

**Site Address: Land to Rear of Tangmere
Close and Scampton Close,
Skimmingdish Lane, Bicester**

14/00697/F

Ward: Bicester East

**District Councillors: Councillor Lawrie Stratford
and Councillor Rose Stratford**

Case Officer: Linda Griffiths

Recommendation: Approval

Applicant: Taylor Wimpey and Persimmon

Application Description: Residential development for 46 dwellings

Committee Referral: Major and Departure from Policy

1. Site Description and Proposed Development

- 1.1 The application site is located on the north-eastern edge of Bicester, situated between Skimmingdish Lane and the residential development off Boston Road. It is a long rectangular piece of open land which extends to approximately 2.51 hectares. A footpath/cycleway runs along the eastern boundary. A single point of vehicular access is proposed directly onto Skimmingdish Lane.
- 1.2 The original submission sought consent for 71 dwellings, but the scheme has since been revised and now proposes 46 dwellings with open space which links through to the existing open space to the north of the site. A mature hedgerow bounds the site along its eastern edge and a group of willow trees are situated in the north-western corner of the site close to the Boston Road open space.
- 1.3 The dwellings which are essentially 2 storeys in height will be constructed on the western part of the site adjacent to the existing residential properties, and the open space runs along the eastern boundary and the existing footpath/cycleway. 30% of the dwellings will be affordable units.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and a notice in the local press.

21 letters have been received. The following issues were raised and are summarised as follows. The correspondence can be read in full on the application file.

- Site is within original flood plain
- Risk of surface water flooding with knock on effects to local properties
- Traffic
- Survey of traffic movements has probably not taken into account vast amount that use the ring road between 7-9am and 4-7 pm.
- Queuing in the Launton Road to get into Skimmingdish Lane as vehicles queue at the roundabout on the Buckingham Road cannot gain access to the roundabout due to volume of traffic coming into Bicester on the A4421 during these busy periods
- Access too close to the roundabout and on a blind bend
- Road very busy at peak times and with 71 dwellings being built at least an additional 140 vehicle movements in and out

- This stretch of road is unlit which will not help
 - Cycle/ pedestrian lane will be dissected by the access road what safeguards will be included to ensure the safety of others
 - Once care home has been completed this will add to the traffic along Launton Road
 - Concerns about entry and exit to the new site via Skimmingdish Lane
 - Three storey properties higher than existing properties in Tangmere Close, Benson Close and Scampton Close
 - Town houses out of keeping with the surrounding area and impact on local residents privacy
 - The land in question is a thriving habitat for animals, birds and plants.
 - Green areas across Bicester are becoming more and more threatened with construction, feel strongly this area should be maintained as a green space.
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- Has sufficient consideration been given to how this will effect the local community- the catchment primary school Glory Farm is already well over subscribed and with no plans for additional secondary school the problem will increase.
 - Development seems to be isolated from the current populous with little opportunity for integration into the local community
 - Three footpaths/rights of way cross the land, what provision has been made to keep these
 - The plans show a building just next to our perimeter fence. Would like confirmation on the planned usage for this, plans should be revised to allow more space between our property and the building
 - Appears from the plans that there is a pathway running along the existing perimeter fencing behind the new properties. Concerns that this will become an unsightly area (closed off with high fencing) that tends to attract litter and anti –social behaviour
 - Density does not mirror the existing estate that it is to blend in with
 - Scope in the plans to extend access to this estate through Scampton Close and this would cause a significant increase in traffic to roads that were not designed for it
 - Development amounts to infill
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- Nuisance from noise and pollution caused by construction
 - Concerned land has been boarded up and cleared in advance of planning permission being given
 - Loss of light
 - When Launton Meadows development was carried out the proposed site was going to be an allotment site /recreation land
 - Previous local plan shows this as a linear park
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- Fence that has been erected has already had a detrimental effect on local wildlife. Land has previously been used by the local community for dog walking and a safe play area for children Would this land not be better suited as linear park and allotments as once proposed
 - Increase in insurance premiums due to increased flooding
 - With Kingsmere and new Eco development, Bicester already has a large amount of new houses being built
 - Loss of value of house
 - Loss of view
 - Compensation for properties affected by the loss of privacy
 - What is in the separation between the new properties and the current properties, it looks like trees on the website
 - Benefits of encouraging people to take part in regular exercise to improve personal health and reduce future NHS costs should be taken into account

before approving changes to a well used amenity

Following the receipt of a revised scheme for 46 dwellings, a further 14 letters have been received. The concerns raised are generally as above. The letters can be read in full on the application file.

3. Consultations

- 3.1 **Bicester Town Council:** object to this application. Concerns of the size of the development on a previously designated wetland habitat. Bicester Town Council also has concerns of building on a classified flood plain.

In respect of the revised submission, the Town Council maintain their objection above.

- 3.2 **Ward Member Councillor James Porter for Bicester Town Council :** objects on the grounds of (in summary)

- increased flooding as a result of the development will impact not only on the development but on the surrounding established resident properties and further downstream in Langford which is already subject to significant flooding.
- Bio Diversity- this is a significant natural 'wet land 'habita' sustaining a wide bio- diversity.
It provides a rich flora and fauna supporting complete food chains. At best the application pays cursory attention to the bio diversity of the area and offers no proposals to sustain this. Part of the land was originally designated for open space and allotments. Subsequently, it was designated as part of a linear park along side of the ring road to Bucknell Road to five wild life corridors. As Bicester grows its importance as a wildlife corridor and green lung will continue to increase.
- Vehicle Access- the proposed single access off Skimmingdish Lane is too close to the roundabout at the junction with Skimmingdish Lane with Launton road and is on a blind curve.
- Cycle and pedestrian access – the proposed access to the development cuts across a long established and very well used cycle and pedestrian route running alongside Skimmingdish Lane. The proposed access poses a real and present danger to walkers, cyclists and wheel chair users.
- Local character- Three storey town houses are inappropriate in this setting. The density provides little safe garden or recreational green space. Inadequate consideration and provision for the needs of young people and teenagers limiting the opportunities for 'homes for life' Storage and movement needs of a three bin recycling regime have not been adequately addressed.
- Traffic survey – a proper full scale verified traffic survey should be undertaken
- Contamination – part of the site could be contaminated land. Full mitigation required.
- Disappointing to note the limited consultation with local residents

Cherwell District Council Consultees

- 3.3 **Planning Policy Officer:** The site is allocated for recreation use in the Adopted Cherwell Local Plan 1996. Located on the edge of Bicester, one of the most sustainable settlements in the District, there is potential for good accessibility to services and facilities. A proposed extension to Bicester Airfield Local Wildlife Site abuts the site which is also close to the RAF Bicester Conservation Area.

The saved policies of the adopted Cherwell Local Plan should be considered. The main policies relevant to this proposal are:

Policy C9: Beyond the existing and planned limits of the towns of Banbury and Bicester, seeks to direct development to the county towns and limit the level of development elsewhere in order to protect the environment, character and agricultural resources of the rural areas.

Policy C7: landscape Conservation – consideration should be given as to whether development would cause demonstrable harm to the topography and character of the landscape

Policy R1: Allocation of land for recreation use – sites identified on the proposals map for recreation use will be reserved for that purpose. Proposals that conflict with this use will be resisted

Policy H5: Affordable housing

Policy C1: protection of sites of nature conservation value

Policy C23: retention of features contributing to character or appearance of a conservation area

Policy C28: Layout, design and external appearance of new development

NPPF – the most relevant are:

Paragraphs 11 to 14 – presumption in favour of Sustainable Development

Paragraph 17 core planning principle: Planning should encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production)

Paragraphs 47-50 and 55 on delivering a wide choice of high quality homes

Paragraph 49 – housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

Paragraphs 56, 57, 59-64 on requiring good design

Paragraph 69 – planning policies and decisions, in turn, should aim to achieve places which promote: safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas

Paragraphs 70, 73, 75 – access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities

Paragraph 109 on conserving and enhancing the natural environment

Paragraph 114 – 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

Section 12 on conserving and enhancing the historic environment

NPPG – open space, sports and recreation facilities, public rights of way and local green space – open space should be taken into account in planning for new development

Non - Statutory Cherwell Local Plan 2011 should be considered. Whilst some policies within the Plan may remain to be material considerations, other strategic policies have in effect been superseded by those of the Submission Local Plan (January 2014).

Policy H1a: Location of new housing

Policy EN16 Development on Greenfield land

Policy EN17: Development on Contaminated Land

Policies EN22 – EN24 Nature conservation, protection of sites and species

Policy EN30 - sporadic development in the countryside

Policy EN31 - beyond the existing and planned limits of the towns of Banbury and Bicester

Policy EN34 - conserve and enhance the character and appearance of the landscape

Policies EN39 and EN40 – development should preserve the setting of listed buildings and preserve or enhance the character or appearance of a designated conservation area

Policy R3 – the council will seek to establish a series of open spaces in Bicester linked by public footways/cycleways with the intention of creating a circular route through the town

Policy TR8 – development that would prejudice pedestrian and cycle circulation or route provision will not be permitted

Submission Local Plan 2006-2031

Policy BSC1 - district wide housing distribution

Policy BSC2 – effective and efficient use of land

Policy BSC3 – affordable housing

BSC4 – housing mix

BSC10 – open space, outdoor sport and recreation provision

Policy SLE4 – improved transport and connections – support a modal shift and more sustainable locations

Table 8 – local standards of provision – outdoor recreation

Policy BSC11 – local standards of provision – outdoor recreation: development proposals will be required to contribute towards the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance

Policy ESD10 – protection and enhancement of biodiversity and the natural environment: in considering proposals a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources and by creating new resources

Policy ESD13 – local landscape protection and enhancement expects developments to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided

Policy ESD15 – green boundaries to growth: proposals for development on the edge of the built up area must be carefully designed and landscaped to soften the built edge of the development and assimilate it into the landscape by providing green infrastructure that will positively contribute to the rural setting of the towns

Policy ESD16 – the character of the built and historic environment should be protected

Policy ESD18 – green infrastructure: proposals should maximise the opportunity to maintain and extend green infrastructure links to form a multi-functional network of open space, providing opportunities for walking and cycling and connecting the towns to the urban fringe and wider countryside beyond

Policy Bicester 7 – as part of the measures to address current and future deficiencies in open space, sport and recreation provision in the town we will seek to establish an urban edge park around the outskirts of the town, by protecting the existing network of green spaces and securing new open space and linear route provision linked with public footpaths/cycleways, to create a circular route with connections to the town centre and the countryside beyond

Other material considerations

Five Year Housing Land Supply

The latest published position on the district's housing land supply is the Housing Land Supply Update June 2014. This reflects the Oxfordshire SHMA 2014 midpoint figure of 1140 dwellings per annum, currently considered to be the objectively assessed housing need for the district. The Update indicates that the five year supply of deliverable sites for 2014-2019 is 3.4 years. This includes a requirement for an additional 20% buffer, taking into account the shortfall (2314 homes) within the next five years. The projection for 2015-2020 is 3.4 years supply.

Strategic Housing land Availability Assessment

The 2013 SHLAA lists the application site (ref B1057) as a rejected site, noting that the site is allocated in the Non-Statutory Local Plan for recreation and therefore residential development contravenes planning policy. It also notes that there is a proposed Local Wildlife site immediately north of the site which further supports the site use for recreation and that there would be a negative impact on the landscape setting of Bicester which will require further investigation.

The SHLAA comments: 'currently site is unsuitable, but if required by the Council it could be suitable and available subject to detail design and an acceptance of development outside the built up area and loss of part of a site from proposed recreational use. The site is considered developable subject to loss of recreation land being acceptable to the Council. Any proposal will have to balance the scale of development with the proposal to increase recreational land in this area'.

Overall Policy observations

The 2011 Open Space Update identifies a shortfall within Bicester East Ward of parks and gardens, allotments and provision for children and young people and a wider

shortfall of open space across Bicester, Submission Local Plan policies seek to address this. The Submission Plan does not allocate the site because it is not strategic in nature.

It is important that development here safeguards, and does not undermine the attractiveness of the existing cycle and pedestrian path that runs alongside the site.

While the potential role of the site in contributing towards housing supply is acknowledged, open recreational use of the site remains necessary to meet present and future policy requirements, for example Bicester Policy 7, ESD18 and BSC11. To achieve this and a scheme that respects this edge of town location, the proposed extension to the Local Wildlife Site, the pedestrian and cycle path and nearby Conservation Area, only part of the site is considered developable. The remaining area should provide green infrastructure/open space as part of/alongside any scheme.

Policy Recommendation

The site is proposed for recreational use in Cherwell's Adopted Local Plan. Given the shortfall of open space provision in Bicester, any scheme would need to address or integrate the potential loss of the proposed space. Provision of high quality open space/green infrastructure on site would be necessary to meet policy requirements and it is considered this could be achieved through partial development of the site.

3.4 **Design and Conservation Officer:**

Site Opportunities and Constraints Plan – as part of the design and Access Statement an opportunities and constraints plan was provided which sets out the basic design principles that should be used to develop the site design and layout. It is unfortunate that some of these elements have not been appropriately translated into the detail design and layout proposals.

- Importance of landmarks/focal buildings in key locations
- Appropriate frontage to provide a setting to Skimmingdish Lane
- Making connections, where possible to the existing residential area and Skimmingdish Lane
- Retention of existing landscape features
- Appropriate buffer to existing residential development

Development Framework/concepts

A number of diagrams have been provided within the Design and Access Statement. These seem to be retrofitting rather than guiding the layout plan and raise a number of issues. There are a number of improvements which could be made to the block plan.

- While some basic principles to the framework are correct, these have not been considered in detail and in relation to the site context. I agree with the basic principle of providing frontage to Skimmingdish lane and backing onto existing development, however the next level of detail has been poorly considered
- There is little thought for the way that the development will relate to the urban form of the existing residential development and a more logical layout would be established if this was considered in the north south links.
- There is no clear public realm strategy/landscape strategy that provides the setting for the development
- There is no rationale for the massing and form. The majority of development is 2 storeys, though this seems to jump to 2.5 in odd places
- There is no indication of landmark/focal buildings being used to help structure the development
- There is no rationale for how building material should be used across the site. The proposals appear very ad hoc and unstructured which contributes to the poor character of the layout and design

- The boundaries to the north west of the site are not defined and it is not clear what the relationship is with this edge of the site
- Very limited connections are shown onto the pedestrian/cycle path
- The concentration of affordable housing at the edges of the scheme in large clusters is unlikely to be acceptable

Layout Plan

The layout plan does not appear to have been designed and considered in three dimensions. There has been little attempt at composing an interesting series of streets and spaces to promote a high quality place and public realm. This development will provide an important frontage onto Skimmingdish Lane and a high quality approach is expected

- There has been little consideration as to how dwellings fit together to form an attractive street scene. This is an important location, with frontage onto Skimmingdish Lane that will set the scene for this busy junction
- Likewise the approach to car parking has been focussed purely on the provision of spaces and there has been little consideration as to how the parking layout contributes to the character of the streets and public realm
- The configuration of housing types and form across the layout does not appear to have been appropriately considered. Consideration of ridge eaves lines is important
- Overall a wider mix of housing is expected addressing the housing mix to positively incorporate more terraces and semi-detached properties would help address some of the design issues

Building Form and Fenestration

Considerable work is required to consider the type and layout of house types throughout the scheme, but in general comment as follows:

- Hipped roofs are not appropriate, a simple ridged profile should be used
- Overall fenestration is poor, in principle, upper storey windows should be smaller than lower storey windows
- Details on the drawings are unclear
- Gable details are often poorly considered, the combination of their width and shallow pitch makes them awkward
- Barge/fascia boards should not be used, clipped eaves
- Stone should be coursed rubble detail as would be found traditionally in the area
- Projecting porches and integral garage details appear awkward and detract from the character of the area. Integral garages should be subservient to the main property. The form and detail of dormers is awkward and these elements do not fit comfortably on the dwellings.

To conclude, the proposal has had little design and layout consideration, and as it stands should be refused on the grounds of poor design.

In respect of the latest revised submission, it is acknowledged that the layout shows significant improvement from the original submission. In terms of house types, PA25 – elevation would benefit from removing the ground floor w/c window. Ashton-G PB30-G, Crofton-G PB33G (style 1, 2 and 3), Stanton-PB51 (style 1 and 2) – dormers on these types all appear over-sized and very heavy. Would benefit from reduced scale, with dormer windows being smaller than first floor windows. The Design and Access addendum references white eaves and gable boarding. It should be noted that fascia and barge boards are not acceptable. Clipped eaves are required. Likewise, imitation timber lintels are referenced, these should be real timber of appropriate proportions.

3.5 **Housing Officer:** Has no objection. There is a 30% affordable housing requirement

with a 70/30 tenure split between affordable rent and shared ownership or other low cost home ownership product to be agreed. The affordable homes should be built to the HCA's design and quality standards including meeting the necessary HQi compliant standards. 50% of the rented homes should meet Lifetime Homes Standards. Generally the proposed location of the affordable homes needs amending as the bulk of the properties are located to the south of the site and do not seem integrated into the wider scheme. Although CDC's clustering position of affordable homes does allow up to 15 units together there is still the requirement that the affordable homes should represent a more integrated approach than is evident in the layout plans.

Although the applicant has done a fair proposal for the affordable housing types, it is recommended that an alteration is made in line with the following

Rent

4x1b2pM (separate entrances)

7x2b4pH

3x3b5pH

1x4b6pH

Shared Ownership

5x2b4pH

1x3b5pH

It is also recommended that an improvement is made to the parking layout for the affordable units. The design proposed does create an obvious visual clue as to the tenure of the particular properties when we are trying to achieve as much as possible tenure blindness on the scheme. Greater in curtilage parking would create a better visual impact, greater resident ownership of the parking spaces and less potential for management issues in the future. Failing this a breakup of the spaces with landscaping or other means would be beneficial. Would also advocate a greater number of smaller properties in the private element of the scheme in order to cater for more first time buyers and those on lower incomes.

Following the submission of a revised scheme for 46 units:-

- The quantum of affordable housing is consistent with the policy requirement of 30%, 14 dwellings
- The location of the affordable housing is acceptable as well as the unit types proposed
- The layout of unit types and space standards are consistent with those expected. The unit types appear to meet Lifetime Homes requirements
- The RP which takes on the affordable housing will need to be discussed and agreed with the council

3.6 **Anti-Social Behaviour Manager:** It would appear that no road traffic noise assessment has been undertaken in respect of the potential impact road traffic noise from Skimmingdish Lane may have on the development. Noise mitigation measures were shown to be required at two dwellings built on the roundabout itself. The assessment needs to be carried out and the applicants need to demonstrate that the appropriate noise targets contained within BS8233:2014 can be met. Any shortfall can be addressed by way of condition requiring uprated glazing/fencing and or ventilation as necessary. Due to the proximity of existing dwellings a robust Construction Environmental Management Plan will be needed to address hours of working, construction noise control, dust control, phasing, site infrastructure, staff parking and compound locations.

3.7 **Landscape Officer:** in determining visual amenity for residents overlooking the site

from the south west residential areas, is concerned about the overall detrimental residential experience of the development from first storey, ground floor windows and garden aspects. There is limited space for tree planting on this boundary, especially when proposed southwest-facing gardens are a constraining factor because it is going to be difficult to enforce replacement tree planting if residents decide to remove trees due to lack of light to gardens and windows. Suggests that the trees are planted at the ends of private roads, at least two metres from the SW boundary and well away from building foundations. This will ensure that the trees are prominent at the end of the street and owners will think twice about removing them. Small to medium trees will be appropriate.

A minimum play activity area of 400 square metres is required for the LEAP. The location is problematic, because it is located in front of the highway access and due to the bend in the road is not an appropriate 'traffic calming measure' It will be risky to put the LEAP in this position. The layout must be revised to minimise this risk. The LEAP should be re-located at the north western end where it will connect better with the existing Public Open Space with desire lines through. In order to facilitate easier access through CDC owned land the developer is recommended to make financial contributions towards improving the footpath access through existing POS, linking Sunderland Drive with POS/LEAP of the development, especially as the desire line route will be used more often because of the increased number of residents. The developer is to install a demountable bollard to restrict vehicle access between the two sites. The POS, will, in effect, create a transitional landscaped zone between the built edge and CDC owned POS.

The site requires at least two LAPs. In reality, there is insufficient space to cater for two LAPs. A POS should accommodate a LAP and LEAP. A combined LAP and LEAP (separate areas) would be appropriate.

The hedgerow on the north eastern site boundary must be retained/protected for the purposes of mitigating the visual impact of the development on walker/cycle receptors on the adjacent pedestrian route.

Detailed landscape proposals are required.

Comments made in respect of revised layout plan-

The Landscape buffer on the southern boundary needs to be clarified. Too much dense vegetation will cause problems of shading and possible structural damage. This landscape buffer is not POS and the land will be conveyed to residents, who may or may not maintain the vegetation in the appropriate way. Tree groupings (with clear stems) at the end of roads will provide some relief from the visual impact on adjacent residencies.

A wider green buffer between the residencies on the southern boundaries and the units is necessary to ensure visual impact of units is reduced on the residencies, especially where the distances between homes is quite close. If the 'Entrance Green' near the highway entrance was relocated near this boundary with units fronting onto it then this would be more acceptable.

There are 3, possibly 4 properties on the southern boundary where the development will have an increased visual impact. I recommend the adjacent units are located further away from the boundary to mitigate this problem

The build line is very close to the CDC – owned POS to the northern end of the development. I would prefer transitional open space area into this POS with footpaths linking through. The application site was publically accessible from this area, but when closing off this link the existing POS will be too enclosed and will not comply with 'Secured By Design' principles

The LAP to be located away from the pumping station (incompatible land use) should be combined with the LEAP in order for young children to have play equipment (the latest informal Executive decision)

The indicative LEAP does not appear to be wide enough to accommodate the appropriate size of play equipment.

The pumping station location requires the removal of structural vegetation, maple and blackthorn exposing it to the footpath cycleway from the footpath/cycleway. It will

require structural planting to screen it from this thoroughfare.

Following the receipt of the latest revised plans relating to the 46 dwellings, the Landscape officer comments further as follows:-

- Informal open space, welcome the reduced number and as a result the connectivity between CDC's informal open space immediately north west and the proposed informal open space is good. Connectivity could be improved by the provision of a macadam path link
- Tree species diversity proposed should be improved
- With the reduced housing density there is more space available for larger gardens to allow for the planting of trees of appropriate size and species that do not over-shade or reduce light levels to rear windows but also provide amenity impact mitigation for residences in Tangmere and Scampton Close I would prefer to see smaller ornamental trees for the rear gardens rather than the native species proposed.
- At the end of the access roads to the garages, the boundaries do require landscaping to mitigate views from adjacent residences, however ownership and maintenance responsibility for these areas must be confirmed. Garage footings must be protected.
- The LAPs should be located opposite units 32 and 33, and 13 and 14, centred on the cycle/footway across the adjacent site, allowing the play areas to be surveyed from adjacent footways

Having regard to the above, a number of conditions are recommended.

3.8 **Arboricultural Officer** comments as follows:

Agrees with the findings and tree categories stated within the accompanying arboricultural report provided by Tyler Grange.

The proposed access road provides a level of protection and a buffer zone for the valuable belt of trees identified within the arboricultural report as G10.

The design provides no satisfactory integration between the proposed site and the existing Duxford Close Public Open Space area.

The close proximity of the proposed plots to the boundaries of the existing dwellings in Tangmere Close will lead to increasing nuisance issues between residents. The desire for privacy will be addressed through inappropriate planting raising encroachment issues and reducing natural light levels into the 'living areas' of existing dwellings and the gardens of proposed plots.

The design shows indicative tree planting particularly along the south-west boundary. As expected, no species have been identified and no potential shadow constraints have been estimated however, despite these omissions it is clear from the drawings themselves that planting along this boundary will lead to potential neighbouring conflicts and reduce the 'feeling of space' which existing residents currently experience. A more suitable, less oppressive approach would be to create a buffer zone between existing and proposed dwellings. This buffer could be provided by either an additional access road and an associated verge or additionally the creation of POS.

I do not feel that the current design takes full consideration of the existing and adjacent constraints.

Comments made in respect of the revised layout:

The landscape buffer has no means of access for maintenance. Still have concerns regarding the close proximity of proposed plots to existing plots and the visual impact and the reduction of views that such plots will have upon existing occupants.

A greater clearance from proposed plots to existing dwellings is required and there would appear to be scope for this by relocating the LAP, LEAP and Green to an area adjacent to the buffer zone. This would require relocating the position and aspect of certain proposed plots to facilitate space and the provision of natural surveillance

across such features.

There appears to be no integration between the proposed plots to the north of the site and the existing Duxford Close open space area.

- 3.9 **Ecology Officer:** Overall the site of is local ecological value. Common lizards are present in low numbers, badgers (and most likely bats) use the site for foraging and hedgehogs and nesting birds may also be present. Given this, various precautionary mitigation measures will be required to ensure no harm comes to any of these species. Section 7 of the February 2014 ecological assessment report by Tyler Grange suggests that the mitigation and enhancement strategies are controlled by the production of a CEMP (to avoid impacts during the construction phase) and EcMP (to detail habitat creation and management). This is acceptable, given that no European protected species are likely to be impacted, two conditions are recommended to be attached to any consent.
- 3.10 **Waste and Recycling Manager:** No objections to the developer's proposals for waste and recycling storage. More guidance is available in the Council's Waste and Recycling guidance. A section 106 contribution of £67.50 per property will be required.

Oxfordshire County Council Consultees

3.11 **Transport**

Transport Assessment: There are a number of safety and design issues that require further information to be submitted for assessment. Until this information is submitted for consideration, the Local Highway Authority objects to the planning application.

In respect of the proposed access arrangement(s), there are concerns with the lack of detail shown on how vehicle movements will interact with users of the existing shared footway and cycleway - especially with vehicles turning left into site where forward visibility will be limited

Junction analyses demonstrates that there will be operational issues at a number of junctions, and in particular at:

- Bucknell Rd/ Howes Lane
- A4421/Bicester Rd
- A4421/Launton Rd

Contributions towards the Bicester Transport Strategy will therefore be required, and this is acknowledged in the TA. A key part of the transport strategy is improvements to the peripheral route including the junctions mentioned above and a new link road".

The layout issues identified are

Some of the parking areas appear tight and are not practical i.e. plots 20, 21, 26, 27, 38, 39, 50, 61, 63, 68 etc.

Refuse tracking plan on figure 10a shows a refuse vehicle driving over numerous areas within the development site.

No internal vision splays shown i.e. on accesses, access onto shared footway/cycleway and individual access points.

No indicative adoption plan

Parking levels appear acceptable. However the location of the majority of the visitor parking is away from higher density areas which are more likely to have on-street parking problems.

There appears to be no pedestrian connectivity between the development site and the adjacent residential area, which negates the quoted walking distances to bus stops and other facilities. A new pair of bus stops is therefore required on Launton Road immediately south of the Skimmingdish Lane roundabout.

OCC's Network Management Team have raised some issues with the submitted Construction Traffic Management Plan further discussions will be required.

- 3.12 **Public Transport Comments:** The walking distance to the proposed new bus stops on Launton Road is around 600 metres away. This distance is more than the guideline distance for walking to bus stops from new developments, however, there would appear to be no credible alternative. Buses do not use Skimmingdish Lane, nor would they serve this development directly.
A contribution of £10,000 (index linked to May 2014 prices) towards bus stop infrastructure towards on the Launton Road (including a shelter and a pair of pole/flag/information case units with hard standing area) is required.
The nearby Glory Farm housing estate is currently served by buses s5 from Langford and Launton to Bicester Town Centre and Oxford. There is currently no evening or Sunday bus service beyond Boston Road. Therefore a contribution of £1,000 (at May 2014 prices) per dwelling is required towards enhancing this service.
- 3.13 **Travel Plan Comments :** A travel plan has been submitted for 14/00697/F however it is to be updated to meet the current/more appropriate requirements for a travel plan statement.
The OCC guidance, Transport for New Developments: Transport Assessments and Travel Plans (March 2014) requires that any developments over 10 houses provides a travel information pack for each household.
- 3.14 **Drainage Officer:** A full drainage plan including full calculations will be required by the Lead Flood Authority and will need to be approved prior to the development commencing on site. The developer will need to be aware of the requirements of the Flood and Water Management Act 2010 when finalising their drainage plan submission.

Transport Financial Contribution and Legal Agreements:

A general transport contribution is also to be sought by the Local Planning Authority in line with Cherwell District Council's Planning Obligation Draft Supplementary Planning Document (Chapter 19, page 65) i.e. £442 per 1 bed unit, £638 per 2 bed unit, £994 per 3 bed unit and £1,366 per 4+ bed unit. Using the housing mix quoted, the general transport contribution is:

£638 (2 bed unit) x 8 = £5,104
£994 (3 bed unit) x 29 = £28,826
£1,366 (4+ bed unit) x 13 = £17,758

(21 further units are proposed to be affordable which are not normally charged for in line with CDC's draft SPD, page 5 paragraph 1.10).

General transport contribution required is £51,688 (index linked at May 2014 prices).
Public Transport Service contribution = £1,000 per dwelling (index linked at May 2014 prices) towards the cost of enhancing bus services to the Launton Road/Skimmingdish lane area of Bicester. 71 units proposed x £1,000 = £71,000 (index linked at May 2014 prices) required.

Public Transport Infrastructure contribution = £10,000 (index linked to May 2014 prices) towards bus stop infrastructure towards on the Launton Road (including a shelter and a pair of pole/flag/information case units with hard standing area) is required.

The access works will be subject to a Section 278 Agreement between the developer/applicant and OCC. In addition to this legal agreement(s) a bond will be required to cover the construction costs of the any works as well as there being a supervision fee of 9% and potential commuted sums.

Following the revised submission for 46 units, the objection from the highway authority was maintained on the grounds that further information is required to demonstrate adequate visibility splays can be achieved, and Figure 10b is missing

and should be provided to demonstrate vehicle tracking in the southern section of the site. (the comments can be read in full on the application file).

Following further discussions between the applicants agent and the Highway authority, it is confirmed that drawing no 4809-TA01 demonstrates that the required visibility splays can be achieved in accordance with OCC Technical Support Data Guidance (subject to the removal of vegetation and replacement fencing as indicated). The electricity pole will need to be relocated if it falls within the visibility splay. We are satisfied that Figure 10b shows that there is adequate provision for refuse vehicles to manoeuvre on site. The Transport development Control objection is therefore removed and we now have no objection subject to the conditions set out in our initial TDC response.

- 3.15 **Archaeology:** The site is located in an area of archaeological potential as highlighted by a desk based assessment submitted with this application. An archaeological field evaluation has been undertaken on the site which recorded a number of archaeological features surviving on parts of the site. The features, consisting of a series of ditches and pits, are thought to be the remnants of an earlier field system. Although no dating evidence was recovered from these features they were sealed by the subsoil and therefore thought to be of archaeological interest. This development will encounter further aspects of these features.
We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction.
- 3.16 **Education:** No objections subject to a legal agreement to secure contributions towards education provision for a planned new 2FE primary school; a new 600 place secondary school in SW Bicester and Special Educational Needs provision in the area.
- 3.17 **Property:** The eastern edge of the proposed site appears to encroach into highway owned by the county.
No objection subject to the applicants entering into a legal agreement to secure contributions towards library, waste management, museum resource, integrated youth support service, adult learning, wellbeing day care and administration and monitoring fees.
Fire & Rescue Service require the provision of hydrants in accordance with the requirements of the Fire & Rescue Service and recommend that new dwellings should be constructed with sprinkler systems
- 3.18 **Ecology:** Advise that the District Council should seek the advice of their own in-house ecologist
- 3.19 **Local Member views:** concerned that this particular stretch of land is even being considered for housing development. I was Headteacher of Glory Farm School when Scampton Close, Benson Close and Tangmere Close were planned. I remember distinctly that planners were clear that this piece of land should be a green buffer between these closes and Skimmingdish Lane. Over time this has certainly become the established position and has meant that the developed town is not crowded up against what is now a section of 'ring road'.
Should the development be proposed for approval I would be exceedingly concerned about allowing a vehicle access point for seventy-one households onto what is currently a very busy road, and due to get even busier as the town grows!

Other Consultees

- 3.20 **Natural England:** raise no objection, based on the information provided. Natural England advises the Council that the proposal is unlikely to result in significant impacts on statutory designated sites or landscapes.
- 3.21 **Environment Agency:** do not intend to make a bespoke response to the proposed development as the site lies in Flood Zone 1 (low probability) and is between 1 and 5 hectares and advise that for the development to be acceptable in flood risk terms regard should be had to their standing advice regarding Surface Water flooding.
- 3.22 **Thames Water:** no objections subject to conditions and informatives to be attached to any grant of planning permission. Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. In addition, Thames water 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 development.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- H5: Affordable Housing
- TR1: Transportation Funding
- R1: Allocation of land for recreation use
- R12: Public open space provision
- C9: Beyond the existing and planned limits of Banbury and Bicester
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV12: Contaminated land

4.2 Other Material Policy and Guidance

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with 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
- 10: Meeting the challenge of climate change and flooding
- 11: Conserving and enhancing the natural environment

National Planning Policy Guidance

Non-Statutory Cherwell Local Plan 2011. Whilst some policies within the plan may

remain to be material considerations, other strategic policies have in effect been superseded by those in the Submission Local Plan (October 2014). The main relevant policies to consider are as follows:-

- Policy H1a: Location of new housing
- Policy EN16: Development on greenfield land
- Policy EN17: Development on contaminated land
- Policies EN22, EN23 and EN34: Nature conservation, protection of sites and species
- Policy EN30: Sporadic development in the countryside
- Policy EN31: Beyond the existing and planned limits of Banbury and Bicester
- Policy R3: The council will seek to establish a series of open spaces in Bicester linked by public footways/cycleways
- Policy TR8: Development that would prejudice pedestrian and cycle circulation or route provision will not be permitted

Cherwell Local Plan – Proposed Submission Local Plan (October 2014)

The Local Plan has been through public consultation and was submitted to the Secretary of State for Examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in the light of the higher level of housing need identified through the Oxfordshire Strategic Housing market assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation from 22nd August to 3rd October 2014. Although the plan does not have Development Plan status, it can be considered as a material planning consideration. The Examination convened and closed in December 2014 and the Inspector's report is anticipated in Spring 2015. The plan sets out the Council's strategy for the District to 2031.

The policies relevant to this proposal are:-

- Policy BSC1: District wide housing distribution
- Policy BSC2: Effective and efficient use of land
- Policy BSC3: Affordable housing
- Policy BSC4: Housing mix
- Policy BSC10: Open space, outdoor sport and recreation provision
- Policy SLE4: Improved transport and connections
- Policy BSC11: Outdoor recreation provision
- Policy ESD10: Protection and enhancement of biodiversity
- Policy ESD13: Local landscape protection and enhancement
- Policy ESD15: Green boundaries to growth
- Policy ESD16: Character of the built and historic environment
- Policy ESD18: Green infrastructure
- Policy Bicester 7: provision of an urban edge park

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning policy and the Principle of Development
- Five Year Housing Land Supply
- Layout and Design
- Landscape Impact
- Ecology
- Flooding and Drainage

- Transport Assessment and Access
- Delivery of the Site
- Planning Obligation

Planning policy and the Principle of Development

- 5.2 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission, the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made in under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 The site in question is not allocated for residential development in any adopted or draft plan forming part of the development plan, but is allocated for recreation purposes in the adopted Cherwell Local Plan under Policy R1. This allocation is also carried through in the Non-Statutory Cherwell local plan under Policy R3. One of the District Council's aspirations is to maximise the current recreation and open space provision in and around Bicester by increasing their accessibility and linking them to a network of public footpath/cycleways. These footpath/cycle routes will also seek to link employment and residential areas, existing and proposed railway stations and major recreation areas within the town. The site in question forms part of this aspiration and as specified above, is partly allocated within the adopted Cherwell Local Plan under Policy R1 for recreation purposes and is also further identified in part for recreation purposes within the Non-Statutory Cherwell Local Plan under Policy R3. The principle of the development of this site for residential purposes would be contrary to those policies and therefore the Development Plan. It is understood that it is the council's intention that this area will continue to be allocated for recreation purposes within the Local Neighbourhoods Development Plan Document and within the Bicester master Plan. The site was also until it was recently enclosed by hoarding by the applicants, used on an informal basis in conjunction with the adjacent land by local residents for dog walking etc.
- 5.4 The Council's Strategic Housing Land Availability Assessment Update 2014 (SHLAA) is a technical document and is a key element of the evidence base for the emerging Cherwell local Plan and will help the council to identify specific sites that may be suitable for allocation for housing development. The SHLAA is to inform the plan making only, and does not in itself determine whether a site should be allocated for housing development.
- 5.5 The application site is identified in the 2014 update of the SHLAA as having potential for a development of up to 54 dwellings (reference BI057). The SHLAA also advises that in principle, the site would be suitable for residential development but would result in the loss of an area of greenfield land which is well located strategically for contributing to town wide green infrastructure and linking to other areas of green space. The release of the site for housing would only be appropriate if a significant contribution could be secured to town wide green infrastructure which includes a linear green link focused on the existing footpath/cycleway to the north of the site. Proposals on the site should consider combining housing with a larger area of open space that will contribute to the strategic green infrastructure. The SHLAA suggests a density of 45 dph over approximately half of the site (1.2ha).

National Planning Policy Framework

- 5.6 The NPPF is a material consideration in respect of the consideration of this proposal. Paragraph 49 of the NPPF states 'housing applications should be considered in the

context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites’.

- 5.7 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve a sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which amongst other things require planning to:
- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
 - Proactively drive and support sustainable economic development
 - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - Support the transition to a low carbon future in a changing climate
 - Encourage the effective use of land by re-using land that has been previously developed
 - Promote mixed use developments
 - Conserve heritage assets in a manner appropriate to their significance
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant developments in locations which are, or can be sustainable
 - Deliver sufficient community and cultural facilities and services to meet local needs
- 5.8 The NPPF at paragraph 14 states ‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking’.....For decision taking this means
- Approved development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole, or
 - Specific policies in this Framework indicate development should be restricted
- 5.9 The Adopted Cherwell Local Plan 1996 is out of date in relation to the policies regarding the delivery of housing. The NPPF advises that due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given). The Development Plan (adopted Cherwell Local Plan) contains no up to date policies addressing the supply of housing and it is therefore necessary to assess the application in the context of the presumption in favour of sustainable development as required by the NPPF.
- 5.10 The philosophy behind the Development Plan is to steer new housing development onto the urban areas, these being the towns of Bicester and Banbury. New development is directed towards these towns in the interests of providing sustainable development with easy access to jobs, facilities, public transport, minimising the use of the car and protecting the open countryside The NPPF sets out three dimensions to sustainable development, these being economic, social and environmental which are considered below.

- 5.11 It is considered that the application site is a sustainable location for new housing. In terms of the environmental dimension, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. Whilst this is a green field site and its loss will cause some harm to the immediate locality, this would be limited in the main to around the immediate vicinity of the site, and from the adjacent footpath/cycleway and Boston Road open space. However, the development proposal, following negotiations and discussions with the applicants and their agent, now seeks to include a large area of open space within the development site which links through to the Boston Road open space area. The development would also be sustainable in that there would be no loss of high grade farmland and the site is not subject to any environmental constraints.
- 5.12 In terms of the economic role, the NPPF states that the planning system should do everything it can to support sustainable economic growth. The development is likely to provide local jobs in the short term during construction, and in the long term provide economic benefit to Bicester and the wider area.
- 5.13 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. A high quality built environment and accessibility to local services is required as part of this function. Being on the edge of Bicester, the site is within walking and cycling distance of – or connected by bus service to – shops, services and areas of employment. A pedestrian link is indicated between the development and Scampton Close adjacent increasing accessibility between the site and the remainder of Bicester and seeking to integrate the existing and proposed developments. The scheme would offer social benefits, including that 30% of the dwellings would be affordable, and there are a mix of house types to address local needs and to create an inclusive community. Furthermore, the revised scheme now seeks to include a large area of open space to link into the existing open space, contributing to the social and well-being of the local community.
- 5.14 The NPPF however, does not change the statutory status of the development plan as being the starting point for decision making. Proposed development which conflicts with the Development Plan should be refused unless material considerations indicate otherwise.

Five Year Housing Land Supply

- 5.15 Section 6 of the NPPF 'delivering a wide choice of high quality homes' requires local planning authorities to significantly boost the supply of housing by identifying key sites within the local plan to meet the delivery of housing within the plan period and identify and update annually a 5 year supply of deliverable sites within the district.
- 5.16 Paragraph 031 Reference ID: 3-030-20140306 of the Planning Practice Guidance – Housing and Economic Development Needs Assessments states that the NPPF sets out that, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Therefore, local planning authorities should have an identified five-year supply at all points during the plan period. Housing requirement figures in up-to-date adopted local plans should all be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted local plans, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such that drawn from revoked regional strategies, may not adequately reflect current needs.
- 5.17 Where evidence in local plans has become outdated and policies in the emerging plans are not yet capable of carrying sufficient weight, information provided in the latest assessment of housing needs should be considered, but, the weight given to

these assessments should take account of the fact they have not been tested or moderated against relevant constraints. Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government should be used as a starting point, but the weight given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example, because of past events that affect the projection are unlikely to occur again or because of market signals) or moderated against relevant constraints (for example, environmental or infrastructure).

- 5.18 On 28 May 2014, the Council published a Housing Land Supply Update which showed that there was a five year housing land supply based on the Submission Local Plan requirement of 670 homes per annum from 2006 to 2031. The examination of the Local Plan began on 3 June 2014. On that day, and the following day, June 4 2014, the Local Plan's housing requirements were discussed in the context of the Oxfordshire Housing Market Assessment (SHMA) 2014, published on 16 April 2014 (after the submission of the Local Plan in January 2014).
- 5.19 The Oxfordshire Strategic Marketing Assessment (SHMA) 2014 was commissioned by West Oxfordshire District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and Cherwell district Council and provides an objective assessment of housing need. It concludes that Cherwell has a need for between 1,090 and 1,190 dwellings per annum. 1,140 dwellings per annum are identified as the mid-point figure within that range.
- 5.20 The Planning inspector appointed to examine the Local Plan made clear his view that the SHMA document provided an objective assessment of housing need in accordance with the NPPF and suspended the Examination to provide the opportunity for the Council to propose 'Main Modifications' to the Plan in the light of the higher level of need identified. The 1,140 per annum SHMA figure represents an objective assessment of need (not itself the housing requirement for Cherwell) and will need to be tested having regard to constraints and the process of Strategic Environmental assessment/Sustainability Appraisal. However, the existing 670 dwellings per annum housing requirement of the Submission Local Plan (January 2014) should no longer be relied upon for the purpose of calculating the five year housing land supply.
- 5.21 A further Housing Land Supply Update (June 2014) was approved by the Lead Member for Planning. It shows that the District now has a 3.4 year housing land supply which includes an additional 20% requirement as required by the NPPF where there has been persistent under-delivery. It also seeks to ensure that any shortfall in delivery is made up within the five year period. The District does not therefore have a 5 year housing land supply and as a result of the NPPF advises at paragraph 14 that planning permission should be granted unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'. Since June, the Council has resolved to, grant planning permission for a number of housing proposals throughout the District, thereby improving the above mentioned position, although a shortfall of housing land supply still exists. A revised Housing Land Supply Update will be published in March 2015.
- 5.22 However, notwithstanding the Council's Housing Land Supply position, it should be noted that the NPPF does not indicate that in the absence of a five year supply that permission for housing would automatically be granted for sites outside of any settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits.

Submission Cherwell Local Plan

- 5.23 The Submission Cherwell Local Plan is not adopted and therefore carries limited weight, but does set out the Council's proposed strategic approach to development within the district to 2031, and centres on Bicester and Banbury as the most sustainable locations for growth, most of which will be directed to locations within or immediately adjoining these towns. It envisages that Bicester will continue to grow as the main location for development within the district within the context of wider drivers for growth.
- 5.24 It is evident from the above that the proposed development of the whole site for residential purposes is contrary to policy R1 of the adopted Cherwell local Plan and the site is not allocated for development within the Submission Cherwell Local Plan. As previously expressed however, the adopted Cherwell Local Plan is out of date in terms of allocating land for new housing development, and the Submission Local Plan currently carries limited weight in the consideration of new development proposals. Whilst the site is a green field site, it is considered to be development within a sustainable location, and having regard to the new development opposite on Skimmingdish Lane, it would be difficult to sustain an argument that it is development beyond the built up limits of Bicester. In respect of retaining the land for recreation use for the purposes of creating a linear park around Bicester, it is considered that the revised scheme for 46 dwellings with large areas of open space to the eastern part of the site running alongside the existing footpath/cycleway does contribute to that strategic green infrastructure and therefore seeks to comply with policy R1 of the adopted Cherwell Local Plan and is therefore on balance considered to be in accordance with the Development Plan in this respect.

Layout and Design

- 5.25 Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises 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.
- 5.26 The NPPF advises at paragraph 58 that planning policies should aim to ensure that developments achieve a number of results including the establishment of a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and that developments should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Paragraph 60 advises that whilst particular tastes or styles should not be discouraged, it is proper to seek to promote or reinforce local distinctiveness.
- 5.27 Paragraph 61 states: 'although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'.
- 5.28 Paragraph 63 states: 'Local Planning Authorities should not refuse planning permission or innovative designs which help raise the standard of design more generally in the area'.
- 5.29 Paragraph 65 states: 'Local Planning authorities should not refuse planning permission for buildings or infrastructure which promote high level of sustainability because of concerns about compatibility with an existing townscape, if those concerns have been mitigated by good design, (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposals economic, social and environmental benefits)'.

- 5.30 The adopted Cherwell Local Plan also contains established Policy C28 which states that 'control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including choice of materials, are sympathetic to the character of the urban or rural context of that development'. Policy C30 states that 'design control will be exercised to ensure.....(i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and, (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority.
- 5.31 As part of the Design and Access Statement, an opportunities and constraints plan was provided, setting out the basic design principles that should be used in developing the site design and layout. Some of these elements however had not been appropriately translated into the detail design and layout proposals, including, identifying the importance of landmark and focal buildings in key locations, providing an appropriate frontage to Skimmingdish Lane, connections to adjacent land, the retention of existing landscape features and providing an appropriate buffer to the adjacent residential development.
- 5.32 In terms of the development framework and concepts, the basic principles in respect of the original submission had not been adequately considered in relation to the site context. Whilst the principle of fronting Skimmingdish lane and backing onto the existing residential development is correct, the layout and development did not relate well to the urban form and the existing residential development. Neither were the plans wholly accurate in terms of showing the existing development as a number of properties had been extended, and these additions were not indicated on the layout. It was not possible therefore to properly assess the relationship between the existing residential properties and those proposed. There was no clear public realm strategy or landscape strategy providing the setting for the development and no rationale for the massing and form. Whilst the majority of the dwellings indicated were 2 storey, dwellings jumped to 2.5 storey in places without any clear rationale or consideration for the appearance of the street scene.
- 5.33 In terms of the street scenes proposed, the original layout did not appear to have been designed and considered in three dimensions, and the street scenes were considered uninteresting, failing to provide a high quality place and public realm. The approach to car parking was focused purely on the provision of spaces and expansive car parking to the fronts of properties which was not considered acceptable in terms of the appearance and character of the street scenes and public realm. The Design and Access Statement failed to define the character of the locality and how the layout and house types had evolved and been specifically designed by drawing on the characteristics of Bicester and the locality, local vernacular and the adjacent Conservation Area.
- 5.34 In terms of the proposed house types, these were generally not considered to be appropriate in their form and design, a number of hipped roofs and integral garages were shown and the fenestration was poor. Dwellings positioned on corners had not been designed to specifically turn the corner. The applicants were advised that dwellings should be simple with horizontal emphasis, particularly where they front the main route through the site.
- 5.35 Following considerable discussions and negotiations with the applicants and their agent the revised scheme is now considered acceptable and addresses the majority of the points raised above. The scheme has been reduced to 46 no dwellings and now comprises a prominent built form fronting onto an increased area of linear open space through the site, fronting Skimmingdish Lane and giving greater clearance

between the proposed new dwellings and those existing at the rear. Greater opportunities are also indicated in terms of pedestrian access through the site and the open space and links through to the adjacent footpath/cycleway. The development has also been redesigned to ensure that existing trees and hedgerows are retained and protected. The dwellings have been redesigned taking on board many of the comments made, and whilst there still remain a couple of issues in terms of size of dormers, and the provision of barge boards, they are now considered generally acceptable. It is suggested that these issues can be dealt with by condition.

- 5.36 Having regard to the amended scheme the proposal is now considered to accord with Policies C28 and C30 of the adopted Cherwell Local Plan, Policy ESD16 of the Submission Cherwell Local Plan and Central government advice within the NPPF in terms of design and layout.

Landscape Impact

- 5.37 The application is accompanied by a Landscape and Visual Impact Assessment which has been prepared by Tyler Grange on behalf of the applicants and considers the existing landscape and visual context associated with the site, the effects of the proposed development, associated infrastructure, open space and landscaping and the appropriate measures to be integrated into the development proposals to minimise effects on landscape and visual receptors. The assessment methodology draws upon the 'Guidelines for Landscape and Visual Impact Assessment', Landscape Institute and Institute of Environmental Management and Assessment (IEMA), Third edition 3013 (GLVIA30. It has been assessed by the Council's landscape Officer who raises no objections to it, except in relation to the visual amenity for existing residents overlooking the site and the limited scope for screening along this boundary. These concerns have been addressed by the revised submission.

- 5.38 Whilst the Landscape and Visual Impact Assessment acknowledges that the development will give rise to change within the immediate locality, its impact must be weighed against the benefits delivered by the scheme. Furthermore, the revised scheme, which seeks to retain the existing hedgerow to the eastern boundary of the site also seeks to provide a linear public open space to the eastern part of the site which will further help integrate the development within this 'urban fringe' setting.

- 5.39 Having regard to the location of the site and its relationship with the existing built form of Bicester, it is considered that the development proposed is unlikely to cause harm to the character and appearance of the open countryside and is therefore acceptable and is in accordance with the Development Plan and Government Guidance within the NPPF in this respect..

Ecology

- 5.40 The application is accompanied by an Ecological Assessment produced by Tyler Grange on behalf of the applicants. The assessment comprises a desk based data search for pre-existing biological records and site designations; an extended Phase 1 habitat survey; an assessment of the site for its use by roosting bats; survey for notable plant species (Shepherd's Needle) and a reptile survey. An extended Phase 1 survey of the site was undertaken on 23rd March 2012 by Julian Arthur and Lauren West, experienced ecological consultants and members of the Chartered Institute of Ecology and Environmental management (CIEEM). An update habitat survey was undertaken on 27th March 2013, in order to record any changes to habitats or protected species potential and to include a small parcel of land immediately east of the site from which it is proposed to create the access.

- 5.41 The site is not covered by or adjacent to any sites designated for their ecological interest. There is however, a Local Wildlife Site, Bicester Airfield located approximately 20m north east of the site, separated from it by the pedestrian/cycle

track and the A4421 Skimmingdish Lane. Bure Park Local nature Reserve is within 2km of the site and Jarvis Lane and Gavray Drive Meadow Local Wildlife Sites are also within 2km. Stratton Audley Quarry Local Wildlife site and geological SSSI is also within 2km of the site. The report concludes that all statutorily designated sites within 5km and non-designated sites within 2km are highly unlikely to be impacted by the proposals both due to their distance from and lack of ecological connectivity with the site, and therefore no mitigation is necessary in respect of these sites.

- 5.42 The report states that the habitats within the site are not particularly species diverse or of intrinsic ecological value. The features of most ecological value within the site are the mature trees, two of which are assessed as being of local value, whilst the remaining habitats, including hedgerows, scattered trees and scrub, poor semi-improved grassland and a dry ditch, are assessed as being of site value.
- 5.43 The surveys have confirmed that a low population of common lizard is present and a precautionary method of working is outlined to avoid harming them. Suitable habitat for reptiles will be retained on the eastern boundary. Several mature trees located within the eastern boundary hedgerow have been identified as having potential to support roosting bats, and these are to be retained within the scheme.
- 5.44 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures’.
- 5.45 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and:
- ‘Local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a ‘competent authority’ in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the Member states to prohibit the deterioration or destruction of their breeding sites or resting places’.
- 5.46 Under Regulation 41 of the Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, 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 derogation tests are met:-
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
 2. There is a satisfactory alternative
 3. Is there adequate mitigation being provided to maintain favourable conservation status of the population of the species
- 5.47 Therefore, where planning permission is required and protected species are likely to be found 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 as far as they may be affected by the exercise of those functions and also by the derogation requirements might be met.

- 5.48 The Council's Ecologist has assessed the Ecological Assessment which has been submitted with the application and raises no objection. Overall the site is of local ecological value. Common lizards are present in low numbers, badgers (and most likely bats) use the site for foraging and hedgehogs and nesting birds may also be present. Given this, precautionary measures will be required to ensure no harm comes to any of these species. A number of conditions are therefore recommended.

Flooding and Drainage

- 5.49 A Flood Risk Assessment has been submitted as part of the application which demonstrates that the site is not at risk of flooding. The site lies outside any fluvial flood risk areas, being located within Flood Zone 1. The report has determined that the site is at low risk from all forms of flooding. The site is assessed as having a less than 1 in 1000 annual probability of flooding from a river or stream in any year by the Environment agency and is not within an area subject to either flooding or extreme flood events.
- 5.50 The FRA provides two potential drainage options. The first proposes that all surface water run-off from the proposed development will be subject to infiltration. This will be in the form of permeable block paving within roads and parking areas and shallow cellular soak-a-ways for roof run-off. All infiltration structures will be designed to manage the 1 in 100 year return storm plus a 30% allowance for the potential predicted increase in peak rainfall up to 2115. This strategy would be subject to detail infiltration testing in accordance with BRE Digest 365 and ground water monitoring.
- 5.51 If the above is not feasible, the second option proposes that all surface water run-off will use the existing watercourse located at the eastern boundary of the site, via a Sustainable Drainage System (SuDS) in the form of a below ground cellular attenuation tank. This attenuation will be designed to manage the 1 in 100 year return storm (1% chance of occurrence each year) plus 30% allowance of 30% for the potential predicted increase in peak rainfall up to 2115.
- 5.52 The foul water flows will drain via gravity before out falling to an adoptable sewer located within the development road network. This sewer will convey flows via gravity to a pumping station located at the south eastern corner of the site. This station will pump flows via a rising main connecting the existing Thames Water foul public sewer system Scampton Close.
- 5.53 The application should be conditioned requiring the submission of both surface water disposal details and detailed drainage strategies for the site to be submitted and approved prior to the commencement of any development on the site. Having regard to the above, the proposal is considered acceptable and in accordance with Government guidance within the NPPF.
- 5.54 **Transport Assessment and Access**
The vehicle access to serve the proposed development is to be located on Skimmingdish Lane (A4421), which has a 50mph speed limit imposed. This access is to be located in the same position as an existing gated access serving the development site. There is an existing footpath/cycleway which runs parallel to Skimmingdish lane, outside the development site, but it will need to be crossed to gain access into the development.
- 5.55 The original application proposed the provision of 71 residential dwellings, and the original Transport Assessment was considered deficient by the Highway Authority and therefore an objection to the development was originally by them. Following the negotiations and discussions and the submission of the revised application, a revised Transport assessment has been submitted. The amended Transport Assessment indicates that the revised proposals comprise a maximum of 50 residential units, with

46 indicated on the Site Layout Plan (141103/SL) and planning application. A development of 46 units would normally fall below the threshold for a Transport Statement and Travel Plan Statement. However, it is noted that there are existing capacity issues at local junctions on the highway network and therefore the scope of the assessment provided is considered by the Highway Authority to be appropriate for this site.

- 5.56 The initial highway response to the application in June 2014 indicated that a scaled drawing was required to confirm that the visibility splays could be achieved. Figure 09A in the Transport Assessment was of poor print quality and had no scale. It indicated that visibility splays of 2.4 x 160m are to be provided in both directions along Skimmingdish Lane from the proposed access point. However, without a scaled drawing to assess or a speed survey, it was not possible to confirm if such an arrangement was acceptable. Following these comments a scaled drawing was submitted to the Highway Authority (4809-TA01) who is now satisfied that the required visibility splays can be achieved in accordance with OCC Technical Support Data Guidance (subject to the removal of vegetation and replacement of fencing as indicated).
- 5.57 In terms of walking and cycling the Transport Assessment is very positive – the walking and cycling distances to key infrastructure demonstrate the sustainability of this location. Features such as the cycleway taking priority over the road and cycle parking at the houses are all positives for this development. The proposal to provide links through the development to existing pedestrian and cycle infrastructure, particularly a link to the north western boundary to Sunderland Drive (and therefore Tesco express and primary school) is welcomed by the highway authority.
- 5.58 Having regard to the above, the development as proposed for 46 units with vehicular access to Skimmingdish Lane as indicated is now considered acceptable and in accordance with Government guidance within the NPPF.
- 5.59 **Delivery of the Site**
Part of the justification for the submission of this application is based on the District's housing land supply shortage. The potential of this development to contribute to the shortage of housing is a key factor weighing in favour of this proposal. It is therefore vital that this land is delivered within the 5 year period.
- 5.60
As with other residential applications submitted for consideration on this basis, it is considered that if planning permission is granted, a shorter implementation period should be imposed which will help to ensure that the development contributes to the five year housing land supply. This is a detailed application and the applicants own the site in question and are therefore in a position to bring the site forward quickly.
- 5.61 **Planning Obligation**
The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable development to proceed. The draft Supplementary Planning Document (SPD) relating to the requirements was considered by the council's Executive in May 2011 and was approved as interim guidance for development control purposes.
- 5.62 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional infrastructure/services.

Obligations are the mechanism to secure these measures.

- 5.63 In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet all of the following tests:
- Necessary to make development acceptable in planning terms
 - Directly related to the development, and:
 - Fairly and reasonably related in kind and scale to the development

- 5.64 Having regard to the above, the Heads of Terms relating to the additional development would include the following:-

CDC Contributions

- Affordable housing – 30% 14 units
- Refuse and recycling - £67.50 per dwelling
- Off-site sports
- Indoor sports
- Play provision £15,194.85 per LAP for maintenance
- Informal open space - £25.07m²
- Hedgerow maintenance - £35.78 lnm
- Mature tree maintenance - £2,527.16 per tree
- Swale attenuation pond - £14.91m²
- Existing ditch - £50.09m²
- Footpath routes through the open space £78.18m²
- Monitoring Fee

OCC Contributions

- £46,000 towards the cost of enhancing bus services to the Launton Road/Skimmingdish Lane area
- Impact of the development towards the Bicester Area Transport Strategy, particularly emerging works on the Skimmingdish Lane corridor – to be agreed
- Provision of lighting along footway/cycleway between Skimmingdish Lane and Sunderland Drive in accordance with the submitted TA
- Provision of at least 4 Sheffield cycle standards at local shops in accordance with commitments in the TA
- £187,165 permanent primary education
- £270,785 permanent secondary school provision
- £9,392 towards expansion of permanent Special Education Needs
- Bicester new library - £5,716.80
- Waste management - £8,305.92
- Museum resource centre - £648.90
- Adult health and wellbeing day care - £7,776.42
- Central library - £2,225.72
- Administration and monitoring - £5,000

Others

- Thames Valley police

Engagement

- 5.65 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application to seek to address the Council's shortfall in 5 year housing land supply. Discussions with the applicants and their agents have been ongoing for several months throughout the consideration of this application and revised plans have sought to achieve a development which pays due regard to the locality and the site generally.

Conclusion

5.66

Given that the adopted Cherwell Local Plan housing policies are out of date and the emerging housing policies can only be given limited weight, and the council cannot demonstrate a five year housing land supply, paragraphs 14 and 49 of the Framework are engaged. Paragraph 14 makes it clear that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In this case, it is the benefit of seeking to meet the housing land supply and the provision of affordable housing that weigh heavily in the balance, together with the provision within the revised submission to ensure that the Council's aspirations for recreation provision and a green link around Bicester can be met in accordance with Policy R1 of the adopted Cherwell Local Plan in respect of this site. Whilst taking into account the level of opposition from nearby residents, it is considered, having regard to the above, and the Council's shortfall in a five year housing land supply, it is considered that there are no significant harmful effects from the proposal that would justify refusal. The application is therefore considered acceptable.

6. Recommendation

Approval, subject to:

a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council, with delegation to Head of Public Protection and Development management to secure financial contributions as outlined in paragraph 5.64,

b) the following conditions: with any final revisions/wording to be delegated as above

1 Full Application: Duration Limit

The development to which this permission relates shall be begun not later than the expiration of one year beginning with the date of this permission.

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 Plans Condition

Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms [, Design and Access Statement] and drawings numbered: [insert]

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

3 Details of Materials and Finishes

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

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy

Framework.

4 Samples of Materials

Prior to the commencement of the development hereby approved, samples of the [brick/tile/slate/pavior] to be used in the construction of the [walls/roof/hardstanding] of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5 Stone Sample Panel

Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in [natural/artificial] [weathered/non-weathered] [ironstone/limestone] [to match the stonework on the existing building], which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

6 Brick Sample Panel

Prior to the commencement of the development hereby approved, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7 B11 Window Details

That notwithstanding the information submitted, prior to the commencement of the development, full details of the roof verge and eaves, porches, dormers, doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the roof verge, eaves, porches, dormers, doors and windows shall be installed within the building 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.

8 Floor Levels/Site Levels

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/existing and proposed site levels] for the proposed [insert] shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

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

9 Submit Boundary Enclosure Details (more than one dwelling)

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 Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10 Fire Hydrants

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 Submit Landscaping Scheme

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

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

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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

12 Carry Out Landscaping Scheme and Replacements

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

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

13 no retained tree shall be cut don, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998:Recommendations for tree Works

- c) if any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority
- d) in this condition a retained tree is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the commencement of the development.

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 within the National Planning Policy Framework.

14 Arboricultural Method Statement (AMS)

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 [specify appropriate section if required] 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.

- 15 Retain Existing Hedgerow Boundary (with access)
Except to allow for the means of access and vision splays the existing hedgerow along the [insert] boundary of the site shall be retained and properly maintained at a height of not less than [insert] metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

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

- 16 Notice of Tree Works and Major Operations
Prior to the commencement of any approved tree works, any operations that present a risk to retained trees, or any operations to facilitate specialised tree planting (eg: tree surgery, trenching operations close to the Root Protection Areas of retained trees or construction of load-bearing structured cell planting pits), the applicant shall give the Local Planning Authority seven days written notice that works are due to commence.

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.

- 17 Open Space Details
Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy R12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 18 Arboricultural Site Supervision
Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.

a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.

- b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
- c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.
- d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents
- e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)

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.

19 Planting Pits (hard landscaped areas)

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.

20 Planting Pits (soft landscaped areas)

Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, 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.

21 Prior to the commencement of the development hereby permitted, including any demolition and any works of site clearance, a Construction Environmental

Management Plan (CEMP), which shall include details of measures to be taken to ensure that construction works do not adversely affect retained habitats and protected or notable species, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.

22 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, an Ecological Management Plan (EcMP), which shall include details of habitat features to be retained/created/provided and their long-term management, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the EcMP shall be carried out in accordance with the approved details.

23 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highways (A4421), 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

24 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

25 No development shall commence on site for the development until a full drainage design for the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with Oxfordshire County Councils Drainage Team)

Reason- In the interest of highway safety and flood prevention and to comply with Government advice contained within the National Planning Policy Framework

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

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

27 Prior to the commencement of work on site a Travel Plan is to be first submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority)

28 Submission of Watching Brief (where evaluation and mitigation will suffice)
Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

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

29 Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of a Written Scheme of Investigation referred to in condition 27, 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.

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 Government guidance contained in the National Planning Policy Framework.

30 No development shall commence on site until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the approved strategy have been completed.

Reason – the development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community and to accord with Government advice within the National Planning Policy Framework.

31 Residential: No Conversion of Garage
The garage(s) shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason - To ensure and retain 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.

32 Residential: Open Fronts/No enclosures
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/forward of the principle elevation/on the site] without the prior express planning consent of the Local Planning Authority.

Reason - To retain the open character of the development and the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

33 Prior to the first occupation of any of the dwellings on the site, a final certificate certifying that the dwellings in question achieve Zero Carbon development shall be issued, proof of which shall be submitted to and approved in writing by the Local Planning authority.

Reason – To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

1.

Planning Notes

1. PN17
2. PN18
3. 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 it leaves Thames Waters pipe. The developer should take account of this minimum pressure in the design of the proposed development.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

STATEMENT OF ENGAGEMENT

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