Visual Impacts Assessment, Mitigation and Landscape Proposals.

- The LVIA has been considered as its methodology, results and conclusions are agreed with.
- There are significant landscape and visual effects associated with the western and northern elevations. Appropriate mitigation is advised
- Mitigation Measures/Design Influences - In terms of visual effects on future Ecotown residential receptors the western boundary's woodland proposed should be widened to 25 m where it tapers, to accommodate more woodland planting and earth mounding to increase the height of the woodland screen against the elevation, for the benefit of these receptors.
- Landscape Effects - I accept the results of the Landscape Quality and effect in respect of, Bicester suburban residential, Chesterton Village and Agricultural Land. However, the setting of the Estate Parkland /Bignall Park receptor is a concern. The juxtaposition of warehousing/articulated lorries to Bignall Park is a concern. A greater depth of woodland planting on the Middleton Stoney Road is essential, with the inclusion of similar mature evergreen tree species to provide visual association with the Bignall Park's woodland structure. 25 m minimum width is necessary to achieve the desired effect. The warehouse units on the western corner and Middleton Stony Road should be set back 25 m. The building elevation being set back from the road by 40 m, with the appropriate woodland mitigation planting will be acceptable in terms of impacts and effects on Bignall Park and visual roadside receptors.
- Landscape Proposals - As per usual, hard and soft landscape proposals are required to ensure the appropriate level of landscape mitigation and amenity is achieved, with a supporting landscape management plan to ensure the landscape scheme is established and maintained over of 25 years, and beyond.
- Comments set out full detail of required planting and maintenance to comply with good landscape practice

Additional landscape comments

- The requirement for a 15m landscape buffer to the building for the benefit of road users has not been clarified in the amended parameter plan. The alignment of the road should be confirmed at 15m at this stage given the structural plantings purpose to visually mitigate the visual impact and oppressiveness of the buildings potential 16m elevation.
- The 25m landscape buffers along the southern and western boundaries of the site are acceptable.

6.4 Ecology

Comments dated the 31st May 2017

- The measures to aim to achieve a biodiversity gain on the site are welcomed.
- The biodiversity Impact Assessment undertaken for the site is welcomed, however, there are several changes recommended. The amendments may result in a net loss to biodiversity as a result of the proposed works (due to removal of a large section of hedgerow across the centre of the site). The proposed semi-improved grassland areas are unlikely to reach a condition of 'good' in 10 years.
- The extended phase 1 Habitat survey and protected species assessments undertaken to inform the application are considered sufficient, however further protected species surveys are recommended by condition.
- Access was not granted to the off-site ponds to undertake an updated GCN survey, However, previous surveys identified a medium population of GCN in the pond to the NW. In line with the biodiversity strategy, a vegetated buffer zone of 50 metres around the GCN breeding ponds should be incorporated into the layout and landscaping. Current buffer in place offers 30m if this cannot be increase then suitable habitat maximised within this area by the provision of tussocky grassland, scrub and dead wood.
- The proposed buffer zones of at least 10m of the majority of the retained hedgerows, mainly through the proposed native hedge and shrub planting. However, hedgerow 3 does not appear to be buffered from the development and therefore an appropriate buffer in line with the Biodiversity Strategy of the Masterplan.
- A badger sett record is also present near the pond and an updated badger survey will be required by condition to inform if mitigation is required prior to works commencing.
- A further bat survey of trees to be removed is also required, in particular T3 which has been identified as having high bat roost potential and T4 moderate potential for bats.
- An updated reptile survey on site would also be required by condition to update the 2012 survey which found a low population of common lizard.

Comments date 19th June 2017

- The BIA calculation has been undertaken appropriately, however there is a concern regarding the condition assessment for the wildflower grassland unless they would be undisturbed. This would result in an overall loss to biodiversity and this would need to be mitigated elsewhere or via an offsetting scheme.
- The mitigation proposed for the loss of farmland bird habitat is welcomed and should be secured through the S106.
- The outline GCN provided is considered acceptable due to the extent of proposed habitats including tree, shrub and wildflower meadow creation proposed on the site.
- The assessments of the residual impacts on habitats and species within the Ecology section of the ES are largely appropriate. However updated surveys are required and mitigation strategies for protected species on site should be included within the Construction Ecological Management Plan.
- A Landscape and Habitat Management Plan should be sought and should follow the recommendations set out within the Biodiversity Strategy.
- Welcome that the proposed lighting scheme will be sensitively designed to avoid impacting foraging/ commuting routes along the existing and proposed hedgerows and areas of open space.
- Conditions are recommended.

- Following these comments, discussion was undertaken and an agreed approach to consider both applications made by the applicant (17/00455/HYBRID and 17/01090/OUT) was made given all land is within the applicants control.

Comments dated the 21st June 2017

- Generally agree with the BIA Calculation, however, suggest that private garden areas should be recorded as either reaching 'poor' or 'moderate' condition in 5 years, rather than 'good' as there is no control over their management.
- Overall, the BIA calculation does not represent a significant biodiversity loss in this case given the area overall and taking into account other measures proposed.
- It appears that the hedgerows along Middleton Stoney Road will be removed and replaced by new hedgerow planting. I largely agree with the linear impact assessment calculation, however I have one discrepancy which is from my calculation I make it a total of approx 675m of hedgerow is proposed to be planted on the two sites, rather than 910m shown. However it appears that there may be scope to retain hedgerows H1 and H2 and if these can be retained it appears that overall there would be no net loss. Also the proposed dense native tree and shrub planting in the commercial site does mitigate partly for loss of the connective habitat provided by the existing hedgerows, provided these are sensitively managed and maintained as 'dark corridors' in the detailed design. If H1 and H2 are proposed to be removed there would appear to be a small net loss across the two sites, and I would therefore strongly recommend retention of these hedgerows as a linear corridor along the northern boundary of this site for habitat connectivity.

Comments dated 26/06/2017

- The update to the calculation and clarification of the target conditions for the residential gardens and confirmation regarding the retention of hedgerows is noted. Taking the change of the target conditions into account, the BIA calculation shows an overall gain of 0.78 units across the two proposed developments (combining the residential and commercial sites). This is considered acceptable. The proposals should be recalculated at the detailed design stage to ensure there will be an overall gain within any detailed landscaping scheme.

6.5 **Business Support Unit:** It is estimated that this development has the potential to secure Business Rates of approximately £1,144,800 per annum under current arrangements for the Council.

6.6 **Arboricultural:** No comments received to date

6.7 **Environmental Protection:**

Contaminated Land: Conditions to allow for the risk from land contamination to be considered and the assessment and proposals to demonstrate the development is suitable for use with regard to land contamination are provided to the LPA.

Air Quality: Conditions are recommended to ensure the risk from the development on local air quality are considered. It is noted that the assessment does not take into account sensitive receptors where the nitrogen dioxide objective is already being exceeded in its assessment of the risk from this pollutant and this should be considered further and another assessment provided. This should have regard to the air quality action plan and include a damage cost calculation and emission statement within it. conditions are recommended to require a further assessment

and for measures to be incorporated into the development which facilitate the uptake of electric vehicles. The mitigation measures for dust are acceptable and they should be provided within a Construction Environment Management Plan.

Noise: Construction noise should be addressed through a CEMP condition. Some mitigation proposals can only be detailed when the finalised site layout is known at the reserved matters stage with screening of noise done where practicable or using service yard management plans where it is not. Noise screening measures should be considered in detail as part of the design of the site at an earlier stage than reserved matters to ensure noise is adequately considered. Given the size of the site, there is the opportunity to ensure that adequate consideration is given to ensuring noise levels are controlled through layout consideration that screens noise from sensitive receptors. Again, mitigation measures should be provided at an earlier stage than reserved matters to ensure these are understood in time to ensure they can still be undertaken as part of the design of the site.

6.8 OXFORDSHIRE COUNTY COUNCIL CONSULTEES

Transport

- No objection subject to conditions and legal agreement
- 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.
- Additional bus journeys on the 25A service to accommodate shift working - £150,000 to cover a likely four year period before the site can be served by the strategic NW Bicester bus service.
- Contribution to cover the cost of bus stop infrastructure within the site to cater for the future NW Bicester bus service, and new bus stops on the Middleton Stoney Road.
- Contribution to cover the cost of monitoring the travel plan over a five-year period = £2,040
- Access arrangements including footway/cycleway, bus stops and crossings – S278 prior to commencement, delivery prior to first occupation.
- 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 legal agreement. The route of the realigned road will go through the Albion Land site. 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.

- With regard the amount of development that is acceptable prior to the Strategic Link road, this has been agreed for some time to be 900 homes (including the Exemplar site) and 40% of the employment across the wider NW Bicester site. During consideration of 14/01675/OUT, various amounts of development were put forward for consideration as being acceptable prior to road and tunnel. On the basis that the applicant's intention was to deliver all 150 dwellings before the tunnel and strategic link road are in place, it was agreed that a traffic input into the critical junction of **50% of the employment floorspace** would be acceptable.
- The Howes Lane/Middleton Stoney Rd/Vendee Drive roundabout is expected to be over capacity, with a max queue of 13 vehicles on the Howes Lane arm in the 2022 base scenario (am peak). The proposed development would add 9 vehicles to the queue and overall this temporary impact is unlikely to be one which could be considered severe.
- Removal of temporary arrangements once strategic link road is open
- OCC would like to secure improvements to the existing bus service to provide additional journeys before the strategic bus route is in place. Contributions sought for strategic bus route delivery.
- Routing agreements required to minimise HGV impact on Homes Lane and Middleton Stoney Road.
- A detailed drainage condition is recommended

6.9 **OCC Bicester Members** also wish to reiterate the following concerns:

- This application is for the same development that was refused for being contrary to the Local Plan which requires “B1, with limited B2 and B8 uses”
- 16 metre warehouses will not be in keeping with the surrounding existing and future residential areas
- If allowed, there should be no temporary access onto Howes Lane; access would be off the Middleton Stoney Rd or from the new section of the realigned road off the Middleton Stoney Road roundabout
- Developer must contribute to the strategic infrastructure.

6.10 **OCC 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.

6.11 **OCC Economy and Skills**

- Up to 70% of the employment space is given over to B8 uses (warehousing) which may result in very low ratios of number of jobs to floor-space. This is contrary to Cherwell Local Plan Policy Bicester 1 which states that employment use classes within the North-West Bicester site should be “B1, with limited B2 and B8 uses”. In order to achieve a balance of employment types across the town, the storage and distribution uses proposed would be better suited to sites such as Graven Hill.

- The development is expected to create 900-1,200 new jobs. This is inconsistent with the North-West Bicester Masterplan Economic Strategy which states that up to 2,000 jobs could be accommodated on the application site (NW Bicester Masterplan Vision and Objectives, May 2014 p94).
- If the application is permitted, the developers will be required to prepare and implement a Community Employment Plan

EXTERNAL CONSULTTEES

6.12 **Environment Agency:** No objections to the proposed development

The Environment Agency (EA) has a regulatory role in issuing legally required consents, permits or licences for various activities. We have not assessed whether consent will be required under our regulatory role and therefore these comments do not indicate that permission will be given by the EA as a regulatory body.

The applicant should contact the EA to establish if consent will be required for the works they are proposing.

6.13 **Thames Water:** No objection to the proposal subject to conditions.

- With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approved the application ahead of further information being provided, we request that a condition is applied to seek a drainage strategy prior to development commencing.
- An informative should be imposed relating to water pressure, and to the location of public sewers crossing the site and close to the development.
- With regard to waste water, Thames Water has been unable to determine the waste water infrastructure needs of this development due to insufficient information. Further details are required to determine impact on local local sewer network. Customer is required to provide (1) peak foul water discharge rate to the public sewer and (2) the point of connection on the public sewer.
- With regards to surface water run-off from this site, Thames Water has reviewed the drainage document provided "SITE SPECIFIC FLOOD ASSESSMENT" and have no objection to the proposal to manage surface water run-off using SuDS and discharge to existing ditch on Howes Lane.

6.14 **Network Rail:** Network Rail 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. Construction traffic passing under the bridge (e.g. HGVs, high sided vehicles, vehicles carrying house frames) could strike the bridge impacting the safe operation of the railway.

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:

7.3 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

7.4 CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

TR10: Heavy Goods Vehicles

C28: Layout, design and external appearance of new development

C30: Design Control

7.5 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 been 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

8. APPRAISAL

8.1 The key issues for consideration in this application are:

- Relevant Planning History
- Environmental Statement
- Planning Policy and Principle of Development
- Adopted Local Plan and NW SPD
- Eco Town PPS Standards
- Employment
- Zero Carbon
- Climate Change Adaptation
- Transport
- Healthy Lifestyles
- Local Services
- Green Infrastructure
- Landscape and Historic Environment
- Biodiversity
- Water
- Flood Risk Management
- Waste
- Master Planning
- Transition
- Community and Governance
- Design
- Conditions and Planning Obligations
- Other matters
- Pre-application community consultation and 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 set out there. This sought permission for two distinct forms of development – a commercial and a residential element. This was refused by the Council's Planning Committee and there is a pending planning appeal in progress.

8.3 This application covers the commercial elements of the scheme (with the residential considered separately under application 17/00455/HYBRID).

8.4 The current application has an amended description which seeks consent for B1, B2 and B8 uses, however the assessment is for 70% B8 uses which is essentially the same as the commercial elements that formed part of the refused application. Should Members resolve to approve both the residential and this application and a timely decision issued (which also relies on the necessary S106 agreements being completed satisfactorily, the agreements for which have progressed), the applicant has indicated their willingness to withdraw the planning appeal.

Environmental Statement

8.5 The application is supported by an Environmental Statement given the proposal is EIA development. The scope of the EIA considers in detail the following topics: ecology, light and light pollution, traffic and transport, air quality, noise and vibration, socio economics, landscape and visual assessment 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.

- 8.6 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 just before the introduction of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the 2011 regulations remain the relevant legislation.
- 8.7 The NPPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. The information in the ES and the consultation responses received has been taken into account in considering this application and preparing this report.
- 8.8 The ES identifies mitigation and this needs to be secured through conditions and/or legal agreements. The conditions and obligations proposed incorporate the mitigation identified in the ES.

Planning Policy

- 8.9 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

- 8.10 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, employment, 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

- 8.11 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.

- 8.12 The Masterplan identifies the land subject to the current planning application for commercial/ business uses as well as indicating the alignment of the realigned Howes Lane strategic link road.

Cherwell Local Plan 1996

- 8.13 The Cherwell Local Plan 1996 includes a number of policies saved by the newly adopted Local Plan, most of which relate to detailed matters such as design and local shopping provision. The policies of the adopted Cherwell Local Plan will be considered in detail through this appraisal.

Eco Towns Supplement to PPS1

- 8.14 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

- 8.15 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. This includes objectively identifying and then meeting housing, business and other development needs of an area and responding positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability and set a clear strategy for allocating sufficient land which is suitable for development in their area.

Principle of the Development

- 8.16 Given the above, it is concluded that a commercial 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 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

¹ Unless material considerations indicate otherwise

- 8.17 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.

Employment

- 8.18 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 to set out facilities to support job creation in the town. 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.
- 8.19 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 guides Local Planning Authorities in drawing up Local Plans, which should set out a clear economic vision and strategy for the area which positively and proactively encourages sustainable economic growth and should set criteria, or identify strategic sites for local and inward investment to meet the strategy and meet anticipated needs over the plan period. 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.
- 8.20 The Adopted Cherwell Local Plan makes it clear that the Plan overall aims to support sustainable economic growth and that increasing the economic competitiveness of the District is fundamental to providing employment opportunities to shift towards a more sustainable economy. In order to do this, objectives are set to support the local economy and to foster economic growth. The Plan identifies the type of employment the District seeks to attract, including that relating to advanced manufacturing/ high performance engineering, the Green Economy, innovation, research and development, retailing and consumer services. It also identifies support for the logistics sector providing a high quality design can be achieved. The plan uses the SHMA Economic Forecasting report to identify the amount of employment land needed and in these terms it identifies that significant employment growth at Bicester will be encouraged.
- 8.21 Policy SLE1 of the Adopted Cherwell Local Plan seeks to protect existing employment land and buildings for employment uses (B class) and allows for an allocation of sites to increase the amount of employment land in the District. It is identified that this is focused mainly at Bicester in order to match the growth in housing and make the town more sustainable. The plan includes a flexible approach to employment with a number of strategic sites allocated for a mix of uses. At Bicester, there are 6 sites where strategic employment uses are identified (Bicester 1: North West Bicester - a minimum of 10ha within use Classes B1, with limited B2 and B8 uses, Bicester 2: Graven Hill - 26ha in mixed use classes B1, B2 and B8,

Bicester 4: Bicester Business Park - 29.5ha in use class B1(a), Bicester 10: Bicester Gateway - 18ha in use classes B1 Business Uses, Bicester 11: Employment Land at North East Bicester - 15ha in use classes B1, B2 and B8 and Bicester 12: South East Bicester - approximately 40ha in mixed use classes B1, B2 and B8 - primarily B8 uses). The land has been allocated taking account of the economic evidence base, matching growth in housing and to cater for company demand whilst ensuring a sufficient employment land supply. It emphasises that careful consideration must be given to locating housing and employment in close proximity to avoid harmful impacts upon the residential amenity of neighbouring properties. The identification of sites to meet the anticipated economic needs is in line with the NPPF.

8.22 In respect to the above allocated sites, it is noted that applications that include employment development have been made for land at Bicester 2, Bicester 10, Bicester 11 and Bicester 12. With regard to Bicester 4, which provides for B1 (a) office use (and a hotel C1), this site benefits from planning permission granted in 2010 for these uses but has not yet commenced albeit the consent is extant, being due to expire in October 2020 (application number 07/01106/OUT). Whilst the permission included conditions to control the phasing of development, partly linked to offsite highway works, no development has occurred to implement the B1 uses on the site, which could indicate a lack of demand for this type of accommodation. As Members will be aware, permission has been granted for a Tesco store on part of this site, and as part of the Officer report relating to the original application for this store (12/01193/OUT), it is stated that the Applicant considered that the proposal would act as a catalyst for the rest for the site for the intended office use due to the extent of the highway works proposed. The report also considered the wider masterplan for the Business Park and considered that the Tesco store would not preclude the development of the rest of that site. A more recent application has been made for a drive through restaurant on part of the site (17/00889/F) adjacent to the supermarket petrol filling station. This site is therefore available for employment uses within Class B1. It is also worth mentioning application 16/02586/OUT, which has a resolution for approval for development on the allocated site Bicester 10. That development contains 14,972 sqm of B1 floorspace and a hotel on part of the allocated site. The hotel aims to facilitate further class B1 development across the rest of the Bicester 10 site.

8.23 As referred to above, Policy SLE1 requires employment proposals on allocated sites to meet the relevant site specific policy. Policy Bicester 1 specifically seeks with regard to employment (in detail):

- a minimum of 10 ha, comprising business premises focused at Howes Lane and Middleton Stoney Road
- employment space in local centres
- employment space as part of mixed use centres
- 3000 jobs, approx. 1000 B class jobs on the site (within the plan period)
- It is anticipated that the business park at the South East corner of the allocation will generate between 700 and 1000 jobs in use classes B1, B2 and B8 early in the plan period
- A carbon management plan produced to support applications for employment developments
- An economic strategy demonstrating how access to work will be achieved and to deliver a minimum of 1 employment opportunity per dwelling easily reached by walking, cycling or public transport
- Mixed use local centre hubs to include employment
- Non-residential buildings to be BREEAM very good and capable of achieving excellent

- 8.24 In finding Policy Bicester 1 of the Local Plan sound, the Inspector commented 'However, in order to respond to market signals and provide some flexibility to encourage new investment and implementation, it would not be reasonable or appropriate to seek to restrict all employment development to B1 uses only'.
- 8.25 The Local Plan is supported by a suite of evidence, including that relating to Economic Development and the Council also has an Economic Development Strategy. The Economic Analysis Study (August 2012) (EAS) identifies the existing baseline conditions within the District which show that the District has high economic activity yet low growth with a relatively resilient economy. In terms of growth, the District appears to be underperforming, particularly in higher value sectors and it is identified that there is scope to improve the economic competitiveness. The document sets aspirations for the type of new development that will be encouraged drawing on the District's advantages of being very accessible and part of the Oxfordshire economy. It also notes the North West Bicester Eco town, which it suggests could act as a catalyst for new inward investment through the development of skills, expertise and innovative 'eco regeneration' in the town and beyond. The Economic Analysis Study also considers the sub-regional context and identifies that office accommodation is concentrated in surrounding areas (London, the Thames Valley, Milton Keynes, Warwick) and it sets out that 'Cherwell could seek to encourage advanced manufacturing and logistics sectors rather than competing with areas for office development'. The assessment goes on to identify the District's four main employment sectors and recognises them for significant future growth. These are advanced manufacturing/ high performance engineering, the logistics sector, the green economy and innovation, research and development. The 2012 EAS was updated through the Local Plan process by way of a 2014 addendum. This continues to identify the potential for employment growth in Bicester based on the availability of relatively cheap accommodation and a growing labour supply in the bioscience, advanced engineering and warehousing and distribution sectors as well as in environmental technologies and construction. The addendum also generated estimates of jobs from the employment land allocations; these assumed a percentage split of activity on sites identified as mixed B uses of: 10% office, 30% manufacturing and 60% distribution. This assumption was based upon an understanding of the current market for such sites.
- 8.26 More recently, and as part of the partial review of the Local Plan Part 1, a new Strategic Economic Growth Study dated April 2017 forms part of the evidence base. This focusses on the interdependencies between the south of Cherwell District and the economy of Oxford City predominantly. This considers the existing economic profile of the County and District, finding that Cherwell benefits from high economic activity. The assessment continues to identify a need for capacity for economic activities and identifies that the District is anticipated to see significant increases in employment output within the knowledge intensive sectors. At Bicester, the approach identified is to exploit East-West opportunities and to bring forward existing allocations for major value added production based sectors, including green technology and large scale (business and growth led).
- 8.27 The Council's most recent Annual Monitoring Report (AMR) 2016 (dated March 2017) found that for the period 2015/16 significant gains of employment floorspace have been seen, albeit with the majority being in Banbury, with a net gain in Bicester of just 2,597sqm of employment floor space. The assessment considers the remaining allocated land, which in Bicester represents the allocated sites at Bicester 1, Bicester 4, Bicester 10 and Bicester 12. It notes the efforts the Council is making to bring forward strategic sites such as at Graven Hill and North West Bicester.

- 8.28 Cherwell sits within two Local Enterprise Partnership areas (Oxfordshire and the South East Midlands), both of which have produced Strategic Economic Plans seeking to support significant increases in employment growth. Furthermore, the Oxford and Oxfordshire City Deal, an agreement with the Government, seeks to support existing and new businesses to grow, whilst investment is made in innovation led growth, by accelerating the delivery of new homes and by increasing investment into the County.
- 8.29 In relation to North West Bicester, a Masterplan has been produced by A2 Dominion to ensure that a comprehensive development over such a large site can be achieved and to spatially plan where land uses across the site would be best placed. In order to achieve this masterplan, a number of studies were undertaken in order to assess what requirements there were and where they were best placed. The Masterplan identifies land to the South East corner of the site for a Business Park and this is reflected in Policy Bicester 1 as set out. The policy acknowledges that this area could generate 700 to 1000 jobs in use classes B1, B2 and B8 early in the plan period and accepts the site as being suitable as an employment site adjacent to the wider housing area, whilst being adjacent to road infrastructure that would serve it. Additional employment across the rest of the site is identified including within Local Centres, a small site to the west of the Avonbury Business Park and to the north of the railway line west of Lords Farm.
- 8.30 One study undertaken to inform the Masterplan was an Economic Strategy produced by SQW in March 2014. The overall aim for NW Bicester is to stimulate transformational change in Bicester's Economy and a number of objectives are set in order to do this. In doing this, a number of weaknesses in the local economy are proposed to be addressed, including the high level of out commuting, the need for educational qualifications and skill attainment levels to be improved and by securing land and modern business premises to attract new investment. The strategy identifies five broad sectors as the likely future drivers for Bicester's economy. These being eco construction, environmental goods and services, advanced manufacturing, high value logistics and business, financial and professional services.
- 8.31 The Masterplan Economic Strategy looked at the opportunities for employment on the NW site in the context of Bicester and the employment allocations elsewhere in the town. The report identified a number of objectives, including to support the creation of at least as many jobs as homes, to ensure as many as possible of those jobs are well paid, in growing sectors and firms, to support the creation of a cluster of firms and skills in Bicester in eco construction, and low carbon environmental goods and services, to encourage home working and other sustainable working practices, to ensure jobs are provided early in the development which match the employment skills available, to work with relevant organisations to promote Bicester and secure new, well-paid jobs for the town and to support skills development to match local employment opportunities. The strategy identified the opportunity for some 4600 jobs on site within a business park in the south west corner of the site, providing a mix of offices, high quality manufacturing and logistics space (approx 2000 jobs), around 1,100 jobs within local centres including 100 within the eco business centre, 200 jobs within the schools across the site, approximately 1,100 jobs created by residents working from home, around 100 jobs in retained farmsteads, and around 140 long term construction jobs. Around 1000 local service jobs would also be created in Bicester to serve the demands of residents of the development and many of these would be in the town centre and 400 jobs in firms in the target sectors of the development but located on other employment sites in the town. It also suggests that if on site employment densities prove to be lower than planned, some of the 4,600 jobs expected to be located on the NW Bicester development will need to be located elsewhere within the town, which should not be

problematic given the scale of employment land allocations around the town is well in excess of forecast demand. The economic strategy is supported by an action plan to include ways to support job creation (e.g. through apprenticeships schemes), in addition to the provision of employment land, which will support wide employment growth in the town.

- 8.32 The strategy considers how NW Bicester will contribute to the wider economic context by providing an attractive and supportive environment for people to live and work locally, to bring forward, early in the development, employment opportunities to address the shortage of high quality B Use Class accommodation in Bicester and which match existing employment skills, kick start the development of a new eco economy in the town capable of serving a wider area, support a transformation of the image of Bicester and it is identified that NW Bicester should provide a full cross section of job opportunities within Class B. The strategy identifies a number of sectors where there is the opportunity for jobs growth. These include a number of areas including eco construction and broader eco technologies, auto engineering, including motorsport and electric vehicles, opportunities related to the growth of the Oxfordshire high tech cluster, logistics to exploit the excellent strategic location and connectivity of Bicester, regional and local service functions related to population and economic growth in Bicester and the wider area, other existing and new businesses with growth potential, home based employment and new facilities.
- 8.33 The strategy finds that Local Property Agents report a serious lack of land which is available for business use and of modern flexible business premises and it notes firms that have left Bicester including First Line, a modern logistics company now based in Banbury. It also notes that Bicester is not an established office location and that there is limited interest from major office users in the town, however there is demand from smaller businesses for offices in a modern environment. The strategy therefore identifies that the most appropriate provision for employment on the site would be;
- Those that are a direct result of the development. This includes local services to serve the new population, construction jobs related to building NW Bicester, and jobs which are attracted to Bicester specifically because of NW Bicester
 - Those that are accommodated on NW Bicester because it provides the right type and quality of business accommodation in the right location. This includes some of those sectors identified as the future drivers of the economy, such as high performance engineering, other advanced manufacturing, high value logistics and financial professional and business services not serving a purely local market
- 8.34 The Economic Strategy cautions about being too restrictive with regard to the type of employment and states; 'It is important to ensure that onerous constraints are not imposed upon new businesses which would otherwise provide high quality jobs, but are deterred from investment on account of planning restrictions which do little to support the principles of NW Bicester. Companies will not be forced into locations which do not meet their operational requirements, and they are increasingly footloose. Companies have been lost to Bicester in recent years because the planning process has not been able to deliver suitable sites. The fact that land at NW Bicester may soon be available for development will not necessarily lead to new investment if the use of the land is unduly restricted.'
- 8.35 The overall Masterplan for North West Bicester is incorporated into an SPD. This includes 'Development Principle 5 - Employment'. This principle requires employment proposals to address a number of factors and for planning applications to be supported by an economic strategy, which is consistent with the masterplan

economic strategy and to demonstrate access to one new employment opportunity per new home on site and within Bicester. Each application should also include an action plan to deliver jobs and homeworking, skills and training objectives and support local apprenticeship and training initiatives. The SPD recognises that it is envisaged that larger scale commercial development within the land shown on the masterplan provides business space for offices, workshops, factories and warehousing (B1, B2 and B8 uses).

- 8.36 The application seeks permission for a flexible employment consent in order for the development to be marketed and tailored to suit the requirements of future occupiers. It is also confirmed that the uses would be deliverable early in the Plan period. The proposed mix of uses remains for a maximum of 70% of the proposed floorspace for uses falling within B8 up to 30% for B1c/ B2 and up to 10% B1a. The mix of uses proposed has responded to the market taking into account an opinion prepared by Colliers International. The market advice provided in 2012 identified that there is a need along the M40 and particularly North Oxfordshire, for high quality and purpose built facilities for office, research and development, manufacturing and distribution purposes. It was found that the size of the facilities proposed to be provided on the large employment plot would reflect market requirements for the area.
- 8.37 The advice has been reviewed and the view remains broadly the same now, essentially, there remains a strong demand for large scale employment floorspace to meet the need for high quality and purpose built facilities for office, research and development, manufacturing and distribution purposes. This continued demand reflects the growth in housing, that there will be a locally available supply of labour which will be desirable for industrial and warehouse occupiers, the commencement of development on other sites in the town demonstrates continuing demand and that there is evidence of good demand within the District and further afield for further industrial/ distribution space. Colliers list a number of industrial/ warehouse occupiers that they are aware of who are looking for space in the Bicester area including existing Bicester occupiers looking for larger space and companies looking to locate in the town.
- 8.38 With respect to office demand, Colliers advise that in their view, there are few potential large office occupiers that would consider Bicester as a suitable location as other areas (such as Oxford and its surrounding business parks) tend to be the focus. Colliers do recognise that there is some demand for office space in Bicester, but consider this to be for smaller accommodation. The note does however acknowledge that office demand within a multi-use facility is likely to be higher, with many potential occupiers likely to require approximately 10-30% floorspace of a building area as office space, which sits alongside logistics, research and development and assembly operations.
- 8.39 The Economic Strategy submitted with the application confirms that the proposal would deliver 53,000sqm of B8, B1c/B2 floorspace to meet evidenced demand and that this level of development can deliver in the order of 900-1200 jobs based upon the Homes and Communities Agency 2015 Employment Density Guide. This accords with the requirements of Policy Bicester 1 for the main employment area on the corner of the site. It is also predicted that around 230 construction jobs could be achieved over a three year construction period. Alongside this, the proposal would provide start up business space and provide an attractive and sustainable work space environment. It would also provide employment opportunities for local people within sustainable commuting distances. More broadly, the view is expressed that the scheme could increase spending locally, encourage skills development and stimulate further investment in the area.

- 8.40 The view therefore continues to be expressed on behalf of the applicant that the scale of the facilities proposed and the mix of uses would reflect market requirements and could be delivered early in the plan period. A commercial development with an alternative mix, particularly a higher proportion of B1a office uses, would be unlikely to be delivered in the current market.
- 8.41 As part of the refused application, the applicant provided additional information in relation to the modern logistics sector. Whilst this has not been re-submitted as part of the current application, Officers consider it is relevant to refer to this. That sought to argue that the characteristics of storage and distribution providing jobs for few people as unskilled labour with no career paths is now outdated. The modern logistics sector includes firms that support the changing pattern of the economy including the online retailing sector which expect well integrated supply chains that are well located to customers and also respond to the changing nature of manufacturing including the consolidation of items into the finished product. Logistics companies therefore support the overall supply chain and are critical to the competitive performance of firms. This has led to larger buildings required for distribution, the need for these buildings to house sophisticated high technology systems for tracking goods and personnel with sufficient skills to support this process, the changing nature of the type of goods that require distribution quickly and the increasing significance of just in time deliveries and the ability to accept returns. All of these changes have led to changes in the employment profile associated with this sector and it is anticipated that future changes will continue to evolve the sector still further.
- 8.42 The information submitted, set out the significant percentage of employment provided in the UK by the Logistics sector within a wide range of both skilled and unskilled jobs. This includes the need for greater man power for the handling, dispatching and dealing with the return of goods and more technical staff such as to support IT infrastructure, managerial roles and customer service, sales and engineering roles. This range of roles has resulted in a mixture of employment opportunities (including fulltime, part time, shift work and more casual roles) and that the logistics sector is a major provider of apprenticeship opportunities.
- 8.43 Policy Bicester 1 refers to two criteria for the type of employment expected at NW Bicester. The first is bullet point three under 'Employment' which states B1 with limited B2 and B8, which applies across the NW site as a whole. The second is bullet point four, which advises that 'it is anticipated that the business park at the South East corner of the allocation will generate between 700 and 1000 jobs in use classes B1, B2 and B8 early in the plan period' which refers specifically to the current application site. This point does not attribute any priority to any particular B use class type on the business park, instead indicating a mix of uses would be acceptable. That said, the number of employment jobs expected, would indicate a mix of uses that fall to a larger extent of B2/B8 uses rather than a high proportion of B1 floor space (particularly office space), as B1 office uses would be expected to yield a far higher number of job numbers.
- 8.44 The adopted SPD for NW Bicester describes how employment uses include a proposed business park on land at Middleton Stoney Road and Howes Lane, where larger scale commercial development was identified in the masterplan economic strategy to provide employment space for target sectors including the high value logistics, manufacturing and low carbon companies. The SPD also advises that planning applications for employment proposals should pursue target sectors as described above. This further emphasises that a mix of uses, which could include B8 uses (which logistics falls within), is expected.

- 8.45 Given the above, it is the view of Officers that the proposal can be considered to comply with Policy Bicester 1 in respect to the way employment is proposed. This is because the land area for the business space at Middleton Stoney Road/ Howes Lane exceeds 10ha, it forms a mixed use proposal on that site and it meets the identified number of jobs for that area of the site. In addition, as evidence suggests that the type of employment proposed meets market demand (and which is supported by the type of development sought by the SPD and Economic Strategy supporting the Masterplan), it is possible that the development could be realised early in the Plan period. The proposal identifies two employment 'Plots' and an indicative layout is provided demonstrating that it is possible the larger employment site could provide for larger scale buildings with small units possible on the smaller employment site. This demonstrates the opportunity for flexibility.
- 8.46 With respect to job numbers, and as explained above, the projection identified by the applicant meets the Local Plan Policy Bicester 1 targets for this area of the site and contributes to the 3,000 jobs the Policy anticipates across the whole site. The job number targets set out in Policy Bicester 1 are however lower than the job numbers anticipated through the Masterplan Economic Strategy (responding to the PPS target of 1 employment opportunity per new dwelling, accessible by public transport, walking and cycling), which provided for 4600 jobs across the whole NW Bicester site with 2000 at the South East Business Park. In this respect, it is anticipated that the job numbers quoted in the Policy would hold more weight than those anticipated in the Masterplan Economic Strategy (with the current proposal complying with the Policy requirements) and in addition, given the application seeks flexibility and end occupiers are not known, the total employment opportunities this site may provide are not yet confirmed (and could be higher than anticipated). It is also important to note that there are significant areas of land identified for employment uses around Bicester that would provide employment opportunities and these would be accessible by walking/ cycling and public transport.
- 8.47 With respect to the point within Policy Bicester 1, which refers to Use Classes B1 with limited B2/ B8, which applies site wide, it is necessary to consider other employment opportunities across the site. Employment opportunities elsewhere at NW Bicester generally fall within local centres and small business units. These areas would accommodate uses falling within B1, D2 and the A use classes. Based upon the information contained within the other planning applications made across the NW Bicester site, it could be argued that the proportion of B2/B8 uses would be limited when compared with other employment opportunities anticipated (which includes employment opportunities from B1 business parks, the Eco Business Centre, local centres, educational buildings, home working (some of which are likely to be considered B1) and construction jobs). Whilst these other uses would represent a mix of employment types and therefore there may not be a predominance of B1, it is clear that across the site a good range of employment opportunities are anticipated creating a wide range of opportunities that would contribute to the mixed use development sought. In the view of Officers, given the current proposal relates to only part of the NW Bicester site (and on the basis of the other opportunities across the site), it can be concluded that this proposal does not conflict with this policy requirement when viewed in the context of the whole site.
- 8.48 On the basis of the above and taking into account all evidence, it is considered that the proposal complies with the general thrust of Policy Bicester 1 and the NW Bicester SPD on the basis of the employment development proposed. The proposal would allow for a flexible mix of uses that are anticipated on this particular area of the site, providing job opportunities to meet those anticipated by Policy, within a form of development to meet market demand and could be delivered early in the plan period. In addition, the proposal complies with National guidance that seeks to build a strong, competitive economy to support sustainable economic growth. The

site would provide a significant number of job opportunities for the site within proximity to both the existing and new communities within walking/ cycling distance and/ or accessible by public transport helping to meet the PPS requirements.

- 8.49 Notwithstanding the above conclusions, Oxfordshire County Council Economy and Skills comments and concerns are highlighted above. The assessment provided is considered to address these concerns. It is suggested that a Community Employment Plan is required to support sustainable economic growth, provide opportunities to align new jobs created from a major development, the local labour market and skills providers as well as ensuring maximum benefits in terms of new jobs, apprenticeships, traineeships, work experience and local supply chains. In this regard, it is proposed to require a Training and Employment Management Plan and this will also commit to a certain level of construction apprenticeships through the S106. This will also respond to the Policy Bicester 1 requirement around the achievement of construction related apprenticeships.
- 8.50 The Policy Bicester 1 requirement for BREEAM standard 'Very Good' with the capability of achieving 'Excellent' will be discussed elsewhere in this appraisal but the application documentation commits to meeting the required levels. In addition, the issues of scale and quality of the development will be considered later in this report.

Zero Carbon

- 8.51 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.

- 8.52 This standard is higher than other national definitions of zero carbon as it includes the carbon from the buildings (heating and lighting = regulated emissions) as with other definitions, but also the carbon from the use of appliances in the building (televisions, washing machines, computers etc = unregulated emissions). This higher standard is being included on the exemplar development which is being referred to as true zero carbon.
- 8.53 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.'
- 8.54 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.

- 8.55 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.
- 8.56 The Cherwell Local Plan policy Bicester 1 identifies that new non-residential buildings will be BREEAM standard 'Very Good' with the capability of achieving BREEAM 'Excellent'. The determination of a planning application should be in accordance with adopted policy unless material considerations indicate otherwise.
- 8.57 The specific policy requirement for the development as a whole at NW Bicester to achieve zero carbon is defined as set out by the Eco Towns PPS. 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. All development is therefore expected to contain an energy strategy to demonstrate how the development could meet zero carbon standards. The intention is then to require further information, required by a S106 obligation to demonstrate how the zero carbon standards will be met once the details of the scheme are known. BREEAM is a sustainability assessment rating, which assesses the scheme against performance benchmarks including its energy performance.
- 8.58 In this case, an energy strategy has been provided which is a resubmission of the strategy that accompanied the previous outline application and this was reviewed for the Council by Bioregional. At that stage, the lack of a commitment to whether the development would be built to the PPS definition of zero carbon was raised. With regard to the commercial development, the strategy proposes that low and zero carbon technologies will be used to ensure the commercial buildings meet the requirements of BREEAM to meet the 'Excellent' rating for energy. Two options are provided based on the needs of the future end users of the buildings not being currently known. Neither option in the report appear to reach zero carbon level, the report considers that the use of PV may not be commercially viable and the report suggests that it is not proposed to connect the commercial buildings into the heat network; instead providing dedicated low carbon heat.
- 8.59 In addition to the strategy, a note has been provided to describe the measures that could be utilised in respect to specific sustainability and energy efficiency measures. This could include good practice air tightness and U values, heating systems to incorporate either a ground source heat pump or a biomass boiler, separate time and temperature controls for the office and warehouse areas of the buildings, naturally ventilated buildings rather than mechanical cooling and high efficiency light fittings and controls.
- 8.60 It is considered that the previous assessment with regard to this matter remains in that the lack of commitments and details made at this outline stage is of concern. At this stage, it is acknowledged that the scheme has some constraints in relation to the scale of the development as well as the uncertainty over who may ultimately occupy the commercial buildings. S106 obligations are therefore required to control this development such that additional energy information is required to be submitted and approved prior to development commencing. The achievement of zero carbon on the NW Bicester site overall is a key aspect of this site having been designated as an Eco Town and via the allocation at Bicester 1. It is critical that this development meets the required standards in order to contribute to the site as a whole meeting the aspirations of the Eco Town. The applicant's commitment to meeting the required BREEAM standards is positive but the zero carbon standards are important and will require active measures, to be secured through additional information to meet that standard.

Climate Change Adaptation

8.61 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.

8.62 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.

8.63 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.

8.64 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

8.65 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.

8.66 The submitted design and access statement considers how the future commercial buildings (in particular the office elements) could be designed to avoid the need for mechanical cooling, be orientated to minimise solar gain whilst attempting to maximise natural daylight (to reduce the need for artificial light), to provide effective solar shading for south facing windows, to include natural ventilation and consideration of the thermal mass of the building. It is considered that the information so far provided in relation to how future buildings could be designed in order to both respond to future climate scenarios and its energy efficiency provides a good basis for the negotiation of buildings at the detailed design stage that minimise future vulnerability to climate change.

Homes

- 8.67 There are a number of PPS standards relating to homes at NW Bicester including building standards and the provision of affordable housing. This particular application does not contain residential development and therefore it is not necessary to consider in detail these particular standards for this planning application.

Transport

- 8.68 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 also 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.
- 8.69 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).
- 8.70 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.
- 8.71 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.
- 8.72 '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.

- 8.73 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.
- 8.74 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.
- 8.75 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

- 8.76 The application is an outline proposal with all matters reserved except for access. The access matters to be considered at this stage include the provision of an access from Middleton Stoney Road to the larger of the two employment sites the provision of footway/ cycle infrastructure and a temporary access from Howes Lane to serve the smaller employment parcel.
- 8.77 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 show, with regard to the temporary access, a vehicular route of 7.3m and a footway leading to the proposed signalised crossing linking to footpath 129/15 which connects through to Wansbeck Drive and access provided to the small employment site. With regard to the Middleton Stoney Road, the access would represent a priority T junction with the road widened to create a right hand turn lane and the footway extended on the northern side of Middleton Stoney Road linking to the roundabout. Bus stop infrastructure is also identified, with the bus stop for the west bound bus to be accommodated on road (and an island provided in the road to aid safe crossing) and with a bus stop layby provided for the east bound bus. The proposal also plans to deliver the western permanent footway/ cycleway that runs alongside the strategic link road to provide access around the site. The application does not propose to deliver the strategic link road through the employment site directly, however the parameter plans identify the land reserved for its delivery. The parameter plans also indicate the land required to deliver the bus only link through the application site linking to Himley Village, to be reserved for future delivery.

- 8.78 The application is accompanied by a Transport Assessment, which concludes that the commercial development of up to 53,000sqm of B2/ B8 floorspace with ancillary office space can be accommodated without causing significant impacts on the local road network.
- 8.79 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 during the construction stage, providing appropriate routing is established and a construction traffic management plan is agreed. At the completed development stage, the overall potential for environmental effects is identified as low albeit with some minor beneficial effects predicted for pedestrian delay and amenity given the proposed enhanced provision proposed. Conditions are recommended to secure mitigation including a CTMP and to secure this sites connections to the rest of the Masterplan site.

Strategic Link Road and highway capacity

- 8.80 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.
- 8.81 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.

- 8.82 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.
- 8.83 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). Progress is also underway in relation to agreeing the detail of the road infrastructure, with a S278 application having been made to Oxfordshire County Council. 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.
- 8.84 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.
- 8.85 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.
- 8.86 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.
- 8.87 The submitted Transport Assessment for the residential scheme 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 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. As set out in the report for 17/00455/HYBRID, which appears elsewhere on the committee agenda, it is concluded that 150 dwellings could be accommodated in advance of the road and tunnel based upon traffic impact on the Howes Lane/ Bucknell Road junction. On that application, no Grampian condition is recommended as all 150 dwellings could be accommodated in advance of the realigned road and tunnel subject to the applicant agreeing, by way of a S106 obligation to safeguard land throughout the whole of the land within their control (i.e. through the commercial and residential site) for the realigned road.

- 8.88 As referred to above, the Transport Assessment work allows for a level of the commercial development as well as the 150 dwellings to be delivered in advance of the road and tunnel infrastructure. With respect to this matter, a Transport Assessment is submitted with the current commercial application (this has also been updated using the updated Bicester Transport model and OCC again raise some reservations as to the committed development that has been added in, albeit again accept the assessment). This includes an assessment of traffic impact at the proposed site access and a number of local junctions for the future year of 2022 with 2016 base traffic data utilised (with a number of committed development sites added to provide an accurate future year assessment). A review of the traffic impact at 2031 is also completed. With regard to the level of development that could be accommodated in advance of the road and tunnel delivery, the TA identifies that as well as the 150 dwellings, 47% of the employment land could be accommodated (made up of 17,437sqm B8 floorspace and 7,473sqm B2 floorspace). The Transport Assessment also shows that in the future year 2031, and once the new highway infrastructure is in place, that there would be no highway capacity issues predicted in that future year.
- 8.89 The Highway Authority accept the conclusions as set out and on this basis, it is considered that the level of development identified above would be permissible in advance of the road and tunnel infrastructure delivery without a serious highway impact being caused. A Grampian condition is therefore required on this commercial application to restrict the level of development to that set out (and that is important because an alternative use class split could have different transport impacts that have not been assessed).
- 8.90 It is also important that this application is linked to the delivery of the strategic link road and tunnel and therefore it is necessary for the S106 agreement required for this commercial application to safeguard the land for the road through it and the adjacent residential land all within the applicant's control. It is understood that on the basis that both applications made by the applicant benefit from a resolution for approval, that the applicant is willing to commit to this requirement.
- 8.91 The Howes Lane/ Middleton Stoney Road/ Vendee Drive roundabout is expected to be over capacity, with a maximum queue of 13 vehicles on the Howes Lane arm in the 2022 base scenario and if additional committed development is added, this impact could worsen. However, the proposed employment development is shown to add only 9 vehicles to the queue and overall the temporary impact is unlikely to be one which could be considered severe.

Permanent access from Middleton Stoney Road

- 8.92 The arrangements for access from the Middleton Stoney Road are highlighted above. This access design has been subject to a Stage 1 Road Safety Audit. The Highway Authority has confirmed that the access arrangements identified are acceptable with detail subject to technical approval and a S278 agreement. The bus stops, refuge crossing, and footway/ cycleway linking to the Vendee Drive roundabout are required to provide safe pedestrian and cycle access to the site. The Stage 1 Road safety audit recommends extension of the 40mph limit north of the roundabout on Middleton Stoney Road and this is supported (and the drawing has been requested to be updated with an annotation to acknowledge this).
- 8.93 In terms of capacity, the traffic impact analysis indicates that the proposed junction from the Middleton Stoney Road to the large employment site will operate within capacity with minimal queuing and delay at the junction during peak periods with development traffic in the future years 2022 and 2031. OCC are content with this conclusion.

Temporary access

- 8.94 The application includes details for a temporary access arrangement from the existing Howes Lane to serve via this application the small commercial unit, referred to as plot 1. The temporary access arrangements are also proposed via the residential application and are also discussed in detail in this report.
- 8.95 To summarise, the Highway Authority have concluded that a temporary access would be acceptable both in terms of transport capacity and in terms of the technical provision of the temporary vehicular access or the associated footway/ cycleway given the recommendations made with the Stage 1 Road Safety Audit carried out for the residential application have been taken into account and on the basis that the temporary access road would be closed once the strategic highway infrastructure is opened.
- 8.96 A Stage 1 Safety audit has also been undertaken for the commercial application and this raises some concerns about the ability of lorries to pass in the access road. However Officers consider, and OCC Highway Officers agree, that in order to reduce the impact upon the existing residents by way of noise and disturbance, operational commercial traffic should not be taken from the temporary access, and only from the Middleton Stoney Road. This would mean that the temporary access would be required for the residential development only. This would also mean that no amendments would be required to the road to address the Safety audit concern regarding the ability of two large vehicles to pass each other.
- 8.97 The changes to Howes Lane in the temporary period, including the new signalised crossing linking to the existing public right of way are required to provide safe pedestrian access to the existing residential area and onwards to the town centre as well as the lighting required. These matters are therefore proposed to be secured via the residential application.

Traffic Management

- 8.98 The Highway Authority require a routing agreement to ensure that HGV drivers associated with the site use the designated lorry routes and route to and from the site to the south at all times to avoid Middleton Stoney Village and other residential areas. The Highway Authority highlight that additional information is required as to how this route would be enforced in the future (for example the provision of new HGV routing signage).

8.99 The issue of construction traffic management is also important and in this regard construction traffic management plans will be negotiated to again avoid construction traffic using Howes Lane and therefore routed to and from the site to the south.

Sustainable Travel

8.100 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.

8.101 The application proposes to provide a footway/ cycleway along the alignment of the strategic link roads footway/ cycleway. The provision of this along this route is positive, however the Highway Authority advise that in practice this is unlikely to remain as the final infrastructure due to the difficulty of constructing the road alongside it and so suggest it may be better to provide a temporary path on a different alignment. The proposal also reserves a corridor for a the provision of a road forming part of the strategic bus route and it is important this is secured. This would also have the opportunity of providing footway/ cycle links through to other areas of the NW Bicester site.

8.102 As described, footway/ cycleways are proposed to be extended to the Middleton Stoney Road/ Howes Lane/ Vendee Drive roundabout, which would provide the ability to link into the existing network. Beyond this, and as part of the residential application, additional pedestrian connections are proposed including the footpath through to Wansbeck Drive (with the associated crossing and infrastructure). The residential application is also expected to make its proportionate contribute to off site connections including footway/ cycleways and public rights of way.

8.103 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. 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. The site would sit adjacent to the permanent bus services and therefore be fully accessible via these in the future. Contributions are sought from residential development to the permanent bus services.

8.104 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. Footway links are proposed to link to that service as well as a signalised crossing of Howes Lane as described above. The residential application would be required to provide additional bus stop infrastructure in Wansbeck Drive to encourage occupiers to use that service. In addition, service 25A runs along the Middleton Stoney Road and the proposal is required to provide bus stop infrastructure along the Middleton Stoney Road and the bus only link within the site (contributions are sought towards this) and contribute to this service for a temporary period to enhance the 25A service to cover the opportunity for shift workers prior to the permanent bus service being provided.

8.105 The support of bus services, in the early stages of the development is important to assist in delivering the targets for modal shift. It is also important that 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. These measures would need to be secured through planning conditions and legal agreement.

8.106 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.

8.107 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. Discussions are ongoing as to this contribution as part of the S106 negotiations pursuant to the residential scheme.

Travel Plan

8.108 The application is accompanied by a Framework Employment Travel Plan, which acknowledges the modal shift targets sought for NW Bicester, particularly in the long term. The plan also aspires to achieve the higher targets following the introduction of bus services throughout the site. On the basis that the employment site will provide for a range of buildings to be used by different occupiers, the Framework Travel Plan provides for the need for future occupiers of each unit on the site to prepare individual Travel Plans. It does however provide a set of principles for which the Travel Plan for each unit will need to comply with. As an overarching point, it is intended that a Travel Plan Coordinator will be appointed to oversee the whole site. Beyond this role, the Plan requires that each individual plan will include a certain level of information, including the setting of targets and the need for information packs to be issued. The information also contains some detailed measures that would be utilised in each future Travel Plan to encourage walking, cycling, the use of public transport, the use of taxis and car sharing.

8.109 The Framework Travel Plan aspires to positive targets in terms of contributing to modal shift and it makes sensible suggestions around what future individual travel plans could contain. Some suggestions such as the encouragement of car sharing and the introduction of bicycle user groups/ promotion of cycling are positive. Reason for refusal two of 14/01675/OUT referred to the need for an updated travel plan on the basis that the previous version did not adequately cover the active measures that are required in order to achieve the ambitious modal shift targets. It is considered that the current Framework Travel Plan must also be taken further in terms of including more innovative measures (such as the promotion and priority of car club users or the provision of electric charging points for parking spaces or the use of real time information). In the circumstances it is considered that additional commitment could be provided at a later date and that future travel plan submissions will be assessed in this regard. A planning condition is therefore proposed to require future travel plans to be submitted for approval that commit to the high modal shift targets, which in turn will require some more innovative measures than a normal travel plan might commit to. A separate condition is required to secure the provision of real time information systems.

Conclusion to transport matters

- 8.110 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.
- 8.111 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 a proportion of the employment development 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 the applicant to safeguard the land through their application sites for the delivery of the strategic link road.
- 8.112 It is the view of Officers that the proportion of employment development that could be accommodated in advance of the strategic link road should be accessed only from the Middleton Stoney Road, therefore would mean development on the large employment site (Plot 2) only. The access from the Middleton Stoney Road, which is a detailed matter for consideration now, has been found to be acceptable.
- 8.113 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.
- 8.114 The achievement of modal shift is a key ambition for the site. For this commercial application, it is important that facilities and infrastructure, including the active promotion of sustainable travel and the enhancement of bus service provision, will be important in contributing to the achievement of the ambitious modal shift targets and reducing the proportion of trips made by way of the private car.

Healthy Lifestyles

- 8.115 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.
- 8.116 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.
- 8.117 The overall site would include a generous provision of open space and the employment provision would contribute to this. The application site provides open space as well as walking and cycling routes providing opportunities for both residents and future employees at the employment site. This will help to achieve

healthy communities. Whilst this site is for commercial development and so in itself is not expected to contribute towards infrastructure matters on other areas of the site (as the basis for asking for such contributions is from residential sites), it is important to note that local services in terms of local retail, leisure and community provision are provided, in accordance with the masterplan just to the north of the application site and would be accessible by walking and cycling. In this regard, it is considered that the proposal would comply with the PPS.

Local Services

- 8.118 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.
- 8.119 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.
- 8.120 Considerable work has been undertaken to identify the social and community infrastructure required to support the development. These sit elsewhere across the Masterplan site and development containing residential dwellings is expected to contribute to these (and therefore the Albion Land proposed residential application will be expected to pay their proportionate contribution). The current application provides the largest employment provision across the site, therefore contributes to local services by way of providing employment opportunities for future residents of the wider eco town. A cultural strategy has also been developed that would seek to ensure that culture and the arts are incorporated into development proposals. The employment proposal would also be expected to respond to the cultural wellbeing approach sought across the site.

Green Infrastructure

- 8.121 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.
- 8.122 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).

- 8.123 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.
- 8.124 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.
- 8.125 The application includes a calculation of green infrastructure demonstrating 40.2% of the site provided as Green Infrastructure. This is based upon one interpretation of the potential layout of the site and cross referring this to the illustrative landscaping plan, much of this around the employment buildings would represent native woodland planting. Nevertheless, it is considered that at this stage, the proposal demonstrates that an appropriate, policy compliant level of Green Infrastructure can be provided and that this can be further refined at the detailed application stage.
- 8.126 The green infrastructure provided through this application would require ongoing maintenance and this would be established through the S106 process and may, in respect to the employment site, sit with a management company. The Policy required minimum standards for green space is based on a per dwelling standard to provide sufficient outdoor recreation space for residents. This is not directly relevant to a purely commercial scheme, however based on other policy requirements for 40% green infrastructure, it is clear that the proposed employment buildings would be provided with a generous level of open space, which would aid in reducing their impact.
- 8.127 Based upon the above assessment, it is concluded that the proposal has demonstrated that the Policy required level of Green Infrastructure (40%) can be achieved and this is a further positive conclusion of this development in comparison to the refused application as it meets the high standards set by Policy Bicester 1 and the NW Bicester SPD.

Landscape and Historic Environment

- 8.128 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.
- 8.129 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.

- 8.130 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.
- 8.131 '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.
- 8.132 '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.
- 8.133 '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.
- 8.134 The application is accompanied by an LVIA within the ES and parameter plans. The assessment finds the site to be within the Estate Farmland Character area as set out within the Oxfordshire Wildlife and Landscape Study 2004. The site displays characteristics expected in this character area with the regular, large field pattern and dispersed farmsteads to the locality.
- 8.135 The LVIA finds that there are likely to be landscape and visual effects during the construction period but that these would not be unusual, would be temporary and could be minimised through construction management. In respect to the completed development, the potential landscape are likely to be significant at the local site area only, but that mitigation, in the form of significant mitigation measures detailed through the landscape proposals. In visual terms, again, the most significant impacts would be experienced only where the new development would be seen in close proximity. With mitigation, including landscaping and the form of new built development, the impacts are reduced both in long and short term range views. Furthermore, it is considered that the visual effects of the development will be characteristic of the form of development proposed, including its commercial nature on an allocated site for that purpose. The ES has also considered cumulative impacts and based upon the mitigation identified, plus that identified on other sites within proximity, the impacts are not considered significant.
- 8.136 The LVIA also confirms that taking into account the application parameters to establish height and distance from the hedgerow boundaries as well as the retention of boundary hedgerows, and new tree and hedgerow planting, that this is

inherent in the landscape and visual mitigation strategy adopted. The hedgerow buffers assessed range from 10 to 32m around the site in order to provide native hedgerow planting as landscape mitigation.

- 8.137 The Council's Landscape Officer has considered the LVIA and its conclusions and has advised that the LVIA is proportionate and its methodology acceptable. The significant landscape and visual effects associated with the western and northern elevations are noted; however the future eco town residential and informal open space visual receptors will experience degrees of visual harm due to this development. The mitigation measures/ design influences advice sought to establish greater distances between the land use parameter and site boundaries to enable greater landscape planting and potential earth mounding to reduce the impacts in landscape and visual terms. The relevant areas of the site are the western, northern and southern boundaries.
- 8.138 The parameter plans submitted reflect those within the refused outline application. The potential landscape/ visual impacts were included within the reason for refusal based on Member concerns; however the Officer assessment in respect to that proposal did not raise significant concern based upon the mitigation that could be achieved. On the basis of the advice above, an amendment to the land use parameter plan was sought to establish greater landscape buffers to the suggested area. In response an amended parameter plan has been prepared, which provides for greater landscape buffers along the southern and western boundaries of the site. This negotiated position represents a betterment overall and given greater landscaping would be possible, would aid in reducing landscape/ visual impacts over those as part of the refused scheme. The plan has not been amended regarding the northern boundary of the site and the route of the bus link on the basis that the location of the bus route is not yet known and would only be fixed at detailed design stage. The Landscape Officer has confirmed that the landscape buffers to the southern and western boundaries are acceptable. However the concerns regarding the northern boundary remain.
- 8.139 In the view of Officers the amendment to the land use parameter plan is a positive outcome and results in an improvement over the impacts assessed via the refused scheme. Greater opportunities for landscaping are possible and this, alongside the set back of the buildings (25m from the southern and western boundaries), will reduce the impact of the development to an acceptable degree in landscape and visual terms. The concern regarding the northern boundary is noted, however on the basis that this area of the site is reserved for later agreement and there are opportunities to agree a greater buffer if necessary at a later detailed stage, Officers do not consider that the submitted information is unacceptable, particularly in the context of this having been considered and recommended for approval in the same form in the past. Officers would note that the mitigation through overall landscape enhancements is positive, however would emphasise that the expectation is that this would represent complementary planting, that would also contribute to the net biodiversity gain for the site rather than to fully 'screen' the building. The need for planning conditions is being considered, but otherwise, landscaping would be a matter for consideration at the reserved matters stage. Detailed design matters are considered later in this report.
- 8.140 The application is accompanied by an Arboricultural Statement; however the content of that report did not accord with the information contained within Parameter Plan 5 relating to vegetation retention and removal. The discrepancies have been highlighted with the applicant's agent and an amended parameter plan has been received and an updated Arboricultural Statement is awaited with the hope that this will be received in advance of Committee. The amended parameter plan records the retention of a TPO tree that exists along Howes Lane (for which

there was some uncertainty under the refused application) and this further accords with the information submitted pursuant to planning application 14/01968/F (for the strategic link road). The extent of hedgerow removal has also been clarified and this proposal seeks to remove the hedgerow that runs through the middle of the southern part of the site, leaving an unrestricted parcel of land known as 'plot 2'. Other hedgerows are proposed to be removed to facilitate access/ the strategic link road and it is also clarified that the hedgerow along the Middleton Stoney Road will require removal and to be repositioned/ replanted slightly further back into the site to accommodate the highway access and right turn lane. It would appear that the proposed tree works are necessary to accommodate the development and these matters have been taken into account in the calculation of biodiversity net gain in terms of the replacement tree/ hedgerow planting based on the illustrative planting plan and how new native hedgerow planting could be accommodated. Further confirmed detail of this would need to be negotiated at the detailed landscaping stage.

8.141 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.

8.142 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 assessment is appended. 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, as part of the CEMP is recommended in relation to this matter.

Biodiversity

8.143 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.

8.144 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.

8.145 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.

8.146 Ecology is assessed within the Environmental Statement, where it is described that an updated extended phase 1 habitat survey was undertaken during November 2016 which provided updated faunal surveys for those groups that can be surveyed during the winter months. The results were also compared with earlier surveys and their conclusions. This found that there is some potential for the use of the site, potentially within the field margins and hedgerow bases by Great Crested Newts, that there is some potential for roosting of bats within trees and hedgerows present on site and that the site is likely to be used by foraging and nesting birds. There is also some potential for badgers, invertebrates, reptiles and other small mammals.

8.147 The development has been designed to retain the most ecological features to ensure they can be managed in the long term to maximise their biodiversity potential and where this is not possible, new habitats are proposed to compensate for habitat losses. With regard to habitats, it is recognised that arable land, some field margins, tall ruderal, areas of hedgerow, areas of ditch and some trees would

be lost. With regard to species, overall, it is considered that the potential for disturbance can be minimised by implementing reasonable avoidance measures during construction to ensure the risk of harm is limited. The intention is for these matters to be built into the CEMP. For habitat, mitigation hedgerow planting, the inclusion of buffers to hedgerows, new native tree planting are proposed and these also aid in increasing the extent of suitable habitats. Biodiversity enhancements in the form of for example artificial roosting opportunities could be provided. Additionally, long term management through a Landscape and Ecology Management Plan including a programme for ecological monitoring is proposed. Sensitive lighting schemes are also proposed to avoid adverse effects on bats during the operational phase of the development. The loss of habitat for farmland birds is recognised and the mitigation identified is contributions to the offsite compensation scheme.

- 8.148 The application site is within proximity to a Great Crested Newt Pond which sits in an adjacent site. The Masterplan for the site identifies 50m buffers around the pond to the north of the site to protect habitats for Great Crested Newts which is considered best practice. Third party comments have raised the need for this buffer to be provided. As part of the refused application, the following was concluded:

The application proposal does not include this buffer and this is justified by the current status of the land being arable which offers a negligible opportunity for GCN and therefore the applicant's Consultants on Ecology do not consider there to be a need for this buffer zone within the application site. They advise that the field margin within the application site adjacent to the pond is to be retained and enhanced and that as enhancements are proposed on the Himley Village side of the site, the two mitigation strategies are compatible. Whilst the proposals would likely be considered legally compliant in terms of their impact upon GCN, there is conflict with the masterplan in this respect, particularly as the identified buffer sought to enhance the habitat and not simply avoid negative impacts only. Never the less ecological consultees have not raised objection to the proposals with regard to GCN, although concerns have been raised with regard to the overall achievement of net bio diversity gain. With regard to hedgerow buffers to be provided to accord with the North West Bicester Masterplan, the applicant's agent has advised that the proposed layout demonstrates that the 10m standard is adhered to and in fact exceeded with landscape buffers of between 12 and 32m to retained hedgerows.

- 8.149 As referred to below, the net biodiversity gain issue has been resolved and the Council's Ecologist has further considered that the mitigation identified for GCN provided is considered acceptable due to the extent of proposed habitats including tree, shrub and wildflower meadow creation proposed on the site. Given this advice, along with the conclusions raised to the previous scheme, which did not conclude this issue was unacceptable, it is concluded that the proposal is acceptable in this regard.

- 8.150 With regard to Net Biodiversity Gain, the application documents include a biodiversity strategy and offsetting metric. 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 information submitted pursuant to the current application has been subject to some discussion during the processing of this application, between the Council's Ecologist and the applicant's Ecologist. Essentially, concern was raised in relation to how the calculation had been arrived at based upon the commercial scheme alone and therefore that a net biodiversity gain would not be achieved. A further calculation has therefore been undertaken, which uses information from both the commercial and the residential scheme combined. In this circumstance, it is concluded that a net biodiversity gain

can be achieved with the calculation showing a 0.78 unit gain. The calculation for linear impacts also shows a net gain and this has been carefully checked based upon the loss of hedgerows proposed (including the hedgerow through the centre of the site and the hedgerows along the Middleton Stoney Road, which would be replanted slightly back further into the site) therefore there is a need to make sure that this is mitigated for in order to achieve net gains. It would appear from the details that this has been taken into account. 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.

8.151 The Council's Ecologist has had much discussion with the applicant's agent regarding the achievement of the net biodiversity gain and this has resulted in a satisfactory conclusion being reached both in relation to overall net gain and in relation to linear habitats (on the basis of the advice relating to hedgerows, which have been clarified as explained above). It has been confirmed that the calculation is acceptable at this stage but that a further calculation is required at the detailed design stage. No objections are raised in relation to other ecological matters, albeit further surveys are required at the appropriate time to ensure no harmful impacts are caused. The conditions recommended will be included as suggested.

8.152 In the view of Officers, subject to the imposition of planning conditions as referred to above, the development 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. This is a positive change compared to the previously refused application where it was not clear that a net biodiversity gain could be achieved. A contribution to offsite farmland birds is requested and forms part of the current S106 negotiations. The proposed development is considered acceptable in relation to the above mentioned matters and in compliance with the above referenced policies.

Water

8.153 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.

8.154 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 adaptation 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.

- 8.155 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.
- 8.156 The application is not accompanied by a Water Cycle Study, however, upon requesting additional information with regard to how this site will contribute to water neutrality, a document has been submitted and providing information as to what could be considered at the future detailed design stage in order to contribute towards the aspiration for water neutrality. The following measures would be considered – features such as rainwater harvesting, low consumption water appliances to minimise water use, strategies for wastewater treatment and the use of SUDs across the site to contribute to improving water quality whilst managing surface water, ground water and local watercourses to prevent 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. Water is also a BREEAM topic and so meeting the standards through a BREEAM assessment would provide an indication of the sustainability standards. On this basis, it is likely that the application can contribute to the aspirations towards water neutrality sought through the submission of further information in relation to detailed matters for consideration.

Flood Risk Management

- 8.157 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.
- 8.158 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
- 8.159 The application is accompanied by a Site Specific Flood Risk Assessment. This concludes that the site is within flood zone 1 and that it is at limited risk of flooding, even in the future when climate change is taken into account. 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 on site swales/ ponds and retention tanks and be designed for a 1 in 100 year + 30% climate change storm event.

8.160 OCC do not object to the proposal in drainage terms, albeit note that limited information is provided at this outline stage. Nevertheless, it is considered that future surface water drainage strategies and subsequent applications for the site should confirm with the overall Masterplan Surface Water Drainage Strategy including its requirements and recommendations. A condition is recommended to secure full drainage details. It is therefore considered with suitable conditions, the application can be considered to comply with the PPS, NPPF and the Cherwell Local Plan policies with regard to flood risk.

8.161 Waste

8.162 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

8.163 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.

8.164 The application submission does not provide a detailed sustainable waste and resources plan or set relevant targets. However, it has been advised that a site waste management plan will be provided at the detailed design stage and that this will ensure 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. The application also commits to, where practical and viable, selecting materials having regard to 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

- 8.165 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.
- 8.166 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.’
- 8.167 The NW Bicester site identified in the adopted Cherwell Local Plan 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 safeguarding of land for the strategic road 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

- 8.168 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.

8.169 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 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).

8.170 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 other applications across the NW Bicester site including the current site for commercial development.

8.171 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.

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

Community and Governance

8.173 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.

8.174 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.

8.175 There is an approach to secure contributions from residential development across the NW Bicester site towards the setting up of the LMO and funding for it so it can be sustainable in the long term. As the current application site is purely for

commercial development, it would not be required to contribute to the LMO but it does form part of the S106 negotiations that are underway in relation to the adjacent residential area.

Environmental Matters

- 8.176 The proposal has attracted a number of public comments in respect of impacts from the commercial operations upon the residential amenity of nearby residential properties. The assessment therefore would need to take into account both existing and proposed residential properties. The ES has considered various environmental matters in detail.
- 8.177 The NPPF at para 109 identifies one of the roles of the planning system is 'preventing new or existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. The CLP ENV12 requires adequate measures to deal with any contaminated land whilst the NSCLP Policy EN5 advises that regard will be had to air quality, Policy EN6 seeks to avoid light pollution whilst Policy EN7 looks to avoid sensitive development in locations affected by high levels of road noise and Policy EN17 deals with contaminated land. CDC has identified that Kings End/ Queens Avenue in Bicester should be declared an Air Quality Management Area.
- 8.178 The Environmental Statement covers, and includes technical assessments within its appendix matters relating to light impacts, noise and vibration and air quality. These matters are summarised here along with the response from the Council's Environmental Protection Team.
- 8.179 With respect to Light Pollution, the ES identifies that light pollution during the construction phase is likely; however it is intended to assume good working practices, to be established through a CEMP which should reduce the significance of effects to sensitive receptors. At the operational stage, the conclusion reached is that providing best practice design measures are utilised, the development is not predicted to cause significant adverse effects to local sensitive receptors or to local sensitive ecological receptors. No adverse comments have been received from the Council's Environmental Protection Team in relation to this matter.
- 8.180 With respect to air quality, the ES finds that there is some potential for effects at the construction stage, although these are negligible effects. Additionally, a number of mitigation measures are identified to be established within a CEMP, which include dust, earthworks and construction management as well as communication with local residents. With mitigation, the environmental effects at the construction stage are considered to be acceptable. At the operational stage, the residual effects are predicted to be negligible to slight overall both in terms of nitrogen dioxide and particulate matter concentrations and therefore have a low environmental impact. Design mitigation measures for the completed development are suggested, including measures to promote public transport, walking and cycling and provision of infrastructure with links from the site. This links to the modal shift targets for the site and would assist in reducing air quality impacts from the site.
- 8.181 The Council's Environmental Protection Team recommend planning conditions relating to air quality to secure further information to ensure the risk from the development on local air quality is considered (it is noted that this approach is suggested and not an objection or the requirement, in this case for further information prior to a decision). The encouragement of low emission transport and its subsequent impacts on air quality are also noted and this links to the overall modal shift targets sought at the site.

- 8.182 With respect to noise and vibration, the ES finds that at the construction phase, noise levels are identified, however no receptor should exceed the baseline criteria, indicating no significant effects. A number of mitigation measures are suggested including best practice measures, to be established through a CEMP. With respect to the completed development, potential HGV movements are identified and no significant effects are predicted other than weekend nights where the noise level could exceed the background noise levels therefore requiring additional mitigation. HGV docking should also not cause significant effects other than at certain defined times, therefore indicating additional mitigation, albeit the assessment is carried out without the buildings that make up the development which are likely to screen receptors. The assessment also concludes that building services plant could be accommodated without exceeding background noise levels and therefore would have a negligible impact. No significant impacts are predicted from traffic noise associated with the completed development. The design and layout of the site are important in terms of assisting in reducing noise from site activities as the buildings on the scheme can offer the potential for acoustic screening. Additionally, acoustic barriers could be considered if necessary and service yard management plans could be included to establish best practice methods for reducing noise further.
- 8.183 As set out above, the Council's Environmental Protection team have not raised significant concern relating to noise, instead advising that noise control matters can be addressed through detailed design matters and through construction management. The issue of early consideration is important and as further design work is sought in advance of the submission of reserved matters, it is considered that the matters highlighted can receive early attention. Noise assessments at the reserved matters stage would also be important to relate to individual units to ensure that noise and service yard management adhere to best practice to minimise the environmental impacts.
- 8.184 With respect to all environmental considerations and those that could cause impacts to the amenity of residential properties, it will be necessary to carefully control the proposed development with conditions that control outdoor activities and storage and noise levels. Particularly as it is understood that the applicant seeks 24 hour operations to make the development a viable and marketable proposition. During the construction phase a Construction Environment Management Plan will be sought to control working activities to ensure that as far as possible environmental considerations are minimised.

Design

- 8.185 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.
- 8.186 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.

- 8.187 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.
- 8.188 The application is an outline proposal, therefore at this stage it is necessary to consider the Design and Access Statement and the principles established for the site to guide development moving forward to the reserved matters stage. The application is also accompanied by parameter plans to establish the parameters for the development to respond to both in terms of the land uses and the maximum height of the buildings. The development height parameter proposes 16m to the ridge for development on plot 2 (based on two plateau levels indicating development to the west will be higher than that to the east) and 14m to the ridge for development on plot 1 (based on one plateau level). This is a change to the parameters compared to the outline refused scheme which sought permission for ridge heights to be 16.75m and will aid in reducing the impact. Eaves height appears to remain the same as that provided for in the refused application at 13.7m taking into account the section drawings. The DAS suggests that a contemporary design approach would be appropriate, to be consistent with the aspirations of the proposed eco town which would incorporate a high quality and sustainable design. The proposal seeks to justify the height of the buildings as being necessary to meet the potential end user requirements, which suggests that in order to be commercially viable, height is required to suit the requirements of modern logistics companies. The application notes the gateway location of the site and considers this an opportunity for future end users therefore setting the intention to create a high quality development that complements the future surrounding development. The DAS explains how the orientation of the employment zones have been carefully considered to maximise passive solar gain and achieve shade contributing to the achievement of high BREEAM ratings.
- 8.189 The application is also accompanied by an illustrative masterplan which provides for one interpretation of how development could be accommodated and this pulls the building at the Middleton Stoney Road/ Howes Lane junction away from that area to enable the provision of a deeper landscape buffer to assist in the assimilation of the building with the wider landscape. The plan shows larger employment buildings accommodated on Plot 2 (4 in number identified) and smaller buildings on plot 1. Also submitted is a plan which shows how the approach to the architectural articulation of the elevations could be provided. These demonstrate that the form of development could be delivered to provide elements of active frontage on elevations fronting the strategic link road creating a high quality environment in this location. Whilst the scale of landscaping is questionable, the form of buildings identified demonstrate that there will be a degree of flexibility, particularly around the provision of office elements of the buildings, the design of this area and signage could create an appropriate form of development in this area.
- 8.190 With regard to the impact of the proposal upon the visual amenity of the area, the earlier section of this report considering the landscape and visual issues that arose from the ES assessment concludes that this site can accommodate the proposal without serious harm to the landscape. In visual impact terms, the buildings would be large and prominently situated on this corner of the site, however the site is

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

- 8.191 Given the unique nature of the site it is proposed that a design review process is required for all detailed proposals going forward to make sure that they achieve high quality design as well as the high sustainability standards required. It is anticipated that sustainability will lead the design for the development and therefore it is likely to have a unique character. Never the less it will need to also be routed in the location and appropriate for the area.
- 8.192 It is also necessary to consider the potential visual impact upon the residential amenity of neighbouring properties, both existing off site and proposed both on the current application site and surrounding land as far as is possible at this stage. In response the applicant has submitted a series of section drawings demonstrating the extent of landscaping and open space proposed around the building, which forms a substantial buffer particularly between the site and homes that exist and which currently back onto Howes Lane.
- 8.193 It is clear from these sections that in relation to existing properties, even in the worst possible situation (i.e. with the buildings directly adjacent to the boundary of the employment zone and at the closest point to existing neighbouring properties) there is a considerable distance of around 76m between those homes and any building on the largest employment site. The distance is such that that buildings would not impact upon their residential amenity given these separation distances achieved.
- 8.194 The proposal also facilitates the realignment of Howes Lane as discussed and this also has long term benefits to residents whose rear gardens currently back onto Howes Lane and this proposal is supported by many of them. The design of the relocated Howes Lane includes avenue tree planning which will contribute to the landscaping and screening of new buildings.
- 8.195 Proposed residential development on adjoining sites, specifically to the west would be set at a slightly higher land level than the site (according to the land levels, the land slopes up to the west). Cross sections have been provided to show the relationship between the maximum building height on this site and the neighbouring land. Land to the west is identified for mixed use with a maximum height parameter

of 16m. It is considered that with care the design of the site can ensure that there is an acceptable relationship and landscaping between the employment uses and adjacent proposed uses.

8.196 The framework plan provides a sound basis, albeit at a high level, on which further detailed design can be based and the submitted information demonstrates that the proposal can be accommodated without causing serious harm to the residential amenity of neighbouring properties both in respect of existing and proposed residential properties. Design will need to be developed and this can be secured through the imposition of conditions to fulfil the requirements of the policies in the ACLP.

Conditions and Planning Obligations

8.197 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.'

8.198 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 (to be circulated) 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.

8.199 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, it is proposed to require the applicant to safeguard land through both of their sites (17/00455/HYBRID and 17/01090/OUT) for the road. Alongside this, the site specific S106 is required in line with the Heads of Terms to be circulated. 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. The applicant has questioned some of the contributions and asked for further justification. Officers are in the process of providing this to satisfy their concerns.

8.200 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 and will be circulated after this report as discussed and identified through this report. As discussed in the transport section of this appraisal, there is a 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. Additionally, it is necessary for the assessed mix of development in terms of the quantum of B use classes to be the subject of a condition. As explained above, this is on the basis that whilst the application description is wide in its range, the assessment is

specific. An alternative form of development could have different impacts that have not been fully assessed.

Other Matters

- 8.201 The ES covers cumulative matters 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.
- 8.202 The Land Use parameter plan has been amended as described above. Other parameter plans have not been updated and therefore a planning note is recommended to highlight this matter.

Pre-application community consultation and engagement

- 8.203 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).
- 8.204 The application is accompanied by a Statement of Community Involvement. Public consultation was undertaken in relation to earlier planning applications made by the applicant for the current application site. On the basis that the proposed scheme is not materially different to the proposals that were previously consulted upon, no further consultation has been undertaken. Nevertheless, the applicant has refined the scheme parameters and illustrative layout in response to concerns identified through the 2014 application in order to assist in the consideration of this application.

Financial Implications

- 8.205 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 Business Rates. The scheme has the potential to secure Business Rates of approximately £1,144,800 per annum under current arrangements for the Council. 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. 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 commercial development on this site 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 application proposes a significant employment opportunity on a site which is set aside for employment purposes within the NW Masterplan and Policy Bicester 1. The type of employment

proposed is, on balance considered to be acceptable in this location. It will provide a significant number of employment opportunities in a range of types and has the potential to accommodate logistics companies which are identified as a key sector for the area. The small employment area provides the potential for accommodation for small businesses and start up business space. The information submitted also demonstrates that the design parameters and principles can accommodate an acceptable form of development in a way that will not cause significant harm in landscape or visual impact terms and in respect of design. Additionally, technical environmental matters have been considered and again, it can be concluded that the development, with mitigation can be accommodated without causing serious harm.

- 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 albeit with a restriction of the level of development on the commercial site until the strategic link road and tunnel are provided. 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 through land within the applicant's control). 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. The current application does not cover the whole of the NW site and as such it is necessary to consider whether it is capable of delivering comprehensive development. Due to the position of this site adjacent to the built edge of Bicester, as well as its proximity to infrastructure that would be provided elsewhere on site, it is considered that the proposal would contribute towards a sustainable neighbourhood. Through the use of conditions and agreements, it is considered that a comprehensive approach to development can be secured and as such the harm that would arise from piecemeal development can be addressed.
- 9.7. 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

9.8. 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.

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

10. **RECOMMENDATION**

That permission is granted, subject to

- a) Delegation of the negotiation of a satisfactory S106 agreement to include securing the construction through the application site, and the ability to construct the Strategic Road through land within the control of Albion Land (within application sites 17/00455/HYBRID and 17/01090/OUT) to Officers and; further in accordance with the summary of the Heads of Terms (to follow) and subsequent completion of S106 agreement
- b) The following conditions with delegation provided to the Development Services Manager to negotiate final amendments to the wording of conditions:

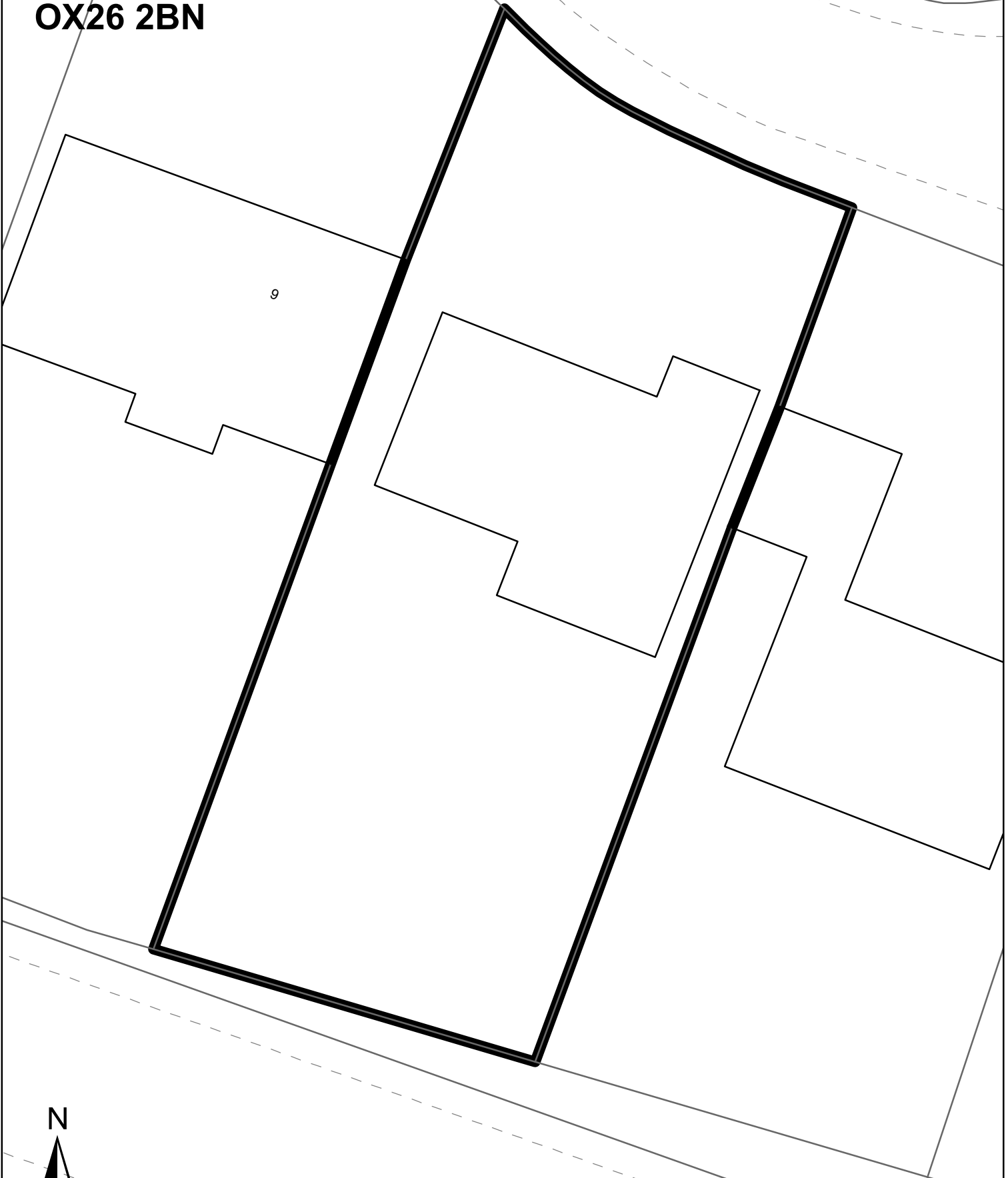
Conditions to follow

CASE OFFICER: Caroline Ford

TEL: 01295 221823

17/00585/F

**8 Tubb Close
Bicester
OX26 2BN**



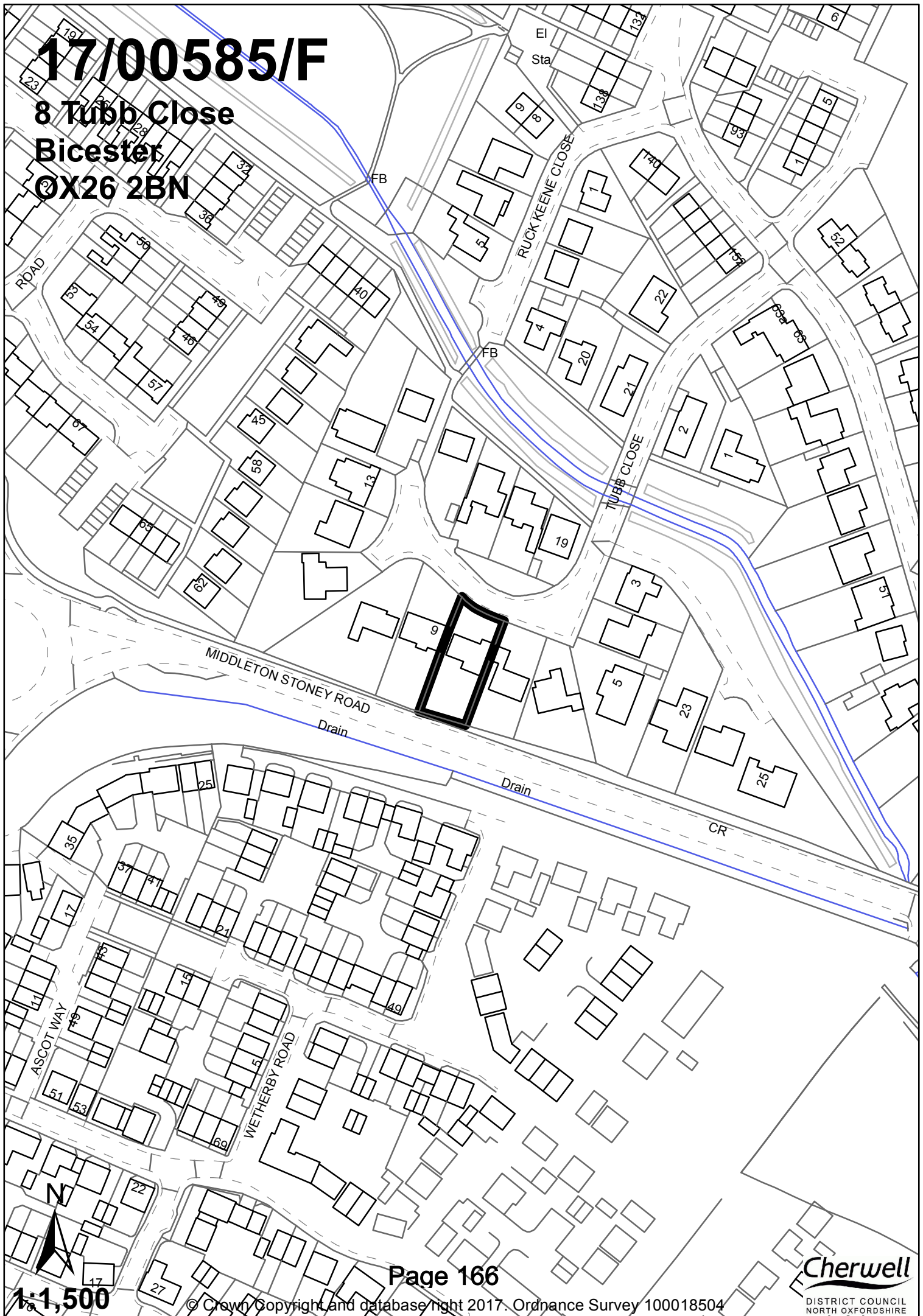
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1:200

17/00585/F

8 Tubb Close
Bicester
OX26 2BN



MIDDLETON STONEY ROAD

RUCK KEENE CLOSE

TUBB CLOSE

ASCOT WAY

WETHERBY ROAD

Drain

Drain

CR



1:1,500

Applicant: Ardour Ltd

Proposal: Change of use from one dwelling to a house in multiple occupation

Ward: Bicester West

Councillors: Cllr Les Sibley
Cllr Jolanta Lis
Cllr Debbie Pickford

Reason for Referral: Referred to Planning Committee by Cllr Les Sibley

Expiry Date: 7th July 2017 **Committee Date:** 6th July 2017

Recommendation: Approval

1. APPLICATION SITE AND LOCALITY

1.1. The application site is a two storey detached 5 bed dwelling located on Tubb Close in Bicester. The area is residential in character and Tubb Close is a small cul-de-sac of modern housing, with a mix of 2 storey and single storey detached properties.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The current application seeks permission to change the use of the dwelling to a house in multiple occupation with 6 lettable rooms. The proposal would have shared kitchen facilities, bathrooms and living spaces. The plans have been amended during the course of the application, reducing the number of lettable rooms from 7 to 6 along with other minor alterations to the internal layout.

2.2. The only alteration to the exterior of the building would be the conversion of the garage to a bedroom with the insertion of a new window and wall in place of the garage door and new external door.

2.3. Parking would be located to the front of the property which is already laid to hard standing. The two access points from Tubb Close which currently exist either end of the frontage would be closed and a new central access point formed.

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>
04/01851/F	Erection of conservatory to the rear.	Application Permitted

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 was 16.06.2017, 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

- A HMO is not similar to any other property so is not in keeping with the character of the area.
- Detrimental impact to established family area with many older residents.
- Increase in anti-social behaviour.
- More transient residents will harm the sense of community which has built up since Tubb Close was developed as single plots.
- The proposal could be occupied by up to 14 people.
- Increase in traffic and associated safety concerns.
- Increase in comings and goings and younger population would be detrimental to the amenity of the neighbouring properties many of which house older residents.
- Increase in noise and disturbance would be contrary to paragraph 69 of the NPPF.
- Conflict with residents human rights.
- Poor up keep of the property.
- Overdevelopment of the site.
- Inadequate waste disposal.
- Inadequate car parking and difficult manoeuvring.
- Is there a proven housing need for this type of accommodation?
- Car parking spaces would not be independently accessible.
- Parking would dominate the frontage and the loss of the boundary wall would make this worse.
- Increase in on-street parking in area where on-street parking is already limited.

- Increase in on-street parking leading to accesses being block and problems for emergency services.
- Pedestrian safety issues with parking and vehicle movements.
- Such uses would be better accommodated within new developments.
- Loss of privacy through use of flat roof on rear extension and windows in first floor bedrooms.
- The new ground floor door to the bedroom is unacceptable.
- 21 Tubb Close is also to be used as a HMO. The cumulative impact should be considered.
- Inadequate cooking facilities for residents.
- Inadequate water, waste and electricity supply.
- Lack of disabled person's access.
- Inadequate fire escapes.
- Proposal will set a precedent.
- A large pond in the rear garden is a hazard and it is unclear who will care for the fish.
- Proposal will breach covenants on the deeds to the property.
- Loss of property value .
- Lack of notification on planning application.

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.

WARD COUNCILLOR COMMENTS

6.2. COUNCILLOR LES SIBLEY– **Objects.** *As a local Bicester West Ward member I would like to request a call in of the above planning application for determination by the CDC planning committee as the proposals are an over development of the site, is not in keeping with the street scene, adversely impact on neighbouring properties, noise and air pollution, safety concerns regarding the ever increasing numbers of on - street parking and vehicle movements in a quiet residential area.*

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.3. BICESTER TOWN COUNCIL: **Object.** The proposal is an overdevelopment of the site. There are potential issues that may arise with parking and its effect on the street scene.

STATUTORY CONSULTEES

- 6.4. OCC HIGHWAYS: **No objections** subject to conditions regarding the parking to be provided and requiring cycle parking. The proposal is to convert an existing five-bedroom dwelling to a HMO. The predicted number of occupants is not given. The bays may just meet the absolute minimum guideline dimensions of 4.8m x 2.4m, although the space nearest the house in the south-east corner should be 2.7m wide. Given that the number of bedrooms has been reduced from seven to six, the parking provision is still considered acceptable for the HMO.
- 6.5. The new layout utilises a single footway crossover, rather than the two that currently exist. If the application is approved, the new access arrangement will require that a central dropped kerb is created, and the two existing dropped kerbs are raised, under a S184 agreement. Approval for this must be obtained from the OCC Licensing and Streetworks Team. It should be noted that any S184 application is separate to any planning approval given
- 6.6. In order to promote sustainable travel, and as Bicester town centre is easily reached by cycle, secure cycle parking facilities should be provided at the new development. OCC guidelines do not cover the number of cycle spaces for HMOs, but it is reasonable to assume that the provision should be around one per bedroom, and at least equivalent to the number of car parking spaces. Therefore, six cycle parking spaces (equivalent to three stands) are requested as a condition.
- 6.7. The proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view, therefore no objection.

NON-STATUTORY CONSULTEES

- 6.8. CDC HOUSING: **No objections.** The amended plans address the earlier concerns. There may be better ways to utilise the kitchen space.

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)

- BSC2 - Effective use of land and housing density
- ESD1 - Mitigating and adapting climate change
- 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

- C30 – Design Control

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Sub Division of Buildings for Residential Use (Feb 2011) – CDC Informal planning guidance

8. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highways

Principle of development

- 8.1. Paragraph 14 of the National Planning Policy Framework states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the Framework, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 8.2. Paragraph 12 of the Framework notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites therefore the presumption in favour of sustainable development, as advised by the Framework, will need to be applied in this context.
- 8.3. Paragraph 17 of the NPPF states 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. Paragraph 111 states that Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed.
- 8.4. Policy ESD1 of the Cherwell Local Plan (2011-2031 Part 1) states that measures will be taken to mitigate the impact of development within the District on climate change. This includes development which seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 8.5. Paragraph B.88 of the Cherwell Local Plan (2011-2031 Part 1) sets out the principle of development in Bicester. It states that the aim of the Plan is to focus development “in and around the towns of Bicester and Banbury...to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth”.
- 8.6. Given the above, it is considered that the principle of converting the existing dwelling on this site to a house in multiple occupations (HMO), which is a different but higher

density form of residential accommodation, is acceptable. However, the acceptability of the proposed development in this case is also clearly dependent on it not causing adverse harm to the visual amenities of the locality, residential amenities, or highways safety. These issues are discussed below.

Design and impact on character of area

- 8.7. Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 states new development will be expected to complement and enhance the character of its context through sensitive siting and layout and states all development will be required to meet high design standards. It goes on to state development should respect the traditional pattern of plots and also respect the form, scale and massing of buildings. Development should be designed to integrate with existing streets and buildings clearly configured to create defined active public frontages. Saved Policy C28 and C30 of the 1996 Local Plan also seek to ensure high quality development, consistent with Paragraphs 58 and 60 of the NPPF which state that development proposals should respond to the local character and surroundings and reinforce local distinctiveness. Paragraph 64 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 8.8. In the current application no extensions are proposed to the dwelling and the only alteration to the external appearance of the building is the conversion of the existing integral garage to living accommodation and the creation of a new external door and window to serve this accommodation. These alterations are in keeping with the character and appearance of the existing building and therefore the impact of these alterations on the character and appearance of the area is considered to be acceptable. Full details of the proposed door need to be secured by condition as these have not been included in the application.
- 8.9. In relation to other visual impacts of the development, the entire frontage of the site is already hard surfaced and provides parking for the existing dwelling. Whilst the access point to the parking area will be altered the visual impact of this will be limited and it is proposed to condition a new front boundary treatment to the site to limit the visual impact. Whilst the parking layout would dominate the frontage of the site, given the existing arrangement already dominates and the size of the property is such that multiple vehicles are very likely to be already present at the site this is not a matter which is considered to justify refusal.
- 8.10. Many of the concerns raised in respect of the application relate to the opinion that the conversion of the property to a house in multiple occupations would change the character of the area and be out of keeping with the family housing and older residents housing in the locality. The Development Plan is the starting point for determining applications, but Cherwell's Local Plan does not have any specific policy regulating the subdivision of properties and the Council's informal guidance is now dated and does not have the same weight as adopted Policy. It is important to note that paragraph 50 of the NPPF encourages planning decisions to create inclusive and mixed communities. The area does have an established residential character and the character of the proposed use would continue to be residential and appropriate for a residential area. Whilst the type of occupant may be different from the neighbouring properties this in itself is not considered to be harmful to the character of the area and would positively contribute towards creating mixed communities. This is also reflected in the permitted development rights that apply nationally (i.e. development which benefits from automatic planning permission and so does not require a planning application) which allow for single dwellings to be converted into houses in multiple occupations with up to 6 residents without the requirement for planning permission.

- 8.11. Whilst it is accepted that large numbers of property conversions can change the character of an area, as the current application would only result in the conversion of one property in the street to a house in multiple occupations, with minimal external alteration, it is not considered that it could be argued that the proposal would have a significant adverse impact on the character of the area. This is particularly the case given the conclusions regarding the visual impacts of the development. Furthermore although residents state a further property at 21 Tubb Close is being used for a HMO this is likely to be authorised under the property's permitted development rights which the Council has no control over and it is considered that even if this property were to be used as a house in multiple occupation that the character of the area would not be significantly impact upon. Each case has to be considered on its own merits and therefore the concerns regarding the development setting a precedent are not considered to weigh significantly against the proposal.
- 8.12. Concerns have also been raised that the change of use would impact on the upkeep of the property. However this is rather a generic statement and there is no empirical evidence to suggest that occupiers of a HMO or landlord of such a property would not maintain the property to the same standard as a single dwelling.
- 8.13. Overall, having regard to the minor changes required externally and what can be achieved under national permitted development rights, it is therefore considered the proposed development would be acceptable with regard to the impact it would have on the character and appearance of the area.

Residential amenity

- 8.14. Both the NPPF and Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.
- 8.15. The proposed alterations to the external appearance of the building are minor and would not result in any material impact on the amenity of the neighbouring properties given the scale and position of the changes, the distance to neighbouring properties and their orientation.
- 8.16. Objections have been raised regarding the loss of privacy and increase in overlooking associated with the proposal. However the physical changes are limited to some minor alterations on the front elevation. The existing and proposed uses are both residential uses and it is not considered that the proposal would lead to any significant increase in overlooking or loss of privacy to neighbouring properties. Concerns have also been raised over the potential for the flat roof rear extension of the property being used as a balcony. It is unclear whether the existing roof is used as a balcony. There appears to be a door onto the roof but no railings around it. A condition could be imposed to ensure the roof is not used as a balcony.
- 8.17. A number of neighbouring properties have raised concerns over an increase in anti-social behaviour and noise and disturbance. However there is no clear evidence that the occupants of a HMO are any more likely to be the perpetrators of anti-social behaviour than residents of a conventional dwelling house. Whilst the potential increase in use of the garden by a potentially larger group of adults may result in some increase in noise and disturbance, this is not considered to be significantly more than the existing use of the property as a 5 bedroom dwelling which may accommodate a large family and the application property has a fairly generous sized garden. Furthermore it must be borne in mind that the application property could be altered to a 6 person HMO under national permitted development rights without planning permission.

8.18. The Housing Team initially raised a number of issues relating to the internal layout of the site and the Council's HMO Standards (2012). The applicant has amended the plans in order to address these concerns and revised comments are awaited. However it must be noted that the Council's HMO Standards (2012) are not adopted planning policy and so only carry limited weight in planning decisions. The main issue to consider is whether the proposal would provide a good standard of amenity for future residents. In this case the proposed development is considered acceptable in this regard.

Highways

8.19. As noted above the applicant proposes to provide parking to the front of the site using the existing hardstanding but amending the access. Originally no parking plan was provided but the applicant had stated they would provide 6 parking spaces for 7 lettable rooms. However the application has since been amended to reduce the number of lettable rooms to 6 and a parking plan has been provided in response to officer concerns that the applicant may not be able to provide 6 independently accessible spaces. The submitted parking plan show 3 parking spaces provided each side of a central access and the Highway engineer has raised no objection on this basis and considers the level of parking to be adequate.

8.20. Given the sustainable location of the site, close to services, facilities and public transport; and the type of accommodation proposed, it is unlikely that all residents would have access to a private car. It is further recommended that cycle parking provision be conditioned to encourage sustainable modes of transport for future occupiers. Furthermore it is considered there is some capacity for visitors to park on the street for short periods of time and it is noted some on-street parking already occurs in the area.

8.21. Subject to any further comments from the highway engineer the development is therefore considered acceptable in this regard.

Other matters

8.22. The property has a relatively generous rear garden where the waste and recycling facilities could be provided to serve the proposed use. Currently, waste and recycling bins are stored on the frontage but it is unclear whether this arrangement could continue with the revised single access arrangement.

8.23. Concerns have been raised regarding infrastructure capacity. Thames Water has been consulted with regard to water and sewage and no comments have been received. The Council therefore has no evidence to suggest that the existing facilities would not be adequate for the change of use. Concerns have been raised over the electricity supply to the property, ventilation and also the adequacy of fire escapes. However these matters are not planning considerations. The applicant would need to ensure they complied with the relevant legislation regarding these matters that sit outside of the planning system.

8.24. Concerns have also been raised that the proposal would breach covenants which exist in the deeds of the property. These are private matters and are not material planning considerations. Further the potential loss of property value is also not a material planning consideration.

8.25. In relation to the publicity of the application, this was carried out in the normal manner and included sending letters to all immediately adjoining neighbours and placing a notice at the site to publicise the application. This is in excess of the

Council's statutory responsibilities and given the number of responses it is clear these means of publication have been effective.

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 proposed application would result in the provision of a different type of residential accommodation within a geographically sustainable location and would contribute towards mixed communities. The proposal would not significantly impact on the amenity of the neighbouring properties and would provide a good standard of amenity for future occupants. The proposed development would provide adequate parking provision and would not result in any significant highway safety concerns. Whilst the visual impact of the parking is not ideal, it is not considered to be significantly more harmful than the existing arrangement. Therefore, and taking into account the permitted development rights that apply nationally for changing the use of single dwellinghouses to HMOs, the proposed development is considered to represent a sustainable form of development and it is recommended that planning 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 forms, Location Plan, drawing numbers 1271/2A, 1271/3 and 1271/4.

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 development hereby approved, full details of the design, position, height, and appearance of the external door to serve the new ground floor bedroom 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 the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Adopted Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.

4. Prior to the occupation of any part of the development hereby approved, full details of the enclosures along all boundaries of the site including the front boundary treatment, shall be submitted to and approved in writing by the Local

Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the use hereby permitted.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Adopted Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of the development hereby approved, the parking areas shall be provided in accordance with the approved plan (Drawing No: 1271/4). Thereafter, the parking areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason: In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the first occupation of the development hereby approved, full details of the location, type, design, and appearance of cycle parking to serve the use shall be submitted and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details prior to the first occupation of any part of the development and shall be retained for use in connection with the development thereafter.

Reason: To ensure the development provides opportunities for sustainable modes of transport in accordance with Policy SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and the NPPF.

7. No part of the flat roof of the existing single storey rear extension shall be used as an outdoor amenity area or balcony at any time whatsoever.

Reason: To safeguard the privacy and amenity of the occupants of the neighbouring properties in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

Planning notes:

Please note that separate consent is required for the works to the access under the Highways Act 1980 (as amended). You should contact the Road Agreements Team at Oxfordshire County Council, as the Local Highways Authority in this instance, before commencing works. They can be contacted via email: roadagreements@oxfordshire.gov.uk, or telephone: 01865 815202.

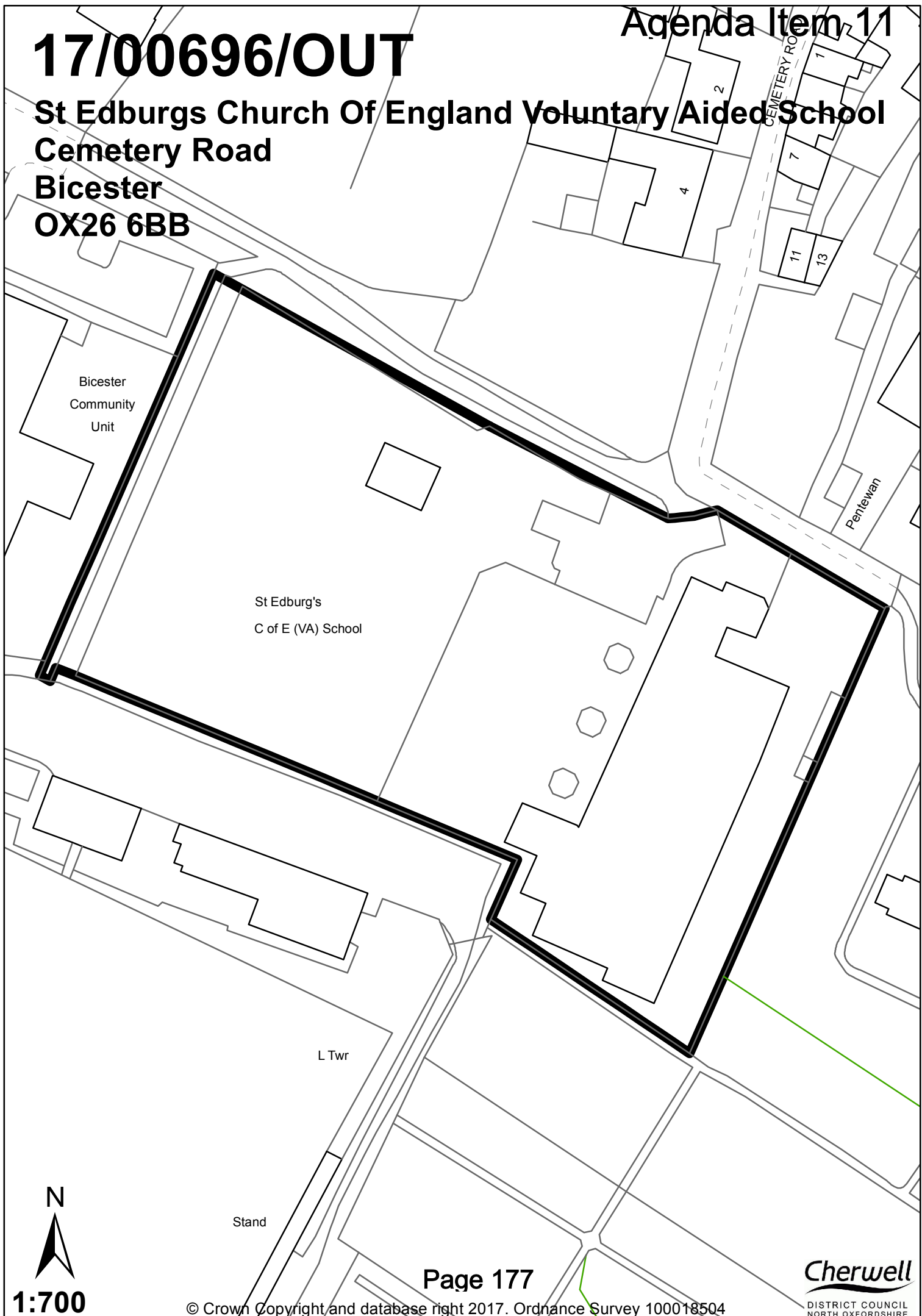
The applicant is advised to discuss their proposal with the Housing Team at Cherwell District Council requiring the HMO Standards and management arrangements. Further details are available at <http://www.cherwell.gov.uk/index.cfm?articleID=4229>

CASE OFFICER: James Kirkham

TEL: 01295 221896

17/00696/OUT

**St Edburgs Church Of England Voluntary Aided School
Cemetery Road
Bicester
OX26 6BB**



St Edburg's
C of E (VA) School

Bicester
Community
Unit

Pentewan

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Stand

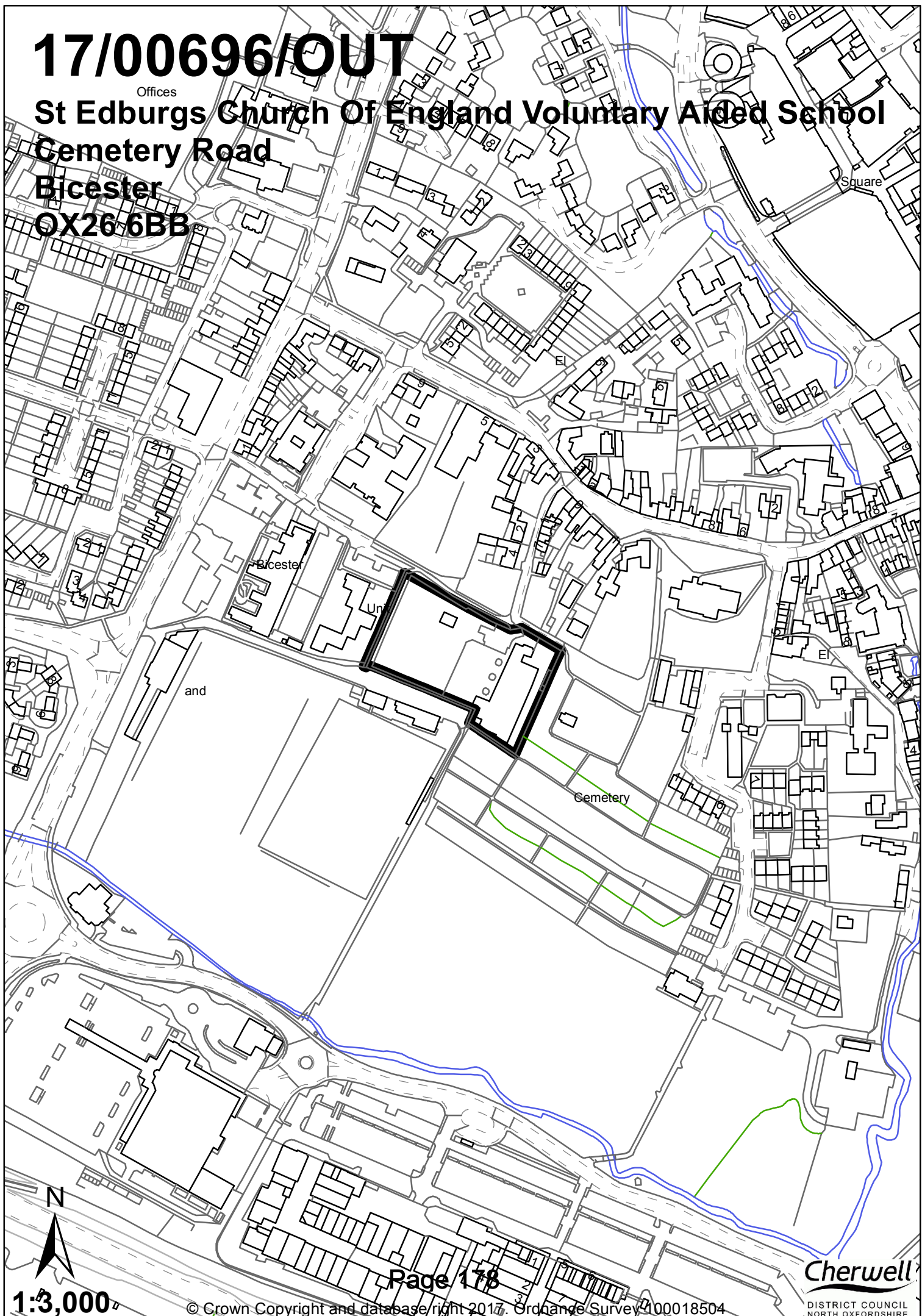


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17/00696/OUT

Offices

St Edburgs Church Of England Voluntary Aided School
Cemetery Road
Bicester
OX26 6BB



**St Edburgs Church Of England Voluntary Aided
School
Cemetery Road
Bicester
OX26 6BB**

17/00696/OUT

Applicant: U And I Group PLC

Proposal: Part demolition of existing structures and change of use of former school building (Use Class D1) to restaurant (Use Class A3) and the erection of 10 residential dwellings (Use Class C3), associated access, car parking and landscaping works.

Ward: Bicester South And Ambrosden

Councillors: Cllr David Anderson
Cllr Nick Cotter
Cllr Dan Sames

Reason for Referral: Major Application

Expiry Date: 3 July 2017 **Committee Date:** 6th July 2017

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1. This application relates to the former St Edburg's school site which is located at the junction of Cemetery Road and Piggy Lane. The site extends to 0.72ha and comprises the former school building located at the eastern part of the site. The school building is locally listed. The western part of the site comprises the former school playing fields. The eastern part of the site is within the Bicester Conservation Area whilst the western part comprising the playing fields lies just outside the Conservation Area.
- 1.2. Vehicular access is from Cemetery Road to the north. Pedestrian access to the site can be gained from the recreation ground to the south, Piggy Lane to the west, Cemetery Road from the north and daytime weekday access from the churchyard to the east into Cemetery Road.
- 1.3. The site has a hedgerow including a number of semi mature trees along the north and west boundaries, the vegetation along Piggy Lane being particularly strong. These hedges make a positive contribution to the character and appearance of the conservation area, and represent the change in character from the late 19th Century terraces along Church Street to the north of the site.
- 1.4. There are residential properties along Cemetery Road to the north comprising a mix of older terraced properties and more modern detached units. The Bicester Community Unit immediately to the west has a number of rear gardens facing towards the site. The BSA sports ground is located immediately to the south and to the west is the St Edburg's Church graveyard. Bicester Cemetery lies just to the south east of the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks outline planning permission for the part demolition of existing structures on site and the change of use of the former school building to a restaurant at ground floor level and the erection of 10 new dwellings. All matters are reserved for future consideration except access which is to be considered at this time.
- 2.2. The proposals include the demolition of the more modern 20th century extensions to the school building and the erection of 10 two and three bedroom residential dwellings in a terrace of up to 3 storeys. Vehicular access will be gained via Cemetery Road and Piggy Lane as existing.

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>
09/00082/OUT	Demolition of late C20 extension, alterations to original school and construction of new residential units and associated external works.	Application Withdrawn
17/00024/SO	Part demolition of existing structures and change of use of former school building (Use Class D1) to restaurant (Use Class A3) and the construction of 10 residential dwellings (Use Class C3), associated access, car parking and landscaping works.	Pending Consideration

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, 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 04.05.2017, 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
- These buildings have nesting swifts which have been recorded for many years. In 2016 swifts were nesting under the eaves of the building. They should not be disturbed during the nesting season and swift bricks should be incorporated into the new development
 - Cemetery Road is single track, at its narrowest point is only 2.7m wide and incapable of handling residential and restaurant traffic and will cause more traffic, noise and inconvenience to existing residents and disturb a quiet street of only 10 dwellings.

- Access from Cemetery Road onto Church St/Kings End has restricted visibility due to the curve in the road
- Current refuse vehicles used by CDC are 3.0m wide (including wing mirrors). Most restaurant delivery supplies use at least 7.7 ton vehicles. The developer's estimated that a box van is 2.2m wide, this is not true, a standard box van is 2.46m wide
- Transport Statement overestimates the number of vehicle trips when the school was actually open. In the main vehicles arrived in the morning and stayed all day, parents walked with their children or stopped in Church Street and allowed children to walk the rest.
- Transport statement underestimates the residential vehicular traffic proposed and questions the numbers of restauranters arriving other than by car, who will cycle to a fine dining restaurant, the railway stations are 15-20 minute walk, only 2 buses run regularly in the evening and are 30 mins apart, who will use the infrequent bus service to go to a fine dining restaurant. Most people will walk or taxi.
- Data used to estimate traffic generation is out of date. Car parking and traffic along Church St has increased markedly in the last 6 years
- Transport statement does not take into account that the school only operated for 200 or so days a year making this an unbalanced like-for-like comparison, school drop off times are restricted to limited times of the day, importantly not evening or early morning, schools do not operate at weekends
- Transport statement assumes some clients will be able to park in Church Street
- Maybe developers should be advised to develop Piggy Lane from Coker Place so that current and future even larger sized vehicles could enter the site comfortably. Has the Rugby Club access road been considered as an alternative access
- At the absolute minimum, the requirement for even small vehicles to enter/exit would be a set of traffic lights
- Even at 108 extra trips a day, Cemetery Road is too small for 2-way traffic and will cause congestion in Church Street when diners don't find parking in the restaurant and will park where they can. If two cars meet, one will need to reverse and there is only a narrow pavement for pedestrians on one side, near misses have been witnessed and cars often mount this narrow pavement to try to pass another car
- People/children often walk, cycle and scooter up the access to the sports club, Pingle field, Bicester Village and the cemetery
- Cemetery Road is not suitable for construction traffic
- Bicester is short of cemetery space and as the 'Garden Town' expands, demands on burial plots will increase. I am baffled that this land has become available next to the cemetery and yet will not be used as such.

- Parking provision for the dwellings and restaurant appears to be inadequate which will cause further parking issues within the vicinity of the site. Not all existing residential properties in Cemetery Road have allocated parking.
- Disturbance to the area of tranquillity around St Edburg's Grade 1 Listed Church and the cemetery
- Loss of Bicester's green infrastructure of the green spec of the school playing field
- The only benefit of the plans is that the historic school building will be kept intact, but to make adequate kitchen space for the restaurant there will have to be major alterations. At the exhibition they talked about putting an extra floor under the vaulted roof to give more dining capacity but this would alter the historic layout of the building
- Not mentioned in this application, but widely reported by the same developers is the proposed 'St Edburg's Walk' development (large shops/multi-storey car park) covering the Oxford Road sports field down to Bicester Village. Thus these St Edburg's school plans are the first 'foot on the ground' stage of the new development. This was not included in Cherwell Local Plan Part 1 and the planning inspector said the future of this area and the consultation of whether the town centre boundary should be extended to Pingle drive should be dealt with as part of Local Plan Part 2. Therefore these plans do not comply with Local Plan Part 1.
- The proposed development has been shoe-horned into an area where it does not fit and there is clearly insufficient access. Insufficient detail is provided.

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 strongly objects

- Development of the old school into a high end restaurant and 10 houses is extremely ambitious given the access constraints
- The proposed 17 parking spaces for the restaurant, 7 of which will be reserved for staff, and 1.5 spaces per residential property is unlikely to be sufficient with no allowance for visitor parking or indeed the average of 2 cars per dwelling which is the norm for Bicester. Furthermore, if as planned it is a 'high end' establishment, the customers are likely to be drawn from the wider area thus increasing the demand for car parking. The surrounding roads are narrow and cannot accommodate further cars. A recent application for a take away establishment was rejected on appeal because of lack of car parking.

- It is interesting that the plans suggest 180 vehicles per day for the restaurant and a further 60 per day for the houses. This is reduced to 100 trips by deducting usage when the school was open. This figure is disputed as only teacher's vehicles were allowed near the school with parents wishing to drive using the BSA car park. The revised figure should be 200 per day. The school was only open approximately 260 days per year and it is not hard to imagine the impact of additional traffic to the residents.
- Currently the only access is from Church Street/King's End junction into Cemetery Lane which is at best a single track road. The junction mentioned is blind and one exiting cannot see the traffic coming from Kings end until half across the junction
- The application is premature and should be refused on grounds of access, parking and impact on neighbouring properties. An alternative access is imperative before the application is re-submitted.

STATUTORY CONSULTEES

- 6.3. Thames Water: with regard to sewerage infrastructure capacity no objection. Recommend the installation of a properly maintained fat trap on all catering establishments and further recommend in line with best practice for the disposal of fats, oils and grease, the collection of waste oil a contractor, particularly to recycle for the production of bio diesel. In respect of water infrastructure capacity there is no objection.
- 6.4. Sport England: The proposed development does not fall within their statutory or non-statutory remit and therefore has not provided a detailed response, but gives advice on where to find guidance to aid the assessment of the application on the Sport England website, NPPF and PPG.

NON-STATUTORY CONSULTEES

- 6.5. Planning Policy: There are two main elements to this application

Firstly, the conversion of the former school building to a restaurant with ancillary car parking and outdoor space. As defined by the NPPF and Policy SLE2 such a use is considered to be a 'Main Town Centre Use'. The application site is outside Bicester town centre as defined by the adopted Local Plan although it is within the Town Centre Extension (Area of Search) as described in Policy Bicester 5. This policy states that prior to the review of the town centre boundary through Local Plan Part 2.....other main town centre uses will only be supported if they form part of new schemes which help deliver the aims for central Bicester set out in the Plan. It is the view of the Planning Policy Team that this is an isolated scheme which does not contribute to the aims of this policy.

The site is considered to be in an 'edge of centre' location. The application must therefore be subject to a sequential test which demonstrates why the restaurant use cannot be accommodated within the town centre. The application submitted does not include a sequential test.

The second element of the application is a proposal to construct 10 new dwellings on the former school playing fields. The principal of residential development within the built up limits of Bicester is supported by Local Plan policies. However, the development, as proposed, would result in the loss of existing open space and sports fields. In accordance with the NPPF and Policy BSC10 development proposals that will result in the loss of outdoor sport and recreation provision will not

be permitted unless the proposal will not result in the loss of an open space important to the character or amenity of the surrounding area, an assessment has been undertaken which demonstrates that the site is surplus to requirements including consideration of all functions that open space can perform, or the Council is satisfied that a suitable alternative of at least equivalent community benefit in terms of quantity and quality is to be provided within an agreed time period.

The adopted Local Plan identifies a number of existing deficiencies and future shortfalls of open space, sport and recreation provision in Bicester.

In 2008 the Council published Informal Development Principles for the redevelopment of this site. It was recommended that the original school and master's house should be converted to residential use. It was stated that the conversion to commercial leisure use would be likely to cause traffic, parking and noise disturbance to this difficult to access and quiet neighbourhood and will not be encouraged. This document also acknowledged that there may be some scope for new residential development in the site. However, it went on to state that given the existing shortfalls in sports pitch provision in Bicester the existing grass pitch will need to be retained and offered for adoption to Bicester Town Council.

The issue of the loss of outdoor recreation and sports pitches as required by Policy BSC10 and the NPPF has not been addressed by the application.

The 2016 AMR (March 2017) demonstrates that the District presently has a 5.4 year housing land supply for the period 2016-2021 and a 5.6 year housing supply for the period 2017-2022 (commencing 1 April 2017).

The five year housing land supply also includes an allowance for previously developed windfall sites based on the Council's update 2014 SHLAA. This site, including the school buildings, was assessed in the 2014 SHLAA (site ref: BI216). It concluded that *'the site is developable for about 14 residential properties. Any proposals should take in to account the approved development principles relating to retaining the historic character and the building and the surrounding area'*.

Table 15 of the AMR demonstrates that were this site not to be deliverable for 14 homes as indicated, the Council would still have a 5.6 year supply.

Other issues to consider include, inter alia, the impact on the Bicester Conservation Area and the locally listed school building, the impact of the proposed restaurant and parking on the residential amenity of existing and future residents, and highway safety.

Policy Recommendation: Objection due to

1. The absence of a sequential test that demonstrates why the proposed restaurant use cannot be accommodated within Bicester Town Centre
 2. The loss of open space and sports pitches in Bicester, where the adopted Local Plan identifies current and future deficiencies in provision, without the provision of suitable alternative of at least equivalent community benefit in terms of quantity and quality.
- 6.6. Arboricultural Officer: As there are several high profile trees on the site, the applicant will need to provide a BS 5837 survey pre-determination. The survey will need to provide an Arboricultural mitigation strategy and an Arboricultural method statement as well as the initial survey document.

6.7. Business Support Unit: No comments received

6.8. Conservation Officer: The proposed development site lies partially within the Bicester Conservation Area and the school building is a non-designated heritage asset (identified as a locally listed building). The area not included within the Conservation Area originally lay outside the built up area of the town, but was later incorporated into the school grounds. A number of structures are shown on late 20th century OS maps and it is anticipated that these must have been portacabin accommodation associated with the school building.

The site is located to the south west of the grade 1 listed church of St Edburgs and in close proximity to its surrounding cemetery. The site also lies in close proximity to the cemetery chapel, which is also a locally listed building/non-designated heritage asset.

A Development Brief entitled '*Redevelopment of St Edburg's School, Bicester. Informal Development Principles October 2008*'. This outlined that the school and master's house should be converted to residential use (on the basis that commercial leisure would generate too much traffic). It also stated that there was limited scope for new development within the grounds, but should be no more than two storey.

The Heritage Statement provides a robust understanding of the historic development of the site. There is also an analysis of views of the site from the surrounding locality and the contribution the current site makes to the setting of the conservation area.

The proposal to use the former historic school building as a restaurant is considered to be a positive use for the site from a heritage perspective as it will allow the historic significance of the building to be retained. The proposal to retain both the historic school building and associated lavatory block is welcome as the latter contributes to the setting and significance of the school building. The proposal to demolish the 20th century school extension is welcomed as this will be considered to enhance or 'better reveal' the setting of the building and the character and appearance of the conservation area.

It is proposed to locate 12 parking spaces to the south of the building in close proximity to the stone wall surrounding the cemetery. There are issues here relating to the setting of the cemetery with emphasis on noise, pollution levels and potentially visual impact (depending on the ground levels and whether the cars would be screened by the boundary wall). The restaurant terrace to the south east of the site has the potential to have a detrimental impact on the setting of the cemetery in relation to noise levels, tranquillity, privacy as well as potential visual impacts from covered seating areas, canopies etc. There are particular sensitivities as this area of the cemetery has recent burials and therefore relatives visiting the graves.

Issues for consideration at reserve matters stage will be

- Signage
- Treatment of access to the site
- Location and treatment of any external extraction equipment (in relation to visual impact, noise and smells)
- Hard and soft landscaping treatment

- Details of structural elements relating to outdoor seating area for restaurant (including canopies, table, chairs, planters etc)
- The treatment of the boundary between the restaurant use and the residential use.

These issues will all need to consider the setting of the non-designated heritage asset of the school building as well as the cemetery and stone boundary wall.

The general principle of residential development on the site was agreed in '*Redevelopment of St Edburg's School, Bicester. Informal Development Principles October 2008*'.

- There is a substantial area of land associated with the school building, but it is appreciated that there are difficulties with providing a suitable form of development in this area. The land has historically been on the edge of the town centre and has not been built upon in recent times (no development shown on historic OS maps dating back to 1875). The land was originally open with footpaths crossing through it and then latterly formed playing fields and playground associated with the school building
- The key issue is where the housing is placed on the plot, how it interacts with the proposed restaurant use on the plot and its relationship with the surrounding townscape. The current proposal isolates the development from the surrounding townscape, but has less impact on the setting of the conservation area along Piggy Lane with its distinctive characteristic stone boundary walls
- The benefit of using the existing access for both restaurant and residential use is that the continuous frontage along Piggy Lane (albeit currently as a close boarded fence) is maintained
- The proposed access road with large turning head and parking to the eastern frontage of the properties is considered to have a detrimental impact on the setting of the non-designated heritage asset of the former school building – both urbanising and domesticating the area. It would be preferable for the road and parking to be at the rear of the properties which would have less impact on the setting of the building and create a better environment for the restaurant use.
- The proposed development of 10 units does not seem unreasonable in terms of number
- Terraced development is considered to be suitable rather than suburban cul-de-sac arrangement as this is in keeping with housing development in the wider surrounding area
- Three storey development is not considered acceptable (as identified by the 2008 development brief) as this would have a greater impact on views across the site and dominate the school building
- Development in this specific location would block views of the roofscape of Kings End House, but this is considered to be a relatively minor issue

The proposed pedestrian access across the playground is considered positive.

More detailed comments can be found on the application file on the council's website and are included in the commentary under heritage assets below.

6.9. Ecology Officer: The preliminary ecological appraisal has been undertaken in line with standard methodology and I can have confidence in the conclusions drawn. At the time of the survey, an initial bat survey was undertaken of the existing buildings which contains multiple roof voids, some of which were inaccessible to survey. It is not clear from the proposed plans for the restaurant building if the existing roof voids are proposed to be retained or if any works to the roof are proposed, that is, through conversion or re-roofing. Should conversion of the roof voids be proposed, it will be important that activity surveys are undertaken prior to determination of the application to determine the potential impact on bats. However, should the roof voids be retained within the design of the scheme, then there appears to be sufficient scope to mitigate for the potential impact on void-dwelling bats within the voids and the proposed new dwellings. Conditions requiring further survey work and detailed mitigation plan are recommended.

6.10. Economic Development: No comments received

6.11. Bicester Local History Society: No comments received

6.12. Landscape Officer: comments as follows

- Further to consideration of the site I propose that a locally contextually sensitive hard landscape scheme is implemented (reflecting the setting and existing stone walls)
- The landscape area of the restaurant garden, the LAP and old playground are to provide amenity and function for the development
- I question whether it is appropriate to retain the large playground when it will obviously be used as a large car park (is that the intention) A substantial proportion of the playground should be removed and compacted subsoil ameliorated, drained and good quality top soil added at depths, 450mm for shrubs, 150mm for grass and 1000mm for trees.
- Landscape proposals should be in accordance with established specifications

6.13. Environmental Protection; comments as follows

- **Noise:** having visited the site the background noise is very low. Therefore we would require a noise survey carried out to BS4142:2014 on any plant such as extraction equipment or air conditioning units that may be installed to ensure that noise levels for existing and proposed residential properties in the area are acceptable. In addition a CEMP for both the construction and demolition phases will need to be supplied that considers the potential risk of noise and dust nuisance and mitigation for both and approved before work starts on the site.
- **Contaminated land:** due to the sensitive nature of the site contaminated land conditions are recommended
- **Air quality:** no comments

- **Odour:** full details of the proposed extraction equipment to the restaurant will be required to ensure that odour does not cause an issue to existing and proposed residents
- **Light:** no comments

6.14. Waste and Recycling: the developer has not given enough information of the size of properties to be built and will need to satisfy the local planning authority that they have adequate provision for waste and recycling storage

6.15. Thames Valley Police design Adviser: No comments received

6.16. OCC Transport: Objection as follows

- The work undertaken by the applicant to predict the existing and future traffic generation of the site is not sufficiently robust to allow a confident conclusion to be made about whether the proposed development will be acceptable in transport terms
- No consideration has been given to the safe operation of the junction of Cemetery Road and Church Street which is a concern bearing in mind that the overall number of vehicle movements is likely to be more than when the primary school was open. A plan needs to be provided showing visibility splays (based on Manual for Streets standards) calculated using a recent speed survey. Without that, the applicant has not demonstrated safe and suitable access for all in line with the NPPF
- The tracking of large vehicles serving the site (including the Cemetery Road/Church Street junction) is not satisfactory and as such the applicant has not demonstrated safe and suitable access for all in line with the NPPF
- Whilst I accept that the exact size of the restaurant's public area is not known at this stage, no attempt has been made to estimate how much car parking a restaurant of the size proposed would normally be expected to provide. Despite the sustainable location of the restaurant, 12 spaces seems low. More work is needed on this. Nevertheless, a financial contribution would allow additional parking restrictions on Church Street and Kings End to prevent overspill parking there in the evenings – extent of the protection to be determined depending on the final amount of on-site restaurant parking provided

If Cherwell is minded to approve the application, a number of conditions are recommended.

6.17. OCC Archaeology: the site is located in an area of archaeological potential and a programme of archaeological investigation will be required ahead of any development of the site. This can be secured through an appropriately worded condition.

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
- PSD1 – Presumption in favour of sustainable development
- SLE2 – Securing dynamic town centres
- SLE4 – Improved transport and connections
- BSC1 – District wide housing distribution
- BSC2 – Effective and efficient use of land, brownfield land and housing density
- BSC4 – Housing mix
- 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
- ESD7 – Sustainable drainage systems
- ESD8 – Water resources
- ESD10 – Protection and enhancement of biodiversity and the natural environment
- ESD17 – Green Infrastructure
- Bicester 5 – Strengthening Bicester town centre
- Bicester 7 – Meeting the need for open space, sport and recreation
- Bicester 9 – Burial site provision in Bicester

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – design of new residential development
- TR1 – Transportation funding
- TR7 – Development attracting traffic on minor roads
- T2 – Restaurants within settlements
- C23 – Retention of features contributing to character or appearance of a conservation area
- C31 – compatibility of proposals in residential areas
- C32 – provision of facilities for disabled people
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

NON-STATUTORY CHERWELL LOCAL PLAN 2011

- Policy H11: Windfall sites within the built up area of Bicester
- Policy TR5: Road safety measures for proposed development
- Policy TR8: Development prejudicing pedestrian and cycle route provision
- Policy TR11: Development and provision of car parking
- Policy TR31: Support for development not affecting pedestrian and cycle routes
- Policy R4: Protection and enhancement of the existing PROW
- Policy PR7A: Development on playing fields

- Policy D5: Design of the public realm

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Redevelopment of St Edburg's School, Informal development Principles

8. APPRAISAL

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

- Principle of development
- Five year housing land supply
- Access and Parking
- Heritage Assets
- Design, and impact on the character of the area
- Residential amenity
- Ecology
- Trees and Landscaping
- Planning Obligation

8.2. Principle of Development

8.3. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and adopted Cherwell Local Plan Part 1 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application and any other material considerations.

8.4. Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption in favour of sustainable development should be seen as a golden thread running through decision making.

8.5. There are three dimensions to sustainable development, as defined in the NPPF which are economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

8.6. The application site is a part greenfield and part brownfield site within the built up limits of Bicester. Bicester is one of the two most sustainable settlements within the District with good accessibility to services and facilities and employment opportunities. The site is included within the SHLAA Update 2014 (August 2014) under site reference B1216. The approved development principles for the site state that the original school building and out-building should be retained and the later post war additions demolished. It states that there is some limited scope for new development within the grounds, predominantly to the north-west and south-east but care should be taken not to adversely affect views towards the church from the south west, or to impinge on the integrity of the retained school building. It also advises that to the south east of the site, the lower ground of the cemetery means that new build over two storeys would be unacceptably dominant in views from the south. The playing fields should be retained to help meet the town's needs. The site assessment concluded that *'the site is developable for about 14 residential properties. Any proposals should take into account the approved development principles relating to retaining the historic character and the building and the surrounding historic area.'*

- 8.7. The proposal which seeks to develop the former school playing field is contrary to the Council's approved informal development principles which states that the playing field will need to be retained to help meet the town's needs. Policy BSC10 of the adopted Cherwell Local Plan also seeks to protect existing provision. The applicant argues that the existing playing fields have been replaced by the new school provision at South West Bicester. It is considered however, that in the absence of a more detailed assessment that this is not sufficient justification for their loss and the proposal is therefore contrary to Policy BSC10 in this respect.
- 8.8. The NPPF further advises that a sequential test should be applied to applications for main town centre uses such as A3. Only if suitable sites are not available should out of centre sites be considered and preference should be given to accessible sites that are well connected to the town centre. An Impact assessment is not required in respect of this proposal as the school building is below the threshold.
- 8.9. The Planning Practice Guidance advises on sequential test and impact assessment, but also advises that if required development cannot be accommodated in the town centre, that the local planning authority should plan positively for such needs having regard to the sequential test and impact tests. Policy Bicester 5 of the adopted Cherwell Local Plan 2011-2031 seeks to do this by identifying an 'Area of Search' to ensure that any proposed main town centre uses which are not in the existing town centre are in the best locations to support the vitality and vibrancy of the town centre, and that no likely significant adverse impacts on existing town centres arise as set out in the NPPF.
- 8.10. The adopted Cherwell Local Plan Part 1 2011-2031 is consistent with the NPPF in that it requires a town centre first approach that directs retail and other town centre uses towards town centres and encourages the growth of such centres and aims to support Bicester town centre's viability and vitality.
- 8.11. Policy SLE 2 of the adopted Cherwell Local Plan 2011-2031 'Securing Dynamic Town Centres' seeks to ensure that Bicester's role is strengthened in terms of achieving economic growth as a destination for visitors and serving their rural hinterlands. The policy further advises that proposals for retail and other Main Town Centre Uses not in a town centre should be in 'edge of centre' locations, and only if suitable sites are not available in edge of centre locations, should out of centre sites be considered, and when considering edge of centre or out of centre proposals, preference will be given to sites that are well connected to the town centre.
- 8.12. Policy Bicester 5 'Strengthening Bicester Town Centre' aims to support the viability and vitality of the existing town centre, encourage economic activity, assist with the connectivity between the existing town centre, a new Bicester Railway Station, Bicester Village; adjoining residential areas and improve the character and appearance of the centre of Bicester and the public realm. The application site is not within Bicester Town Centre but is within the 'Area of Search' identified in Policy Bicester 5. This does not however mean that the town centre first approach should not be taken and a sequential test is therefore necessary. No sequential test has been submitted as part of the application and the application is therefore contrary to policies within the adopted Cherwell Local Plan Part 1 2011-2031 and Government advice within the NPPF in this respect.
- 8.13. Five Year Housing land Supply
- 8.14. The 2016 AMR (March 2017) demonstrates that the District presently has a 5.4 year housing land supply for the period 2016-2021 and a 5.6 year housing supply for the period 2017-2022 (commencing 1 April 2017). The five year supply position has been confirmed by the Planning Inspectorate in recent appeal decisions.

- 8.15. The five year housing land supply also includes an allowance for previously developed windfall sites based on the Council's update 2014 SHLAA. This site, including the school buildings, was assessed in the 2014 SHLAA (Site Reference: B1216). It concluded that the site is developable for about 14 residential properties and that any proposals should take in to account the approved development principles relating to retaining the historic character, the building and the surrounding historic area. Table 15 of the AMR demonstrates that were this site not to be deliverable for 14 homes as indicated, the council would still have a 5.6 year supply.
- 8.16. Access and Parking
- 8.17. Strategic Objective 13 of the adopted Cherwell Local Plan 2011-2031 aims to reduce the dependency on the private car as a mode of travel and increase opportunities for travelling by other modes. Policy ESD1 sets out an aim to mitigate the impact of the development on climate change by delivering development that seeks to reduce the need to travel which encourages sustainable travel options including walking, cycling and public transport to reduce the dependence on private cars. Policy SLE4 also has similar objectives. The transport impacts of the development must be considered against these policies and the requirements of Section 4 of the NPPF.
- 8.18. The application is accompanied by a Transport Statement produced by WYG Environment Planning Transport Ltd. The site is located at the southern end of Cemetery Road and south of Piggy lane. Vehicular access to the site is via Cemetery Road, a narrow single carriageway road which leads from the junction of Church Street and Kings End. Vehicular access into the site is at the northern end close to Cemetery Road. There are a series of Public Rights of Way adjacent and within the vicinity of the site. A new north-south circulatory pedestrian route is proposed to run through the site but it is currently not intended that this would be adopted and the application form indicates that no new public rights of way are to be provided, so it is not clear what function this new link will have. Cemetery Road has a narrow footway on the eastern side of the carriageway. There are a series of cycle paths in proximity to the site. The closest bus stops to the site are located in Kings End. 12 number car parking spaces are proposed for the restaurant and each of the residential units will have one allocated parking space plus five spaces for visitors. In terms of deliveries to the site, the submitted Transport Statement assumes that deliveries to the restaurant will be daily and vehicles will not be larger than 7.5 ton box van and for the residential deliveries would be by small transit van. In terms of refuse collection, the submission assumes that collections from the restaurant will be daily by a private waste collector with a small refuse vehicle and the residential units in a weekly basis, again by a small refuse vehicle of 6.623m long. This vehicle is considerably smaller than those used by Cherwell District Council. The application has since been amended to show an 11.4m refuse wagon.
- 8.19. The Transport Statement has been assessed by OCC as Highway Authority who considers that the traffic generation work undertaken by the applicant's transport consultant is not sufficiently accurate to allow a robust conclusion to be reached in terms of whether the proposal is acceptable in terms of traffic impact. This is important in this respect due to the narrow width of Cemetery Road and the fact that two vehicles cannot pass one another. Furthermore, the school traffic impact was previously based on TRICS surveys of other primary schools. Due to the constrained nature of Cemetery Road it is unlikely that parents would have driven down it to drop off children and the Transport Statement fails to justify why the primary schools chosen in the TRICS database are similar enough to St Edburgs to be used as a comparison. In terms of traffic generation for the proposed restaurant,

this is only based on two restaurants which are not directly comparable to the proposal.

- 8.20. In the absence of a robust traffic analysis, OCC have to assume until proven otherwise that the turning movements overall at the junction of Cemetery Road and Church Street/Kings End will increase. As such the applicant needs to demonstrate that these movements can be made safely, particularly given that visibility to the west appears constrained. No mention is made of this junction in the Transport Assessment. It is requested that the applicant should therefore carry out a speed survey at the junction and then show the relevant visibility splays on a plan. In the absence of this additional information it cannot be assured that a safe and suitable access in accordance with the NPPF can be achieved. The applicant has been in discussion with OCC in respect of these concerns, however, to date the highway authority remains of the view that in the absence of robust traffic generation data and the poor visibility from Cemetery Road onto the junction with Kings End which is substandard that the development proposed is not acceptable in highway safety terms.
- 8.21. In terms of deliveries and servicing, concern has been expressed by OCC about the size of the vehicles likely to be used to service the site. Tracking of the refuse wagon has also only been shown turning left into Cemetery Road. Right turn in and right and left turn out of Cemetery Road are also needed. The refuse vehicle for the restaurant also needs to be shown leaving the site. Again revised plans have been submitted indicating the larger refuse vehicle with the necessary tracking plans. The large 7.5t box van for deliveries to the restaurant has not been tracked in and out of Cemetery Road from Church Street/Kings End and must be shown.
- 8.22. OCC consider that the parking shown for the residential use is acceptable, but it is difficult to give a definitive comment on the level of car parking that is proposed for the restaurant element because the area of public space is not known. It is accepted that the exact amount of public floor-space is unknown, but an estimate should be made based on experience elsewhere. However, due to its proximity to Bicester town centre, a reduced car parking requirement might be acceptable and the introduction of additional parking restrictions to cover the evenings in the vicinity of the site would address over-spill car parking and the negative impact on highway safety it might have.
- 8.23. In terms of pedestrian and cycle connections OCC consider the site is well located to encourage cycling and walking and the proposed pedestrian link through the site connecting Cemetery Road is welcomed and connections to Kings End/Oxford Road give further opportunity for people to walk from nearby residential areas and access the high frequency bus services. Local residents have raised concerns about the numbers of people who are likely to access the restaurant in the evening by bus and cycle and therefore the high numbers likely to drive. It is considered that during the evening, if this were to be a 'high end' restaurant as the applicant claims, that, it is less likely that customers will cycle or use the local bus service.
- 8.24. The applicant has sought to address the above concerns by the submission of two Technical Notes, dated 16th May and 5th June 2017. The first of the Technical Notes has been assessed by OCC. In terms of servicing and waste collection, revised tracking plans indicate the use of a 10.52m long refuse truck as currently used by CDC for the proposed residential units. As requested by OCC, a speed survey was carried out in the form of an Automatic Traffic Count during the week commencing 15th May 2017 which showed the average speed was 26mph and 23mph in wet weather. Additional plans also showing the vision splays available at the junction of Cemetery Road with Kings End/Oxford Road have been received. These have been assessed by OCC. However, the concerns raised in respect of the junction of

Cemetery Road and Kings End has not been addressed and an objection remains therefore in respect of the proposal on highway safety grounds, contrary to the advice within the NPPF.

Heritage Assets

- 8.25. The application is accompanied by a Heritage Statement and Impact Assessment produced by Asset Heritage Consulting Ltd as required by the NPPF. This should describe the significance of any heritage assets affected, including any contribution made by their setting. This has been assessed by the Conservation Team who considers it provides a robust understanding of the historic development of the site. The application site falls partly within the boundaries of the Bicester Conservation Area. St Edburg's School is a locally listed building and St Edburg's Church adjacent is Grade 1 Listed. St Edburg's school is located within the oldest inhabited area of Bicester, prehistoric, Roman and Medieval activity have all been identified within 400m radius of the school building. It was the oldest surviving school in Bicester, dating from 1858, and originated as a National school for boys and girls financed by a government grant and money raised by Charles Fowler, a tenant farmer, and the vicar Rev J.W Watts. In 1902 it became classified as a Church school. There is also a lavatory block of late Victorian character which is of interest. The school was extended in the late 20th century, but the design of this is of no architectural or historic merit. The school site was vacated in 2016 when the school moved to the new development at South West Bicester.
- 8.26. Section 12 of the NPPF sets out 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. Paragraph 132 of the NPPF advises *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'*
- 8.28. In respect of locally listed buildings, the NPPF advises at paragraph 135 that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*
- 8.29. The site is located in an area of archaeological potential on the western edge of the precinct of St Edburg's Priory. The priory buildings themselves are located 230m to the east of the site of the Priory but it is possible that archaeological deposits relating to the priory could survive below ground around the school building. The school is also located near to a Roman settlement site 400m to the west which was excavated in 2002 and recorded cobbled surfaces and a trackway. Further evidence of prehistoric activity in the area has been recorded immediately west of this within the new south west Bicester development. Evidence of the size of the settlement is indicated by the recording of a possible Roman ditch 150m west of the school during the watching brief. The current school buildings would have truncated parts of the site, especially to the south of the original Victorian school but the developments on the western could encounter archaeological deposits related to the medieval development of the town or to the adjacent Roman settlement.

- 8.30. The boundary walls around the school site also make a positive contribution to the character of the area and are constructed of coursed Limestone rubble with semi-circular upright coping stones. The east and south east wall to the cemetery appears significantly higher than that to the north because the school site is slightly raised. The original school building comprised a school master's house at the north and the school to the south with a large central hall. The school has a large modern extension at its southern end but the original Victorian building remains very much intact.
- 8.31. It is an attractive Gothic building constructed of local Limestone rubble with ashlar used in window and door surrounds, quoins, tracery, buttress fronts and for the heavy string course on the hall elevation. The gabled roof is of welsh slate.
- 8.32. The Grade I listed church of St Edburg is located to the north east of the site. There are clear views of the church from within the site, with the school building in the foreground from the western end of the site and with the cemetery chapel and stone boundary wall from the eastern end of the site. There are only glimpsed views of the church from outside the site. A mature tree to the south west corner of the site obscures potential additional views of the church during the summer months. Whilst this is proposed for retention as part of the development proposal, the indicated residential block is in close proximity, which may put pressure on the retention of this tree in the future.
- 8.33. The greatest area of sensitivity is to the south and east of the site where the proposed development lies in close proximity to the cemetery associated with St Edburg's Church and cemetery chapel and will inevitably impact on their setting. Historic England's *'The setting of Heritage Assets: Historic Environment Good Practice Advice in Planning:3'* outlines the issues, in addition to the visual and associative relationships that can be taken into account when assessing the contribution to the setting of heritage assets, there are other issues which are of direct relevance to the use of the cemetery, these being, noise and vibration and other pollutants or nuisances from the restaurant use, the impact on the tranquillity or remoteness of the cemetery, again from the restaurant use and the sense of enclosure, seclusion, intimacy or privacy that could be lost from visiting the cemetery and chapel as a result of the proposed restaurant use.
- 8.34. The proposed development site lies partially within Bicester Conservation Area in the 'Piggy Lane' Character Area. The conservation area appraisal identifies the significance of the area *'The character of Piggy Lane as an ancient route from the west along the rear of the burgage plots to the former Priory is discernible at its eastern end where it is bounded by 3m high limestone walls on the north enclosing the historic properties'*. The school site forms the outer extent of the historic core of the town of Bicester as shown on historic OS maps of the area. The appraisal identifies the importance of the former St Edburg's School within this area *'The gothic Revival St. Edburg's primary school creates a landmark at the south east end of the character area. The truncated spire is balanced by the tower of the church of St Edburg's which lies to the north east'*.
- 8.35. The public rights of way around the site are of fundamental significance to the character of the area. The footpaths tend to be narrow and enclosed and often surrounded by stone walls or other boundary features. Historic OS maps show footpaths crossing the land associated with the school; these have later been re-routed, but still cross and line the former school playground. The stone wall to the east end of the site (which is potentially curtilage listed to the Grade 1 listed building) make a significant contribution to the conservation area.

- 8.36. The western end of the site lies outside of the Conservation Area. The area was historically outside the built up area of the town, but had good pedestrian links across it linking development along the road to the west with the core town centre. Latterly the land had close links with the school building. It is unclear why this area of land was excluded from the conservation area boundary as the 'Boundary Justification' in the appraisal does not go in to detail, but may be due to the late 20th century development to the west of the site. The piece of land not included within the boundary of the conservation area clearly formed an important part of the setting of the school building and is now a tranquil, green space lined by mature trees and hedges at the edge of the town centre. The close boarded fences which line this area of the site do not make a positive contribution to the site, but their impact is mitigated by the presence of tree and hedge cover.
- 8.37. Views from outside the site into the Conservation Area beyond are limited due to mature trees and hedges, but there are some glimpse views of the church and the roofscape of Kings End House along Kings End can be seen across the site, whilst this is not a listed building, it could be described as a non-designated heritage asset which makes a contribution to the conservation area.
- 8.38. The setting of a listed building, locally listed building or conservation area can often form an essential part of its character and regard must therefore be had to the desirability of preserving the setting of such buildings. The Planning (Listed Buildings and Conservation Areas) Act 1990 also requires that special regard should be had to preserving the setting of listed building and preserving and enhancing the character and appearance of a conservation area. As stated above, the setting of the adjacent chapel, graveyard and cemetery is of particular importance in terms of its quiet and peaceful ambiance.
- 8.39. Whilst the site is located within the built up area of Bicester, it is particularly tranquil and quiet and the impact of the A3 use must therefore be given very careful consideration, particularly in respect of the proposed car park and the outdoor seating area, which could generate significant levels of noise during the day when people are seeking the tranquillity of the adjacent cemetery and graveyard. As this is an outline application, little information has been submitted regarding this but an outdoor restaurant terrace is included at the eastern end adjacent to this boundary.
- 8.40. In terms of the scale of the development, the submission indicates that the dwellings will be up to 3 stories in height. It is considered that this would be out of keeping with the existing development within the vicinity of the site and would adversely impact on the setting of the adjacent Conservation Area and locally listed former school building, chapel and cemetery, contrary to the development plan and advice within the NPPF.
- 8.41. Design and Layout
- 8.42. The application proposes the demolition of modern extensions and the conversion of the historic school building to a restaurant use together with the erection of 10 residential dwellings on the school playing field. The Planning Statement submitted with the application states that the parameters for the application for the proposed residential element set a maximum height of 10m, a maximum length of 50m and a maximum depth of 10m.
- 8.43. Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. Paragraph 57 advises 'It is important to plan positively for the achievement of high quality and

inclusive design for all development, including individual buildings, public and private spaces and the wider area development schemes’.

- 8.44. The NPPF also advises that developments should seek to achieve a strong sense of place, and whilst particular tastes or styles should not be discouraged, it is proper to promote or reinforce local distinctiveness. Paragraph 61 states *‘although visual appearance and the architecture of individual buildings are important factors, securing high quality design goes beyond aesthetic considerations, addressing the connections between people and places and the integration of new development into the natural, built and historic environment’*. It is considered that the layout submitted fails to create a strong sense of place, or successfully integrates the new residential development into the existing environment and this is discussed further below.
- 8.45. Policy ESD15 of the adopted Cherwell local Plan 2011-2031 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of built development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits. The adopted Cherwell local Plan 1996 contains saved policies C28 and C30. Policy ESD15 advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement. Traditional local vernacular tends to have narrow gable spans and relatively steeped roof pitches. The planning statement sets the parameters for the residential units to have a maximum gable span of 10 metres, this is considered overly wide within this historic core adjacent to the Bicester Conservation Area. Furthermore a maximum length of 50m for the terrace as shown will result in the building being considerably closer to the existing trees and hedgerows to the boundaries of the site, which are not yet mature, further compromising their future retention and growth. It is also considered that a three storey development in this location would be out of keeping with the existing development within the immediate locality which is essentially two storey.
- 8.46. The appearance of new development and its relationship with its surroundings and built and natural environment is an important factor for consideration. Whilst this is an outline submission, with only access for consideration at this point in time, an indicative layout has been submitted which seeks to demonstrate that the proposed development can be successfully accommodated. The successful integration of new housing within its surrounding context is a key design objective and therefore there is a need to understand the context within which new housing will sit as well as the nature of the site itself and its immediate surroundings.
- 8.47. It is considered that the building materials and colour palette of the new dwellings should strongly reflect the retained buildings, using natural limestone for the walls of the buildings and proposed boundary enclosures, with natural slate for the roofs. The submitted Design and Access Statement does not give any information regarding the types of materials to be used for the proposed development. Whilst a contextual analysis of the locality has been undertaken, it is not clear how these have informed the layout or house types which appear to have been based on the new development on the old hospital site rather than those immediately adjacent to the site.
- 8.48. The indicative layout submitted indicates the retention of the main school building for A3 purposes and a car park and outdoor restaurant area on the site of the demolished more modern extensions. It is not clear from the submission whether the upper floor of the building will be utilised. The residential terraced block is shown at

the western end of the site on the existing school playing field with a central access road between the two uses terminating in a large turning head. A restaurant garden is indicated in the space between the restaurant building and the proposed residential units. It is not clear from the indicated layout how the residential block as shown would interact with the adjacent restaurant use nor the existing residential uses in Cemetery Road and adjacent. As indicated, these dwellings appear very much separated from their neighbours. Furthermore, it is considered that the access road and large turning head as shown create a very poor sense of place and it is likely that there could be some conflict with parking from the restaurant use if there are insufficient spaces within the car park. It is likely that most restaurateurs will drive to the site as the bus services are infrequent during the evenings and the town centre car parks are some distance away. It is also considered that such a layout will have a detrimental impact on the setting of the non-designated heritage asset, the former school building as a consequence of its visual appearance.

8.49. There are a number of public rights within the vicinity of the site, but no thought appears to have been given to their relationship with the proposed development, nor in terms of opening up the site and improving pedestrian access from this area back into Bicester town centre.

8.50. Residential Amenity

8.51. In terms of neighbour impact, a number of objections have been received from adjacent and residents within the vicinity of the site who have expressed concerns about the traffic that will be generated along Cemetery Road, a narrow, single carriageway road, and noise, disturbance and inconvenience to existing residents as a consequence of the restaurant use. Consideration of the proposal must also be given to the relationship of the proposed residential properties as indicated with the adjacent community building which has rear gardens towards the site. It is considered that three storey dwellings in such close proximity are likely to impact on the privacy of their rear garden areas as a consequence of potential overlooking.

8.52. Saved Policies C28 and C30 of the adopted Cherwell Local Plan 1996 seek to ensure that developments are compatible with their locality and that residential amenities are protected. It is considered that having regard to the above, the proposal as indicated is likely to have a detrimental impact upon the residential amenities of occupiers of adjacent dwellings as well as those within close proximity of the site.

8.53. Ecology

8.54. The NPPF – Conserving and enhancing the natural environment requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government’s commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.

8.55. In respect of this application, a preliminary ecological appraisal has been undertaken in line with standard methodology which has been assessed by the council’s ecologist. At the time of the survey, an initial bat survey was undertaken of the existing buildings which contain multiple roof voids, some of which were inaccessible to survey. As such there could be roosts present within the roof voids which were not identified as part of the initial survey. A number of suitable features for crevice dwelling bats are also present, including gaps underneath roof tiles, between the bargeboards and the wall on the eastern elevation, gaps into soffits, ventilation gaps between brickwork and underneath boarding. Evidence of bat

roosts in the form of small numbers of droppings, were present in Loft 1, Loft 2 and Loft 4. It is difficult to identify bat species from droppings alone and further activity survey work will therefore be required prior to any works to the building works commencing to determine which species are present, the size and type of roosts. The surveys should be undertaken during May to August in line with the recommendations in the report. This is necessary to inform appropriate mitigation measures to ensure that the roosts are retained or replaced within the design of the development.

8.56. As this application has been submitted in outline only, there are no details provided in respect of the proposed conversion of the school building, therefore it is not clear from the proposed plans for the restaurant building whether the roof voids are proposed to be retained or if any works to the roof are proposed. Should conversion of the roof voids be proposed, the Council's ecologist has advised that it will be important that activity surveys are undertaken prior to the determination of the application to determine the potential impact on bats.

8.57. Having regard to the above, it is considered that provided adequate measures are put in place to ensure that the necessary surveys are carried out prior to any works commencing, and that if it is proposed to utilise the roof space that activity surveys are undertaken, that the welfare of any protected species on the site will continue and will be safeguarded notwithstanding the proposed development. The proposal therefore accords with the NPPF and Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 in this respect.

8.58. Trees and Landscaping

8.59. The site has a hedgerow including a number of semi mature trees along the north and west boundaries, particularly along Piggy Lane. It is considered that these hedgerows make a positive contribution to the character and appearance of the conservation area and represent the change in character from the dense late 19th century terraces along Church Street to the north of the site.

8.60. The application submission is not accompanied by an Arboricultural Survey identifying the existing tree/hedgerow planting. Neither is the existing vegetation addressed in the submission documentation, including the Design and Access Statement and the Planning Statement. It is important that in being able to understand the quantum of development that might be accommodated on the site that the location, canopy spread (including future canopy spread as they mature), height, girth, species, condition and tree root protection zones are indicated. It is considered that existing trees in fair and above condition should be retained and therefore development should be kept clear of these trees and hedgerows. Furthermore, the parameters for the development identified in the submitted Planning Statement would result in the proposed residential impacting upon their future retention by virtue of their close proximity which is not considered acceptable and would have a detrimental impact upon the visual amenities of the locality and the rural ambience of this part of the town.

8.61. Planning Obligation

8.62. Due to the scale and residential nature of the proposed development, it is considered that the proposal is likely to place additional demand on existing facilities and services and local infrastructure, including schools, community halls, public transport, sports provision, play provision and public open space. Requests for contributions in respect of these have been made as part of the consideration of this application and would need to be secured via a section 106 agreement, to mitigate the impacts of the development in this respect.

- 8.63. Policy INF1 of the adopted Cherwell Local Plan 2011-2031 states that: 'development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities. Contributions can be secured via a section 106 Agreement provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010'.
- 8.64. In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet a number of tests, these being; necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in kind and scale to the development.
- 8.65. In respect of this application proposal, the following contributions have been requested:
- 8.66. Outdoor sports - £11,394.33
- 8.67. Indoor sports - £7,683.60
- 8.68. Community Halls based on number of bedrooms
- 8.69. Public art on site, incorporated into the development
- 8.70. Landscape maintenance including existing trees at £334.82 per tree
- 8.71. Equipped LAP on site and £27,501.52 maintenance sum
- 8.72. £5,600 towards parking restrictions on Church street and Kings End and in the vicinity of the junction with Cemetery Road
- 8.73. S278 Agreement with OCC to deliver improvements to the junction of the Cemetery Road/site access/Piggy Lane to protect the safe and convenient use of the public footpath 129/11

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 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. For the reasons already explained above, the proposed development would fail to preserve and enhance the character and appearance of the Bicester Conservation Area, would be detrimental to the residential amenities of adjacent residential properties and users of the cemetery and graveyard and fail to provide an appropriate form of development. Furthermore no sequential test has been submitted and the assessment of the loss of the playing field is inadequate. As submitted therefore, the proposal is considered to be in conflict with the overall development plan and a number of its specific policies. In accordance with relevant legislation, planning permission should therefore be refused unless material considerations indicate otherwise.
- 9.2. As current central Government planning policy, the NPPF is a material planning consideration of significant weight. The NPPF reinforces the plan-led system and reaffirms that the starting point is to refuse planning permission where a proposal is contrary to the development plan. The Cherwell Local Plan Part 1 was produced, examined and adopted post publication of the NPPF and both its strategy and planning policies are therefore up to date.
- 9.3. As specified above therefore, it is considered that the application should be refused for the reasons specifies below.

10. RECOMMENDATION

That permission is refused, for the following reasons

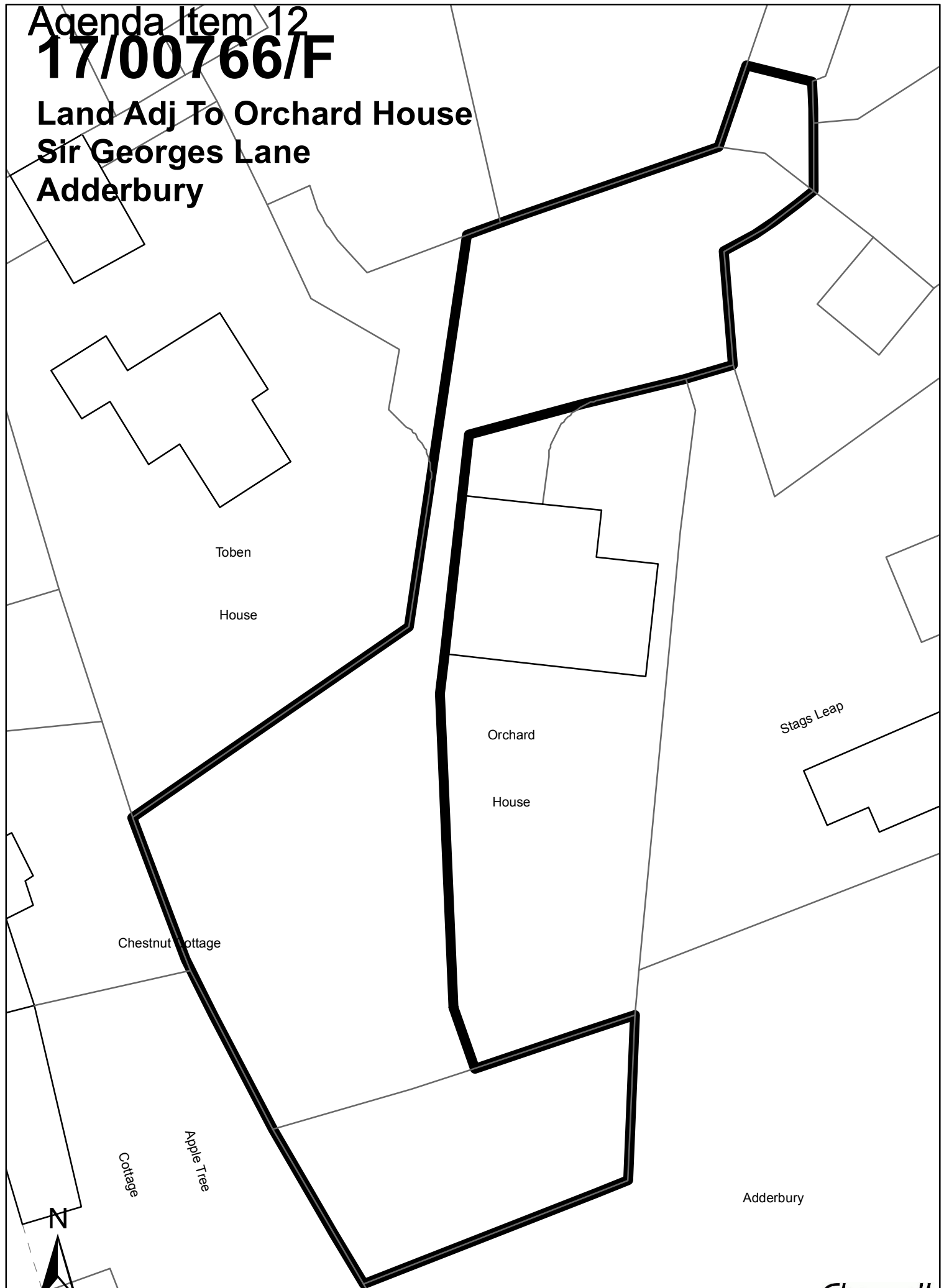
1. In the absence of a sequential test, the proposed A3 use in this out of centre location is contrary to Policies SLE2 and Bicester 5 of the adopted Cherwell Local Plan Part 1 2011-2031 and Government guidance within the National Planning Policy Framework.
2. The loss of the school sports pitch has not been fully justified as part of this submission and the proposal is therefore contrary to Policy BSC10 of the adopted Cherwell Local Plan Part 1 2011-2031 and Government guidance within the National Planning Policy Framework.
3. Due to the narrow nature of Cemetery Road and the substandard visibility at its junction with Church Street/Kings End, the increased traffic generated by the development will be detrimental to highway and pedestrian safety, contrary to Government guidance within the National Planning Policy Framework.
4. The development proposed, by virtue of its layout, form and the positioning of the dwellings and their relationship with the adjacent development and proposed A3 use would be detrimental to the character and appearance of the area, provide a poor living environment for the occupiers of the new dwellings and fail to preserve and enhance the character and appearance of the Bicester Conservation Area contrary to Government advice within the National Planning Policy Framework.
5. The increased traffic generated by the proposed development and the likely noise generated by the proposed A3 use and the outdoor seating area would be detrimental to the residential amenities of adjacent residential properties and the peace and tranquillity of the adjacent graveyard and cemetery, contrary to Policy ESD15 of the adopted Cherwell Local Plan and Policy C31 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
6. In the absence of a satisfactory completed legal agreement, the proposal would not commit to the necessary provision of on-site and off-site infrastructure to mitigate the impact of the development. As a consequence, the proposals will not deliver sustainable residential development to the detriment of the wider public infrastructure. The proposals are therefore contrary to Policy INF1 of the adopted Cherwell Local Plan Part 1 2011-2031 and Government guidance within the National Planning Policy Framework.

CASE OFFICER: Linda Griffiths

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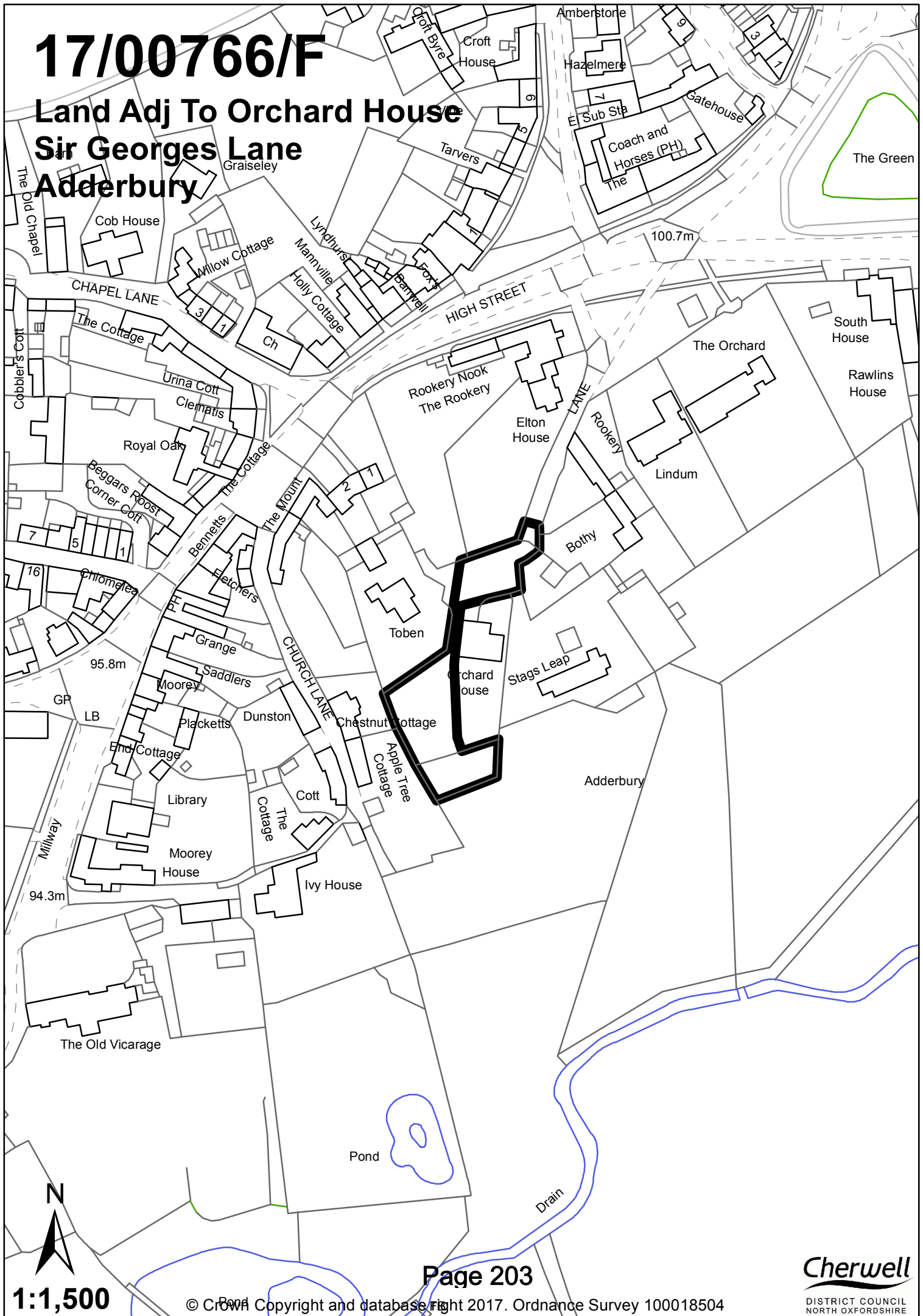
Agenda Item 12
17/00766/F

**Land Adj To Orchard House
Sir Georges Lane
Adderbury**



17/00766/F

Land Adj To Orchard House Sir Georges Lane Adderbury



Applicant: Banks Design Architects

Proposal: Erection of one detached dwelling with access

Ward: Adderbury, Bloxham And Bodicote

Councillors: Cllr Mike Bishop
Cllr Chris Heath
Cllr Andrew McHugh

Reason for Referral: Called in to Planning Committee by Cllr McHugh

Expiry Date: 10 July 2017 **Committee Date:** 6 July 2017

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located in the village of Adderbury and currently serves as part of the garden for Orchard House, a dwelling located at the end of Sir Georges Lane, a cul-de-sac leading south from the High Street. The site backs on to Chestnut and Apple Tree Cottage, properties to the west on Church Lane. The levels of the site drop significantly from north to south.
- 1.2. The application site is located within the Adderbury Conservation Area. The site is located in an area where there are naturally elevated levels of arsenic in the ground. The site is located in an area of high archaeological interest. A number of protected species have been located in close proximity to the site, including the Great Crested Newt, Swifts and Wall Butterfly.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning consent is sought for a new four bedroom dwelling on the site. The dwelling would be constructed from Hornton stone, brick and natural slate and due to the levels of the site, would be on a number of different levels that would be cut into the ground. The access to the dwelling would be from the north, with a new driveway created in between Toben House and Orchard House from the gravel forecourt at the end of Sir Georges Lane. The dwelling would have two pitched roof elements at the north and south constructed from stone, which would be linked by a lower element constructed from brick which would have a monopitch roof.

3. RELEVANT PLANNING HISTORY

- 3.1. There is no planning history directly relevant to the proposal.

4. PRE-APPLICATION DISCUSSIONS

4.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
13/00024/PREAPP	Pre-App Enquiry - Erection of a new dwelling
16/00209/PREAPP	New dwelling
16/00360/PREAPP	Pre- Application Follow up Enquiry - New dwelling

4.2. The initial pre-application response (13/00024/PREAPP) stated that the development would be likely to have a detrimental impact on the character and appearance of the Adderbury Conservation Area and on the amenity of neighbouring properties.

4.3. The next pre-application proposal (16/00209/PREAPP) was submitted more than three years later, under a different policy context following the adoption of the Cherwell Local Plan 2011 – 2031 Part 1 in 2015. This response concluded that whilst the broad principle of a dwelling on the site may be acceptable, without the submission of detailed drawings it would not be possible to determine whether the dwelling would have an impact on the visual amenities of the area or the amenity of neighbouring occupiers.

4.4. The final pre-application response (16/00360/PREAPP) came to similar conclusions to the previous proposal. Detailed plans were not submitted, however it was concluded that the dwelling in its proposed siting and scale would not have a significant impact on residential amenity. It was also stated that any design should be kept simple and low in scale and should be constructed from materials used elsewhere in the conservation area.

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 18.05.2017, 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:

- Land ownership relating to the gravel forecourt at the end of Sir Georges Lane.
- The development would have a detrimental impact on the character and appearance of the conservation area.
- The development would have a detrimental impact on the residential amenity of neighbours.
- The development would have a detrimental impact on the safety of the local highway network and residents walking along Sir Georges Lane.

- The building phase of the development will cause a lot of noise, pollution and disturbance.
- The dwelling is too large and sited too close to neighbouring properties.
- The construction of the dwelling would risk affecting the existing boundary walls to the west.
- The development would affect the water table and cause increased run-off towards existing properties.
- The development would be contrary to the Adderbury Neighbourhood Development Plan which limits 'garden development'.
- The development constitutes 'backland development' which would not relate well to the pattern of development in the area.
- The access track is located too close to Toben House.

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 COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. ADDERBURY NEIGHBOURHOOD FORUM: No comments received.

6.3. ADDERBURY PARISH COUNCIL: **Objects**, for a number of reasons:

- The site is located partially outside of the settlement boundary proposed in Neighbourhood Plan Policy AD1.
- The dwelling would be built in the garden of an existing house and would increase the density of housing in a location where the houses are large and on spacious plots. This would be contrary to the Conservation Appraisal Report (2012) and also to the Adderbury Neighbourhood Plan policy AD7: Managing Design in the Conservation area: The Green which states "To the South (of the Green), proposals must not impact on the spacious nature of the area and the looser building line"
- There is a sense of the house being squeezed into a plot which cannot comfortably accommodate the new structure.
- The architectural design is not appealing and will probably date very quickly.
- Looking up at the site from the fields to the south, the insertion of this house will result in a harder edge to the village where it currently has a soft edge.

STATUTORY CONSULTEES

6.4. LOCAL HIGHWAYS AUTHORITY: **No objections**, subject to a condition relating to the parking and manoeuvring areas of the development.

Parking for Orchard House is retained and access to the site emerges onto an area which is not part of the public highway. Within the public highway there is good inter-visibility along Sir Georges Lane itself and the vision and geometry of the access crossover onto the local network is good.

- 6.5. THAMES WATER: No comments received.

NON-STATUTORY CONSULTEES

- 6.6. CDC ARBORICULTURE: **No objections.**

- 6.7. OCC ARCHAEOLOGY: **No objections.**

- 6.8. CDC CONSERVATION: **Objects**, on the following grounds:

The existing development on Sir Georges Lane is considered to be 'backland', which causes harm to the character and appearance of the Adderbury Conservation Area. The proposed development would be 'backland' to the existing 'backland' as the building line would go further than Stags Leap to the east and protrude further into the 'pastoral landscape' identified as forming part of the character area in the Conservation Area Appraisal.

The design of the dwelling would also cause harm to the character and appearance of the conservation area. The current proposed design has odd proportions (including pitch of the roofs) and solid to void ratios (particularly with the openings on the southern elevation facing towards the open meadowland.) The development would not sit well with the historic properties located to the west of the site along Church Lane.

- 6.9. CDC ECOLOGY: **Comments** there is a pond onsite which is ornamental in nature and it is therefore unlikely to support great crested newts. The existing habitat is poor quality terrestrial habitat. However, as great crested newts have been found in the local area, their presence cannot be ruled out. Precautionary measures should be followed during construction to follow best practice such as storage of building materials above ground on pallets or in skips to avoid amphibians taking refuge in them. In the unlikely event any great crested newts are found, all works must stop immediately whilst Natural England or a licensed ecologist is contacted for advice. A number of trees are proposed to be removed and also some scrub vegetation, therefore works should be timed to avoid the nesting bird season (approx March to August). Subject to a condition relating to this and biodiversity enhancement, it is considered that the development may be acceptable on ecology grounds.

- 6.10. CDC ENVIRONMENTAL PROTECTION: **No objections.**

- 6.11. CDC LANDSCAPE SERVICES: No comments received.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

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

relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- ESD10 – Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Home Extensions Guidance (2007)
- Adderbury Conservation Area Appraisal (2012)
- Adderbury Neighbourhood Development Plan (ANDP)

The Neighbourhood Plan for Adderbury is still at an early stage. A pre-submission version of the plan has been accepted by the Parish Council and is due to be submitted to Cherwell District Council in due course. Given the early stages of the plan, in accordance with Paragraph 216 of the NPPF, no significant weight can be given to it as a material consideration at this time.

8. APPRAISAL

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

- Principle of development
- Design, impact on the character of the area and heritage assets
- Residential amenity
- Highway safety
- Ecology
- Arboriculture
- Other matters

Principle of development

8.2. Paragraph 14 of the National Planning Policy Framework states that a presumption in favour 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. Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.

- 8.4. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites, therefore the presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.
- 8.5. The principle of residential development in Adderbury is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1 2011-2031 and within this policy Adderbury is recognised as a Category A village. Category A villages are considered the most sustainable settlements in the District's rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Within Category A villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built up area of the settlement. The site is on the edge of, but within the built limits of the village, and although it is doubtful the proposal can be considered infilling given its relationship with existing dwellings, it would constitute minor development.
- 8.6. Paragraph C.262 of the Cherwell Local Plan 2011 – 2031 Part 1, gives the criteria for assessing whether a proposal constitutes acceptable 'minor development', which includes:
- The size of the village and the level of service provision;
 - The site's context within the existing built environment;
 - Whether it is in keeping with the character and form of the village;
 - Its local landscape setting; and
 - Careful consideration of the appropriate scale of development.
- 8.7. Thus, whilst the dwelling could be acceptable in principle, this is subject to the proposal not causing adverse harm to the character and appearance of the area, neighbour amenity and highways safety. These issues are discussed below.

Design, impact on the character of the area and heritage assets

- 8.8. Saved Policies C28 and C30 of the adopted Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. Furthermore, new housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 8.9. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development should complement and enhance the character of its context through sensitive siting, layout and high quality design. Furthermore, new development should be designed to improve the quality and appearance of an area and contribute positively to an area's character and identity by creating or reinforcing local distinctiveness. Policy ESD15 also echoes the advice in the NPPF regarding the importance of new development preserving or enhancing designated heritage assets such as Conservation Areas.
- 8.10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

- 8.11. The Conservation Officer has objected to the application on two grounds; these relate to the siting of the development to the rear of Orchard House and protruding further than the building line of Stags Leap, and the design of the dwelling.
- 8.12. The proposed dwelling would be located down Sir Georges Lane and would be located between Orchard House and Toben House but would be situated to the rear of these dwellings. There is no distinct settlement pattern for the existing dwellings located down Sir Georges Lane; the houses are sited in a sporadic and disparate fashion in fairly generous plots. However, the proposed dwelling would be constructed to the rear of Orchard House and would breach the rear building line of Stags Leap to the east of the site, albeit not significantly.
- 8.13. The area to the south of Sir Georges Lane is identified in the Conservation Area Appraisal as forming part of The Lanes character area. The Appraisal explains that *'The series of linear streets are linked by winding lanes, allowing for the continuous deflection of views; this and the undulating typography create pleasant and interesting streetscapes. Narrow lanes filter from the main spine into a series of small residential streets; many terminate abruptly to reveal expansive views of the surrounding countryside'*. That said the character of the application site is more aligned to the Valley Landscape character area. Public views into and out of this area are limited, but never-the-less important as identified by the Adderbury Conservation Area Appraisal: *'the character area features along the length of the conservation area and although a dominant landscape feature, the inward-looking central spine of the village restricts views of this valuable landscape to the perimeter, with views often only found at the end of secondary streets and lanes'*.
- 8.14. The existing properties are considered to cause harm to the character and appearance of the Adderbury Conservation Area, given their incongruous siting to the rear of more historic development on High Street and Church Lane. The Conservation Officer considers that the proposed development would cause additional harm to the character and appearance of the conservation area, with the building sited to the rear of the existing dwellings and protruding further into the 'pastoral landscape' which is identified as forming part of the character area. The building would respect the property boundaries of Chestnut Cottage and Apple Tree Cottage to the west; however it would extend further to the rear of Stags Leap to the east and would appear as another layer of backland development. For this reason it is considered that the dwelling would cause additional harm to the conservation area, by reinforcing a non-traditional form and layout of development and by encroaching into the Valley Landscape character area. A dwelling in this position would not result in an enhancement to the conservation area and would fail to respect the historic settlement pattern of Adderbury.
- 8.15. The Conservation Officer has also objected on the grounds that the design would cause harm to the character and appearance of the conservation area. There is a variety in the design of the buildings in close proximity of the site. The dwellings on Sir Georges Lane are modern, large ironstone-built dwellings, whilst the dwellings which the site backs on to on Church Lane are more simple cottages and there are a number of more formal, high status dwellings on High Street to the north of the site. The context in which the dwelling would be located is amongst the modern dwellings on Sir Georges Lane, whilst backing onto Church Lane.
- 8.16. The dwelling would be cut into the land and constructed in three different sections, a design that seeks to respond to the levels of the site, which drop significantly from north to south. The Conservation Officer has expressed concerns with the form of the dwelling, the varying pitches of the roofs and the solid to void ratios, particularly on the southern elevation facing the open meadowland. With regards to the design, the main impact on views from within the conservation area would be from the west,

facing towards Church Lane. Church Lane is a more historic thoroughfare, with older dwellings located on it. Glimpses of the proposed dwelling would be seen from either side of Apple Tree Cottage and Chestnut Cottage.

- 8.17. The dwelling would be constructed from materials that are seen throughout the conservation area, using stone, brick and slate tiles. This is considered to be a positive element of the proposal. That said the staggered form of the dwelling, which would be constructed in three different sections, would appear somewhat complicated and contrived. Whilst the dwelling is not sited in the most prominent or sensitive part of the conservation area, the design of the dwelling and form of the dwelling does not relate well to that of other dwellings in the vicinity of the site, in particular the shallow sloping roofs and the disjointed appearance of the dwelling in three sections. It would appear somewhat cramped on the site and therefore, on balance, it is considered that the design of the proposed dwelling would also cause harm to the character and appearance of the conservation area.
- 8.18. It is the case that the applicant has received pre-application advice from Council officers prior to submitting this application, and Government guidance is clear that pre-application advice is a material consideration in the determination of a planning application. Whilst the advice given did not rule out the potential for a dwelling to be accommodated on the site and did not raise concerns with the siting of a dwelling in this location, it concluded that the acceptability of any proposal would be dependent on the design being acceptable.
- 8.19. Whilst the Conservation Officer was consulted on the pre-application proposals, unfortunately they did not comment on the proposals and so the advice was issued without their input. The Conservation Officer has now objected to the application, and their specialist advice and understanding of the historic environment is a new material consideration that must be given weight in the assessment of the current application. The advice given at pre-application stage must therefore be balanced against these comments.
- 8.20. The objection of the Conservation Officer is clear and unambiguous, and in light of this objection and for the reasons expanded on above, the development is considered to cause less than substantial harm to the character and appearance of the conservation area. In particular the incongruous and disjointed design and the backland siting of the development would cause harm to the significance of the conservation area. The benefit of the provision of a single dwelling in a sustainable location within the village of Adderbury is considered, on balance, to be outweighed by the harm caused to the heritage asset.

Residential amenity

- 8.21. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy outlook, natural lighting, ventilation, and indoor and outdoor space.
- 8.22. The proposed dwelling would be located in close proximity to a number of other dwellings, both down Sir Georges Lane and Church Lane to the west. The dwelling would be located to the rear of Orchard House and Toben House. The Cherwell Home Extension Guidance (2007) states that where a building has a window at the rear, any new development should be at least 22 metres away from a window of a neighbour's habitable room to prevent harm to privacy. The Cherwell Home Extension Guidance also states that a proposed windowless elevation should normally be at least 14 metres from a window of a neighbour's habitable room to prevent overshadowing.

- 8.23. The closest element of the proposed dwelling to an existing neighbouring dwelling would be to Apple Tree Cottage and the separation distance would be approximately 12m. Due to the single storey scale of the dwelling, being cut into the land, it is considered unlikely that this element would have a detrimental impact with regards to overshadowing.
- 8.24. The western elevation would be located approximately 18m from the windows in the principal rear walls of Chestnut Cottage and Apple Tree Cottage. One window is proposed in the north section of the building facing towards Church Lane. However, this window would be on what is effectively a single-storey element and would be lower than the height of the boundary wall. It is therefore considered that this element would not cause harm to the amenity of the neighbours on Church Lane.
- 8.25. There are a number of windows on the east elevation facing towards Orchard House. There are two small windows on the northern element of the building; these would face towards the garden and rear of Orchard House. The closest of these windows would be located approximately 18m away from Orchard House. This would be below the 22m distance specified in Cherwell's guidance document, however as this element would effectively only be single storey, would be screened by a fence and given that the buildings are on significantly different alignments, it is considered that the overlooking caused would not be significant. This harm could be further mitigated through appropriate landscaping through a planning condition. T
- 8.26. The dwelling would also have windows further to the south. The distances between these windows and Orchard House would exceed the distances specified in Cherwell's guidance document and these are therefore deemed to be acceptable. It is therefore considered that the development would not have a significantly detrimental impact on the amenities of neighbours.

Highway safety

- 8.27. The Highways Liaison Officer has offered no objections to the application, subject to a condition relating to the parking and manoeuvring areas of the development. Concerns have been raised in the public consultation process regarding the safety of Sir Georges Lane with additional traffic using it. The Highways Liaison Officer has stated that within the public highway there is good inter-visibility along Sir Georges Lane itself and that the vision and geometry of the access crossover onto the local network is good. It is therefore considered that the development of a single dwellinghouse would not cause harm to the safety of the local highway network.

Ecology

- 8.28. The Council's Ecologist has stated that there are no objections to the development, subject to the inclusion of two conditions. There is a pond onsite which is ornamental in nature and is unlikely to support great crested newts, however, as great crested newts have been found in the local area, a method statement for their protection, along with nesting birds should be conditioned. In the unlikely event any great crested newts are found, all works must stop immediately whilst Natural England or a licenced ecologist is contacted for advice.
- 8.29. A number of trees are proposed to be removed and also some scrub vegetation, therefore works should also be timed to avoid the nesting bird season (approx March to August). A condition can be included relating to a method statement for enhancing biodiversity on the site, through the provision of either bird nest boxes or bat boxes. Subject to these conditions, it is considered that the development would not cause harm to the local biodiversity network.

Arboriculture

- 8.30. The development would involve the removal of a number of trees on the site. The Arboricultural Officer has responded and stated that as no significant trees will be affected by the proposal, that there are no objections to the application. It is therefore considered that the development would not cause harm to any significant trees within the conservation area.

Other matters

- 8.31. Concerns have been raised by a number of the neighbours regarding the ownership of the gravel forecourt area at the bottom of Sir Georges Lane. Land ownership is not a material planning consideration and this is considered to be a civil matter between neighbours.
- 8.32. Concerns have also been raised by neighbours to the west on Church Lane regarding the impact that the dwelling would have on the nearby boundary wall, on land stability, and the impact on drainage. Similar to the land ownership issue, damage to a neighbour's property is a private, civil matter that is not a planning consideration. As regards drainage, this could be dealt with by condition if consent were to be granted.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The broad principle of development is considered to be acceptable, given that the site is located within the built-limits of the village. However the siting of the development to the rear of Orchard House and protruding further to the south than Stags Leap to the east is considered to cause harm to the character and appearance of the conservation area. The siting of a dwelling in this location would exacerbate the harm caused by the existing dwellings in this backland location which does not relate to the historic settlement pattern of the village. The dwelling would not be overly prominent from the public domain and would be constructed from suitable materials; however on balance it is considered that the incongruous, contrived and disjointed design of the dwelling would add to the harm caused, and would not be outweighed by the benefits of the proposal.

10. RECOMMENDATION

That permission is refused for the following reason:

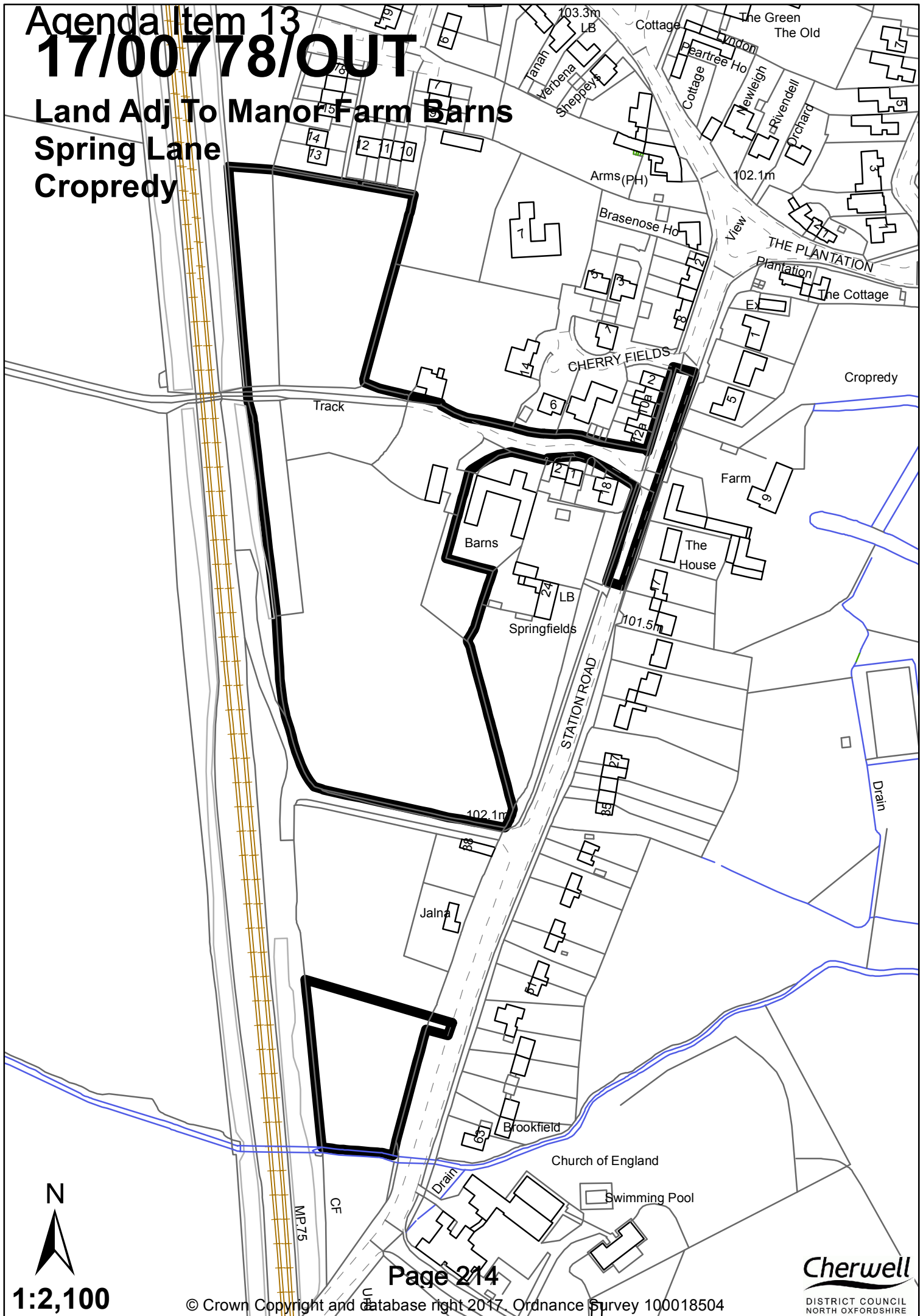
1. The proposed development, by reason of its siting to the rear of Orchard House, would extend an unsympathetic form of development in the Conservation Area that fails to relate well to the historic pattern of development in Adderbury. This harm would be compounded by the incongruous and disjointed design of the dwelling that would be at odds with the character of surrounding development, and is considered to be detrimental to the character and appearance of the Adderbury Conservation Area. Although the harm caused would be less than substantial, the public benefits created by the development would not outweigh the harm. This would be contrary to advice within Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754

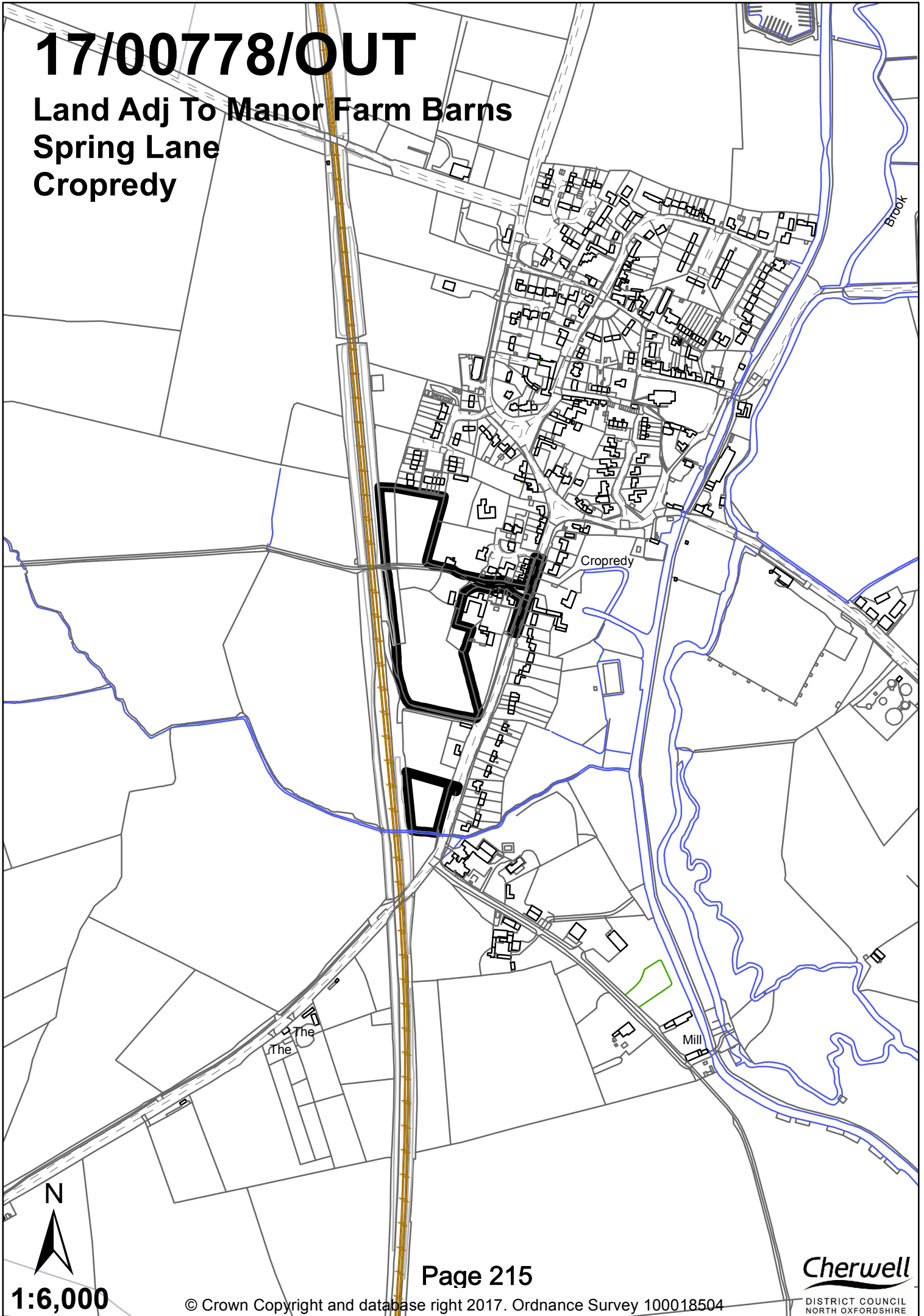
Agenda Item 13 17/00778/OUT

Land Adj To Manor Farm Barns Spring Lane Cropredy



17/00778/OUT

Land Adj To Manor Farm Barns
Spring Lane
Cropredy



Applicant:	Catesby Estates Ltd	
Proposal:	OUTLINE - Demolition of existing building and outline planning application for residential development of up to 37 dwellings (Use Class C3) including means of access into the site (not internal roads) and associated works, with all other matters (relating to appearance, landscaping, scale and layout) reserved (Resubmission of 16/01468/OUT)	
Ward:	Croprey, Sibfords And Wroxtton	
Councillors:	Cllr Ken Attack Cllr George Reynolds Cllr Douglas Webb	
Reason for Referral:	Major Development	
Expiry Date:	7 July 2017	Committee Date: 6 July 2017
Recommendation:	Approve	

1. APPLICATION SITE AND LOCALITY

- 1.1. The site sits to the south west of the village of Croprey and is located between the existing development along Station Road and the Chiltern Mainline Railway line. The site is currently paddock land, with large areas of established trees/woodland and an area of ancient woodland. The northern part of the site is largely flat and the southern part drops towards Sow Burge watercourse, which runs to the south.
- 1.2. The site is separated into two parts; the first is accessed from Station Road via Spring Lane and includes a paddock to the north of Spring Lane and a larger field/paddock to the south of Spring Lane. This part of the site is bounded by housing to the north (Cup and Saucer and Cherry Fields), by dwellings and vegetation to the east (three dwellings constructed on the Old Surgery site, Manor Farm Barns and Springfields, a grade II listed building), by Network Rail access to the south and by the railway line and associated vegetation to the west (except for a small break in the trackside vegetation).
- 1.3. The second part of the site sits to the south beyond the track owned by Network Rail and this part of the site is proposed to be accessed by a small separate access from Station Road. This part of the site is bounded by the Network Rail access to the north, two residential properties (Jalna and 38 Station Road) as well as vegetation to the east, other vegetation to the south and the railway and associated vegetation to the west.
- 1.4. The site has a number of recorded site constraints including that the site is within the setting of a grade II listed building, part of Spring Lane is within the Croprey

Conservation Area and the rest of the site is within its setting, the most southerly part of the site is within Flood Zone 2/3, there are ecological records including local priority habitat on site, the land has some potential to be contaminated, a public right of way runs through the site and the site has archaeological potential. Beyond these recorded site constraints, the land is further constrained by its shape due to the presence of the railway embankment to the west as well as the Network Rail owned access which runs between the two parts of the site as well as significant tree/vegetation cover present on site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The proposal seeks outline planning permission for 37 dwellings with all matters reserved except access. The application follows the refusal of planning permission for an outline proposal for 60 dwellings on the same site.
- 2.2. The proposal would involve the demolition of an existing agricultural steel building and include the provision of open space and landscaping including surface water attenuation in the form of a tank to be located in the southern part of the application site.

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>
16/01468/OUT	OUTLINE - Demolition of existing building and outline planning application for residential development of up to 60 dwellings; provision of open space, landscaping and car parking for Cropredy Primary School (all matters reserved except access).	Application Refused
16/00058/SO	Screening Opinion to application 16/01468/OUT - Demolition of existing building and outline planning application for residential development of up to 60 dwellings; provision of open space, landscaping and car parking for Cropredy Primary School (all matters reserved except access).	Screening Opinion not requesting EIA

- 3.2. The previous application (16/01468/OUT) for 60 dwellings was refused as it was considered to be of a scale which would be harmful to the character and rural setting of this part of the village. The proposal was also considered to cause harm to the rural setting of a grade II listed building. An appeal has been lodged against that decision.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this site:

<u>Application Ref.</u>	<u>Proposal</u>
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14/00050/PREAPP The development of 67 residential units.

16/00151/PREAPP Up to 57 dwellings and parking for the primary school

16/00389/PREAPP Outline planning application for 39 dwellings

- 4.2. Following the refusal of planning permission for 60 houses on the application site, the applicant submitted a further pre-application enquiry (16/00389/PREAPP) to consider the merits of a scheme which would bring forward a reduced number of residential properties on the site. The quantum of development was substantially reduced to 39 dwellings.
- 4.3. Whilst the Council's policy position remained unchanged, taking into consideration the reduced scheme on a reduced site area it was considered that development of the site could be supported provided that it could be demonstrated that the development could be appropriately accommodated and that any future application could demonstrate how the previous reasons for refusal would be overcome.

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 18.05.2017, although comments received after this date and before finalising this report have also been taken into account.

5.2. 166 representations have been received objecting to the application. The comments raised in these objections are summarised as follows;

- Contradicts the local plan (CDC has a 5.6 year supply of housing land) and not in accordance with Cropredy Village Plan
- The proposal does not meet the economic, social or environmental aims of the NPPF
- Cropredy is already meeting its obligations as a Category A Village. Large sites on the edge of Banbury are able to absorb housing required locally
- Adverse traffic impacts in Cropredy and Great Boughton
- Additional traffic and congestion and substandard access on Spring Lane and Station Road including delivery and refuse vehicles which would find access and egress difficult and cause damage to the attractive roadside verges.
- Already substantial congestion at school opening and closing times on Station Road.
- Access unsuitable for emergency vehicles
- Village infrastructure inadequate to accommodate development including doctor surgery and pharmacy and the school.
- Cropredy now only has limited bus service a week to Banbury

- Single bottleneck access from Spring Lane into landlocked cul de sac development
- Danger for pedestrians especially those walking to and from school
- The development will change the character and rural setting and quality of the village. The development is too large and disproportionate to the size of the village and cannot be absorbed
- Proposed location of visitor parking space on Spring Lane not acceptable
- Change in character of Spring Lane. Spring Lane not wide enough to accommodate the new road and new footpath which will impact on existing residents car parking.
- Harmful impact to Old Manor and Manor Farm barns and the listed building at Springfields and the Conservation Area
- Adverse impacts on neighbouring amenity
- Impact on ecology and wildlife – foxes, badgers, deer and grass snakes are commonly seen on site and bats are known to nest in the buildings to be demolished. The existing Copse also benefits from abundant wildlife and contains a TPO walnut tree.
- Poor design concept with layout facing away from village and will not integrate well. Brick built housing will not be in keeping with the village which is predominantly Oxfordshire Ironstone.
- Noise impact from railway line for future residents unable to open their windows
- Potential impacts on local sewage and waste water treatment infrastructure, water supply and water pressure and potential for flooding on the site and surroundings. Impact on water quality from spring sources and the high volume of natural water/springs in the area.
- Concerns about how the proposed surface water attenuation tank will be installed and where the water will go.
- Dangers associated with development in close proximity to the railway including children and youths playing near or on the line.
- Increased pressure on BT connections and fast broadband in the village
- A village survey was undertaken in July 2016. 283 residential properties were visited and 203 (89%) were opposed to the Catesby development.

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

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. Cropredy Parish Council: Welcomes the reduction in proposed number of dwellings but maintains objection as development remain disproportionate. Also sceptical about applicant's future intentions. The following issues are raised:

- No call for development of this size
- Cherwell already has a 5.6 year supply of housing land demonstrating this development is not required at present
- Lack of frequent public transport will add additional traffic movements to surrounding road infrastructure which will exacerbate existing problems
- The proposal is ecologically unsound
- The site has a history of flooding
- The site is inappropriate in scale and type of dwelling
- Most of the village in within the Conservation Area
- The site is close to the mainline railway line
- The development is wholly inappropriate causing harm to character, rural setting and quality of the village

CHERWELL DISTRICT COUNCIL

6.3. CDC Planning Policy: The Planning Policy Team's main observations are:

- Cropredy is a category A village, one of the most sustainable rural settlements in the district (Policy Villages 1). The village has a range of services including a primary school, post office, shop and GP surgery.
- Policy Villages 2 of the adopted Local Plan 2011-2031 requires the delivery of 750 new homes at the category A villages on new sites of 10 or more dwellings. This is in addition to the rural allowance for small 'windfalls' and planning permissions as at 31 March 2014.
- The 2016 AMR (March 2017) shows that there are 179 dwellings remaining to be identified of the 750 dwellings allocated for the rural areas.
- Policy Villages 2 states that sites will be identified through the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission subject to giving consideration a set of criteria listed in the policy.
- There has been 4 housing completions in Cropredy between 2011 and 2016; the proposal would assist in meeting overall Policy Villages 2 requirements.
- On 12 May 2016, an appeal decision (ref: APP/C3105/W/15/3134944 / 14/02139/OUT) was received which confirmed that the district had a five year housing land supply (subject to detailed comments on the Council's specific position). The Local Plan's policies for the supply of housing should therefore be considered to be up-to-date. There is no pressing housing need for additional land release at this time.

- The District is able to demonstrate a 5.6 year housing supply for the next five year period 2017-2022. Although with regards to the Council's 5 year housing land supply there is no pressing housing need for additional land release at this time, the proposal would assist in meeting overall Policy Villages 2 requirements subject to complying with the criteria listed in that policy and addressing site constraints in accordance to other relevant Local Plan policies.
- The proposed development would result in additional release for green field land in an area of countryside while Policy BSC2 of the Local Plan requires the effective use of land.
- Policies BSC3 and BSC4 on affordable housing and housing mix apply.

6.4. CDC Environmental Protection: Noise – No objections in respect of the Noise Report submitted with the application. The potential for noise nuisance during the construction phase should be addressed via a CEMP which should be submitted and approved by the LPA prior to any works commencing. The recommendations for mitigation in the Noise Report should be followed and details of the proposed alternative ventilation for those properties identified as requiring it should be approved by the LPA before construction begins. Contaminated Land – Satisfied that the submitted contaminated land report is acceptable. Air Quality - The potential for dust nuisance during the construction phase should be addressed via a CEMP which should be submitted and approved by the LPA prior to the works commencing. Odour: No comments. Light: The lighting report is acceptable. Details of the final lighting scheme should be submitted and approved by the LPA.

6.5. CDC Conservation: Main concerns/objections are as follows;

- Concern over the impact on the heritage and rural character of Spring Lane, the Conservation area, the listed building.
- Concern over the listed building and its setting which will become divorced from the land which supported it. Whilst it is recognised much of the land was historically severed by the railway, the bridge allowed the farm to be linked to the wider landscape via Spring Lane.
- Concern over the impact on the character of Spring Lane which is of historic and evidential interest.
- Concern over the impact on the conservation area through the form of the proposed development and extension of the village through this backland development.
- Concern over the character of the proposed development which is potentially suburban and could be anywhere. The proposal to allow covered ways to parking within gardens happens at such regular intervals that it weakens any cart barn concept the developer may be seeking to draw upon. The development north of Spring Lane may be acceptable subject to a slight rearrangement of space alignment. There is a language which exists which could be used sparingly to include a courtyard arrangement in a similar position to that which existed on the 1875-87 OS map, coupled with some modest workers terraces on an agricultural theme, there may also be scope for some railway workers terraced cottages which align with the railway.

- It is fundamental that there is a reduced quantum of development in order to lessen the impact on the character of Spring Lane. The buffer of trees looks to be very thin at points.
- 6.6. CDC Recreation and Leisure: Contributions are sought towards sports provision, towards the enhancement of community facilities and to secure public art.
 - 6.7. CDC Strategic Housing: On a development of 37 units, 13 affordable housing units will be required in line with Council requirement for 35%. An indicative mix of tenures and sizes are set out representing a 70/30 split between Affordable and Shared Ownership.
 - 6.8. CDC Arboriculture: No objection as there should be minimal impact on the trees on site. A clearer tree protection plan should be produced to show the location of protective fencing.
 - 6.9. CDC Landscape: A comparison has been made to the previous LVIA. The viewpoints were mutually agreed with the landscape consultant for the previous application and the viewpoint photo record/locations remain unchanged. Some issues raised around the density of buffer planting and the impact this may have on residential amenity of the new development in terms of over shadowing or light restriction to garden plants. Visual effect on the southern parcel of land as a result of the proposed maintenance access and the attenuation tank are raised as a concern. Comments are made in respect of the attenuation area. In terms of landscaping, the site is physically and visually contained with the established woodland on the western boundary which should be retained and managed appropriately. A Woodland Management Plan will be required. The development triggers the need for a LAP which is best located adjacent to the housing in the south and commuted sums will be required for future maintenance of woodland, informal open space, play provision, hedgerows and the attenuation tank to be secured through S106.
 - 6.10. CDC Ecologist: The Ecological Survey was undertaken at an appropriate time of year to assess grassland. Although the proposals will result in the loss of species-poor semi-improved grassland, there appears to be some good opportunities for biodiversity enhancements on site, in particular through the appropriate management and enhancement of existing woodlands.
 - 6.11. CDC Waste and Recycling: The developer will have to satisfy the local authority that they have adequate provision for waste and recycling storage. A S106 contribution will be required.
 - 6.12. CDC Business Support Unit: 'It is estimated that this development has the potential to attract New Homes Bonus of £181,101 over 4 years under current arrangements for the Council. This estimate includes a sum payable per affordable home.'

OXFORDSHIRE COUNTY COUNCIL

- 6.13. OCC Transport: No objection subject to a condition requiring full details of the access and a legal agreement to secure contributions towards improvement of public rights of way and the submission of a Construction Traffic Management Plan.
- 6.14. OCC Drainage: No objection subject to a surface water drainage scheme being required prior to the commencement of development.
- 6.15. OCC Archaeology: No objection subject to conditions to secure a Written Scheme of investigation and a Programme of Archaeological Investigation.

6.16. OCC Education: No objection subject to S106 to secure financial contribution towards the provision of primary education at Cropredy Primary School.

6.17. OTHER EXTERNAL CONSULTEES

6.18. Thames Water: With regard to sewerage infrastructure capacity no objections area raised. It is recommended that planning informatives be imposed to any planning permission with regards to surface water drainage and water pressure.

6.19. Network Rail: A number comments are made in line with the response to the previous application in order to safeguard Network Rail assets and reduce the risk of trespass. Suggested conditions are also set out.

6.20. Environment Agency: Suggested condition in respect of FRA.

6.21. Battlefields Trust: The comments on this application reiterate those the Battlefields Trust made on 16/01468/OUT. Archaeological investigation is recommended prior to the commencement of development. A geophysical survey should also be considered.

7. **RELEVANT PLANNING POLICY AND GUIDANCE**

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

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

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- 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
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1 – Village Categorisation

- Policy Villages 2 – Distributing Growth Across the Rural Areas
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 – Sporadic development in open countryside
- 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)
- Cropredy Conservation Area Appraisal

8. APPRAISAL

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

- Principle of development
- Landscape and Visual Impact
- Design
- Impact on Heritage Assets
- Housing Mix/Affordable Housing
- Transport
- Open Space and Recreation
- Trees, Landscaping and open space
- Effect on Neighbouring Amenity
- Noise and Living Conditions
- Ecological Implications
- Flood Risk and Drainage
- Sustainability and Energy Efficiency
- Effect on Infrastructure
- Planning Obligations
- Local Finance Considerations

Principle of Development

- 8.2. 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.
- 8.3. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan and the site sits outside the built up limits of the village.

Adopted Cherwell Local Plan

- 8.4. The Cherwell Local Plan 2011-2031 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however

advise that there is a need within the rural areas to meet local and Cherwell wide needs. Policy BSC1 seeks to distribute the required housing for the District, including the allocations at Banbury and Bicester. In relation to villages and rural areas, 2,350 homes are allocated for the 'Rest of the District'. Of these 2,350 homes, 1,600 are allocated by Policy Villages 5 at Former RAF Upper Heyford. This leaves 750 homes identified for development elsewhere. Policy Villages 2 provides for these 750 homes to be delivered at Category A villages. The Policy advises that these sites would be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable and through the determination of applications for planning permission. A number of criteria are listed and these must be considered through the determination of a planning application.

- 8.5. The Local Plan seeks to identify a sustainable hierarchy of villages to set a framework for considering how proposals within villages will be determined. Policy Villages 1 provides a categorisation of the District's villages to ensure that unplanned, small scale development within villages is directed towards those villages that are best able to accommodate limited growth. Category A villages are those identified as being the most sustainable in the hierarchy of villages in the District and this is why these are where planned development to meet District housing requirements to help meet local needs should be directed as defined by Policy Villages 2 subject to a detailed assessment as to the proportionate impact of development proposed upon the settlement in question. Cropredy is classified as a category A village by Policy Villages 1. The current proposal does not however comply with the type of development identified as being appropriate within the built up limits of category A villages due to the site being outside the village and not representing minor development, being over 10 dwellings.
- 8.6. In this circumstance, it is appropriate to consider this proposal against Policy Villages 2. Of the 750 dwellings identified to be delivered at Category A villages across the plan period until 2031, 179 dwellings remain to be identified over the plan period. Recent appeal decisions received by the Council confirm that an overprovision of the rural housing allocation at an early stage in the plan period would prejudice the sustainable growth strategy set out in the Local Plan and leave limited ability to respond to later changes in housing need in individual settlements without fundamentally compromising the overall sustainable strategy contained within the Local Plan.
- 8.7. In order to categorise villages through the Local Plan process, a number of areas were considered including the provision of services and facilities, the distance to urban areas having regard to availability of bus services, population size and the availability of potential sources of employment as well as taking into account the Cherwell Rural Areas Integrated Transport and Land Use Study (CRAITLUS), which assessed the transport sustainability of villages amongst other considerations. This process identifies that there are differences between Category A settlements in terms of their relative sustainability in comparison to each other.

National Policy

- 8.8. The National Planning Policy Framework confirms that there is a presumption in favour of sustainable development. For decision making this means approving proposals that accord with the development plan without delay. The Framework advises that there are three dimensions to Sustainable Development; economic, social and environmental. With regard to housing, the Framework supports the need to boost significantly the supply of housing to meet the full objectively assessed need for housing and requires Local Planning Authorities to identify and update annually a supply of specific, deliverable sites sufficient to provide five year's worth

of housing against the housing requirements, with an additional buffer of 5% to ensure choice and competition in the market for land.

- 8.9. The Council's 2015 Annual Monitoring Report (AMR) concludes that for the 5 year period 2016-2021, 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. The five year supply position was confirmed by the Planning Inspectorate in a decision issued in May 2016 relating to an appeal at Kirtlington. 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.

Principle of residential development

- 8.10. Cropredy is a category A village and has not taken any dwellings identified by Policy villages 2 to date. The village has a range of services including GP provision, a school, community facilities, a shop and recreation facilities although has recently lost its regular bus service and therefore does not score as highly in terms of sustainability as other Category A villages. The site itself is relatively well located to the services that the village offers albeit to access higher order settlements which offer a greater range of facilities, new residents would be reliant on the private car. The site is not previously developed land and an agricultural land classification study has found that the majority of the land is subgrade 3b quality due to soil wetness with a small area of subgrade 3a. This means that overall best and most versatile agricultural land is mostly avoided as part of the proposal. In the view of Officers the village has the ability to accommodate some new development that could be considered to be sustainable and further, this site has some potential for development.
- 8.11. The previous application for 60 homes was considered to be relatively large for a settlement the size of Cropredy and there was considered to be a conflict with the overarching intention of the Local Plan, which seeks to steer new housing towards the main towns whilst limiting development within villages. However, other than the fact that the settlement has lost its regular bus service, it does still retain a good range of services and facilities and the site is well located to access these. It is further important to note that the village is approximately 4 miles from Banbury where the higher order services and facilities are found, albeit accessible predominantly by the private car. The current application now seeks a significantly reduced quantum of development which could be considered more appropriate to a village location.
- 8.12. The site proposed for development here has been considered through the Council's SHLAA process and is identified as a site with future potential, with the assessment concluding that 66 dwellings could be accommodated subject to site constraints. The status of the SHLAA is that it forms an evidence base to inform plan making but that it does not determine whether development is acceptable on a site or that it should be allocated for development. The SHLAA assessment identifies a number of site constraints and confirms that any proposal would need to address these, integrate with the village and provide an acceptable living environment given the proximity to the railway.
- 8.13. Given the above assessment, it is concluded that the principle of some residential development within the village of Cropredy would be acceptable and that this would contribute to the policy Villages 2 requirements as well as the supply of housing within the District. It is therefore necessary for an assessment to be made as to the sustainability of this particular site in terms of its ability to accommodate

development and whether it meets the Policy Villages 2 criteria which refer to assessing the suitability of development at Category A settlements.

Landscape/Visual Impact/Local Character

- 8.14. Policy ESD13 of the Cherwell Local Plan advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is expected not to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures. Policy Villages 2 requires that consideration be given to whether significant landscape impacts could be avoided and whether development would contribute in enhancing the built environment. The NPPF highlights that the protection and enhancement of the natural, built and historic environment is part of the environmental role of sustainable development and one of the core planning principles also refers to recognising the intrinsic character and beauty of the countryside. The NPPF also emphasises the importance of development responding to character and history with good design being a key aspect of sustainable development.
- 8.15. A Landscape and Visual Assessment accompanies the application. The document finds that the site is within the Oxfordshire Wildlife and Landscape Study 2004 landscape type 'Clay Vale' which is described as a low lying vale landscape, associated with small pasture fields, many watercourses and hedgerow trees and well defined nucleated villages. The overall strategy is to safeguard and enhance the tranquil, small scale pastoral character of the area. In terms of this site, the LVA concludes that the site relates well in landscape and visual terms to the existing built and undeveloped landscape and that the site represents a logical and easily assimilated development in this context. The site is well contained albeit with some views available, which is considered can be mitigated for by careful design.
- 8.16. The character of Station Road is formed by a linear arrangement of dwellings to its eastern side extending south all fronting the road set back by some distance. The western side retains a largely rural character, with vegetation along the roadside and a small number of dwellings along Spring Lane when development of the village extends north and then west. The previous scheme for development was considered to change the character of this area, urbanising the approach to the village and causing unacceptable impact upon the character of the built environment and the context of the village. Specifically the southern parcel of development within the site was considered to result in an urbanisation of the area which would be harmful to the character and context of the site and the rural setting of the village. The current revised scheme has reduced the number of residential dwellings substantially and seeks to contain development within the northern and central parts of the site which are already naturally and physically more contained and have a better relationship with the existing built environment and as such would be less harmful to the rural setting of the village. The southern parcel of the application site is shown on the submitted Masterplan as being undeveloped accommodating only a surface water attenuation tank and minor service access.
- 8.17. The Council's Landscape officer has made a comparison with the LVIA submitted with the previous application. The viewpoints were mutually agreed for the previous application and these remain unchanged although it is noted that the quantum of development is reduced.
- 8.18. Taking into account the railway line embankment and the established trees along the length of the site, other than the break in trackside vegetation, the site is well contained from the wider landscape and that there would be minimal impact upon

the wider landscape character if development were to be accommodated on the site therefore avoiding significant landscape impact as required by Policy Villages 2.

- 8.19. The Landscape Officer has raised some issues regarding the impact of proposed landscape buffering and the potential detrimental impact this may have on residents in terms of overshadowing. Planning officers have reviewed the submitted illustrative layout in this regard and are satisfied that adequate buffer planting could be achieved within the site layout without adverse impact to residential amenity. The removal of dwellings from the scheme is not considered to be justified and planning officers have not pursued this with the applicant. The final landscaping scheme will be submitted for further consideration and approval at reserved matters stage.
- 8.20. The Landscape Officer's comments in relation to the southern parcel and the insertion of a maintenance access is also not considered justified given the scale of the access proposed which would represent a low-key field access which would not require substantial removal of trees/hedgerow/vegetation.
- 8.21. In the view of Officers, development of this site would have a limited overall impact on the wider landscape and setting of the village from the wider countryside due to the contained nature of the site. The concerns relating to the scale of development and harmful impact of the development in relation to its rural setting and the character of the village as raised by officers in considering the previous application are considered to have been overcome through the reduction in the quantum of development and the concentration of this smaller number of dwellings within the more contained parts of the site which are better related to the existing built environment and will provide better opportunities for integration and enhancement of the built environment in accordance with Policy Villages 2 and ESD15 in this regard.

Design

- 8.22. Policy ESD15 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The NPPF is clear that good design is a key aspect of sustainable development.
- 8.23. The application is in outline with matters relating to layout, scale and appearance reserved for later consideration. The application is however accompanied by an indicative layout, which it is expected will demonstrate that the development proposed can be accommodated and a Design and Access Statement, which should set acceptable design principles in order that future acceptable detailed proposals for the site can be achieved.
- 8.24. The submitted Masterplan shows a layout with 37 units incorporating a mix of detached, semi-detached and terraced units. Compared to the previously submitted layout plan, this indicative Masterplan illustrates a more organic layout with dwellings situated along small lanes with adequate additional space for planting and relief between and around the built form. The layout also indicates a more vernacular style with the introduction of linked and terraced units more in keeping with the character and context the site and the wider village.
- 8.25. In order to overcome the previous reasons for refusal, the applicant has also provided further sketch street elevations which form an addendum to the Design and Access Statement. This additional illustrative material sets out how the development would be brought forward to take consideration of the existing surrounding built

environment, demonstrating a vernacular style reflecting with the traditional form and appearance of development within the village.

- 8.26. As such officers are now of the opinion that the applicant has been able to satisfactorily demonstrate that the proposed quantum of development can be accommodated on this site in a manner which would enhance the built environment and respond to local distinctiveness, responding to the constrained nature of the site and the character of the village. The proposal is now therefore considered to be in accordance with Policy ESD15 and Policy Villages 2 of the Cherwell Local Plan (2011-2031 – Part 1) and Policy C28 of the Cherwell Local Plan (1996) and the NPPF in this regard.

Housing Mix/Affordable Housing

- 8.27. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the Local Plan requires new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities. Policy BSC3 requires development within locations such as Cropredy to provide 35% affordable housing on site and provides detail on the mix that should be sought between affordable/social rent and shared ownership.
- 8.28. The Planning Statement accompanying the application confirms that the development is capable of accommodating a mix of house types and identifies how the mix could be split based on the table accompanying Policy BSC4, which is based upon the findings of the Oxfordshire SHMA. This will be secured as a benefit of the scheme through S106 agreement.

Impact on Heritage Assets

- 8.29. Section 12 of the NPPF sets out Planning Guidance relating to the historic environment including archaeology. The development would be expected to preserve the significance of designated heritage assets within proximity. It is also provided at paragraph 131 that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF sets out tests to be applied where harm to heritage assets is identified. As set out above Policy ESD15 of the Cherwell Local Plan (2011-2031 – Part 1) also refers to heritage assets expecting development to conserve, sustain and enhance designated and non-designated heritage assets. S66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to have regard to the desirability of preserving the building or its setting. S72 of the Act requires that within a conservation area, the development of land or buildings shall preserve or enhance the character and appearance of that area.
- 8.30. The application is accompanied by an Archaeological and Heritage Statement, as with the previous application, Officers remain of the view that this statement generally presents a fair assessment of the impacts of the development. The statement concludes that the impact of this reduced development upon the setting of the Conservation Area would generally be negligible and that with regard to the character of Spring Lane, some of which falls within the Conservation Area, this could sensibly be dealt with in order to preserve the character of the Conservation Area. It also concludes that there would be limited impact upon the setting of the listed building Springfields as a result of the development.

- 8.31. Whilst the Council's Conservation Officer maintains her position in raising concerns in relation to the development of this area and the impact on heritage assets, the issues raised in relation to the impact upon the rural character of Spring Lane and the change in the rural setting of the listed building which would become divorced from the agricultural land which historically supported it were considered previously and the harm was identified as less than substantial. The quantum of development has been reduced and as set out above, the applicant has undertaken additional work to demonstrate that a distinctive development can be achieved in keeping with the character and context of the site.
- 8.32. Officers continue to agree that the development of the site would alter the current feel and appearance of the site and the concerns raised by the Council's Conservation Officer and local residents are understood. However, there is a need to balance any harm against the public benefits of a proposal and it is not considered that the proposed development would be sufficiently harmful such that it would warrant refusal of the application in this instance. In making revisions to the scheme through this resubmitted application, the applicant has improved the position in terms of impact to heritage assets and provided further certainty through the revised Design and Access Statement and sketch street scenes that the character and appearance of the area will be preserved and enhanced. In addition, design and materials can be controlled through condition to any approval to further ensure that any harm would be very limited.
- 8.33. The site has also been subject to archaeological assessment which as identified a number of archaeological features. As set out above the County Archaeologist advises that these are not of national importance and therefore do not pose a constraint. Further archaeological investigations are required but these will be secure through the imposition of a planning condition.

Transport

- 8.34. The National Planning policy Framework is clear that transport policies have an important role to play in facilitating sustainable development with encouragement provided to sustainable modes of transport to reduce reliance on the private car. It is also clear that applications should be accompanied by Transport statement if it would generate significant amounts of movement. This is reflected in Policy SLE4 of the Local Plan. Policy SLE4 and Villages 2 both emphasise the need for consideration to be given to whether safe and suitable access can be achieved.
- 8.35. The Transport Statement to support the application identifies a relatively low number of trips from the development, indicating that the impact upon the Highway Network will be low. The Local Highway Authority accepts the conclusions in this regard.
- 8.36. As mentioned previously, the village has lost its regular bus service other than a one per week service that runs to Banbury. There would also be no basis on which to seek improvements to public service in the village given that this is unlikely to be sustained in the long term. It is therefore anticipated that to access facilities wider than those available in the village, individuals would be reliant on the private car.
- 8.37. The Highway Authority are also content with the main access to the site from Spring Lane and are satisfied that the applicant has demonstrated that sufficient visibility can be achieved at both proposed accesses. The internal layout of the development will be reviewed at the detailed design stage.
- 8.38. A public right of way runs through the site. The indicative layout indicates this being retained along its current alignment coming in to the site at the north and running along the road and through an area of open space to the edge of the site. The

Highway Authority raises no objection to this subject to it being retained and unobstructed and means of improving public rights of way secured through a S106 contribution. This will be important given the link to wider countryside footpaths and wider village services.

- 8.39. The current application does not include the previous proposals for a car park to cater for the school given the issues raised during the consideration of that application and concern raised by officers in relation to development within the southern part of the site.

Trees, Landscaping and Open Space

- 8.40. Policy ESD10 of the Local Plan refers to the protection and enhancement of ecology and the natural environment. It requires the protection of trees amongst other ecological requirements. Policy ESD13 also encourages the protection of trees and retention of landscape features. Policy BSC11 sets out the Council's requirements for local outdoor space provision and play space.
- 8.41. There are a number of established trees on the site. These are considered in the submitted Arboricultural report, which is considered acceptable due to the majority of the existing tree cover being retained. Further information in relation to tree protection will be secured through planning condition.
- 8.42. The proposed development would require the provision of 0.21ha of general green space to be provided within the development in accordance with policy BSC11. Taking into account the areas of open space shown on the illustrative layout, it is considered possible to achieve the required area of open space on site.
- 8.43. With regard to play areas, there is a requirement for a LAP within the development. It is considered that the most acceptable location for this would be to the south of the proposed housing within a small area of green space.

Effect on Neighbouring Amenity

- 8.44. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development and this reflects the Core Principle of the NPPF, which confirms the need for a good standard of amenity for all existing and future occupants of land and buildings to be secured.
- 8.45. Due to the position of the site, there are a small number of existing residential properties that would be directly affected by the proposed development and these require consideration. Given that the current proposal no longer includes development within the southern part of the site, existing properties at 38 Station Road and Jalna are no longer affected by the proposal. Furthermore the reduction in the number of dwellings proposed in the central and northern part of the site and the revised approach to the indicative layout of the development has resulted in a much improved relationship with existing residential dwellings within this part of the site.
- 8.46. Neighbouring residents have raised concerns relating to the impact of the proposed development on their residential amenity including traffic movements and these comments are noted. However, based on the revised indicative layout and the reduction in the number of dwellings proposed and the predicted low traffic movements associated with the development, it is considered that the impact upon neighbouring amenity would not be sufficiently harmful to warrant refusal of the application.

8.47. The detailed layout and design of the site will be considered at reserved matter stage at which time a careful and considered approach to design will ensure that any impact to neighbouring amenity would be minimised. At this (outline) stage, Officers are satisfied that the current proposed residential development can be accommodated within the site without adverse impact to neighbouring amenity and adequate flexibility remains within the site area taking into consideration any constraints to enable the applicant to make adjustments to the layout to ensure an adequate level of amenity can be achieved for existing and future residents in accordance with Policy ESD15 of the Cherwell Local Plan.

Noise and living conditions

8.48. The NPPF at paragraph 109 advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.

8.49. The application is accompanied by a noise assessment which follows the guidance provided in BS8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings' and British Standards relating to vibration. This assessment finds that the main sound sources affecting the site are the train movements on the adjacent railway and road traffic on Station Road. Through appropriate design, the proposed residential development would be subject to satisfactory internal and external acoustic environments and appropriate levels of external amenity will be achieved.

8.50. The Council's Environmental Protection Officer advises that providing the mitigation measures proposed are employed and agreed with the Council, no objections are raised and the potential for noise nuisance during the construction phase should be addressed through the submission of a CEMP prior to commencement.

8.51. On this basis and the fact that the Council's Environmental Protection Team is content with the submission, it is considered that the development could be accommodated and that an acceptable acoustic environment could be provided.

8.52. The application is also accompanied by a lighting assessment which finds that the overall impact of lighting to the site will be minor adverse. It advises that a carefully designed lighting scheme would be required so that a safe and secure environment can be provided for residents whilst being sympathetic to local surroundings, local residential properties and without being distracting to train drivers. The Council's Environmental Protection Officer raises no concerns with the conclusions of the lighting report, however suggests a final scheme should be agreed.

8.53. The application is also accompanied by a Site Investigation and an Air Quality Assessment. The Environmental Health Officer is satisfied with the submitted information and recommends a CEMP to address dust nuisance during the construction phase.

8.54. Overall, Officers are content that the proposal is acceptable in respect to environmental/ living condition considerations such that development of the site could be accommodated in this regard.

Ecological Implications

8.55. The Framework sets out that Planning should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and provide net gains in biodiversity where possible. Policy ESD10 reflects the requirements of the Framework to ensure protection and enhancement of biodiversity. The Authority

also has a legal duty set out at the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity”

- 8.56. The application is accompanied by an Ecological Survey which finds that the site comprises species poor semi-improved grassland and two UK BAP Habitats of Principal Importance - an area of mixed plantation woodland on the western boundary, and an area of traditional orchard on the eastern part of the site. However the orchard was dominated by hawthorn and lacked the diversity of fruit trees therefore was not assessed as reaching the traditional orchard habitat. The site comprises a mosaic of habitats including grassland, woodland, tall ruderal and scrub, adjacent to wildlife corridors (the railway embankments on the western boundary and watercourse on the southern boundary) and is considered likely to support a range of wildlife. Records within the local area include grass snake, bat, badger and water vole. There are a number of swift records in the village.
- 8.57. From the proposed plans, although the proposals will result in the loss of species-poor semi-improved grassland, there appears to be some good opportunities for biodiversity enhancements on site, in particular through the appropriate management and enhancement of the existing woodlands.
- 8.58. Whilst the proposals result in the loss of a large area (approx. 4.9ha) of existing species-poor semi-improved grassland, scattered scrub and tall ruderal habitat and they are likely to result in a net loss to biodiversity, given the ecological enhancements proposed it does appear that it may be possible to achieve a net biodiversity gain on site.
- 8.59. A Reptile Method Statement will be required prior to any site clearance, as part of the CEMP to ensure that no harm to reptiles would occur.
- 8.60. With regard to other protected and notable species, the assessment found an active badger sett on the site, which is proposed to be retained, albeit due to the proximity of works to the sett, a licence to disturb would be required from Natural England. With regard to bats, the hedgerow and woodland areas were found to be potentially suitable for foraging and commuting and these would be retained. Mitigation in the form of buffers to habitats and a carefully considered lighting scheme, as well as the provision of bat boxes are proposed. Enhancement opportunities are also identified for birds as well as recommending that works are not carried out during the bird nesting season.

Flood Risk and Drainage

- 8.61. A flood risk assessment is submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the Framework, given the site extends to over 1ha in area and is predominantly in Flood Zone 1, with the southern part of the site, within flood zone 2/3. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.
- 8.62. The FRA finds that the residential elements of the scheme would be positioned within flood zone 1 and therefore outside the area at risk of flooding. The FRA concludes that the proposed development would not be affected by current or future flooding and that the development would not increase flood risk elsewhere. It is considered therefore that the proposal could be accommodated without risk of flooding or increasing flood risk elsewhere.

8.63. The OCC Drainage team recommend that a condition be imposed to secure a surface water drainage scheme prior to the commencement of development.

Sustainability and Energy Efficiency

8.64. The Cherwell Local Plan includes a number of energy policies in order to seek development which mitigates and adapts to the future predicted climate change. This relates to locating development in sustainable locations as well as seeking to reduce energy use, making use of renewable energy and sustainable construction techniques. The policies are however now out of date taking into account more recent Government guidance. Energy efficiency of homes is now a matter for the Building Regulations. Policy ESD3 does however require all new homes to achieve a water efficiency standard of no greater than 110 litres/person/day. Mitigating and adapting to climate change in order to move to a low carbon economy is a key part of the environmental role of sustainable development set out in the Framework.

8.65. The application is accompanied by a Sustainability and Energy Statement which concludes that the development would be designed in accordance with the energy hierarchy and is expected to deliver low carbon homes through a range of fabric and energy efficiency measures. The information provided is noted and Officers would intend to condition that the proposal would be required to meet the higher Building Regulation standards for water consumption. The site does not meet the scale set out within Policy ESD5 for the provision of onsite renewables.

Effect on Infrastructure/Planning Obligations

8.66. A S106 Legal agreement will be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the Local Plan can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. This includes the provision of affordable housing. The Authority is also required to ensure that any contributions sought meet the following tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

- Necessary to make the development acceptable in planning terms;
- Directly relate to the development; and
- Fairly and reasonable related in scale and kind to the development

8.67. The following are sought through this application:

- Affordable housing – 35% overall, with a split of 70% affordable/ social rent and 30% intermediate together with arrangements for its provision.
- Play provision in the form of a LAP
- Contribution towards primary and pre-school education
- Contribution towards the improvement of public rights of way
- Contribution towards community halls
- Contribution towards community development
- Contribution towards public art

- Commuted sums for the future maintenance of woodland, informal open space, play areas and hedgerows.

8.68. Delegated authority is sought to secure these obligations through a S106 agreement.

Local Finance Considerations

8.69. 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 generate £181,101 for the Council under current arrangements once the homes are occupied together with additional payments for the affordable units. However, officers recommend that such funding 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. 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 proposal seeks permission for a large scale residential development on the edge of a Category A Village. The principle of the proposal therefore falls to be considered against Policy Villages 2 of the Cherwell Local Plan and a full range of other policies relating to detailed matters. Policy Villages 2 sits alongside the wider strategy of the Local Plan which seeks to direct residential development to the most sustainable settlements in the District and it includes a number of criteria in order to assess this. Cropredy is a small village but offers a primary school, GP practice, shop, community facilities, recreation facilities and public houses as well as being in close proximity to higher order services, facilities and employment available at Banbury. However due to the recent loss of a regular bus service, it is not as sustainable as other category A villages in terms of transport accessibility. On balance though, officers are satisfied that if all other matters were to be found acceptable in planning terms, Cropredy is a sufficiently sustainable settlement to accommodate some development without having undue environmental impacts for such reasons as the effect on overall village character or development that is excessively reliant on private car travel.

9.3. This particular site is well contained from the wider landscape and could accommodate some development taking into account site constraints. The proposal would bring some social benefits including a contribution to the District's ongoing five year supply as well as the provision of affordable housing and the site is well located to the village and its services and facilities with good access to them by walking and cycling. New development also commonly brings economic benefits including providing some construction opportunities and supporting further the village facilities.

9.4. The revised application which proposes a substantial reduction in the number of residential units and a concentration of development within the most contained parts of the site which has limited wider landscape impacts is considered to be acceptable. The indicative layout submitted satisfactorily demonstrates that the

proposed housing numbers can be achieved on site whilst taking into consideration the site constraints, setting and context. The additional information submitted to supplement the Design and Access Statement also demonstrates further that a vernacular form and appearance of development can be achieved which would be locally distinctive and further consider local context and character.

- 9.5. Officers therefore consider that the revised application has taken on board previous concerns and adequately demonstrates that the previous reasons for refusal have been overcome and that a satisfactory form of development can be achieved through careful consideration and design at the reserved matters stage to secure a development which would be sympathetic to its location and context and the character of the village whilst ensuring adequate levels of residential amenity for existing and future occupiers.

RECOMMENDATION

That permission is granted, subject to the following 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. 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: (TO BE UPDATED)

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.

4. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roofs of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

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.

5. Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

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

6. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on and adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority including full details of ground levels, earthworks and excavations to be carried out near to the railway boundary. 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 protect the adjacent railway and the embankment 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.

7. Prior to the commencement of the development hereby approved, the buildings and structures on the site at the date of this permission shall be demolished and the debris and materials removed from the site.

Reason - In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policy 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.

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

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy 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.

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

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

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.

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

11. 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 water, 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.

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

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

13. Prior to the commencement of the development hereby approved, full details of both means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

14. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) produced by RPS Group, dated 16 March and the following mitigation measures detailed within the FRA:

- There will be no built development within the parts of the site that fall into Flood Zone 2 and/or 3 as shown on Drawing Number CAT101 – 4002, Dated 16 March 2017 in Appendix B of the FRA.

Reason: This condition is sought in accordance with paragraphs 102 and 103 of the National Planning Policy Framework (NPPF):

1. To prevent flooding elsewhere by ensuring that storage of flood water is provided.
2. To reduce the risk of flooding to the proposed development and future occupants for the lifetime of the development.

15. Prior to the commencement of the development hereby approved, a surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. Thereafter, the scheme shall be implemented in accordance with the approved details before development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDs
- Sizing of features – attenuation volume
- Infiltration tests to be undertaken in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing plans

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

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

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

17. Prior to any demolition on the site and the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition 15, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

18. Prior to the commencement of the development hereby approved, full details of the method of mechanical ventilation of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the building, the mechanical ventilation shall be installed, brought into use and retained 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 and Government guidance contained within the National Planning Policy Framework.

19. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing Biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

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

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

Reason - To 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.

21. Prior to the commencement of the development, a Construction Environment and Traffic 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.

INFORMATIVES

Thames Water

It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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

Network Rail

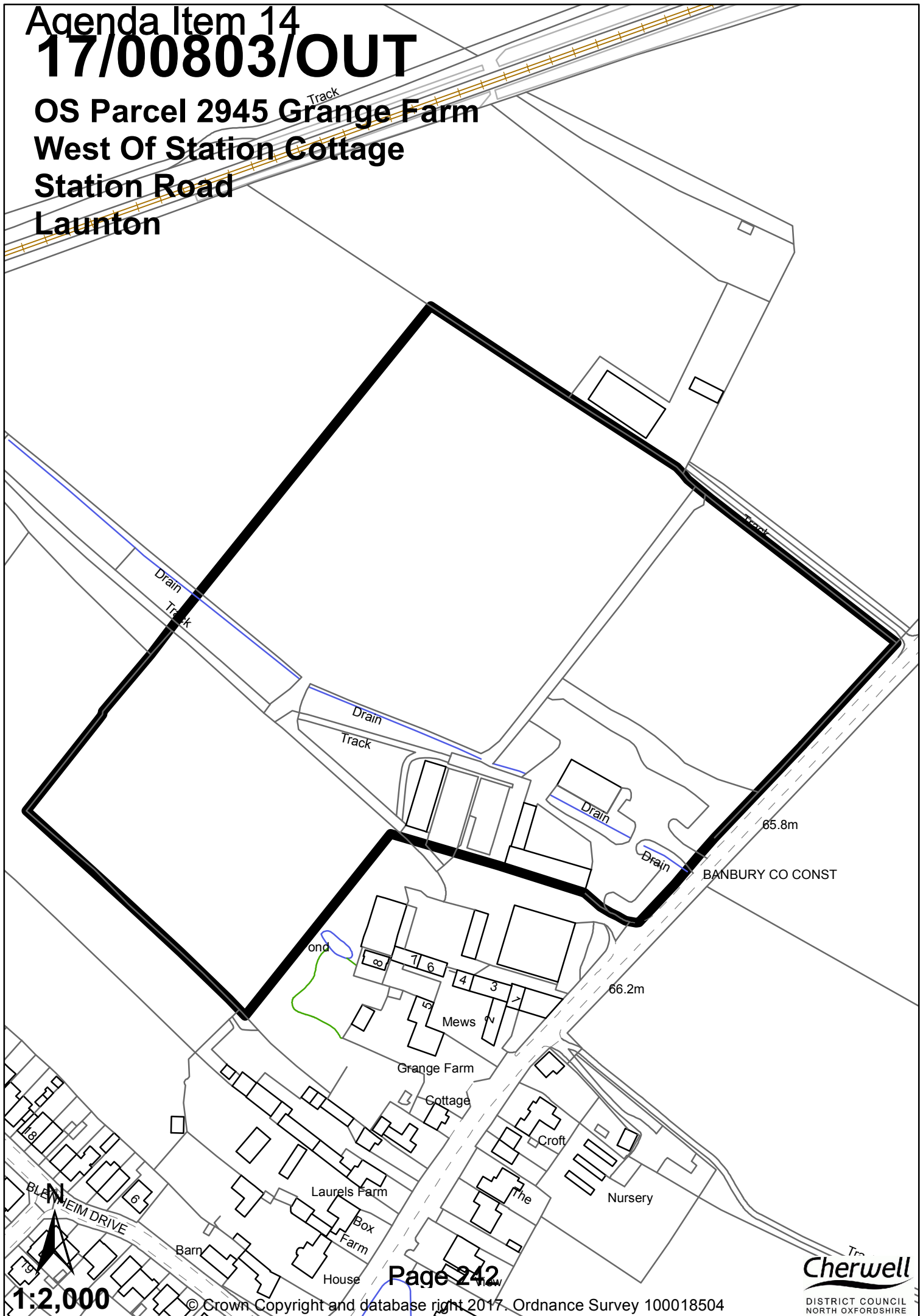
The applicant's attention is drawn to the Network Rail response dated 24th April 2017 and informatives contained therein.

CASE OFFICER: Bernadette Owens

TEL: 01295 221830

Agenda Item 14 17/00803/OUT

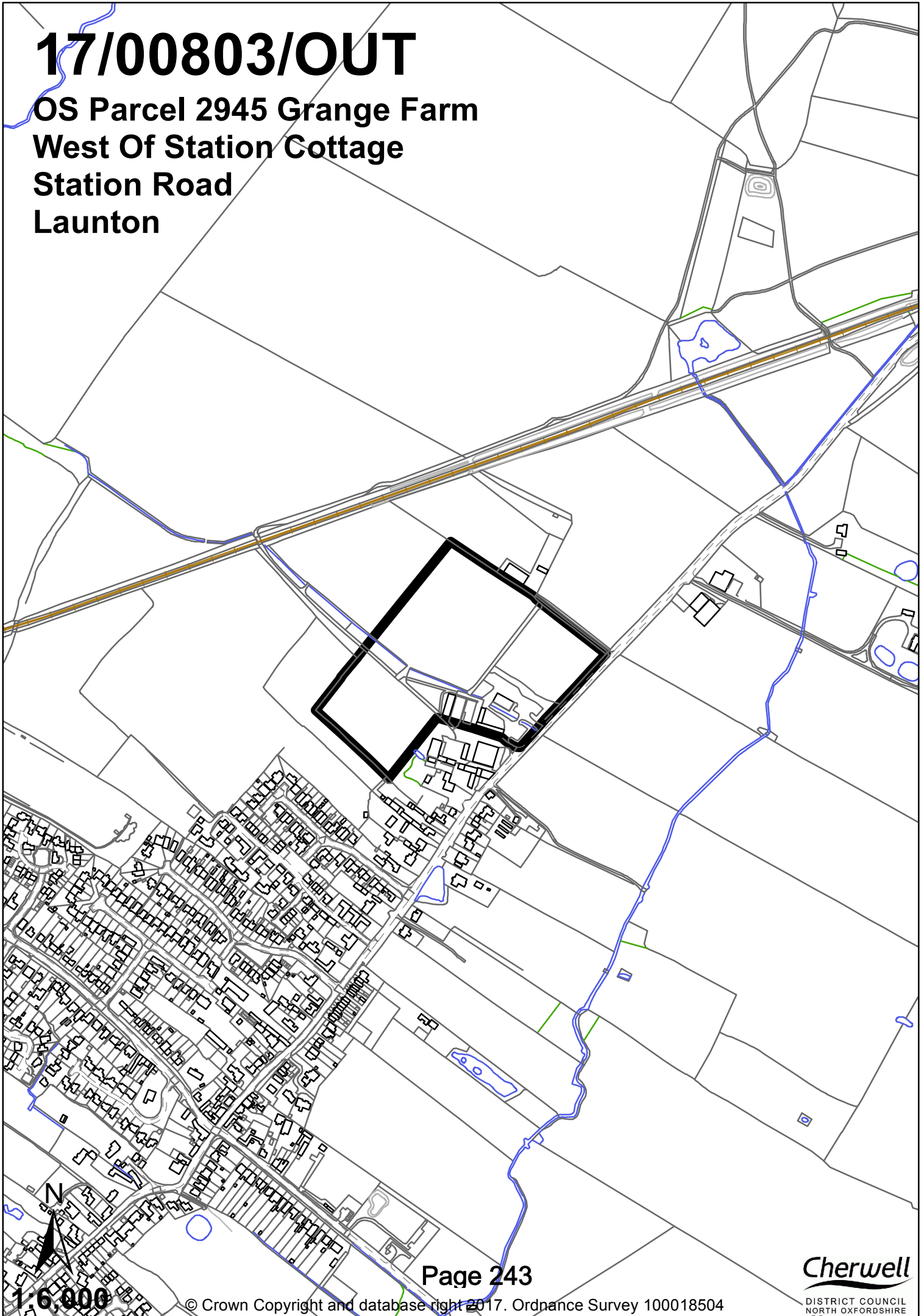
OS Parcel 2945 Grange Farm
West Of Station Cottage
Station Road
Launton



1:2,000

17/00803/OUT

OS Parcel 2945 Grange Farm
West Of Station Cottage
Station Road
Launton



Applicant: Richborough Estates

Proposal: Outline application for residential development up to a maximum of 70 dwellings, provision of open space, landscaping, access, infrastructure & demolition of outbuildings

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Major Development

Expiry Date: 11 July 2017 **Committee Date:** 6 July 2017

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises 5.8 hectares located on the northern edge of the village of Launton. The majority of the site is green fields set within open countryside with a small part of the site having been previously developed providing open storage and a large yard area currently utilised for car parking and the parking of buses.
- 1.2. The site lies adjacent to a further series of outbuildings to the south of the site, formerly associated with Grange Farm. These outbuildings now form the Grange Mews Business Centre accommodating a number of business uses. Grange Farm House is a grade II listed building in residential use and some of the business centre buildings are curtilage listed.
- 1.3. An area of archaeological asset is located within the previously developed area of the site and extends outside the application site around the Grange Farm complex and further along Station Road to the south. A public right of way runs from north east to south west through the top of the site and a large area of the site (approximately a third of the overall site) comprises established woodland.
- 1.4. The site is bounded by open countryside to the north, east and west.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks outline consent for residential development of up to 70 dwellings with provision for open space and landscaping. All matters are reserved except access which is to be taken from a single point on Station Road.

- 2.2. Demolition of the existing outbuildings on site is proposed to facilitate the development of the site.
- 2.3. The illustrative Masterplan submitted with the application indicates five parcels of development accessed from tree lined streets with further landscaping interspersed within the development with large areas of open space and buffer planting proposed to the edges of the site. The existing established woodland in the centre and east of the site are proposed to be retained and enhanced. The Masterplan indicates the provision of a LAP within the centre of the site and a LEAP within a large area of open space at the north of the site. An existing stream is shown to be incorporated within the layout with an attenuation pond/basin close to the entrance to the site.

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>
17/00009/SO	Screening Opinion for proposed residential development for up to 70 units, significant areas of open space, creation of wildlife corridors/ecological enhancements and pedestrian improvements	Screening Opinion not requesting EIA

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, 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 05.06.2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. 28 representations have been received objecting to the application. The comments raised in these objections are summarised as follows;
- Inaccurate map submitted and misleading technical information
 - Increased strain on infrastructure and sustainability
 - Adverse ecological impact
 - Loss of open countryside which contributes to the village's rural character
 - Contrary to planning policy
 - Significant adverse traffic impact on Station Road which already suffers significant traffic and highway safety issues

- Rural character already adversely affected by unsympathetic development at Yew Tree Farm
- Adverse visual impact in open countryside
- Disproportionate extension to the village will destroy village structure
- Overdevelopment of Launton
- Primary School already at capacity
- Inadequate sewer capacity and concerns over drainage and flooding including the capacity of Cutters Brook.
- Inadequate car parking within the proposed development
- Heavy reliance on private car use despite local bus service
- Better, more appropriate sites should be considered close to the village core
- Poor connectivity with the village
- Not a sustainable location promoting car use due to walking distances
- No public benefit

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. Launton Parish Council: Objects to the application for the following reasons:

- Development is outside the built up limits of the village and goes against planning policy
- The new access is wholly inadequate for the amount of traffic that will be coming in and out of the proposed development, clogging up Station Road and making it even more dangerous than it is at present
- Increase in traffic movements within the village (especially as the proposed development is too far from the Primary School for most people to walk)
- Too many secondary streets within the development which will become congested with cars making it difficult for delivery vans, dustbin lorries and emergency services to access
- Parish traffic survey (April 2016) indicates that approximately one third of the traffic seen at the cross roads was going via Station Road. Given the number of parked cars that are almost always present, reducing the road to a single lane for much of its length, the road will not be able to accommodate the

additional traffic movements without compromising safety to an unacceptable degree.

CHERWELL DISTRICT COUNCIL

6.3. CDC Planning Policy: The Planning Policy Team's main observations are:

- Launton is a Category A village, one of the more sustainable villages in the District
- The proposal would result in the redevelopment of some small scale commercial buildings and yard areas formerly associated with the former Grange Farm farmstead and agricultural land which extends beyond the existing built-up limits of Launton.
- Policy Villages 2 of the adopted Cherwell Local Plan Part 1 states that a total of 750 homes will be delivered at the Category A villages on new sites of 10 or more dwellings (in addition to the rural allowances for small site 'windfalls' and planning permissions as at 31 March 2014).
- The 2016 AMR (March 2017) shows that there are 179 dwellings, out of the 750 allocated for the rural areas, remaining to be identified. The AMR also demonstrates that the District presently has a 5.6 year housing supply for the period 2017 – 2022 (commencing 1 April 2017).
- Policy Villages 2 states that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.
- The application site was considered as part of a larger site in the SHLAA update 2014. (Site reference LA012). It was concluded that *'the site has highways issues in terms of the capacity of the Station Road/Launton Road junction. Development on the site would harm the setting of the heritage assets to the south, therefore this site is not considered to be suitable for residential development.'*
- For the period 2011-2016 there have been 55 residential completions in Launton. At 31 March 2016 the number of dwellings with permission but not built was 12. No sites of 10 or more dwellings have been granted planning permission in Launton since 31 March 2014.
- Residential completions and commitments at Launton are higher than many other Category A villages of the adopted Local Plan, including Cropredy, Finmere, Kirtlington and Wroxton.

In principle, the provision of some additional housing at Launton to meet Policy Villages 2 accords with the Development Plan. However, as highlighted in the SHLAA assessment, development of this site would potentially harm the setting of the heritage assets to the south of the site (Grange Farm). There may also be highways issues relating to the capacity of the Station Road/Launton Road junction. These issues will require detailed consideration.

Consideration should also be given to how the development would impact on the character and setting of the village at this north-eastern entrance. While some commercial uses and redevelopment has previously been permitted at Grange Farm, the area retains a loose knit settlement structure reflecting the transition into

open countryside. Policy ESD 15 includes requirements for new development to complement and enhance the character of its context through sensitive siting, layout and high quality design and to respect traditional patterns of development. The advice of the Design and Conservation team should be considered.

It is understood that one of the applicant's statements in support of the application, is that development would contribute in meeting five year housing land supply requirements for Oxford.

On 19 June 2017, the Council's Executive approved a Proposed Submission Local Plan (Partial Review) for Oxford's Unmet Housing Needs for the purpose of inviting representations. The Plan proposes 4,400 homes and specific site allocations to meet Cherwell's agreed contribution. The site proposed for development is not one of the suggested site allocations. The Plan states that a separate five year housing land supply will be maintained for meeting Oxford's needs from 1 April 2021 in accordance with the Oxfordshire Growth Board's agreed, common, assumed start date for the commencement of development after the adoption of the respective Local Plan reviews or updates without precluding earlier delivery. This recognises the complexity of the issues involved and allows for reasonable 'lead-in' times.

In conclusion, Launton is a sustainable village with a good range of services and facilities and Policy Villages 2 does make provision for some development to take place in such settlements. However, the merits of providing additional housing (including affordable homes) needs to be considered alongside issues such as the loss of open countryside, the impact on the existing settlement pattern, impact on existing heritage assets, and highway safety. There is no pressing five year supply need which would outweigh this potential harm.

The development impact of a relatively large development of approximately 70 new dwellings on the existing services and facilities would also need to be considered.

- 6.4. CDC Conservation: No comments received.
- 6.5. CDC Strategic Housing: The application will be expected to provide 35% affordable housing equating to 25 affordable homes. An indicative mix is set out to be secured through planning obligation.
- 6.6. CDC Environmental Protection: Noise – satisfied that the noise report has identified and addressed the main concerns for the site. A condition is recommended to secure the required noise mitigation measures. Contaminated Land – A desk study/walkover has already been undertaken and requires that further investigation be undertaken. Standard conditions are recommended to secure this. Air Quality – An Air Quality Assessment is required to understand the impact on local air quality in particular around Station Road/Blackthorn Road/Bicester Road/West End. Conditions are recommended to secure the required information and any mitigation.
- 6.7. CDC Recreation and Leisure: Contributions are sought towards increasing off site indoor and outdoor sports facilities within the locality. Contributions are also sought towards increasing capacity at the local community hall as well as a contribution towards community development and a community development worker. Public Art or a contribution towards the provision of public art are also required.
- 6.8. CDC Arboriculture: No adverse comments. No trees affected at this stage of the development. Trees have been adequately considered in the submitted tree report.
- 6.9. CDC Landscape: The LVIA is a comprehensive report. Agree with the judgements afforded in the Appraisal of Effects section of the LVIA. The viewpoints are generally

representative of the site and its surroundings and from a good basis for the visual appraisal. In respect of the cumulative potential harmful effects of the development proposal, because of existing adjacent residential areas, this should also be considered and judged in the LVIA. Detailed comments are made in respect of the landscaping proposals, the design layout/landscaping is generally acceptable with the exception of an area of housing near the southern site boundary. The landscape buffer between the access road and housing and the hedgerows is welcomed. This will reduce over shadowing and allow the entirety of the boundary to be managed by the adopting authority (CDC). All boundary hedgerows should have a minimum maintenance height of 3 m. Commuted sums for future maintenance are given.

6.10. CDC Ecologist: The site is not subject to any nature conservation designation but is located adjacent to the River Ray Conservation Target Area and margins of the River Ray Living Landscape Area. The Ecological Mitigation Strategy includes appropriate outline mitigation but it is recommended that a Biodiversity Impact Assessment is provided prior to determination. The mitigation and enhancement measures outlined within the mitigation strategy are welcomed but the BBOWT concerns regarding the feasibility of achieving habitats on site that are proposed to deliver biodiversity benefits due to the recreational pressure from the development, as well as the areas of recreational open space are shared. As such, it is recommended these areas should be clearly defined and agreed within the plans at this outline stage to ensure that they are achievable on site, and also to identify how the management plan will be funded in the long-term.

6.11. CDC Waste and Recycling: No comments received.

OXFORDSHIRE COUNTY COUNCIL

6.12. OCC Transport: No objection subject to conditions and contributions.

6.13. OCC Drainage: Some issues have been raised in respect of drainage and sustainable drainage systems but OCC are satisfied that suitable surface water drainage of the site is possible and this can be achieved through an appropriately worded planning condition.

6.14. OCC Archaeology: No objection subject to conditions.

6.15. OCC Education: No objection subject to conditions and contributions towards the expansion of Launton Primary School.

OTHER CONSULTEES

6.16. Thames Water: No objection with regards to sewerage infrastructure capacity on the basis that foul water is drained to the public sewer and surface water run-off to the nearby watercourse (Cutter Brook). However, the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. A condition is therefore required to secure impact studies of the existing water supply infrastructure.

6.17. Natural England: No objection – advises that the proposal is unlikely to affect any statutorily protected sites or landscapes. Standing advice should be applied in respect of impacts on protected species. If the proposal site is on or adjacent to a local site, the authority should ensure that it has sufficient information to fully understand the impact of the proposal. The consultation documents indicate that the development includes an area of priority habitat. If significant harm from the development cannot be avoided, mitigated or compensated then planning

permission should be refused. The development may provide opportunities for biodiversity and landscape enhancement.

6.18. Wildlife Trust: No objection to the application in principle. However, the Wildlife trust is not convinced that a net gain in biodiversity is being achieved in accordance with policy ESD10. Concern is also raised as to how key landscape and biodiversity enhancements will be secured. Concern is also raised as to the adequacy of open space to meet the recreational needs of the development so that potential areas of nature conservation interest will come under increased recreational pressure compromising their wildlife benefits. No information is provided as to long term ecological management. The application also fails to consider the Ray Conservation Target Area and BBOWTs Upper Ray Living Landscape area both of which adjoin the site.

6.19. Ramblers Association: No comments received.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

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

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in favour of development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- 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
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1 – Village Categorisation
- Policy Villages 2 – Distributing Growth Across the Rural Areas
- 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 – Design control

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
- Loss of Employment Land
- Landscape/Visual Impact/Local Character
- Design and illustrative layout
- Housing Mix/Affordable Housing
- Impact on Heritage Assets
- Transport
- Trees/landscape/open space
- Neighbour amenity
- Noise, Contamination and Air Quality
- Ecological Implications
- Flood Risk and Drainage
- Sustainability and Energy Efficiency
- Effect on Infrastructure/Planning Obligations
- Local Finance considerations

Principle of Development

- 8.2. 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.
- 8.3. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan and the site sits outside the built up limits of the village.

Adopted Cherwell Local Plan

- 8.4. The Cherwell Local Plan 2011-2031 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell wide needs. Policy BSC1 seeks to distribute the required housing for the District, including the allocations at Banbury and Bicester. In relation to villages and rural areas, 2,350 homes are allocated for the 'Rest of the District'. Of these 2,350 homes, 1,600 are allocated by Policy Villages 5 at Former RAF Upper Heyford. This leaves 750 homes identified for development elsewhere. Policy Villages 2 provides

for these 750 homes to be delivered at Category A villages. The Policy advises that these sites would be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable and through the determination of applications for planning permission. A number of criteria are listed and these must be considered through the determination of a planning application.

- 8.5. The Local Plan seeks to identify a sustainable hierarchy of villages to set a framework for considering how proposals within villages will be determined. Policy Villages 1 provides a categorisation of the District's villages to ensure that unplanned, small scale development within villages is directed towards those villages that are best able to accommodate limited growth. Category A villages are those identified as being the most sustainable in the hierarchy of villages in the District and this is why these are where planned development to meet District housing requirements to help meet local needs should be directed as defined by Policy Villages 2 subject to a detailed assessment as to the proportionate impact of development proposed upon the settlement in question. Launton is classified as a category A village by Policy Villages 1. The current proposal does not however comply with the type of development identified as being appropriate within the built up limits of category A villages due to the site being outside the village and not representing minor development, being over 10 dwellings.
- 8.6. In this circumstance, it is appropriate to consider this proposal against Policy Villages 2. Of the 750 dwellings identified to be delivered at Category A villages across the plan period until 2031, 179 dwellings remain to be identified over the plan period. Recent appeal decisions received by the Council confirm that an overprovision of the rural housing allocation at an early stage in the plan period would prejudice the sustainable growth strategy set out in the Local Plan and leave limited ability to respond to later changes in housing need in individual settlements without fundamentally compromising the overall sustainable strategy contained within the Local Plan.
- 8.7. In order to categorise villages through the Local Plan process, a number of areas were considered including the provision of services and facilities, the distance to urban areas having regard to availability of bus services, population size and the availability of potential sources of employment as well as taking into account the Cherwell Rural Areas Integrated Transport and Land Use Study (CRAITLUS), which assessed the transport sustainability of villages amongst other considerations. This process identifies that there are differences between Category A settlements in terms of their relative sustainability in comparison to each other.
- 8.8. The application site was considered as part of a larger site in the SHLAA update 2014. (Site reference LA012). It was concluded that *'the site has highways issues in terms of the capacity of the Station Road/Launton Road junction. Development on the site would harm the setting of the heritage assets to the south, therefore this site is not considered to be suitable for residential development.'*
- 8.9. For the period 2011-2016 there have been 55 residential completions in Launton. At 31 March 2016 the number of dwellings with permission but not built was 12. No sites of 10 or more dwellings have been granted planning permission in Launton since 31 March 2014. Although residential completions and commitments at Launton are higher than many other Category A villages including Cropredy, Finmere, Kirtlington and Wroxton.

National Policy

- 8.10. The National Planning Policy Framework confirms that there is a presumption in favour of sustainable development. For decision making this means approving

proposals that accord with the development plan without delay. The Framework advises that there are three dimensions to Sustainable Development; economic, social and environmental. With regard to housing, the Framework supports the need to boost significantly the supply of housing to meet the full objectively assessed need for housing and requires Local Planning Authorities to identify and update annually a supply of specific, deliverable sites sufficient to provide five year's worth of housing against the housing requirements, with an additional buffer of 5% to ensure choice and competition in the market for land.

- 8.11. The Council's 2016 Annual Monitoring Report (AMR) concludes that for the 5 year period 2016-2021, 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.
- 8.12. In respect of Oxford's Unmet Housing Needs, the Council's Executive approved a Proposed Submission Local Plan (Partial Review) for the purpose of inviting representations. The Plan proposes 4,400 homes and specific site allocations to meet Cherwell's agreed contribution. The application site proposed for development is not one of the suggested site allocations. The Plan states that a separate five year housing land supply will be maintained for meeting Oxford's needs from 1 April 2021 in accordance with the Oxfordshire Growth Board's agreed, common, assumed start date for the commencement of development after the adoption of the respective Local Plan reviews or updates without precluding earlier delivery. This recognises the complexity of the issues involved and allows for reasonable 'lead-in' times.

Principle of residential development

- 8.13. Launton is a category A village. The village has a range of services including a primary school, community hall, a shop, post office and recreation facilities as well as a regular bus service. Launton is a linear village built up around Bicester Road and around its intersection with Station Road/West End/Blackthorn Road. Whilst development also extends along Station Road, these residential and commercial properties become more remote from the main core of the village. The application site is located on Station Road, some distance from the village core and segregated from the existing residential area and many of the village services by the Grange Farm Business Centre complex. A local facilities plan submitted with the application highlights the somewhat remote location of the site in relation to village facilities such as the shop and primary school.
- 8.14. Whilst the village of Launton has the required sustainability credentials to accommodate some new development, officers have concern regarding the location and scale of this development which is some distance from the linear core of the village and remote from existing village services.
- 8.15. It should also be noted that, the majority of the site is not previously developed land which is surrounded by open countryside and incorporates a large area of established woodland. Although, the National Agricultural Land Classification identifies the site as being of grade 4 agricultural land classification and does not represent the best and most versatile agricultural land.
- 8.16. Given the above assessment, it is concluded that the principle of some residential development within the village of Launton could be acceptable and that this would contribute to the policy Villages 2 requirements as well as the supply of housing within the District. It is therefore necessary for an assessment to be made as to the sustainability of this particular site in terms of its ability to accommodate

development and whether it meets the Policy Villages 2 criteria which refer to assessing the suitability of development at Category A settlements.

Loss of Employment Land

- 8.17. Policy SLE1 seeks to retain existing employment sites for employment use unless the applicant can demonstrate the following;
- that an employment use should not be retained, including showing that the site has been marketed and has been vacant long term
 - that there are valid reasons why the use of the site for the existing or another employment use is not economically viable
 - that the proposal would not have an adverse effect of limiting the amount of land available for employment.
- 8.18. Regard will also be given to whether the location and nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses.
- 8.19. The proposed development will result in the loss of employment land which is currently associated with the Grange Mews Business Centre. The application includes an Economic Benefits Statement. The proposed scheme would result in the loss if two businesses based at the site having to relocate elsewhere. The companies currently employ a total of 10 staff which equates to 7 FTEs. It is probable, but not yet known whether these businesses would remain in Cherwell District on relocating. The Statement goes on to note that a further 44 jobs are located at the adjacent Grange Mews Business Centre and that these positions will be unaffected. The Statement also sets out the benefits for construction employment that would be brought about as a result of the development equating to 90 FTE jobs per annum over a 2 year construction programme.
- 8.20. However, the submitted Economic Benefits Statement does not support the applicant's case in respect of meeting the criteria set out in policy SLE1 and no evidence has been submitted to demonstrate that any of these criteria have been met. It would appear that the units are currently occupied and have not been marketed and there is no evidence that employment use is not economically viable on the site.
- 8.21. The applicant has set out in their Planning Statement that the replacement of the older and less attractive former farm buildings and open storage areas will offer visual enhancements to the setting of the other business units and the Grange Farmhouse and the entrance to the village. It considers that these factors along with the provision of market and affordable housing would outweigh the value of retaining this area in low-scale employment use.
- 8.22. Whilst these views are noted, this does not overcome the policy position in respect of policy SLE1. The present employment activity does not have any adverse impact upon adjacent residential uses and the applicant has failed to demonstrate that any of the criteria within the policy have been met. The Council has also demonstrated that it has a 5.6 year supply of housing so that the provision of housing on this site would not outweigh the value of retaining the site in employment use. There are no other planning objectives which would outweigh the value of retaining in the site. The proposal is therefore considered to be contrary to policy SLE1.

Landscape/Visual Impact/Local Character

- 8.23. Policy ESD13 of the Cherwell Local Plan advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is expected not to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures. Policy Villages 2 requires that consideration be given to whether significant landscape impacts could be avoided and whether development would contribute in enhancing the built environment. The NPPF highlights that the protection and enhancement of the natural, built and historic environment is part of the environmental role of sustainable development and one of the core planning principles also refers to recognising the intrinsic character and beauty of the countryside. The NPPF also emphasises the importance of development responding to character and history with good design being a key aspect of sustainable development.
- 8.24. A Landscape and Visual Impact Appraisal accompanies the application. The document finds that the site is within the Oxfordshire Wildlife and Landscape Study 2004 landscape type 'Clay Vale' which is described as a low lying vale landscape, associated with small pasture fields, many watercourses and hedgerow trees and well defined nucleated villages. The overall strategy is to safeguard and enhance the tranquil, small scale pastoral character of the area. In terms of this site, the LVIA concludes that the extent of visibility of the application site is limited to public rights of way in the immediate proximity and glimpsed views from local roads and occasional residential properties. The LVIA identifies that the proposed development considers the features of the site and its surroundings in regard to landscape and visual matters including the retention and enhancement of existing landscape features and that the size and scale of the development relates to the existing context and townscape character of the village. Due to the retention and enhancement of existing landscape features and inclusion of buffer planting and off set of built development, particularly in the north eastern corner of the site, any impact is considered to be minor or negligible.
- 8.25. The Council's Landscape officer has confirmed that he agrees with the judgements made in the Appraisal of Effects within the LVIA. The viewpoints are generally representative of the site and its surroundings and form a good basis for the visual appraisal. However, the LVIA does not consider the cumulative potential harmful effects of the development proposal with the adjacent residential areas.
- 8.26. Officers consider that there will be some visual impacts at a localised level for residential properties within proximity to the site and receptors travelling along Station Road. In these terms, it is necessary to consider the impact of accommodating development on the site in terms of its impact upon the village. Policy ESD15 of the Local Plan requires new development to complement and enhance the character of its context through sensitive siting, layout and high quality design.
- 8.27. Launton is a cruciform village with development concentrated along Bicester Road with some development extending along West End and Station Road. The character of Station Road is formed by a predominantly linear arrangement of development, with some older and newer areas of development in the form of cul-de sacs, but these are clustered closer to the node of the village. Outside of this arrangement of built development, the village is surrounded by open countryside comprising large open green fields.
- 8.28. The application proposes a large estate development which would be detached from the existing residential development on Station Road and segregated from it by the Grange Farm Business Complex and set within open countryside. This form and approach to development would be inconsistent with the established built form and

character of the village. As such the proposal is considered to have a harmful impact on the rural setting of the village and as such the surrounding landscape character contrary to policies ESD13 and ESD 15 of the Local Plan.

Design and illustrative layout

- 8.29. Policy ESD15 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The NPPF is clear that good design is a key aspect of sustainable development.
- 8.30. The application is in outline with matters relating to layout, scale and appearance reserved for later consideration. The application is however accompanied by an indicative layout, which it is expected will demonstrate that the development proposed can be accommodated, and a Design and Access Statement, which should set acceptable design principles in order that future acceptable detailed proposals for the site can be achieved.
- 8.31. In addition to the Illustrative Concept Masterplan which indicates broad areas of development, an Illustrative Masterplan accompanies the application showing a detailed housing layout comprising 70 units and incorporating a mix of detached, semi-detached and terraced units with a varied approach to car parking. The plans differ in their layout and development parcels are distinctly different with much less opportunity for open space being shown on the Illustrative Masterplan than the Illustrative Concept plan which gives an impression that substantial open space and buffer planting is achievable. The types of open space required to support a development of this size also do not appear to have been adequately planned for, taking into consideration the Council's requirements for general green space as well as outdoor sports provision.
- 8.32. The submitted Design and Access Statement sets out a clear design evolution for the scheme based on the established site constraints including a contextual analysis. The document sets out two indicative character areas which will set design parameters for the detailed design of the proposed development. Whilst the approach to design through the designation of character areas is acceptable, the detail set out and the indicative visualisations included are not considered to represent an acceptable design solution and would not be consistent or sympathetic to the rural vernacular type of development which would be required within an edge of village location.
- 8.33. Based on the above assessment, officers are not convinced that the applicant has taken proper consideration of the planning policy basis for the provision of open space, it has therefore not been clearly demonstrated that the proposed quantum of development can be achieved on site taking into account those policy requirements. In addition, conflicting Masterplan drawings have been submitted. The existing built environment and local distinctiveness and character of the village has also not been adequately considered and the indicative visualisations included within the application documents are not considered to represent an acceptable form of development in keeping with the character of the village or the area generally. Taking into account the further concerns officers have regarding the form of development being at odds with the predominantly linear form of the village, it is considered that the proposal would be contrary to Policy ESD15 and Policy Villages 2 of the Cherwell Local Plan (2011-2031 – Part 1) and Policy C28 of the Cherwell Local Plan (1996) and the NPPF in this regard.

Housing Mix/Affordable Housing

- 8.34. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the Local Plan requires new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities. Policy BSC3 requires development within locations such as Launton to provide 35% affordable housing on site and provides detail on the mix that should be sought between affordable/social rent and shared ownership.
- 8.35. The Planning Statement accompanying the application confirms that the development is capable of accommodating a mix of house types and sizes including 2, 3, 4 and 5 bed units. An indicative mix is set out based on the Illustrative Masterplan. The application sets out an average net density of 30dph in accordance with policy BSC 2. It is also set out that the development would deliver 35% affordable housing which would equate to provision of up to 25 affordable units on site which would be in accordance with policy BSC 3. This will be secured as a benefit of the scheme through S106 agreement.

Impact on Heritage Assets

- 8.36. Section 12 of the NPPF sets out Planning Guidance relating to the historic environment including archaeology. The development would be expected to preserve the significance of designated heritage assets within proximity. It is also provided at paragraph 131 that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF sets out tests to be applied where harm to heritage assets is identified. As set out above Policy ESD15 of the Cherwell Local Plan (2011-2031 – Part 1) also refers to heritage assets expecting development to conserve, sustain and enhance designated and non-designated heritage assets. S66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to have regard to the desirability of preserving the building or its setting. S72 of the Act requires that within a conservation area, the development of land or buildings shall preserve or enhance the character and appearance of that area.
- 8.37. The application is accompanied by a Heritage Assessment. Listed buildings within the vicinity of the site are identified as being potentially sensitive to development including the adjacent Grange Farmhouse, Laurels Farmhouse, Box Tree Farmhouse and Watermoor House all grade II listed buildings. The assessment sets out that any impact upon the built historic environment would be restricted to any changes in the settings of these heritage assets. Officers consider the Assessment presents a fair appraisal of the impacts of the development. The Assessment concludes that heritage assets within the vicinity would remain unaffected by the proposals owing to their distance from the site and intervening buildings and vegetation.
- 8.38. The site has also been subject to an Archaeological desk-based Assessment which as identified only one non-designated heritage asset being the ridge and furrow earthworks in the northern field. The site is located in an area of unknown archaeological interest where very little archaeological investigations have taken place. The desk-based Assessment sets out that the area surrounding the application site has a high potential for archaeological remains associated with medieval and later agriculture. The County Archaeologist has recommended that a condition be imposed requiring a programme of archaeological investigation.

- 8.39. It is therefore considered that the proposed development would be acceptable with regard to the potential impact to heritage assets within the vicinity of the site in accordance with policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the NPPF.

Transport

- 8.40. The National Planning Policy Framework is clear that transport policies have an important role to play in facilitating sustainable development with encouragement provided to sustainable modes of transport to reduce reliance on the private car. It is also clear that applications should be accompanied by Transport statement if it would generate significant amounts of movement. This is reflected in Policy SLE4 of the Local Plan. Policy SLE4 and Villages 2 both emphasise the need for consideration to be given to whether safe and suitable access can be achieved.
- 8.41. A Transport Statement has been submitted to support the application and the County Transport officer is satisfied with the conclusions within the assessment. Whilst local residents have raised contrary views in relation to Station Road traffic, the local highway authority has confirmed that the submitted Transport Assessment has used industry standard methodology and the officer is of the view that there will not be an unacceptable negative effect in terms of road safety and congestion.
- 8.42. In terms of the proposed access to the site, the local highway authority is satisfied that the form and location of the site access is acceptable provided that the required visibility splays are maintained.
- 8.43. A Travel Plan Statement has been submitted with the application, some additional information will be required to ensure that the Travel Plan is effective at promoting travel to and from the site. A condition is requested to secure a revised Travel Plan Statement.
- 8.44. A public right of way runs through the site. A condition has been requested by the local highway authority to secure a new public right of way across the site and financial contributions are sought towards public right of way improvements in the vicinity of the site.
- 8.45. The application is therefore considered to be acceptable in highway terms in accordance with policies SLE4 and policy Villages 2 as well as Government guidance within the NPPF and NPPG.
- 8.46. Notwithstanding the Transport officer's comments with regards to the location of the development and walking distances to services, Planning officers remain concerned about the suitability of the site in terms of its isolated location and connectivity to the village to access services and facilities. In particular, the walking distance to the primary school and community hall are likely to be beyond what most residents would consider an acceptable distance and this may result in increased car trips to access these facilities.

Trees, Landscaping and Open Space

- 8.47. Policy ESD10 of the Local Plan refers to the protection and enhancement of ecology and the natural environment. It requires the protection of trees amongst other ecological requirements. Policy ESD13 also encourages the protection of trees and retention of landscape features. Policy BSC11 sets out the Council's requirements for local outdoor space provision and play space.

- 8.48. There are a number of established trees on the site including areas of established woodland. These are considered in the submitted Arboricultural Survey. The Arboriculture officer is satisfied that the Survey is adequate and that no trees are affected at this stage. Hedgerow loss will also be limited and opportunities exist to maintain and enhance existing areas of hedgerow and trees as part of the development.
- 8.49. The development of 70 dwellings will trigger the requirement for onsite provision of general green space and on site provision of outdoor sports provision in accordance with policy BSC11. The Council will require 0.46 hectares of general green open space and 0.18ha of onsite outdoor sports provision. Whilst these amounts are not significant the current submission provides no confirmation as to the amounts of provision in light of policy requirements, and the illustrative masterplan(s) do not appear to make provision for outdoor sports provision although general green spaces are shown.
- 8.50. A LEAP and a LAP will be required in accordance with policy BSC 11. A LEAP is shown on the illustrative plans and it may be appropriate, given the size of the site, to secure a combined LEAP/LAP within the site. Contributions towards future maintenance of landscaping and open spaces and equipped areas of play will be secured through planning obligation.
- 8.51. The approach to the retention and maintenance of the existing large areas of woodland on the site are welcomed and the illustrative landscape proposals shown are also welcomed with scope to take account of the detailed comments from the Council's Landscape Officer through condition or reserved matters submission. However, given that the types of open space required to support a development of this size have not been adequately planned for, taking into consideration the Council's requirements for general green space as well as outdoor sports provision. The proposed development is considered to be contrary to policy BSC11 of the Cherwell Local Plan 2011-2031 Part 1.

Effect on Neighbouring Amenity

- 8.52. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development and this reflects the Core Principle of the NPPF, which confirms the need for a good standard of amenity for all existing and future occupants of land and buildings to be secured.
- 8.53. Due to the location of the site some distance from existing residential properties, it is unlikely that existing residential will be affected as a result of the proposal.
- 8.54. The detailed layout and design of the site would be considered at reserved matter stage at which time a careful and considered approach to design will ensure that any impact to neighbouring amenity would be minimised. At this (outline) stage, Officers are not wholly satisfied that the current proposed quantum of residential development can be accommodated within the site and can therefore not be certain that an adequate level of amenity can be achieved for existing and future residents in accordance with Policy ESD15 of the Cherwell Local Plan.

Noise, Contamination and Air Quality

- 8.55. The Framework at paragraph 109 advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.

- 8.56. The application is accompanied by a Noise Assessment and a Desk Study Report to determine any potential environmental geotechnical risks for development of the site. The Council's Environmental Protection Officers advise the following;

Contaminated Land – based on the findings of the desk study, it is recommended that an intrusive investigation is completed prior to the commencement of development to assess the actual contaminative status of the ground at the site. Targeted investigation is required within areas 1 and 2 where potentially significant potential sources of contamination have been identified. Investigation across the remainder of the site is required to confirm the expected geology and provide general site coverage. It is also considered essential that the intrusive investigation should determine the geotechnical parameters of the underlying ground conditions as part of the future development of the site. The intrusive investigation is likely to comprise a series of boreholes and trial pits and should include the installation of gas monitoring standpipes. The investigation should also include sampling of soil bunds and waste soil stockpiles located at the site if these materials are to be retained as part of any development of the site. Selected soil and leachate samples recovered during the intrusive investigation would be tested for a general suite of determinants and locally a targeted suite of analysis based on the findings of this desk study. This investigation and any subsequent remediation scheme can be secured through condition.

Noise – satisfied that the noise report has identified and addressed the main concerns for the site.

Air Quality – It is recommended that an air quality assessment is required to understand the impact of this development on local air quality. In particular, the impact this development will have on air quality around the station road / Blackthorn Road / Bicester Road/West End. Measures proposed which will help to improve air quality locally should also be included. The assessment should have regard to the Council's Air Quality Action Plan and review and assessment reports. Mitigation measures should also be incorporated into the development which facilitates the uptake of low emission vehicle usage. The required assessment and additional measures can be secured through condition.

- 8.57. Based on the comments of the Council's Environmental Protection team, the proposal is considered to be acceptable with regards to noise, air quality and contaminated land.

Ecological Implications

- 8.58. The NPPF sets out that Planning should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and provide net gains in biodiversity where possible. Policy ESD10 reflects the requirements of the Framework to ensure protection and enhancement of biodiversity. The Authority also has a legal duty set out at the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that "every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity"
- 8.59. An extended Phase 1 survey was carried out in 2014 and a further site walk over was carried out in 2016 in order to determine if any site conditions had changed since the 2014 survey. The results are set out in a Validation document of the Extended Phase 1 Survey. These results indicate that habitat conditions have not significantly changed within the application site boundary with the exception of tall ruderals and ephemeral/short perennials which provide potential foraging and dispersal habitat for badger, great crested newts, common reptiles and common

amphibians. In addition, a mature pedunculate oak located within the eastern boundary hedge has potential bat roost features which were not noted during the 2014 survey. Up to date mitigation proposals are recommended in both instances.

- 8.60. The site is not subject to any nature conservation designation but is located adjacent to the River Ray Conservation Target Area and margins of the River Ray Living Landscape Area. This area is designated for areas of floodplain meadow, lowland meadow and for its importance for wading birds. Records of protected and notable species within the local area include great crested newt, common lizard, grass snake, badger, bats and UK BAP butterfly species black hairstreak and small heath.
- 8.61. The application site comprises a mosaic of habitats including two blocks of broad-leaved plantation woodland, semi-improved and poor-semi improved grassland, tall ruderal, short ephemeral habitat, and intact and defunct hedgerows, which contain mature trees. These habitats support a small population of common lizard and grass snake, and great crested newt breeding pond is located within only 20m of the site boundary. There are further records of great crested newts within the local area and the habitats on site provide good terrestrial habitat for reptiles and amphibians. As such suitable mitigation for these species to replace loss of their habitat will be required on-site. The Ecological Mitigation Strategy includes appropriate outline mitigation for reptiles and amphibians and other protected species, including the creation of wildlife corridor along the south-western boundaries of the site, creation of attenuation ponds, sensitive lighting scheme, and management and buffering of the existing woodland and hedgerows (via a 5m buffer zone) for wildlife.
- 8.62. In addition to the submitted mitigation strategy, the Council's Ecologist has recommended that a Biodiversity Impact Assessment (BIA) is provided prior to determination of the application due to the habitat loss to estimate the overall loss or gain to biodiversity at this stage. Should the proposals result in an overall loss to biodiversity, it is recommended that a biodiversity offsetting scheme will be required to compensate for any residual biodiversity impact. This could be secured at the outline stage, ideally via a Section 106 agreement, whereby the developer can fund an appropriate habitat enhancement scheme elsewhere in the district, preferably close to the site. This is to ensure that the proposed development leads to a net gain in biodiversity, in line with the NPPF and in accordance with policy ESD 10 of the Cherwell Local Plan 2011-2031 Part 1.
- 8.63. Both the Wildlife Trust and the Council's Ecologist have raise concerns about the feasibility of achieving habitats on site and in delivering the biodiversity benefits as part of the scheme due to recreational pressure from the development. Officers have already raised concern that the proposed quantum of development cannot satisfactorily be accommodated on site whilst also making adequate provision for open space and recreation in accordance with planning policy. If these areas of recreation and open space are not clearly defined adverse impacts could occur in term of disturbance to populations of common lizard and grass snake as well as nesting birds, amphibians, badger and other wildlife which would be affected by recreational pressures such a dog walking, pets and lighting.
- 8.64. The current application does not clearly define these areas and therefore fails to demonstrate that the required levels of open space can be accommodated on site without placing pressure on biodiversity and ecological priorities. The applicant is therefore unable to demonstrate that the development would ensure the protection and enhancement of biodiversity in accordance with policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

Flood Risk and Drainage

- 8.65. A Flood Risk Assessment is submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the Framework, given the site extends to over 1ha in area and is in Flood Zone 1. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.
- 8.66. The OCC Drainage team has raised issues in respect of drainage and sustainable drainage systems but OCC are satisfied that suitable surface water drainage of the site is possible and this can be achieved through an appropriately worded planning condition. The development is therefore considered to be acceptable in accordance with policy ESD 6 and ESD 7 in this regard.

Sustainability and Energy Efficiency

- 8.67. The Cherwell Local Plan includes a number of energy policies in order to seek development which mitigates and adapts to the future predicted climate change. This relates to locating development in sustainable locations as well as seeking to reduce energy use, making use of renewable energy and sustainable construction techniques. The policies are however now out of date taking into account more recent Government guidance. Energy efficiency of homes is now a matter for the Building Regulations. Policy ESD3 does however require all new homes to achieve a water efficiency standard of no greater than 110 litres/person/day. Mitigating and adapting to climate change in order to move to a low carbon economy is a key part of the environmental role of sustainable development set out in the Framework.
- 8.68. The application is accompanied by an Energy and Sustainability Statement which sets out a commitment to reducing energy needs. The Statement sets out the use of fabric first measures such as super insulation and absolute air tightness rather than relying on bolt on renewable energy devices. The orientation of buildings is also highlighted as a measure to utilise solar gain where practicable. Other measures are also set out which could be incorporated or utilised to reduce carbon emissions. The information provided is noted and the requirement to meet the higher Building Regulation standards for water consumption would be secured through condition.
- 8.69. The site is within an off-gas area where policies ESD 4 and ESD 5 would apply. The feasibility studies required Decentralised Energy Systems and Renewable Energy as set out in policies ESD 4 and ESD 5 have not been submitted with the application. The application and proposed development does not therefore comply with these policies.

Effect on Infrastructure/Planning Obligations

- 8.70. A S106 Legal agreement will be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the Local Plan can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. This includes the provision of affordable housing. The Authority is also required to ensure that any contributions sought meet the following tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):
- Necessary to make the development acceptable in planning terms;
 - Directly relate to the development; and
 - Fairly and reasonable related in scale and kind to the development

8.71. The following obligations would be are sought through a S106 legal agreement in respect of a development of this scale:

- Affordable housing – 35%
- On site open space and sports provision including play provision in the form of a LAP and LEAP
- Contribution towards primary education
- Contribution towards healthcare
- Contribution towards the improvement of public rights of way
- Contribution towards community halls
- Contribution towards community development
- Contribution towards public art
- Contribution towards indoor sport and recreation facilities
- Commuted sums for the future maintenance of woodland, informal open space, play areas and hedgerows.

8.72. In addition, further site specific contributions have also been identified by OCC Transport towards improving bus services and public right of way improvements these would also need to be secured through a S106 agreement. However, whilst draft heads of terms are set out in the Planning Statement accompanying the application, there is currently no S106 agreement which would secure the required obligations so that the applicant is currently unable to demonstrate that the infrastructure requirements of the development can be achieved in accordance with policy INF 1.

Local Finance Considerations

8.73. 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 generate £387,289 for the Council under current arrangements once the homes are occupied together with additional payments for the affordable units. However, officers recommend that such funding 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. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the Framework. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm and come to a decision on the acceptability of the scheme. 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.

- 9.2. The proposal seeks permission for a large scale residential development on the edge of a Category A Village. The principle of development therefore falls to be considered against Policy Villages 2 of the Cherwell Local Plan and a full range of other policies relating to detailed matters. Policy Villages 2 sits alongside the wider strategy of the Local Plan which seeks to direct residential development to the most sustainable settlements in the District and it includes a number of criteria in order to assess this. Launton is a small village but offers a primary school, shop, post office, community hall, recreation facilities and public house as well as being in close proximity to higher order services, facilities and employment available at Bicester.
- 9.3. Launton is therefore considered to be a sufficiently sustainable settlement to accommodate some development without having undue environmental impacts for such reasons as the effect on overall village character or development that is excessively reliant on private car travel.
- 9.4. However, taking into account the character of the existing village, a development of this scale proposed on the edge of the settlement with poor connections to existing services and facilities would be out of keeping with the context of the area and would be harmful to the character of the village.
- 9.5. The proposals would generate some economic benefits by providing construction employment and add a new population to the local economy. The development would also add to the supply of housing and genuine weight should be attached to this. However, given the generous supply of housing in the District the weight should not be significant. The proposals would however result in significant environmental, economic and social harm for reasons already discussed in this report. Officers consider that such harm would substantially outweigh any benefits associated with the development such that the proposals cannot be considered sustainable. As a result, the presumption in favour of sustainable development inherent within the NPPF does not apply in relation to these development proposals with the result that there is no reason for departing from the development plan. As a consequence, and in the absence of any other material planning considerations indicating to the contrary, planning permission should be refused.

RECOMMENDATION

That permission is refused, for the following reason(s):

1. Having regard to the District's strong housing supply and delivery position the proposals would result in an unnecessary development of greenfield land forming part of the open countryside which would result in an unacceptable extension of the village that would harm the character and rural setting of the village to the detriment of the built, natural and historic environment. The proposal is therefore contrary to policies Villages 2 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, policy C28 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
2. The application site is located some distance from the centre of the village, this would create a new community isolated from the existing village and services and would place heavy reliance on unsustainable car use to reach even local services within the village such as the school and shop. This lack of connectivity within the existing settlement would result in an isolated form of unsustainable development which would be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.
3. The proposed development fails to demonstrate that any of the applicable

criteria as set out in policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1 have been met and as such would result in the unacceptable loss of employment land. No other planning objectives would outweigh the value of retaining the site in employment use and as such the development would be contrary to policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1.

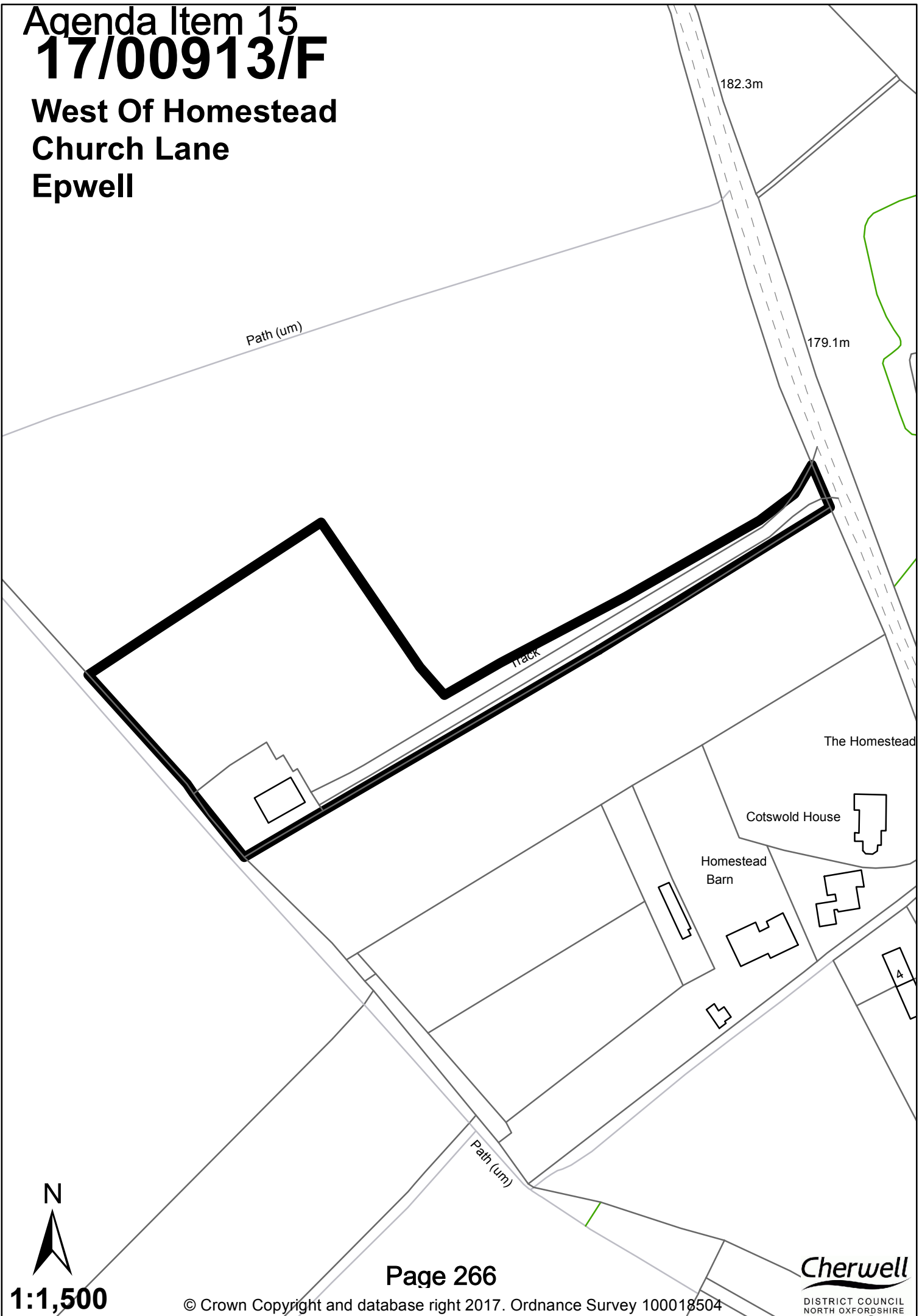
4. The application and accompanying Illustrative Masterplan(s)/indicative layout submitted fail to adequately take adequate account of the policy requirements for general green open space and outdoor sports provision. As such, the Local Planning Authority is unable to determine whether the quantum of residential development proposed could be satisfactorily accommodated on site in accordance with basic policy requirements whilst also safeguarding areas identified within the application for landscape, ecological and biodiversity enhancements. The proposal therefore fails to accord with the requirements of policies BSC10, BSC11, ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice within the National Planning Policy Framework.
5. The Design and Access Statement and Illustrative Masterplan(s)/indicative layout submitted as part of application fails to provide sufficient acceptable detail in respect of design principles set as a basis for the future detailed consideration of the development proposed. This includes siting, form, appearance, materials and detailing of the proposed new dwellings. The Local Planning Authority is therefore unable to determine whether the development proposed could be satisfactorily accommodated on site in a manner that would respect its context and respond to local distinctiveness. The proposal therefore fails to accord with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and policies C28 and C30 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
6. The site is located within an off-gas area where policies ESD4 and ESD5 apply. The application fails to provide the required feasibility studies for the consideration of Decentralised Energy Systems and onsite Renewable Energy provision. The proposal therefore fails to accord with the requirements of policies ESD4 and ESD5 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
7. In the absence of the completion of a satisfactory Planning Obligation, it cannot be demonstrated that the necessary infrastructure directly required both on and off site as a result of the development can be provided in the interests of safeguarding public infrastructure, delivering mixed and balanced communities through the provision of affordable housing and securing on site future maintenance arrangements. The development is therefore contrary to policy INF1, BSC3, BSC4, BSC9, BSC11, BSC12 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework

CASE OFFICER: Bernadette Owens

TEL: 01295 221830

Agenda Item 15 17/00913/F

West Of Homestead Church Lane Epwell



1:1,500

Applicant: Mrs Emma Rugman

Proposal: Proposed Connemara Equestrian Stud with provision for a mobile home sited internally within existing building

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr Ken Atack
Cllr George Reynolds
Cllr Douglas Webb

Reason for Referral: Referred to Planning Committee by Cllr Douglas Webb

Expiry Date: 14 July 2017 **Committee Date:** 6 July 2017

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the north west of the village of Epwell. It is accessed from Church Lane, a single track lane which leads from Epwell towards the north, via a long track through a field. It is separated from the built up edge of Epwell by paddocks currently used for grazing/keeping horses.
- 1.2. The application site comprises part of an agricultural field which is bounded on two sides (south and west) by mature hedging and a public right of way (203/5/10) runs along the western boundary. The field is gently undulating and the site occupies an elevated position in relation to Church Lane, in the south-west corner of the field.
- 1.3. Currently there is a timber agricultural barn on the site and an area of hardstanding with a horseshoe shaped bund around on the part of the site accessed directly from the track. A second public right of way (203/3/20) crosses the field approximately 70 metres to the north of the application site.
- 1.4. The area is rural in character and lies within the Cotswolds Area of Outstanding Natural Beauty. The site is in an area that is of archaeological importance.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Consent is sought for the creation of an equestrian stud with stabling and associated barns and provision of a temporary mobile home. The proposed buildings are to be laid out in a courtyard form:
 - Barn, hay store and tractor shed measuring approximately 15.3m wide, 26.5m long and 6.8m high (4.35m to the eaves)
 - 'L' shaped building comprising 3 stables, 3 foaling pens, a vet/isolation room, a room with artificial insemination stocks and a tack room measuring

approximately 26m by 7.5m along the longest side and 14.6m by 7.4m along the shortest side. The building is to measure approximately 5.8m high (2.4m to eaves). The foaling pens are also to have separate yards attached measuring 8.7m by 5.4m each.

- Stables, rug store, feed store and a wash room measuring approximately 25.6m by 7.4m (at its widest). It is to measure approximately 5.8m high (highest point).
- A 2 bed mobile home is also proposed. This is to be positioned within the barn/hay store/tractor shed.

2.2. Access is to be taken from Church Lane through an existing access and agricultural track within the field. Off-site highway improvement works are proposed in the form of a passing bay on Church Lane to the north of the site.

2.3. A number of technical documents have been submitted in support of the application including a Landscape and Visual Impact Assessment (LVIA), a Technical Note reviewing the applicant's LVIA and Cherwell Council's pre-application advice, a Transport Statement, a Design and Access Statement, and an appraisal of the need/justification for a temporary mobile home on the site.

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>
13/00349/F	Extension to existing cattle building	refused and dismissed at appeal
15/02033/F	Erection of stabling and manege, construction of an agricultural barn and the siting of a temporary rural worker's dwelling for three years	Application Withdrawn
15/00100/SO	Erection of stabling and manege, construction of an agricultural barn and the siting of a temporary rural worker's dwelling for three years	Screening Opinion not requesting EIA

3.2. The application for the extension of the existing cattle building was refused in May 2013 and dismissed at appeal in January 2014 due to the harm caused to the character and appearance of the area and the failure to preserve the Cotswolds Area of Outstanding Natural Beauty (AONB). The Inspector considered that the extension to the existing barn 'would accentuate its prominence resulting in an unsympathetic intrusion into the character and appearance of the surrounding open countryside. The appeal scheme would fail to conserve the landscape and scenic beauty of the AONB'.

4. PRE-APPLICATION DISCUSSIONS

4.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
16/00392/PREAPP	Establishment of an equestrian stud with provision for a mobile home

4.2 The advice given was that the proposed development was considered to be “major development” that would have a detrimental impact on the unspoilt rural character of the area and visual amenities of the landscape due to the scale of the development, prominent location and associated activities and paraphernalia. It would be harmful to the environmental qualities of the AONB failing to preserve its landscape and scenic beauty. No exceptional circumstances were put forward that would justify or outweigh the harm.

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 is 28.06.2017, although comments received after this date and before the Committee meeting will also be taken into account.

The comments raised by third parties are summarised as follows:

- One letter of support from the Chairman of the British Connemara Pony Society. Comments that the applicant is organised efficient and tidy, breeds and sells quality Connemara ponies and is a respected council member of the British Connemara Pony Society.

5.2. 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. EPWELL PARISH COUNCIL: **No objection** subject to conditions:

- i) Site to be used for breeding of horses and ponies and no other equestrian use
- ii) Accommodation restricted to use by a worker required to look after breeding ponies
- iii) Accommodation not to be sold separately from the stud

STATUTORY CONSULTEES

6.3. HIGHWAY AUTHORITY: **No comment to date**

NON-STATUTORY CONSULTEES

6.4. CDC LANDSCAPE OFFICER: **Object**. Full comments on the Landscape and Visual Impact Assessment and Landscape and Visual Issues Technical Note submitted with the application can be viewed on the Council's website. In summary the

Landscape Officer considers that the development proposal is inappropriate for this site and represents overdevelopment in such a landscape and visually sensitive area. The proposals are not a direct replacement for the height, scale and massing of the existing farm structure. The amount of cut and fill to form a level surface for the finished floors will be extremely harmful to the existing vegetation. A BS5837 tree and hedgerow survey and arboricultural method statement is required.

- 6.5. CDC ENVIRONMENTAL PROTECTION OFFICER: **No objections** regarding noise, contaminated land, air quality or lighting. Comments that in order to prevent issues a condition is required regarding the accumulation of manure.
- 6.6. CDC ECOLOGIST: **Recommends** that an Extended Phase 1 habitat survey of the site, to include a bat survey of the existing building and other surveys as required for protected species, is required prior to determination of the application to inform the impact of the development on protected species and determine if any mitigation measures will be required as the site appears to comprise of a range of habitats and there are a number of records of protected and notable species in the local area.
- 6.7. ARCHAEOLOGIST: **Comment** that there is the potential for the development to encounter archaeological deposits related to a Roman road as well as disturb any roadside settlement existing alongside it. They recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction.
- 6.8. OCC RIGHTS OF WAY: **No objection**
- 6.9. COTSWOLD CONSERVATION BOARD: **No comment to date**

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)

- SLE1: Employment Development
- SLE4: Improved transport and connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD12: Cotswolds Area of Outstanding Natural Beauty
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Built and Historic Environment

CHERWELL LOCAL PLAN 1996 (Saved Policies)

- C8: Sporadic development in the countryside

- C28: Layout design and external appearance of new development
- AG2: Construction of farm buildings
- AG5: Development involving horses
- H18: New dwellings in the Countryside

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cotswolds Conservation Board Cotswolds Area of Outstanding Natural Beauty Management Plan 2013 – 2018
- The Keeping of Horses and Ponies in the Cotswolds AONB
- Cherwell District Council Countryside Design Summary 1998

8. APPRAISAL

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

- Principle of development;
- Impact on the AONB and Visual amenities of the area;
- Scale, design and appearance;
- Impact on Rights of Way;
- Highway safety;
- Ecology;
- Other matters

Principle of Development

- 8.2. The NPPF introduces a presumption in favour of sustainable development. It advises that proposals that accord with the development plan should be approved without delay and proposed development that conflicts should be refused unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out of date, applications should be approved unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
- 8.3. The proposal is for the establishment of a new equestrian stud enterprise, with associated temporary worker's dwelling. Considering first the business, Saved Policy AG5 of the Cherwell Local Plan 1996 states that proposals for horse related development will normally be permitted provided that the proposal would not have an adverse impact on the character and appearance of the countryside, would not be detrimental to the amenity of neighbouring properties and would comply with the other policies in the plan. This is consistent with Paragraph 28 of the NPPF which promotes the "development and diversification of agricultural and other land-based rural businesses". Therefore, in ordinary circumstances, the principle of developing an equestrian business in this rural location could be acceptable in principle subject to other material considerations.
- 8.4. However in this case the site also lies within the Cotswolds AONB. Paragraph 115 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty'. Paragraph 116 states that "planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest".

- 8.5. The Planning Statement submitted with the application argues that “a stud farm would ordinarily be expected to be located within the countryside and it would be unrealistic to envisage the positioning of a stud farm within the existing confines of an existing village”. It continues that the breeding of livestock would be an agricultural activity which typically would be located within the countryside, it is suitable within its local context and that it falls to be considered under the provisions of paragraph 115 of the Framework rather than 116.
- 8.6. It is considered by your officers that the development is ‘major’ development in the AONB. This is taking the meaning of the phrase “major development” as what would be understood from the normal usage of the words rather than as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development is considered to be major development in this instance in accordance with paragraph 116 of the NPPF and paragraph 005 Reference ID: 8-005-20140306 of Planning Practice Guidance due to the nature and scale of the proposal and the local context. Being sited in an elevated position adjacent public rights of way and involving the construction of a new building complex, it is considered that it will have a major impact on the local landscape and as the site is visually and physically separated from the village of Epwell the scale and form of the development will be reinforced.
- 8.7. It is accepted that there are a number of other complexes of farm buildings in the local area, and the landscape of the AONB is not devoid of groups of farm buildings in this respect. However the current proposal seeks to replace an existing, single farm building with a wholly new complex of buildings arranged around a courtyard, extending further north and east than the existing building.
- 8.8. Even outside of the AONB it is established planning practice to seek to site new farm buildings adjacent to existing farm complexes, and to avoid the creation of new farm complexes unless the need has been evidenced and the siting carefully selected and justified to minimise the visual impact. Furthermore, whilst the applicant has made reference to other schemes and developments approved in the AONB, the judgement as to whether any one proposal constitutes “major” development is to be made on a case by case basis. In this case the site is isolated from other built development, is in an elevated position within the landscape, and the proposal is for the establishment of a sizeable new equestrian stud business in a location where there is currently only a single farm building. Thus in your officer’s opinion the proposal should properly be assessed as major development in the AONB, and Paragraph 116 of the NPPF applies.
- 8.9. The apparent need for a permanent on-site presence in connection with the stud enterprise also adds weight to this conclusion. The application proposal includes a temporary dwelling for a three year period in association with the new stud. The planning statement supporting the application states that the dwelling is required to allow the applicant to meet the exacting welfare requirements of her proposed business and to deal with security.
- 8.10. Saved Policy H18 of the Cherwell Local Plan 1996 deals with the construction of new dwellings beyond the built-up limits of settlements. Proposals will only be permitted for such development where it is essential for agriculture or other existing rural undertakings. This is consistent with Paragraph 55 of the NPPF which states “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”. It continues however that “local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work”.

- 8.11. Whilst a temporary dwelling would ordinarily allow time for an assessment to be made of whether a business can establish in a particular location as a viable ongoing concern, it would appear on the available evidence that there would be an immediate permanent functional need for a dwelling on the site in connection with the proposed business. This is supported by the fact that the nature and scale of the proposed enterprise is likely to require a permanent dwelling, as confirmed by the Agricultural Consultant's appraisal submitted in support of the application. Furthermore, the Consultant has confirmed that the business is "both financially viable and sustainable".
- 8.12. Thus, if permission were to be granted for the proposed equestrian stud, on the basis of the available evidence it would appear that a permanent dwelling would be justified and necessary and this would be in addition to the buildings proposed in this current application. This reinforces the conclusion that the proposed development, in terms of the scale of the enterprise proposed and the additional development that is likely to be needed in the future, is "major development" in the AONB. Therefore, in accordance with Paragraph 116 of the NPPF, exceptional circumstances need to be demonstrated to justify the principle of development in this location.
- 8.13. Considering what exceptional circumstances could exist, there is a need to return to Paragraph 28 of the NPPF encourages economic growth in rural areas by taking a positive approach to sustainable new development. It states amongst other things that " to promote a strong rural economy, local and neighbourhood plans should:
- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and
 - Promote the development and diversification of agricultural and other land-based rural businesses".
- 8.14. An appraisal has been submitted with the application prepared by Rhodes Rural Planning in support of the application. Full financial information, including a business plan and financial projections, has not been provided to date and this has been requested. However an appraisal of the proposed stud business and the need for a dwelling on the site for a worker to facilitate the enterprise was carried out on behalf of the Council by Landscape Land and Property Ltd in respect of the withdrawn application (15/02033/F). This application for a stud included 12 stables, a feed store, secure tack room, rug drying room, 2 additional storage areas, a wash bay and a heat room and a storage barn. This is very similar to the scheme now proposed, apart from the no. of stables (now reduced to 9) and the absence of a manege (the 2015 application included a manege). The full report can be viewed on the Council's website however the conclusions of the report are as follows:
- The existing enterprise is currently located in Drayton but the site has been sold by the applicants recently for development and a new location is required for the business.
 - The applicant is to be employed full time in the business and is to be the occupant of the temporary dwelling.
 - It is considered that the need for an on-site presence is only justified once the infrastructure proposed is built and fully stocked. If the stock numbers proposed in the business plan submitted with the application are not met an essential need for the dwelling cannot be demonstrated.

- The location of the temporary dwelling is closely related to the stable yard and paddocks and will provide a good animal welfare and security role.
- 8.15. The conclusions of Landscape's appraisal indicate that the enterprise as previously submitted has the potential to be economically sustainable and as such the erection of stables and a storage barn would appear to deliver benefits in terms of contributing to the rural economy. The financial information relating to the current proposal which has been requested will help to confirm that this is still the case.
- 8.16. However, whilst the supporting information provided by James Martindale Consultancy discusses the reasoning behind the acquisition of the land by the applicant, the exact status of the existing business is unclear. The applicant has previously explained in relation to the withdrawn application 15/002033/F that a stud use is not compatible with densely populated residential areas due to noise, ball games, dogs etc. and it was in response to the continued expansion of Banbury, in particular the Bloor Homes development to the west of Bretch Hill, that the decision was made to relocate. However the Bloor Homes development stops some 160 metres to the north of Withycombe Farmhouse, and the planning history for Withycombe Farmhouse does not indicate that consent has been granted for an equestrian stud in this location in any event. As such officers consider that this reduces the weight that can be given to the argument that there is a real and immediate need for an existing business to relocate.
- 8.17. It has also not been set out why the search was so restrictive in area and clarification on this has been sought from the applicant's agent. The applicant's search criteria required that it was of at least 30 acres, free draining and offer all year round grazing suitable for equine stud use, within Cherwell District or within 10 miles of Banbury, for a budget of £400,000. As the business does not appear to rely on local materials etc. and the ponies are sold to a wide market it is not clear why it is dependent on a location within Cherwell District or within a 10 mile radius of Banbury. Therefore it is considered that there is insufficient justification for the business to be sited in such a sensitive location, within the AONB, where with a less restrictive search area it could be possible to find a suitable site outside the AONB. Furthermore it has not been demonstrated that the economic benefits of this proposal would be of such significance that they could be considered to amount to "exceptional circumstances" that could outweigh any harm to the AONB. It is considered that exceptional circumstances have not been demonstrated and so the proposal is unacceptable in principle in this location.

Impact on the AONB and visual amenities of the area

- 8.18. As stated above the site is within the Cotswolds AONB. Policy ESD12 of the Cherwell Local Plan 2011-2031 states that 'high priority will be given to the protection and enhancement of the Cotswolds AONB and the Council will seek to protect the AONB and its setting from potentially damaging and inappropriate development'. Further, 'development proposals within the AONB will only be permitted if they are small scale, sustainably located and designed and would not conflict with the aim of conserving and enhancing the natural beauty of the area'.
- 8.19. Policy ESD13 of the Cherwell Local Plan 2011-2031 states that development will be expected to respect and enhance local landscape character securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted where, amongst other criteria, they would cause undue visual intrusion into the countryside or cause undue harm to important natural landscape features and topography.

- 8.20. Saved Policy C8 of the Cherwell Local Plan 1996 seeks to resist sporadic development in the open countryside. Saved Policy C28 of the Cherwell Local Plan 1996 seeks standards of layout, design and external appearance, including the choice of external finish materials that are sympathetic to the character and context of the development.
- 8.21. The local landscape is characterised by small fields and an undulating landform with strong hedgerows and hedgerow trees and strongly nucleated settlements. The area feels remote and isolated. It lies within the Ironstone Downs character area as defined in the Countryside Design Summary Supplementary Planning Guidance dated June 1998.
- 8.22. The site is visually and physically separated from the Village of Epwell and is remote from existing farm complexes in the area. It is currently occupied by a single agricultural building, which appears isolated in this context. As already noted, the proposal would create another collection of buildings in a very rural area of strongly nucleated settlements, and whilst scattered groups of farm buildings are not uncommon, establishing a sizeable new complex of stables and related buildings, with the likely need for a permanent dwelling in the future, would have a significant impact on the undeveloped character of the area. The isolated position away from other buildings will reinforce the scale and form resulting in an incongruous addition incompatible with the scenic beauty of the landscape.
- 8.23. The Countryside Design Summary states that “all forms of development need to be sited with care in order to avoid locations where development would be either, prominent, visually intrusive, out of character or would harm a feature or site, which is important to the character of the area”. It also states that “new farm buildings should reflect the rural and agricultural nature of the area in terms of scale and design. They should be sited with great care to avoid prominent or sensitive locations and be accompanied by new planting to integrate them as quickly as possible into their setting”. However it is considered in this instance that attempts to screen the development will introduce alien patterns and types of vegetation. The Countryside Design Summary suggests that in the Ironstone Down character area there are few extensive areas of woodland and where the land is gently sloping, as at this site, large-scale intensive arable farmland predominates. The Cherwell District Landscape Assessment (November 1995) prepared for the Council by Cobham Resource Consultants states at paragraph 3.37 that much of the higher land and gentler slopes have a fairly open arable landscape. In this particular area historically planting is mainly restricted to hedgerows and trees within hedges. Rigid blocks of shelterbelt planting are not typical of the area and where there are woodlands they consist of irregular sinuous blocks.
- 8.24. This is reinforced by the Cotswolds AONB Landscape Strategy and Guidelines that inform the Management Plan for 2013-2018. The application site falls within the Ironstone Hills and Valleys character type (LCT6). The guidelines for equestrian development in this area seek to ensure “where possible, existing buildings should be utilised and new stables and other structures kept to a minimum”. They also seek to avoid changes of use to keeping horses in visually prominent locations, and to avoid new buildings in “prominent skyline sites and slopes”. As regards landscaping, the guidance is that “woodland creation is not appropriate”
- 8.25. The application is accompanied by a Landscape and Visual Assessment (LVIA) which has been prepared on behalf of the applicant to analyse the significance of any potential landscape and visual effects of the development, a response to the Council’s pre-application report, and a Landscape and Visual Issues Technical Note. The conclusions of these documents are that the proposals can be integrated within the context of the character and visual amenities of the receiving AONB landscape

and that the proposed planting will enhance the landscape setting, local biodiversity and setting of the local footway network. In addition the proposal represents an appropriate and sustainable location for the development.

- 8.26. It is considered that while the proposed development would not have a major visual impact in the wider landscape, it represents a significant adverse change to the localised landscape of the AONB by introducing a scale and form of built development that is not typical of the area. The Council's Landscape officer has raised objections to the proposal and in respect to the LVIA and Landscape and Visual Issues Technical Note the Council's Landscape Officer does not agree with the assessments regarding views 2 (from Church Lane), 3 and 4 (from the footpath to the north of the site), and 7 (from the footpath running along the western boundary of the site). It is considered in these instances that the impact has been underestimated. As such Officers consider that the development will have a harmful impact on the character and visual amenities of the area.
- 8.27. The applicant's agent has sought to draw comparisons with a nearby development which was granted permission in 2008 at Rectory Farm adjacent to a public footpath (08/00878/F refers). Under this application a 9m high barn with a footprint of 700m² was approved. The case officer's assessment of the visual and landscape impact on the AONB was that it was to be sited on the edge of a farm positioned in the lowest part of the valley with minimal long distance views. It would be viewed against the backdrop of the rest of the farm buildings and would not cause harm to the visual amenity, the character of the countryside the beauty of the area or the public amenity of the footpath. The 'Landscape Response to Cherwell District Council Pre-app Report' document prepared by Aspect Landscape Planning Ltd states that the proposals currently being considered represent a much smaller scale type of development in terms of bulk, scale and mass than the Rectory Farm barn.
- 8.28. The Rectory Farm permission is not considered to be comparable with this proposal. At the time of the application Rectory Farm was an established business with a number of large scale buildings already in the landscape. The current scheme is within an agricultural field which has a small silage clamp, small barn and low key vehicular access. It is considered that the introduction of a wholly new group of buildings with the likelihood that more will be needed in the future will be harmful to the visual amenities of the AONB.
- 8.29. The Inspector for the appeal in 2014 (application 13/00349/F) considered that the existing barn on the site is located in an 'elevated location relative to the remainder of the field and is visible from public rights of way and the road. Although partially viewed against the backdrop of the adjacent hedges and trees, from these locations the existing building is a prominent feature within the landscape. The visual impact of the building is accentuated by its utilitarian design and choice of materials'. He also considered that the extension to the existing barn 'would accentuate its prominence resulting in an unsympathetic intrusion into the character and appearance of the surrounding open countryside. The appeal scheme would fail to conserve landscape and scenic beauty of the AONB. In reaching this judgement I have been mindful that planting could assist with assimilating the proposed extension into the landscape but any planting would take time to establish'.
- 8.30. The Landscape Consultant's response is that the 2014 appeal decision fails to take account of more recent judgements, such as an appeal at Milton-Under-Wychwood (Planning Inspectorate reference APP/D3125/W/16/3143885), again in part of the Cotswolds AONB, where the Inspector concluded that the impact of the development on the visual amenity of the area would clearly be different after copse and tree planting had matured; all developments mature and become assimilated

into their surroundings and the planting would be typical of and contribute to the visual amenity of the area.

- 8.31. Whilst this may well be the case, and planting could similarly be used to mitigate the impact of the development now proposed, it would nevertheless take considerable time to establish and given the scale, siting and form of the development it would be insufficient to reduce the harm to an acceptable level. This is particularly the case given the extent of any new planting would need to be limited to respect the existing landscape character, and any substantial new planting to screen the development from public views would in itself be harmful to the established open character and appearance of the AONB and is further evidence that the proposed development is not appropriate in this location.
- 8.32. In summary then, it is considered that the proposed development would result in a more intrusive development than the small scale barn extension that was dismissed on appeal in 2014, and would fail to preserve the Cotswold Area of Outstanding Natural Beauty, and, as such, it would conflict with Policies ESD12 and ESD13 of the Cherwell Local Plan 2011-2031, Policy C8, AG2 and AG5 of the Cherwell Local Plan 1996 and the guidance contained within the NPPF.

Scale, design and appearance

- 8.33. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 8.34. The proposed buildings are substantial in terms of their scale. Whilst the ridge heights are relatively low the footprint of the built form in this very sensitive location is considerable. The development is separated some 80m from the built up limits of Epwell and the development will appear as a new isolated cluster of buildings.
- 8.35. The simple design and proposed materials of the barn and stable blocks are considered to be acceptable and to respect the traditional form and materials of vernacular farm and stables buildings in the area. However this does not in your Officers' opinion overcome the harm to the visual amenities of the area as a result of the scale of the development and the isolated siting away from existing built development as expanded on earlier in this report.

Impact on Rights of Way

- 8.36. Paragraph 75 of the NPPF states that 'Planning policies should protect and enhance public rights of way and access. Local Authorities should seek opportunities to provide better facilities for users for example by adding links to existing rights of way networks including National Trails'.
- 8.37. The development will not result in any alteration to the route of the footpaths surrounding the application site. However the footpath network surrounding the application site is well used and it is considered that due to the scale of the new development and the proximity to the footpaths, along with the likelihood of new planting to separate the users of the footpaths from the ponies, the proposal will adversely affect the amenity value of the paths and the enjoyment of their users. While the routes of the rights of way will remain unaffected, the current level of enjoyment that walkers would experience of the scenic and open qualities of the rural landscape would be reduced through the expansion of the buildings and

activities at the site and associated landscaping. Therefore the proposal would fail to protect and enhance the public rights of way network.

- 8.38. It is acknowledged that the landowner/applicant could fence and plant hedges either side of the footpaths crossing the fields adjacent to the redline area (within land in the applicant's ownership/control as indicated in the LVIA) without requiring planning permission, and it appears such planting has already taken place. However, officers consider that this amount and layout of planting would not be necessary for a continued agricultural use of the land, and approving the current application would make this type of planting more likely, to ensure the safety of the ponies grazing on the land.

Highway safety

- 8.39. Policy SLE4 of the Cherwell Local Plan states that "Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported".
- 8.40. A Transport Statement and update to the Statement have been submitted with the application seeking to overcome the concerns raised by the Highway Authority in respect of the 2015 withdrawn application. This concludes as follows:
- Existing highway network is safe
 - Traffic levels are light and speeds low
 - Proposed activities appropriate for a rural location generating very low levels of vehicular traffic
 - Impact on the safe and efficient operation of the highway network will not be severe
 - Signage will be used to remind drivers of wider/larger vehicles not to turn towards Epwell
 - Number of large vehicles will be extremely low
 - Passing bay is proposed – benefit new and existing road users

- 8.41. Comments from the Highway Authority are awaited and Members will be updated at the meeting. However in response to the consultation at pre-application stage the Highway Authority indicated that they may be able to remove their objection to the previous scheme, relating to the adequacy of the highway, in the light of the Transport Statement but there may be the need for passing places and signage advising drivers of large vehicles not to drive through Epwell Village.

- 8.42. Officers however are concerned that the highway improvement works, if required, namely a passing place and signage, to serve the development could have an urbanising effect and would cause some harm to the rural character of the area, adding to the concerns expressed earlier in this report about the suitability of the proposed development in this sensitive location.

Ecology

- 8.43. Section 11 of the NPPF – Conserving and enhancing the natural environment – requires that "the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures" (para 109).
- 8.44. Paragraphs 192 and 193 further add that "The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning

authorities should only request supporting information that is relevant, necessary and material to the application in question". One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

8.45. 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 regard 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".

8.46. The site has the potential as bat habitat given its countryside location, the presence of mature trees, and the age of buildings in the locality. In addition there are a number of records of protected and notable species in the local area including great crested newt, bat and swift. An Extended Phase 1 habitat survey of the site (also known as an ecological appraisal) to include a bat survey of the existing building and any other individual species surveys as are found to be necessary is required prior to determination of the application, to understand the impact of the development on protected species and determine if any mitigation measures will be required. This survey has not been undertaken and therefore it is not possible to assess the potential impact of the development on protected species. In the absence of this, and taking account of the policy and advice above, it is considered the application should be refused on ecological grounds.

Other Matters

8.47. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, and new development should be compatible with existing uses in an area.

8.48. Equestrian uses can cause problems of noise, disturbance, odours and smells for nearby residents and the Council's Environmental Protection Officer has commented on the storage of manure in particular. However the site is relatively isolated from any nearby dwellings and the village, and as such it is considered that this matter could be adequately addressed by condition.

9. PLANNING BALANCE AND CONCLUSION

9.1. The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below. These dimensions should not be considered in isolation, but should be considered jointly and simultaneously, taking local circumstances into account. In practice this means that a planning balance exercise should be undertaken to determine if, taken as a whole, the adverse impacts of the proposal identified above are outweighed by the benefits such that it could still be considered sustainable development.

- 9.2. Economic role – The NPPF states that the planning system should do everything it can to support sustainable economic growth. There is insufficient evidence to suggest that the benefits would be more than local, and it is considered that the benefits to the local economy will not be especially significant due to the scale of the enterprise. It has also not been demonstrated that the proposal is required to be delivered in this sensitive location for these economic benefits to be realised.
- 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 proposed development will not give rise to any particular social benefits as the development of the site will provide one additional dwelling but this is required to service the business and not the wider community.
- 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 be “major development” in the AONB that would result in considerable harm to the scenic qualities and undeveloped, rural character of the landscape and will fail to preserve the AONB, a landscape of designated national importance.
- 9.5. In conclusion, when considering the economic, social and environmental impacts of the development as a whole, it is considered that the limited benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts on the AONB and visual amenities of the area.

10. RECOMMENDATION

That permission is refused, for the following reasons:

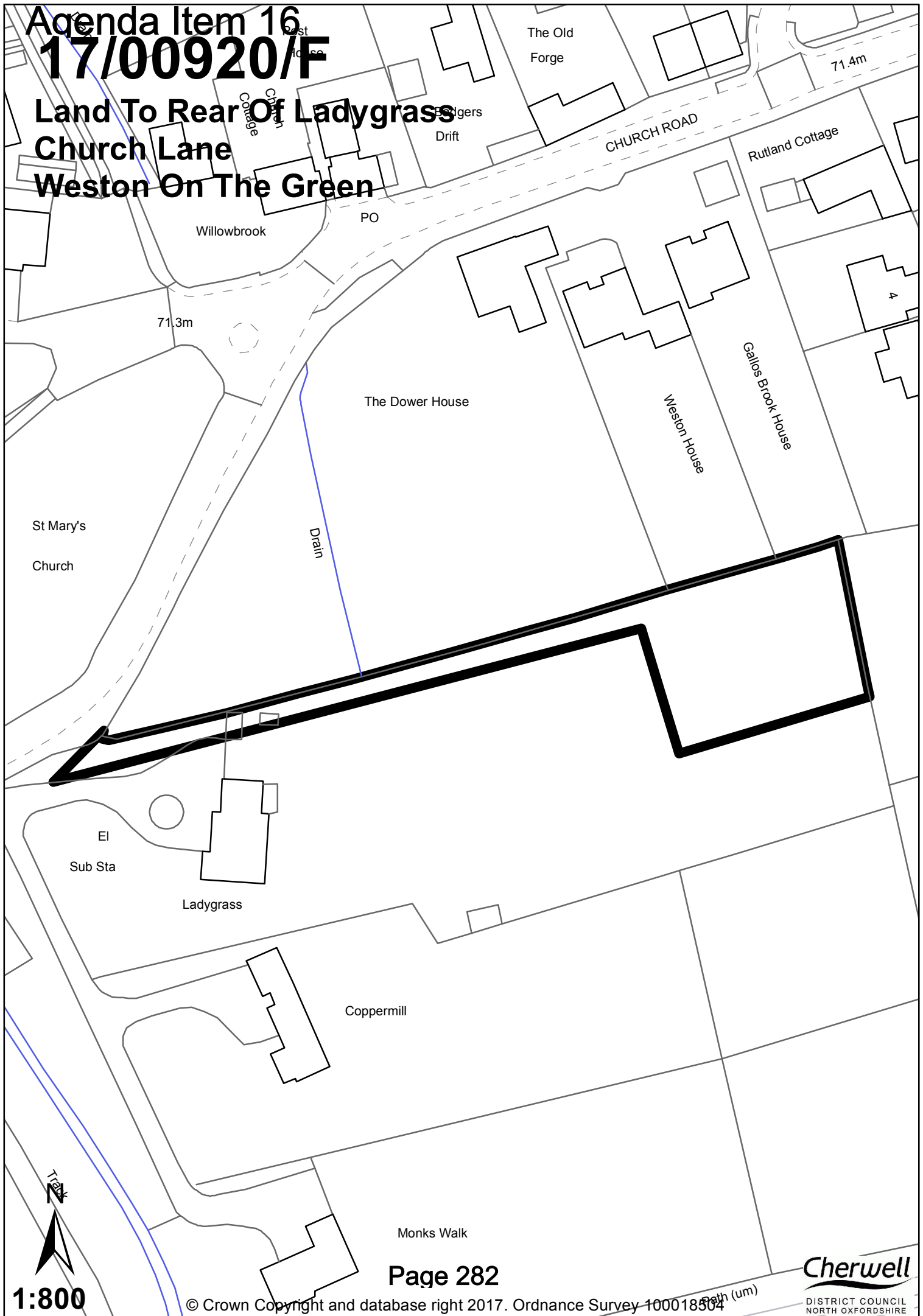
1. The proposed development by reason of its scale and location, in particular the amount and number of new buildings in a visually prominent and isolated location and the associated landscaping and equestrian activities, is considered to amount to “major development” in the Cotswolds Area of Outstanding Natural Beauty that would be visually intrusive and detrimental to the open and rural character and scenic qualities of a landscape which is afforded the highest status of protection in relation to landscape and scenic beauty. Exceptional circumstances have not been demonstrated to outweigh this harm. The proposal is therefore contrary to the provisions of Policies AG5, C8 and C28 of the Cherwell Local Plan 1996, Policies ESD12 and ESD13 of the Cherwell Local Plan 2011-2031 and the advice within the National Planning Policy Framework.
2. There is potential for protected species and important habitats to be present on the site and in the absence of adequate ecology survey work and mitigation to inform the application, 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 Policy ESD10 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.

CASE OFFICER: Shona King

TEL: 01295 221643

Agenda Item 16 17/00920/F

Land To Rear Of Ladygrass Church Lane Weston On The Green



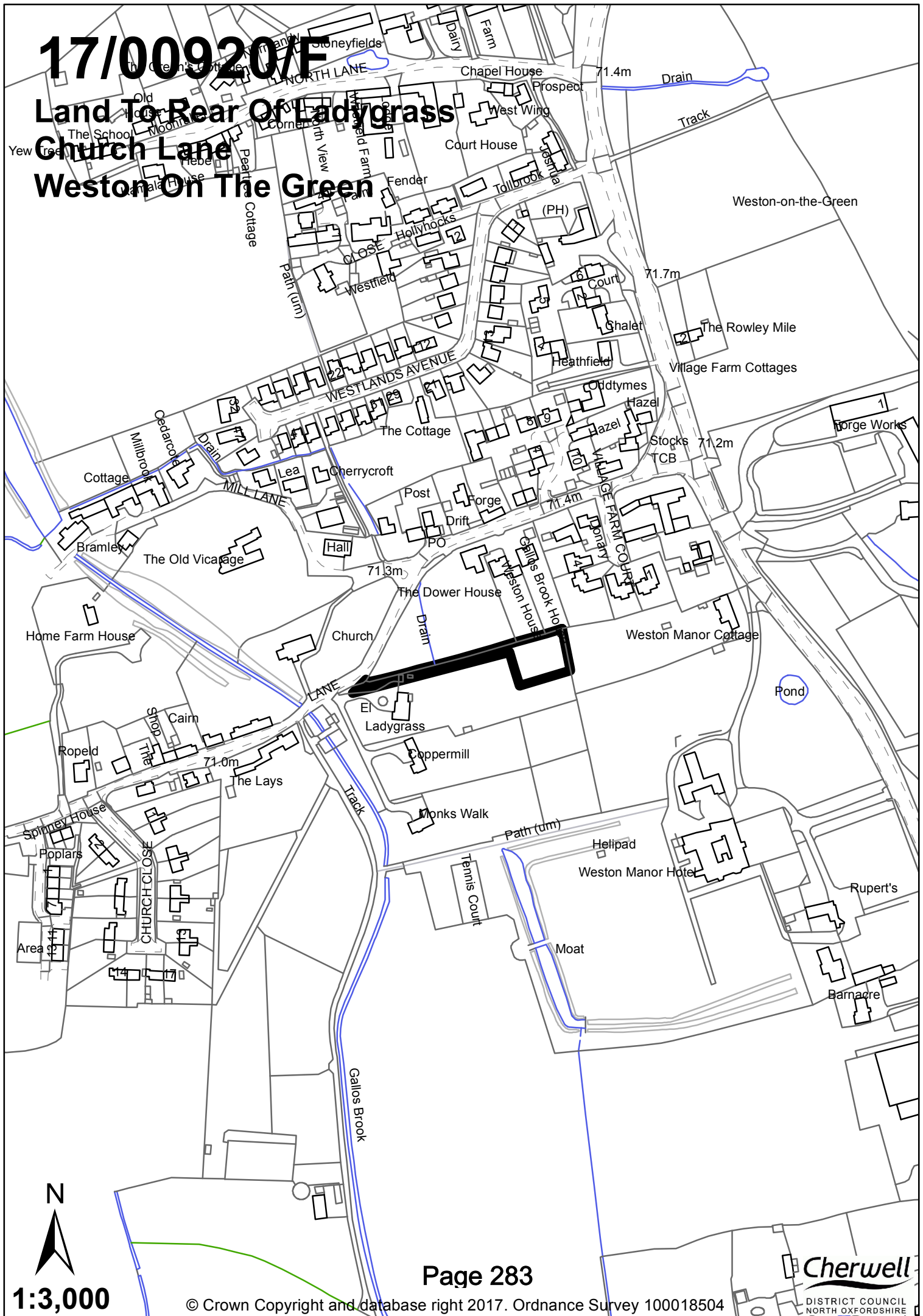
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17/00920/E

Land To Rear Of Ladygrass

Church Lane

Weston On The Green



Applicant: Mr and Mrs Frank Butt

Proposal: Replace redundant stables and hay barn with single storey 1 bed cottage - Re-submission of 16/00954/F

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Cllr David Hughes has requested that it is dealt with by the Planning Committee

Expiry Date: 11 July 2017 **Committee Date:** 6 July 2017

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is located to the rear of dwellings in Church Lane and those served by a private drive. It comprises an area of paddock and is occupied by a timber stable block. To the west and north are private gardens and to the east and south are the grounds of Weston Manor Hotel. Also to the south, separated from the application site by two paddocks is a footpath known as Monks Walk.
- 1.2. The site is located within the Conservation Area and is within the Oxford Green Belt. There are also several listed buildings in the vicinity, including the Grade II* listed Weston Manor Hotel and St Mary's Church, however they are some distance from the application site. A number of protected and notable species, including bats, swift and hedgehog, have been recorded in the area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Consent is sought for the demolition of the stable block and the erection of a single storey 'L' shaped two bedroom dwelling. The dwelling is to be constructed from natural stone with a shallow-pitched tiled roof, with large glazed openings in the western elevation.
- 2.2. It would be positioned more centrally in the site than the existing stables, with planting proposed to the north and eastern boundaries. The access would remain as existing, to the side of Ladygrass.

3. RELEVANT PLANNING HISTORY

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

CHS.64/82 - erection of a stable with fodder storage and tack room APPROVED 10 February 1982

16/00954/F - Demolition of stable block (CHS.64/82) and erection of dwelling with revised access REFUSED 15 August 2016

4. PRE-APPLICATION DISCUSSIONS

4.1 The following pre-application discussions have taken place with regard to this proposal:

- PRE-APP REFERENCE NO: 15/00204/PREAPP. Advice was sought for the erection of a dwelling in the same location as now proposed. No details of the design of the building were submitted for consideration. The advice given was that the erection of a new dwelling would introduce a domestic form and character of development that is likely to harm the openness of the Green Belt and therefore would be inappropriate development. The siting of the dwelling would not relate well to the appearance and character of the area due to the backland location. The report was issued on 7 October 2015.

5. RESPONSE TO PUBLICITY

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

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

In favour -

- Not intrusive
- Workable layout
- Village needs smaller properties for downsizing to free up large family houses
- Improvement in outlook – existing stables are unsightly

Against -

- In Green Belt land and a conservation area and does not meet the special circumstances to warrant development.
- The reasons for recommendation for refusal last time have not changed.
- The location is not where development is suggested in the Neighbourhood Plan.
- Low roof profile but sceptical it would be built like this.
- The dwelling is larger than the building it replaces
- Impacts a historic path.

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. WESTON ON THE GREEN PARISH COUNCIL: **No objections.** Supports the application as the building is small and unobtrusive and does not affect the character of the village but the design and materials should be better in keeping with

Ladygrass. Permitted development rights should be restricted so the property remains single storey with no right to dormers, rooflights etc.

STATUTORY CONSULTEES

- 6.3. OXFORDSHIRE COUNTY COUNCIL HIGHWAY LIAISON OFFICER: **No objections** subject to conditions relating to improving visibility and retention of parking and manoeuvring.
- 6.4. HISTORIC ENGLAND: Raise no comments and recommends that advice is sought from CDC Conservation Officer
- 6.5. THAMES WATER: No comment to date

NON-STATUTORY CONSULTEES

- 6.6. CDC ECOLOGIST: No comment to date

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)

- ESD14 – Oxford Green Belt
- ESD15 - The Character of the Built and Historic Environment
- VIL 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout design and external appearance of new development
- C30 – Design Control

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Weston on the Green Neighbourhood Plan 2017-2031 (Draft): This document remains at an early stage of preparation and has not yet been through formal examination. Therefore, in accordance with Paragraph 216 of the NPPF, only limited weight can be attributed to it in determining this application.

8 APPRAISAL

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

- Principle of development (including Green Belt)
- Visual amenity, design and impact on the character of the area
- Historic Environment
- Residential amenity
- Highway safety
- Impact on trees

Planning History

- 8.2. Permission has recently been refused for a new dwelling to replace the existing stables on the site (ref: 16/00954/F). Permission was refused because the proposal was considered to be inappropriate development in the Green Belt that caused harm to the visual amenities, openness and purposes of including land in the Green Belt, and because the proposal was considered to be out of keeping with the surrounding pattern of development in conflict with Policy Villages 1 which limits new residential development in this part of Weston on the Green to infilling or conversions. The key consideration in this case is therefore whether the revisions to the design and scale of the proposal overcome these previous reasons for refusal.

Principle (including Green Belt)

- 8.3. The site lies within the Oxford Green Belt. Paragraph 87 of the NPPF states that “inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 88 states that “when considering any planning application local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt, by reason of its inappropriateness and any other harm, is clearly outweighed by other considerations.”
- 8.4. Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate unless it falls within one of the exceptions listed. This includes “limited infilling in villages” and “limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”. The site was last used as stables for horses owned by the applicant and this falls under the definition of previously developed land as set out in the NPPF. Therefore the erection of a dwelling in the location proposed could be considered not inappropriate under Paragraph 89. However a new dwelling would in your officer’s opinion introduce a domestic form and character of development that is likely to harm the openness of the Green Belt and therefore would represent inappropriate development. It would also conflict with one of the purposes of including land in Green Belt, which is to safeguard the countryside from encroachment, as it would introduce residential development on land to the rear of existing residential properties which currently has a distinctly rural, non-residential character and appearance.
- 8.5. A supporting statement has been submitted with the application. It argues that the proposal will not result in any greater coverage on the site than the stable block and has no greater impact on openness than the existing use of the site. It is also argued that the existing use for equestrian purposes includes parking facilities for a horse lorry, fencing, jumps and mobile field shelters for which planning permission would not be required. They consider that this would not be much different to the extent of domestic paraphernalia associated with a dwelling. It also states that the use of the

land for equestrian purposes has been accepted through the issuing of the planning permission in 1982.

- 8.6. In response to this argument, your officers would highlight that planning permission was granted for the stables, fodder store and tack room and not for the change of use of the surrounding land for equestrian purposes. It is therefore not the case that the land outlined in blue to the south of the redline area has an established use for equestrian use and, in the absence of a Certificate of Lawfulness to demonstrate this, little weight can be afforded to this argument. Furthermore, equestrian activity is not uncommon in the countryside or the Green Belt and is supported in principle by both local and national policy.
- 8.7. It is acknowledged that the scale of the proposed dwelling is much reduced in comparison to the previously refused scheme, and is more simple and low key in appearance. Nevertheless it is considered that the character of the site would change with the introduction of a residential use and additional fencing, ornamental planting and hedges could be erected/planted along with other domestic paraphernalia placed on the land such as washing lines, play equipment and garden structures that would not require planning permission, adversely affecting the openness of the Green Belt. This is likely to be in excess of the equipment/paraphernalia associated with a stable block of the modest size currently on the site.
- 8.8. Notwithstanding the above argument, Policy ESD14 of the Cherwell Local Plan 2011-2031 states that “development proposals within the Green Belt will only be permitted if it maintains the Green Belt’s openness and does not conflict with the purposes of the Green Belt or harm its visual amenities”. It further states that “proposals for residential development will also be assessed against Policies Villages 1 and 3”.
- 8.9. The visual amenities of the Green Belt will be considered in the following section of this report. Regarding Policy Villages 1, this provides a categorisation of the district’s villages based on their relative sustainability, and the amount and type of development that could be appropriate in sustainability terms within the built up limits of a village depends on its categorisation. Weston on the Green is a Category A village where normally minor development, infilling and conversions of suitable buildings is acceptable. However Policy Villages 1 only allows infilling and conversions where the site is within the Green Belt. Given the location of the site on land to the rear of existing residential properties, and without a frontage onto the road, and given the existing stables are not being converted, the proposal is contrary to Policies Villages 1 and ESD14 of the Cherwell Local Plan 2011-2031 as it does not accord with the definition of infilling or represent a conversion.
- 8.10. It is argued in the Planning Statement at paragraph 27 that Policy Villages 1 is inconsistent with the NPPF and national guidance as it goes beyond the parameters set out within the NPPF. Whilst it does appear that Policy Villages 1 is stricter in that it does not allow for the redevelopment of previously developed sites in those parts of villages that lie within the Green Belt, this does not mean that it is inconsistent with or in conflict with the NPPF. Rather Policy Villages 1, when read together with ESD14, provides a local application of Green Belt policy in Cherwell District to be read alongside the NPPF. The Local Plan has been through thorough Examination and these Policies were found to be consistent with national guidance. Therefore full weight should be attributed to the requirements of Villages 1 in assessing this application.

Visual amenity, design and impact on the character of the area

- 8.11. Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. This includes a requirement for new development to respect the traditional pattern of routes, spaces and plots and the form scale and massing of buildings.
- 8.12. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 seek to ensure that the layout, scale and design of a development are of a high standard. Saved Policy C30 in particular exercises control to ensure that new housing development is compatible with the appearance, layout and density of existing dwellings in the vicinity.
- 8.13. The NPPF states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. Paragraph 58 requires that development responds to local character and history reflecting the identity of local surroundings and materials while not preventing or discouraging appropriate innovation.
- 8.14. The site is well screened in public views by dwellings from the Right of Way to the west leading from Church Lane southwards and from the north and east by mature trees/hedges and dwellings. Monks Walk to the south of the site is not a public right of way but lies within the curtilage of Weston Manor Hotel, a Grade II* listed building. The site and proposed dwelling will be visible from this path therefore the design of any new building is considered to have some impact on the character and appearance of the area, and this increases the importance of good quality design. In any event, Paragraph 61 of the NPPF states that good design “goes beyond aesthetic considerations (and) should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 8.15. The previously refused scheme (ref: 16/00954/F) was for a 1½ storey dwelling of solid stone construction with a strong residential character and appearance. The proposed dwelling is much reduced in scale and is simpler in form, being of a comparable height and overall volume to the existing stable building. It has a low pitched roof and is an ‘L’ shape design similar to the existing timber stables. However it is considered that the low pitched roof is not in keeping with surrounding development and the building’s somewhat plain and utilitarian appearance, along with the use of irregular and non-traditional windows, results in a building that does not respond well to the local character of the area. The form and design of the stable was acceptable as it was suitable for the purpose with a utilitarian, temporary, appearance whereas the building now proposed with solid stone walls and a residential use gives the appearance of a much more permanent structure and as such should better reflect the local vernacular.
- 8.16. Furthermore, it remains the case that the site is poorly related to existing residential development, being to the rear of existing properties with no frontage onto the street. As such it would appear as backland development unrelated to the historic settlement pattern. This is not a typical or traditional arrangement and no amendments or revisions to the design will overcome this fundamental concern.

Historic Environment

- 8.17. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a

Conservation Area. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should conserve, sustain and enhance designated and non-designated heritage assets.

- 8.18. The proposed development is located in the Weston-on-the-Green Conservation Area. It is considered that the proposed development would not have a negative impact on the conservation area, as it would not be visible from the public domain due to its location to the rear of Ladygrass and the screening provided by trees surrounding the property.
- 8.19. The dwelling due to its location and scale will not result in any significant detriment to the setting of the nearby listed buildings including the two Grade II* listed buildings (St Mary's Church and Weston Manor Hotel).

Residential amenity

- 8.20. Both the NPPF and Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.
- 8.21. The proposed dwelling will not in my opinion result in any significant loss of amenity currently enjoyed by the surrounding dwellings due to the distances to the dwellings and their relationship. I am also satisfied that an acceptable living environment could be achieved for future occupiers of the proposed dwelling.

Highway safety

- 8.22. The Highway Authority has not raised any objections to the proposal and it is therefore considered that the creation of an additional dwelling will not result in any significant adverse impact on highway safety subject to conditions relating to improving visibility to the highway from the access and the retention of parking and manoeuvring within the site.

Impact on trees

- 8.23. A partial tree survey has been provided and the root protection zones have not been plotted for the trees. Notwithstanding this lack of information the trees surrounding the application site, adjacent to the proposed dwelling, are mature but not prominent in public views and as such they are not candidates for preservation orders as the level of public amenity afforded by them is not significant. Measures to protect trees during construction could be secured by condition, were permission to be granted.

9.0 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 dwelling, this benefit will be limited given the proposal is for a single dwelling.
- 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 development will provide a small unit of accommodation but this benefit is not considered to outweigh the harm to the Green Belt resulting from inappropriate development. Furthermore, in view of the Council's current ability to demonstrate a 5 year housing land supply, there is not an overriding need to allow the development contrary to the housing strategy in the Local Plan.

- 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 be inappropriate development in the Green Belt resulting in harm to the openness and visual amenities of the Green Belt.
- 9.5 To conclude the proposal does not constitute infilling or conversion and is therefore contrary to Policy Villages 1 of Cherwell Local Plan 2011-2031, and fails to relate well to the pattern of existing development in the area. It is also considered that the development does not comply with Policy ESD 14 of the Cherwell Local Plan 2011-2031 Part 1 as the development is considered to be inappropriate development in the Oxford Green Belt and harmful to the visual amenities, openness and purposes of including land within the Oxford Green Belt.

10. RECOMMENDATION

10.1 That permission is refused, for the following reasons:

1. The proposed development does not constitute infilling or conversion as defined in the Cherwell Local Plan 2011-2031 Part 1 and by virtue of the siting would fail to relate well to the surrounding pattern and form of development to the detriment of the character of the area. The proposal is therefore contrary to Policies Villages 1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
2. The proposed development is considered inappropriate development in the Oxford Green Belt and harmful to the visual amenities, openness and purposes of including land within the Oxford Green Belt, contrary to Policy ESD14 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
3. The proposed development, by virtue of its utilitarian design and form with a low pitched roof and irregular fenestration would not positively respond to or reinforce the local character of the area and would be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTE

1. For the avoidance of doubt, the plans and documents considered by the Council in reaching its decision on this application are: Planning, Design and Access Statement; Drawing showing location, floor plan and elevations; Diagrammatic Illustration - alternative access arrangements to application site; and Tree survey.

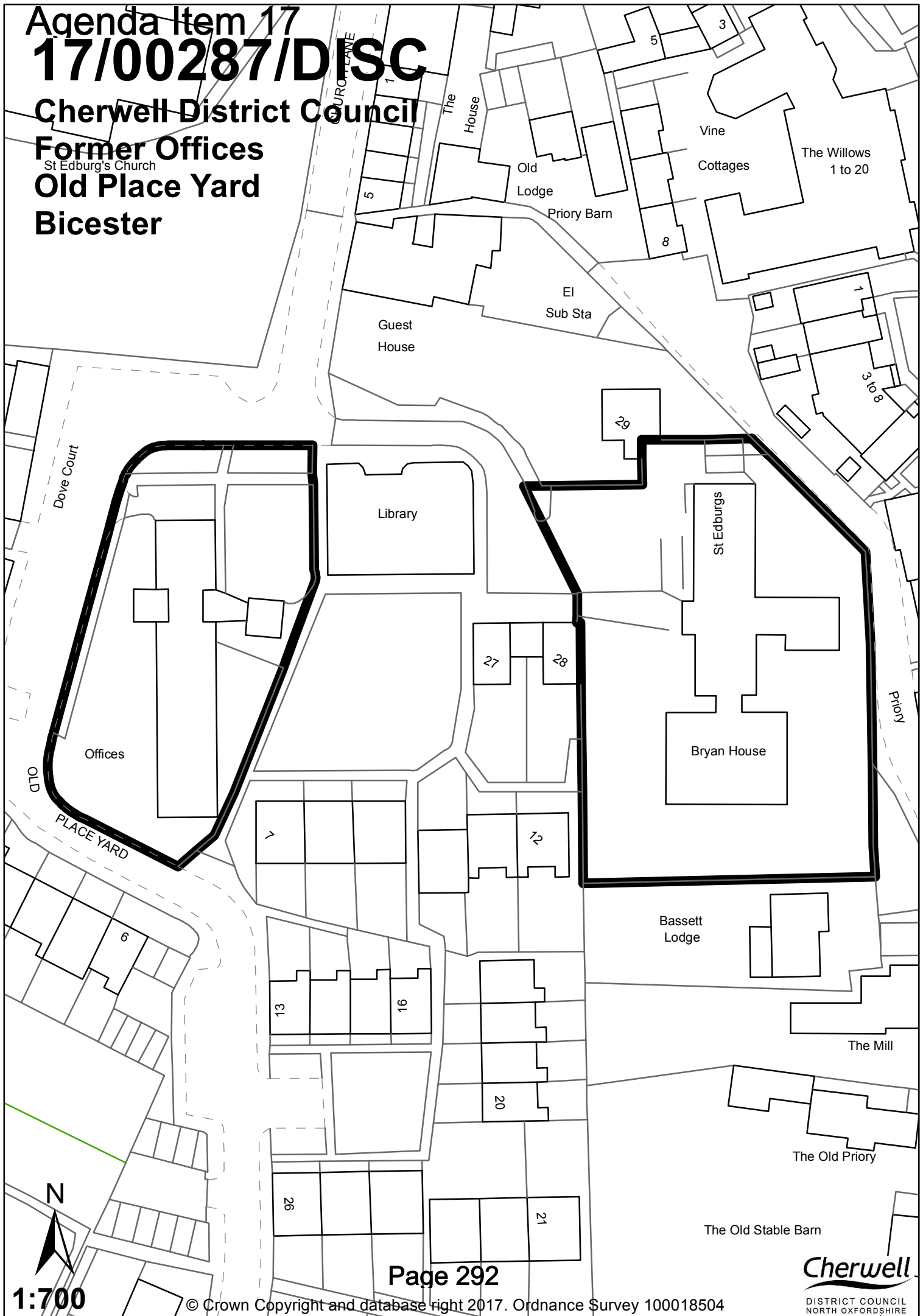
CASE OFFICER: Shona King

TEL: 01295 221643

Agenda Item 17 17/00287/DISC

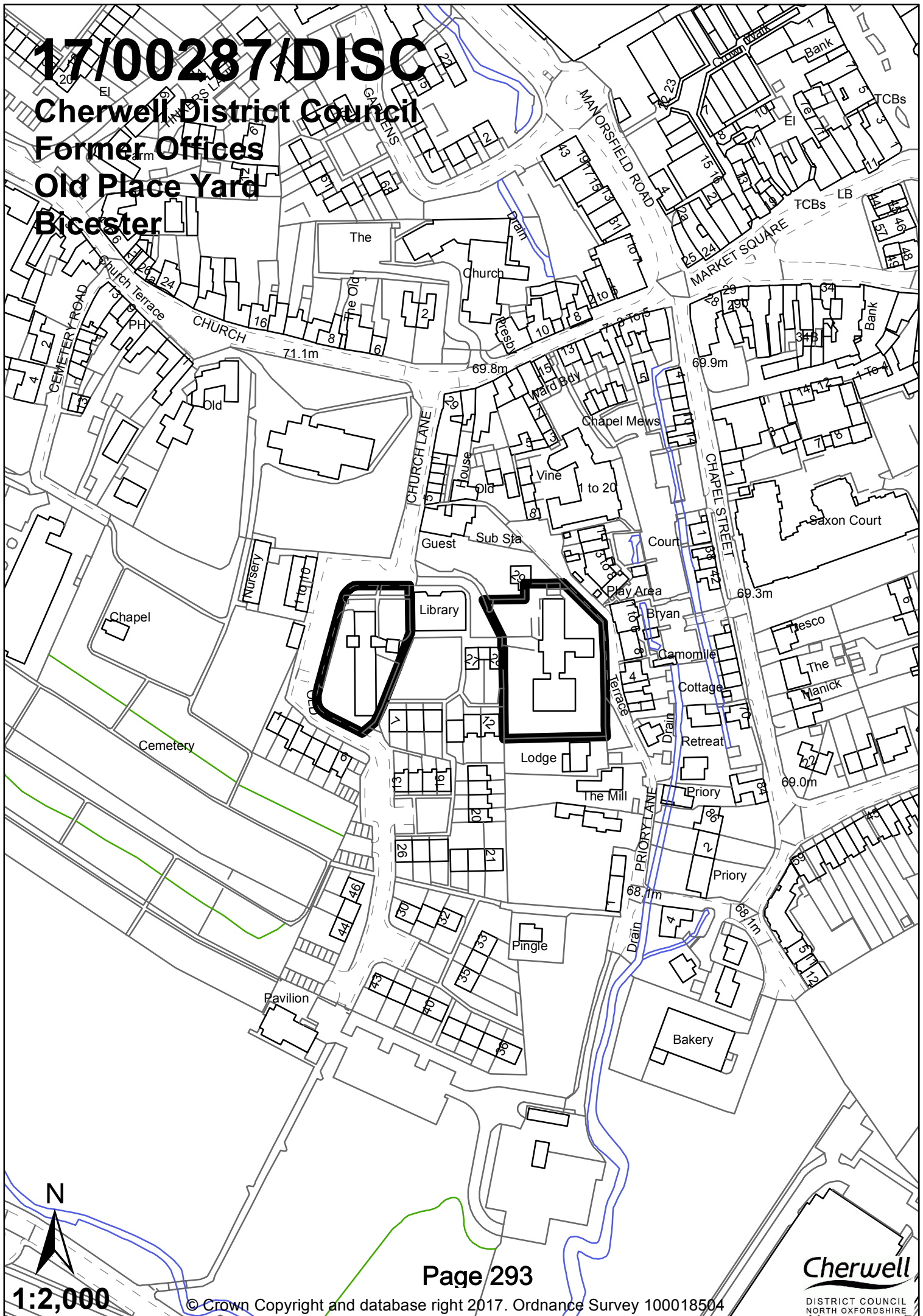
Cherwell District Council

Former Offices
St Edburg's Church
Old Place Yard
Bicester



17/00287/DISC

Cherwell District Council Former Offices Old Place Yard Bicester



Applicant:	Cherwell District Council		
Proposal:	Discharge of conditions 15 (adjacent railing) and 16 (landscaping scheme) 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:	1 August 2017	Committee Date:	6 July 2017
Recommendation:	Delegate to officers to determine		

1. APPLICATION SITE AND LOCALITY

- 1.1. The application sites are located immediately to the south of Bicester town centre. They comprise two sites to the west (Site A) and east (Site B) of the library, and following demolition of the buildings that were previously on the sites, are currently vacant and being redeveloped for specialist housing.
- 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 15 and 16 of that permission.

2.1. APPRAISAL

- 2.2. Condition 15 of the planning permission requires the submission of full design details of the railings to be installed along the eastern boundary of Site A. The

reason for the condition is to ensure the satisfactory appearance of the development and to protect the setting and significance of the Grade II listed Dovecote.

- 2.3. The railings are to be approximately 1.8m high with an alternate arrowhead and plain top protected by a horizontal capping. They are to be painted black and are designed to reflect the railings at the nearby Church. The railings are to finish approximately 370mm from the edge of the Dovecote and a 320mm solid metal panel is to be used to block the remaining gap. A 50mm gap is to be retained between the building and the railings on either side of the Dovecote. The railings will not be attached to the Dovecote. It is considered that the railings are appropriate for the location however the solid metal panel will appear too heavy and will adversely affect the setting of the Dovecote. A more lightweight solution has been requested and Members will be updated regarding this at the Meeting.
- 2.4. Condition 16 of the planning permission requires the submission and approval of a landscaping scheme. The reason for condition 16 is to ensure the creation of a pleasant environment for the development.
- 2.5. The Landscape officer has been consulted on the landscaping scheme and their comments are awaited.
- 2.6. 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 design of the solid end panel to the railings be amended, the comments of the Landscape Officer 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 design of the end panel to the railings being amended and the details of the landscaping scheme being found acceptable, having regard to the comments of the Landscape Officer.

CASE OFFICER: Shona King

TEL: 01295 221643

Agenda Item 18

Cherwell District Council

Planning Committee

15 June 2017

<p>Amendment of legal agreements for Lincoln Close, Banbury and Coach House Mews, Bicester</p>

Report of Head of Development Management

This report is public

Purpose of report

To enable Members to consider the acceptability of the proposed changes to tenure arrangements of these Build project housing schemes.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the proposed changes to the legal agreement and authorise a deed of variation.

2.0 Report Details

- 2.1 In October 2014 planning permission was granted under Regulation 3 of the Town and Country Planning General Regulations to Build! for the construction of 18 houses on the former site of Lincoln House, Lincoln Close, Banbury (13/01880/CDC). The granting of planning permission followed the completion of a legal agreement securing the provision of the affordable housing.
- 2.2 Likewise in April 2014 planning permission had been granted to Build! for the construction of 42 apartments at Coach House Mews, London Road Bicester under the same Regulations (13/01708/CDC), again subject to a legal agreement securing the development as affordable housing.
- 2.3 The legal agreements envisaged the mechanism for the affordable housing to be equity loan in both cases. Build! Now seek to vary the section 106 agreement with relation to the tenure type. They explain that

Coach House Mews

Background

The site which is located on London Road, Bicester was originally granted planning permission for 42 units in April 2014. The tenure mix approved was:

Affordable Rented Housing

12 x 2 bedroom 3 person flats

Equity Loan Housing

10 x 1 bedroom 2 person flats

14 x 2 bedroom 3 person flats

6 x 2 bedroom 4 person flats

We (CDC's Build! team) wish to alter the tenure mix to:

Affordable Rented Housing

2 x 2 bedroom 3 person flats

Shared Ownership Housing

10 x 1 bedroom 2 person flats

24 x 2 bedroom 3 person flats

6 x 2 bedroom 4 person flats

Viability Assessment

This scheme was originally approved with works being completed by a main contractor up to shell stage, with self-builders completing the fit out and remainder of the works. The scheme then began on the basis of self-build as the tenure mix agreed in the S106. The contract for the 1st phase of the project (up to shell) was awarded to Keepmoat, however, as the project progressed the pool of applicants for self-build diminished for this particular site and type of housing. Also, following learning on other self-build projects there were Health and Safety concerns raised about the site management of so many individual self-builders on site, therefore it was decided that the 2nd phase of the project should proceed to complete the units to a more advanced stage which was ultimately negotiated with Keepmoat. With the additional costs associated with the multi-stage contract, increased labour and material costs as part of the second stage contract and unexpected additional works required at foundation stage the overall scheme costs has risen significantly since the original planning permission was secured.

At the moment the scheme makes a loss based on the original tenure position, detailed above, by working on the appraisal and taking the costs into account the scheme can still be delivered as 100% affordable housing, however the tenure will need to alter by 10 units from rent to shared ownership as outlined above in order to remain viable.

Lincoln Close

Background

The site which is located on Lincoln Close, Banbury was granted planning permission in October 2014. The tenure mix approved was:

Equity Loan Housing

6 x 2 bedroom 4 person houses

12 x 3 bedroom 5 person houses

We (CDC's Build! team) wish to alter the tenure mix to:

Shared Ownership Housing

6 x 2 bedroom 4 person houses

12 x 3 bedroom 5 person houses

Low Cost Home Ownership change: Equity Loan to Shared Ownership

The tenure change at Coach House Mews and Lincoln Close has been initiated because of two key factors. We have done significant work to be able to deliver self-build through Shared Ownership, and to put the necessary legal and financial framework and funding in place. We feel better able to deliver Shared Ownership as it is a product we know and are set up for. When Build! initially approached lenders it was difficult to obtain a self-build mortgage on the Equity Loan model. We know there is a strong demand for Shared Ownership in Banbury and Bicester, and developers are offering the Equity Loan model, which we feel meets this particular need.

Equity loan is a product which enables potential purchasers to buy a new build property with a 5% deposit and borrow the other 20% in the form of an interest free loan whilst obtaining a mortgage on the remaining 75%.

Shared Ownership enables buyers to purchase a home from a Registered Provider with a 5% deposit and a share of between 25% - 75% and pay rent on the remaining shares. When comparing Shared Ownership with Equity Loan, Shared Ownership is a more affordable product for those on lower incomes and unable to secure a large deposit.

- 2.4 The specific changes to the wording of the legal agreement are set out in appendix 1 attached.
- 2.5 The need to give urgent consideration is caused by the need to draw down funding from the HCA by 28th June 2017 so the decision is time critical
- 2.6 in planning terms the affordable housing will still be secured and all other aspects of the legal agreement would remain unaltered by a deed of variation. This change is therefore considered acceptable and there are extenuating circumstances and therefore the approval is unlikely to be able to be used as a precedent for others to follow

3.0 Consultation

- 3.1 The Council's Strategic Housing Officer considers that this proposal is necessary and acceptable

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 recommendation

Option 2: Not to accept the recommendation.

5.0 Implications

Financial and Resource Implications

- 5.1 The cost of the deed of variation can be met from within existing budgets. The Build! financial model has assumed these properties will be offered as Shared Ownership and the HCA grant for delivering this product is received. Therefore, there is no deviation from the reported financial forecasts as a result of this report.

Comments checked by:

Joanne Kaye, Principal Accountant, 01295 221545,

Joanne.kaye@cherwellandsouthnorthants.gov.uk

Legal Implications

- 5.2 There are no additional legal implications arising for the Council from accepting this recommendation..

Comments checked by:

Nigel Bell, Team Leader – Planning, Law and Governance, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

Risk Management

- 5.3 The deed of variation will continue to enable the provision of affordable housing and there are no risks arising from accepting the recommendation.

Comments checked by:

Nigel Bell, Team Leader – Planning, Law and Governance, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

6.0 Decision Information

Wards Affected

Banbury Cross and Neithrop, and Bicester South and Ambrosden

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Colin Clarke

Document Information

Appendix No	Title
1.	Section 106 amendments
Background Papers	
None	
Report Author	Bob Duxbury
Contact Information	01295 221821 bob.duxbury@cherwell-dc.gov.uk

Lincoln Close

Section	Page Number	Change from	Change to
Second schedule – “Affordable Housing Dwellings”	11	Equity Loan Housing	Change to standard Shared Ownership clauses
Second schedule – “Affordable Housing Dwelling and Tenure Mix”	11	Equity Loan Housing 6 x 2-bedroom 4 person houses 12 x 3-bedroom 5 person houses	Shared Ownership Housing 6 x 2-bedroom 4 person houses 12 x 3-bedroom 5 person houses
Second schedule – “Equity Loan Housing”	12	“Equity Loan Housing”	Change to standard Shared Ownership clauses
Provision of Affordable Housing – 1.4	14	Equity Loan Housing	Change to standard Shared Ownership clauses
Provision of Affordable Housing – 5.3	15	Equity Loan Housing	Change to standard Shared Ownership clauses
Provision of Affordable Housing – 5.3	15	100% of the equity	Change to standard Shared Ownership clauses

Coach House Mews

Section	Page Number	Change from	Change to
Second schedule – “Affordable Housing Dwellings”	11	Equity Loan Housing	Change to standard Shared Ownership clauses
Second schedule – “Affordable Housing Dwelling and Tenure Mix”	11	Affordable Rented Housing 12 x 2-bedroom 3 person flats Equity Loan Housing 10 x 1-bedroom 2 person flats 14 x 2-bedroom 3 person flats 6 x 2-bedroom 4 person flats	Affordable Rented Housing 2 x 2-bedroom 3 person flats Shared Ownership Housing 10 x 1-bedroom 2 person flats 24 x 2-bedroom 3 person flats 6 x 2 bedroom 4 person flats
Second schedule – “Equity Loan Housing”	13	“Equity Loan Housing”	Change to standard Shared Ownership clauses
Provision of Affordable Housing – 1.4	14	Equity Loan Housing	Change to standard Shared Ownership clauses
Provision of Affordable Housing – 5.3	16	Equity Loan Housing	Change to standard Shared Ownership clauses
Provision of Affordable Housing – 5.3	16	100% of the equity	Change to standard Shared Ownership clauses

Cherwell District Council

Planning Committee

6 July 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 **16/02295/OUT - Land South West Of Woodbank, Mill Lane, Kirtlington.** Appeal by Messers E and G King against the refusal of outline planning permission for the erection of 10 No dwellings.

17/00472/REM - OS Parcels 1200 3100 2000 1981 South Of Salt Way, Bloxham Road, Banbury. Appeal by Redrow Homes South Midlands against the non-determination of reserved matters application to 16/00597/F for the approval of layout, scale, external appearance and landscaping for 321 dwellings.

17/00579/F – 42 Devon Way, Banbury, OX16 1UJ. Appeal by Mrs Sheharyar against the refusal of planning permission for a two storey side extension and extensions to an outbuilding.

- 2.2 Forthcoming Public Inquires and Hearings between 6th July 2017 and 3rd August 2017.

None.

2.3 Results

Inspectors appointed by the Secretary of State have:

- 1) Allowed the appeal and quashed the enforcement notice served on Mrs MacPherson against the refusal of retrospective planning permission and subsequent serving of an enforcement notice for the erection of one bedroom self-contained annex above existing store rooms. Withycombe Barn, Wigginton Heath, Whichford Road, Hook Norton, OX15 5HH. 16/00626/F + 16/00201/EUNDEV – (Delegated).**

This appeal related to the refusal of a retrospective planning application for the unauthorised erection of a 1 bed, self-contained annexe above existing store rooms and the subsequent issuing of an enforcement notice for the breach of planning control that had taken place.

The Inspector found that the main issues in this case were:

- Whether the proposed development would constitute an ancillary annexe or a separate dwelling;
- The effect of the development on the character and appearance of the area.

The Council had argued that the development was tantamount to a new dwelling in the countryside, given the distance from the main dwelling and because it could be lived in without any reliance on the main dwelling. Whilst having some sympathy for the Council's position, the Inspector placed weight on the fact that the application was submitted on the basis of it being annexe accommodation for a family member and that there was no evidence to the contrary. He considered that subject to the building remaining ancillary to the main house, which could be secured through condition, that there was no conflict with Policy H18 of the CLP1996 and was therefore acceptable in this regard.

In terms of the impact on the character and appearance of the area, the Inspector again noted the Council's concerns with regards to conflicting design elements, but also noted the limited visibility of the development from the public domain. The Inspector argued that given its contextual scale with the main dwelling, the timber clad construction, the roof material and colours which assisted in clearly identifying the building as a minor (secondary) building to the main house, and in the Inspector's opinion the building did not result in an inappropriate intrusion into the wider landscape setting. The Inspector concluded that the development was appropriate and compatible with the residential character and appearance of the main dwelling house, the wider site, and its rural setting; and as such there would be no material conflict with Policy C28 of the CLP1996, and Policies ESD13 and ESD15 of the CLP2031 Part 1.

The planning appeal was therefore allowed and the enforcement notice was quashed.

2) Dismissed the appeal by Siteplan UK LLP against the refusal of planning permission for a residential development of up to 47 dwellings and associated infrastructure. Heatherstone Lodge, Banbury Road, Finmere, MK18 4AJ. 16/01209/OUT – (Committee).

This proposal was for the erection of 47 dwellings on the edge of Finmere.

The Inspector concluded that the main issues in this case were:

- Whether the potential scale of development would be appropriate to the settlement and the facilities it offers, having regard to the relevant policies of the development plan: and
- The effect of the proposal on the settlement pattern of Finmere and the character and appearance of the surrounding area.

The Inspector noted that the limited public transport provision would not provide an appealing or practicable mode for many necessary journeys and not at all in the evenings or on Sundays. The Inspector went on to state that the scale of the appeal proposal would be at odds with the requirement to direct growth to the more sustainable locations where dependency on the car can be reduced.

In addition, the Inspector stated that a development of up to 47 houses would represent a significant proportion of the remaining balance of the number of rural houses allocated under Policy Villages 2 of the CLP2031 Part 1 at an early stage of the plan period. The Inspector noted that this development would be in a location where the sustainability credentials are limited and would leave little plan-led manoeuvrability to direct such development to other Category A villages which have better sustainability attributes.

The Inspector concluded that the potential scale of the proposed development at a settlement with few facilities and poor public transport connectivity renders the appeal proposal unacceptable and that it would conflict with Policies ESD 1 and Villages 2 of the CLP2031 Part 1. The Inspector also noted that the proposal would also fail to accord with the objectives of the NPPF to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to mitigate and adapt to climate change.

The Inspector noted that the appeal proposal would appear and function as a separate development at odds with the established village development pattern. The Inspector went on to state that, visually, the appeal proposal would have a significant adverse effect for people using the rural rights of way which pass close the appeal site. The Inspector therefore concluded that the appeal proposal would result in significant harm to both the settlement pattern of Finmere and the character and appearance of the surrounding area and as such, it would be contrary to Policies ESD 13, ESD 15 and Villages 2 of the CLP2031 Part 1 and saved Policies C8 and C28 of the CLP1996.

The Inspector concluded that the refusal reasons relating to archaeology and flood risk could be successfully addressed by the imposition of appropriate conditions.

In relation to Oxford City Council's unmet housing need, the Inspector stated that the CLP2031 Part 1 review process would, in the context of the NPPF, deal with this matter. In the absence of any other evidence, the Inspector considered that the housing supply policies of the CLP2031 Part 1 were therefore up-to-date and could be afforded full weight.

The Inspector noted that there would be modest social and economic benefits arising from the appeal proposal, but that these benefits would be significantly and demonstrably outweighed by the harm identified above in respect of the environmental dimension of sustainable development. The Inspector therefore concluded that the appeal should be dismissed.

3) Allowed the appeal by Mrs Ellis against the refusal of planning permission for a two storey side extension and first floor extension over existing single storey extension. The Olde Smithy, Kings Head Lane, Islip, OX5 2SA. 16/02818/F – (Delegated).

The appeal sought consent for a two storey extension to a 2-bed cottage, deemed a non-designated heritage asset in the village of Islip. The site lies in the Oxford Green Belt and in the Islip Conservation Area.

The Inspector considered the main issues to be:-

- i. Whether the proposal would be inappropriate development in the Green Belt having regard to the NPPF and any relevant development plan policies.
- ii. The effect of the proposal on the significance of heritage assets including: (i) the setting of The Old Rectory, a Grade II* listed building; and (ii) the character and appearance of the Islip Conservation Area.
- iii. The effect of the proposed extension on the living conditions of the occupiers of Black Fire Cottage and Church Square Cottage, with regard to outlook and sunlight within their private amenity spaces.

The Inspector found that the development did not impact on the Green Belt; as the nature of the development matched the built up area of its immediate surroundings in the core of the village and that this would not therefore affect the openness of the Green Belt. He concluded that none of the five purposes of the Green Belt was impacted negatively by the development and that it was consistent with Policy ESD14 of the CLP2031.

In terms of heritage assets the Inspector found that there was no reason to believe that The Olde Smithy should be considered a heritage asset particularly as there is little or no evidence of its former use and therefore attribute it any significance. The Inspector also found that the development would 'positively add to the informal mix of building styles, pitched rooflines and materials in the run of tightly arranged buildings' in which it sits and thus not impact negatively on the conservation Area. With regards the setting of the Grade II* listed building, The Old Rectory, the Inspector found 'the building was conceived to face south' and the 'the appeal site is to the north of the Old Rectory and as such does not affect the setting of the Old Rectory'.

The Inspector found that there would be no appreciable blocking of sunlight or massing from the proposed development on the neighbouring dwellings and

their outdoor spaces. It 'would be no higher than any surrounding ridges and would be of a modest increased massing compared to the existing extension'.

Thus the Inspector concluded the appeal should succeed on these grounds.

4) Allowed the appeal by Mr and Mrs Toll against the refusal of planning permission for the erection of rear/side extension, demolition of chimney breast, alterations to loft to form habitable accommodation, addition of front and rear dormer windows. Mallows, Hopcraft Lane, Deddington, OX15 0TD. 16/02302/F – (Delegated).

The appeal related to the refusal of an application for a side/rear extension, demolition of chimney breast and loft conversion with rear dormer window and two rooflights on the front.

The demolition of the chimney breast, the dormer window and the rooflights were considered to be acceptable and therefore the appeal focussed on the proposed extension.

The Inspector considered the main issues of the case were:

- Effect of the proposal on the setting of Oak Tree Cottage (neighbouring Grade II listed building)
- Whether the works would preserve or enhance the character and appearance of the Deddington Conservation Area

The Council had argued that the proposed rear extension would be of a scale and design that would dominate the original, relatively simple features and form of this prominent house in the street scene. The relatively wide side part of the proposed extension, with its pitched roof, would also significantly close the gap and thereby result in the loss of the ability to appreciate the views of the rolling landform and trees which form the rural context to this part of the village. Furthermore, as the scale and footprint of the proposed extension encroaches significantly into the gap between the Mallows and Oak Cottage, the Council considered that this together with the relative visibility of Oak Cottage and its close juxtaposition with the proposed extension would not conserve, sustain and enhance the setting of the listed building.

The Inspector concluded that as a result of its single storey height, three dimensional form, simple plain detailing and its set back from the main façade of the property facing the street, the extension would not dominate the host dwelling or detract from the visual presence of the four dwellings in the street scene.

The Inspector went one to say that due to the existing gap between the properties, its single storey form and the fact that the gap widens out towards the rear of the buildings, he did not consider that it would significantly impinge on the gap. The small amount that it might impinge would not serve to close that gap to the extent that it would result in the loss of the ability to appreciate the views of the countryside beyond which, as identified in the conservation area character appraisal, serve to reinforce the scale of the settlement and its relationship with its rural context.

Given the above, the Inspector was not persuaded that the extension would harm the setting of Oak Cottage (Grade II listed building).

The appeal was allowed and planning permission granted subject to conditions.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

5.0 Implications

Financial and Resource Implications

5.1 The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by:

Denise Taylor, Group Accountant, 01295 221982,
Denise.Taylor@cherwellandsouthnorthants.gov.uk

Legal Implications

5.2 There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:

Nigel Bell, Team Leader – Planning, Law and Governance, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

Risk Management

5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:
Nigel Bell, Team Leader – Planning, Law and Governance, 01295 221687,
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6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Tom Plant, Appeals Administrator, Development Directorate
Contact Information	01295 221811 tom.plant@cherwell-dc.gov.uk