



2.1 This application has been advertised by way of site notices and an advert in the local press. No representations have been received as a result of the above publicity.

### **3. Consultations**

3.1 **Bicester Town Council:** Welcomes this application

3.2 **Highway Authority:** Have yet to comment

3.3 **OCC – Drainage:** Have yet to comment

3.4 **The Environment Agency:** Have yet to comment

3.5 **Police Architectural Liaison Officer:** Has yet to comment

3.6 **CDC – Urban Design:** Has yet to comment

3.7 **CDC – Environment Protection Officer:** Has yet to comment

3.8 **CDC – Arboriculturalist:** Has yet to comment

3.9 **CDC – Landscape Manager:** Rights of way raises no objections in respect of the adjacent public footpath. There are many active swift nesting sites in the Kings Area of Bicester, to the east of the Middleton Stoney Road, so this site is a perfect opportunity to enhance the biodiversity of this site in respect of Swifts. A condition is therefore recommended in respect of inserting Swift boxes into the houses.

3.10 **CDC – Landscape Manager:** In respect of landscaping considers that the proposed layout is generally good apart from a number of minor concerns relating to:-

- Design details and cross sections of the proposed swales
- Need to prevent unauthorised vehicle access onto the Pingle Brook Open Space
- Need to prevent vehicle parking and overrun on proposed landscaped and grassed areas within the development
- Additional tree planting should be proposed to the area opposite plots 19, 20 and 21 to increase amenity and reinforce the screen hedgerow from Middleton Stoney Road.
- Trees adjacent to parking areas must be protected with bollards or ascot rail fencing.
- Root barriers must be installed to trees to protect wall and car park foundations.

#### **Action taken to Work with the Applicant to Achieve an Acceptable Scheme**

A number of meetings and discussions were held with the applicants agent prior to the submission of the application which sought to overcome initial concerns with the proposal and to achieve a scheme which was in accordance with the Design Code. The application submitted generally reflects those discussions.

### **4. Policy Considerations**

4.1 National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with particular regard to the following sections:-

- 4: Promoting Sustainable Transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 11: Conserving and enhancing the natural environment

4.2 South East Plan 2009 Cross cutting policies:-

- CC1: Sustainable development
- CC4: Sustainable design and construction
- CC6: Sustainable communities and character of the environment
- CC7: Infrastructure and implementation

Housing Policies:

- H1: Regional Housing Provision 2006-2026
- H3: Affordable Housing
- H4: Type and size of new housing
- H5: Housing design and density

Transport Policies:

- T4: Parking
- Management of the Built Environment BE1

4.3 Adopted Cherwell Local Plan 1996 – Saved Policies

- H5: Affordable Housing
- R12: Public open space provision
- C2: Protected species
- C28: Design and layout
- C30: Design control

4.4 Non-Statutory Cherwell Local Plan 2011

The Non-Statutory Cherwell Local Plan is not part of the statutory development plan but has been approved as interim planning policy for development control purposes and remains a material consideration.

Policy H13 allocated the development of the South West Bicester development for mixed use development.

4.5 Draft Cherwell Local Plan 2012

This was approved by the Executive for public consultation on 28 May 2012 and went out to public consultation on 28 August 2012. At present the plan is not adopted and therefore carries less weight than adopted policies. There are a number of policies in the plan that relate to new residential development, but as a reserved matters application the principle of development has been established and therefore only Policy SED 16 'Character of the Built Environment' is relevant to this proposal.

## 5. Appraisal

### 5.1 Planning History and Background

The application site relates to the new development at South West Bicester which is situated between the Middleton Stoney and Oxford Roads. The development at South West Bicester was granted outline planning permission subject to conditions and a Section 106 Agreement in June 2008 for up to 1585 dwellings, employment, education, health village and supporting infrastructure (06/00967/OUT refers). This development was an allocation in the Non-Statutory Cherwell Local Plan under Policy H13.

- 5.2 The proposal relates to the development of land parcel KM21 which is situated in a prominent position within the Pingle Brook Open Space and bounded on two sides by the Oxford and Middleton Stoney Roads. Prior to work commencing on the South West Bicester development and following the signing of the accompanying Section 106 Agreement and the issuing of the planning permission, the developers Countryside Properties (Bicester) Ltd sought to renegotiate the terms of the Section 106 Agreement due to viability. As a result of those negotiations, the Section 106 was modified, one of those modifications related to the delivery of affordable housing, whereby land parcel KM21 was offered to the Council for affordable housing to allow delivery of affordable housing within the initial development parcels to be deferred. This site has now been transferred to the District Council who is now seeking reserved matters consent for the erection of 21 affordable units.

### 5.3 Key Issues

The application stands to be considered against the following key issues:-

- Compliance with the Design Code
- Layout
- Design
- Highways
- Section 106 Agreement

### 5.4 Compliance with the Design Code

The application seeks consent for the erection of 21 dwellings on land parcel KM21 which lies in the north eastern corner of the Pingle Brook Open Space at South West Bicester, the development of which is now known as Kingsmere. The Design Code which was produced following the grant of outline planning permission and approved in July 2008 divides the development at South West Bicester into character areas. Parcel KM21 lies within the 'Pingle Brook' character area. The Design Code sets out the key issues to be addressed by developers and their architects and the types of places to be created in each of the character areas. The code seeks to ensure consistency throughout the development and between various developers and it is therefore important that CDC's Housing Department and their architects in this submission have regard to it in designing their layout and the proposed scheme. The Design Code is therefore a material consideration when considering reserved matters proposals. Many aspects within the Design Code are mandatory and therefore must be adhered to.

The Pingle Brook character area is defined within the Design Code as being an area which focuses on the naturalistic new park along Pingle Brook with streets meandering towards the public open space, occasionally widening to accommodate an informal green space or large trees. There is a limited materials palette with buildings being generally faced in either render or red brick. Housing is required to front the open space.

Following pre-application discussions, the layout and design of the dwellings have been amended to ensure that the proposal accords with the requirements, and in particular the mandatory elements of the Design Code. The scheme now indicates the position of dwellings so that they front out over the Pingle Brook Open Space and front both the Oxford and Middleton Stoney Roads. Views into the site from the adjacent Pingle Brook Open Space are of particular importance.

Building heights comply with the mandatory elements of the Design Code which give maximum ridge heights over different parts of the development and condition 18 of the outline consent which requires compliance in respect of ridge heights with the approved planning statement which accompanied the outline application. There is therefore a maximum ridge height of 9m across this parcel.

In terms of design, the dwellings and materials proposed accord with the Design Code, being a mix of red bricks coloured render and artificial stone with slates and plain red tiles for the roof. Samples of materials remain to be agreed at this stage and conditions are therefore recommended in this respect. The Design Code specifies the mix of materials to be used within the Pingle Brook character area as being approximately 50% red brick, 10% buff, render 30%, grey artificial slate 30% and brindle red plain concrete tiles on 70% of the dwellings proposed.

A landmark building is identified as mandatory within the Design Code in the north eastern corner overlooking the Oxford Road. This landmark building is identified within the Design Code as an important building to be viewed from Oxford Road to the east. The building indicated within the proposal is a two storey pair of semi-detached hipped roof dwellings constructed of reconstituted stone under a tiled roof with single storey open car ports and entrance to the side, and a projecting corner bay window. Concerns were raised in respect of the single storey elements and their relationship with the main part of the dwelling and the resultant form in terms of creating a 'landmark building'. It was also suggested that the main front entrance to this building should be from the front, rather than tucked away under the car port building to the side and that the side elements should be higher, maybe one and a half storey to give the building more prominence visually on this corner and so that it is more readily defined apart from the adjacent dwellings. These concerns have not been addressed by the submission and the question remains in terms of whether the semi-detached dwellings with single storey elements as proposed is adequate as a 'landmark building' as required by the Design Code.

In terms of the roads, courtyards, paving materials and landscaping details, these appear generally to be compliant with the Design Code, however further landscaping and building details are required and will therefore need to be agreed by condition. The proposal appears to comply with the Design Code in terms of treatment to the frontages.

## 5.5 Layout

A well designed layout will not only comply with the approved Design Code, but will also incorporate good design practice and standards to ensure a reasonable layout and living environment are achieved. The NPPF is quite clear in its aim, ensuring that all new development is of a high quality and inclusive design.

Following pre-application discussions and negotiations, the layout now submitted has been revised and has evolved from those discussions and now seeks to accord with the parameters laid down within the Design Code and the Council's general guidelines regarding parking provision, relationships between properties and the size of private garden areas.

Vehicular access to the site is gained directly from the Middleton Stoney Road in the north western corner of the site as identified within the Design Code and will serve this small parcel of land only. The main access road into the site provides entrance to central courtyards and private drive serving dwellings on the periphery. An area of open space incorporating a swale and tree planting creates an internal focus and leads the development through into the adjacent Pingle Brook Open Space and Local Area of Play. The vistas created by the internal access road are terminated by dwellings and the central green space.

Dwellings fronting the open space and the adjacent main road network have varying set backs to their frontages giving variation to the layout as required by the character of the area. Dwellings have been grouped in small terraces or pairs of semi-detached dwellings with special arrangements where they are required to turn corners to address double frontages and prominent locations. Dwellings which front the open space generally have larger planted front gardens which are designed to integrate with the Pingle Brook Open Space and the existing hedgerows along the northern and eastern boundaries. The dwellings have been set back at the north eastern corner to ensure views across the development to St Edburghs Church are maintained.

The layout also indicates a number of swales adjacent to the Pingle Brook Open Space. Whilst this approach is acceptable in principle and will accord with SUDS drainage, very little information in terms of their form and depth has been included with the application. Further details have been requested and are awaited.

Having regard to the above, it is considered that the layout proposed is in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and general advice within the NPPF.

## 5.6 Design

Following pre-application discussions and negotiations, the house types in terms of their scale, design, appearance and choice of materials are now considered acceptable and in accordance with the Design Code. The units proposed are all two storey in height with a range of frontage widths and ridge heights. The majority of units are generally wider fronted as specified for the character area. The dwellings fronting the Pingle Brook Open Space are higher to ridge than those within the site in order to create a strong built frontage. To create further variation in scale and to increase the built frontage,

single storey car ports are proposed between dwellings, creating visual interest and contributing to the overall street scene.

The Design Code designates the north eastern corner of the site as a landmark building to serve as a gateway to the wider development, which should be of high quality architectural design and differentiated from neighbouring units.

The proposal indicates a pair of narrow fronted dwellings with hipped roofs and entrances to the side under a single store car port. It is considered that whilst the design of this building has sought to provide the 'landmark building' concerns remain in terms of its prominence and whether it is adequate in terms of its design as a landmark building as set out above.

## 5.7 Highways

Following pre-application discussions with both the District Council planning officers and Oxfordshire County Council, the road layout and parking provision has been amended to accord with the specifications within the Design Code in terms of a minor street with private drives or country lanes serving the development on the edges. A new vehicular access is to be created onto the Middleton Stoney Road. Comments in respect of the highway layout from OCC are still awaited and will be reported verbally at the meeting.

## 5.8 Section 106 Agreement

The Section 106 Agreement accompanying the outline consent, which was modified in 2010 following viability assessments and negotiations, requires this land parcel KM21 to be transferred to the District Council for affordable housing provision. Schedule 2, Paragraph 9 of that agreement specifies that a minimum of 85% of the affordable housing units shall be social rented housing, let and managed in accordance with an agreement between the RSL and the District Council, the occupation of which shall be restricted to persons aged 55 and over with a maximum of 15% to be shared ownership housing.

The application submission proposes the erection of 21 self build homes which it is understood will not accord with the provisions of the Section 106 Agreement. The agreement will therefore need to be amended accordingly but no request to vary the agreement has yet been received. The amendment of S106 agreements is delegated to the Head of Public Protection and Development Management.

## 6.0 **Recommendation**

It is recommended that reserved matters consent be granted subject to the following:-

- (i) the receipt of satisfactory amended plans and information as requested by letter dated 13 November;
- (ii) no adverse comments from the Environment Agency whose comments are still awaited and the inclusion of any appropriate conditions they recommend and;

(iii) the following conditions:

1. That except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in strict accordance with the plans and documents accompanying the application; Design and Access Statement dated October 2012, Drainage Assessment; Site Investigation Report; Site Location Plan; Topographical Survey; Site Masterplan 231601/AL/P100; Drainage Strategy drawing number 12-1072-01; Landscape Management Plan 231601/AL/P106; Site Ground Floor and Levels Plan 231601/AL/P101; Site First Floor Plan 231601/AL/P102; Landscape Proposals Softworks Arrangement 231601/AL/P104; Landscape Proposals Hardworks 231601/AL/P103; Landscape Proposals Boundaries 231601/AL/P152; Landscape Proposals Hard Materials 231601/AL/P151; Proposed House Types Materials Palette 231601/AL/P150; House Type A2 231601/AL/P121 Rev A; House Type A3 231601/AL/P122; House Type B 231601/AL/P122; House Type C 231601/AL/P124; House Type D 231601/AL/P125; Cycle Store/Car Ports 231601/AL/P153; Car Ports Type 3 231601/AL/P155; Car Ports/Cycle Stores 231601/AL/P154; Street elevations 1 231601/AL/P110; Street Elevations 2 231601/AL/P111; Site Sections 231601/AL/P112; Drainage Strategy drawing number 12-1072-01; Vehicle Tracking drawing number 12-1072-05.

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 Policy BE1 of the South East Plan 2009 and the National Planning Policy Framework 2012.

2. SC2.2AA 'paviours to be used in the construction of the roads, driveways, parking courts, private drives and footpaths'
3. That notwithstanding the samples submitted prior to the commencement of the development further samples of bricks and tiles to be used in the construction of the walls and roofs of the dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the samples so approved.

(RC4A)

4. SC2.8A 'render'
5. SC2.3EE 'sample panel of artificial stone'
6. SC3.0(a)
7. SC3.1
8. That notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no gate, fence, wall or any other means of enclosures, other than those agreed in accordance with this submission, shall be erected within the curtilage of any dwelling hereby approved without the prior express planning consent of the Local

Planning Authority.

Reason – In the interests of the visual amenities of the streetscene and of the development, and to ensure compliance with the approved Design Code are to accord with Policies C28 and C30 of the adopted Cherwell Local Plan and the advice within the National Planning Policy Framework.

9. Tree Pit details for hard and soft landscaped areas.
10. Existing trees and hedgerows adjacent to the site to be maintained and protected during development.
11. SC4.3(AB)
12. SC4.6AA
13. SC4.8AA 'new hedge planting'
14. SC4.9AB
15. SC6.6AB 'garages/car parks'
16. Prior to the commencement of any works on site or the carrying out of any operations relating to the provision of services, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted 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.

(RC73A)

17. All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of any trees on the site shall be undertaken in accordance with National Joint Utility Group (NJUG) 'Guidelines for the Planning, Installation and maintenance of Utility Apparatus in Proximity to Trees – Volume 4 and all subsequent revisions and amendments of.

(RC73A)

18. That prior to the commencement of any development on the site, full details shall be submitted to and approved in writing by the Local Planning Authority, a scheme to prevent vehicles from being able to enter the Pingle Brook Open Space from KM21. The scheme shall be carried out in accordance with the approved details prior to the first occupation of any dwelling within KM21 and thereafter maintained in accordance with those details.

Reason – In the interests of the visual amenities of the locality and to ensure the protection of the adjacent public open space, to comply with Policy C4 of the south East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and guidance within the National Planning Policy Framework.

19. That prior to the commencement of development, a scheme relating to the incorporation of Swift boxes into the built scheme shall be submitted to and approved in writing to the Local Planning Authority. The development shall be carried out in accordance with the scheme approved.

Reason – In order to increase the biodiversity of the site in accordance with the requirements of the NPPF.

20. Window and door details to be submitted prior to the commencement of development.

### **Planning Notes**

It is advised that all homes should achieve Part 2 (physical security) of Secured by Design New Homes 2010.

1. Q1
2. S1
3. U1
4. Y1 '06/00967/OUT' 'June 2008'

### **SUMMARY OF REASONS**

#### **'W'**

'the layout and house types proposed comply with the approved Design Code of South West Bicester, and are considered acceptable in design terms and on the impact of the visual amenities of the locality'

South East Plan CC1, CC4 and CC6  
Adopted Cherwell Local Plan Saved Policies C28 and C30  
Guidance within the National Planning Policy Framework

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