

**Proposed Himley Village North West Bicester**  
**Middleton Stoney Road**  
**Bicester**  
**Oxfordshire**

**14/02121/OUT**

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

**Applicant:** Portfolio Property Partners Ltd

**Ward Member(s):** Councillor Ian Corkin

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

**Committee Date:** 18.02.2016                      **Recommendation:** Approval

**Committee Referral:** Major

## **1. Site Description and Proposed Development**

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

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

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

## **2. Application Publicity**

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

6 letters have been received. The following issues were raised

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

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

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

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

#### **Western Boundary to Lovelynych House**

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

#### **Northern Boundary to Lovelynych House**

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

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

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

#### **Eastern Boundary to Lovelynych House:**

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

#### **Access into Lovelynych House:**

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

### **3. Consultations**

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

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

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

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

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

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

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

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

travelling to Chesterton and beyond.

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

#### **Cherwell District Council Consultees**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 3.11 **Environmental Protection Officer:** No objection subject to conditions to ensure contaminated land and air quality are adequately considered and impacts mitigated. The conditions would be in relation to:
- Air Quality: submitting a Construction Environment Management Plan (to mitigate impact to air quality through construction), a Low Emission Strategy (to compliment the travel plan and ensure this development facilitates meeting the improvements in vehicle emissions and mitigating any potential adverse impacts); and
  - Ground Conditions and Contamination: submitting a comprehensive intrusive investigation report (in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals), and land contamination remediation scheme and a verification report (that demonstrates the effectiveness of the remediation carried out).
- 3.12 **Environmental Protection Officer second response:** No further comments, earlier comments still apply
- 3.13 **Landscape Officer:** Generally agrees with the results of the LVIA, however raises the following issues:
- Implications of Bignall Park Historic landscape receptor has not been addressed in the LVIA.
  - In visual terms the dense tree line to Middleton Stoney Road completely screens the park from this road, but in terms of construction it impacts on the tranquillity of the park and this is an important issue. The 'other uses' need to be clarified in this regard.
  - Agree that the highest sensitivity for visual receptors is shown on the bridleway viewpoints 5, 6 and 7, but intervening housing applicable to Application 2 will present an even greater impact and effect on the receptor. The Himley Village development will actually be hidden by this development. This does not appear to be mentioned in the LVIA.
  - Concerned around the proposal to limit the planting pallet.
  - The implications of trees (light reduction and shade issues) and structural



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

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

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

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

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

More details include:

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

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

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

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

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

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

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

### **Oxfordshire County Council Consultees**

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

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

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

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

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

#### **16/10/15**

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

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

#### Key issues:

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

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

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

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

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

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

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

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

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

#### **Additional Transport comments of the 16/10/15**

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

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

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

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

- 168 no. x One Bed Dwellings

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

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

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

A legal agreement is therefore required to secure:

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

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

Administration and Monitoring fee of £20,000

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

Primary schools

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

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

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

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

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

A change in the Waste management cost – see bold

A legal agreement is therefore required to secure:

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

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

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

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

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

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

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

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

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

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

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

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

**Ecology 16/10/15**

Objection still applies and the comments made on 19<sup>th</sup> January 2015 are repeated.

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

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

are identified and justified within the Property response.

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

#### **Waste Management 16/10/15**

No objection still remains.

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

#### **Other Consultees**

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

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

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

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

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

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

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

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

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

Further information is required to be provided on how and where the required 27,000m<sup>3</sup> of surface water attenuation will be provided on the site. The outline drainage strategy based around a network of swales and a range of other sustainable drainage techniques, including source control measures is welcomed. However, it is not clear from the plans that sufficient storage is being provided within the indicative layout, especially during early phases of the development.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

#### 3.42 **Bioregional:**

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

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

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

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

#### Energy

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

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

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

### Transport

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

### Urban design

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

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

### Landscape and Green Infrastructure

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

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

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

### Biodiversity

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

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

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

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

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

### Water

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

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

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

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policies**

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

### **4.2 Cherwell Local Plan 2011 - 2031 Part 1**

#### Sustainable communities

PSD1: Presumption in Favour of Sustainable Development

SLE1: Employment Development

SLE4: Improved Transport and Connections

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

#### Sustainable development

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

#### Strategic Development

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

#### Infrastructure Delivery

INF1: Infrastructure

### 4.3 Cherwell Local Plan 1996 (Saved Policies)

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

### 4.4 **Other Material Policy and Guidance**

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

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

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

#### 4.5 **National Planning Policy Framework**

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

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

#### 4.6 **Eco Towns Supplement to PPS1**

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

#### 4.7 **NW Bicester Supplementary Planning Document**

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

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

#### 4.8 **One Shared Vision**

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

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

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

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

#### 4.9 **Draft Bicester Masterplan**

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

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

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

#### 4.10 **Planning Practice Guidance**

### 5. **Appraisal**

The key issues for consideration in this application are:

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

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

### **Relevant Planning History**

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

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

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

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

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

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

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

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

This application appears elsewhere on the agenda.

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

This application appears elsewhere on this agenda.

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

#### **Environmental Statement**

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

#### **Planning Policy and Principle of the Development**

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

#### **Adopted Cherwell Local Plan 2011 – 2031 (ACLPL)**

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



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

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

#### **Adopted Cherwell Local Plan 1996**

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

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

#### **Non Statutory Cherwell Local Plan**

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

#### **NW Bicester SPD**

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

#### **Eco Towns Supplement to PPS1**

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

#### **NPPF**

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

seen as a golden thread running through both plan making and decision taking'. For decision taking this means<sup>1</sup> approving development proposals that accord with the Development Plan without delay. The NPPF explains the three dimensions to sustainable development being its economic, social and environmental roles. The NPPF includes a number of Core Planning Principles including that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the Country needs. The NPPF also states at paragraph 47 that Local Planning Authorities should boost significantly the supply of housing and in order to do this, they must ensure that the Local Plan meets the full, objectively assessed needs for market and affordable housing and identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer (5 or 20%) to ensure choice and competition in the market for land.

### **Five Year Housing Land Supply**

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

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

### **Conclusion on the principle of the development**

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

### **Zero Carbon**

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

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

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<sup>1</sup> Unless material considerations indicate otherwise

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

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

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

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

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

#### **Climate Change Adaptation**

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

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

- 5.33 The NW Bicester SPD includes 'Development Principle 3 - Climate Change Adaptation'. The principle requires planning applications to incorporate best practice on tackling overheating, on tackling the impacts of climate change on the built and natural environment including urban cooling through Green Infrastructure, orientation and passive design principles, include water neutrality measures, meet minimum fabric energy efficiency standards and achieve Code for Sustainable Homes Level 5. The principle also expects applications to provide evidence to show consideration of climate change adaptation and to design for future climate change.
- 5.34 Work was undertaken by Oxford Brookes University and partners, with funding from the Technology Strategy Board (now innovate UK), in 2011/12 looking at future climate scenarios for Bicester to 2050. Climate Change impacts are generally recognised as;
- a) Higher summer temperatures
  - b) Changing rainfall patterns
  - c) Higher intensity storm events
  - d) Impact on comfort levels and health risks
- The Design for Future Climate project identified predicted impacts and highlighted the potential for water stress and overheating in buildings as being particular impacts in Bicester. Water issues are dealt with separately below. For the exemplar development consideration of overheating led to the recognition that design and orientation of dwellings needed to be carefully considered to avoid overheating and in the future the fitting of shutters could be necessary to avoid overheating.
- 5.35 The application addresses this issue in that there is a commitment to support long term resilience to climate change including:
- Incorporating best practice on tackling overheating and the impacts of climate change on the built and natural environment including through the inclusion of SUDs, urban cooling through green infrastructure (at least 40%) and through passive design principles.
  - Locating development outside of the 1:100 year plus climate change and 1:1000 year flood zones.
  - Retention of existing hedgerows and woodland plus the creation of interconnecting green and blue corridors east to west and opportunities to provide shade and shelter, manage water.
  - Incorporating design led adaptive features to ensure the resilience of homes, the landscape and biodiversity to climate change.
  - Commitment to zero carbon development making a positive contribution to mitigating future climate change.
- 5.36 At the detailed design stage it will be necessary for the design to show that it has addressed the issue of climate change and the potential for overheating.

### **Homes**

- 5.37 Eco towns PPS ET9 sets requirements for new homes at NW Bicester. It states homes in eco-towns should:
- a) achieve Building for Life 9 Silver Standard and Level 4 of the Code for Sustainable Homes 10 at a minimum (unless higher standards are set elsewhere in this Planning Policy Statement)
  - b) meet lifetime homes standards and space standards
  - c) Have real time energy monitoring systems; real time public transport information and high speed broadband access, including next generation broadband where possible. Consideration should also be given to the potential use of digital access to support assisted living and smart energy management systems

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

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

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

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

#### Affordable Housing

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

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

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

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

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

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

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

#### Fabric energy efficiency and carbon reduction

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



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

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

### **Employment**

- 5.52 The Eco Towns PPS sets out the requirement that eco towns should be genuinely mixed use developments and that unsustainable commuter trips should be kept to a minimum. Employment strategies are required to accompany applications showing how access to work will be achieved and set out facilities to support job creation in the town and as a minimum there should be access to one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport.
- 5.53 The NPPF identifies a strong, responsive and competitive economy as a key strand of sustainable development (para 7) and outlines the Government's commitment to securing economic growth (para 18). The NPPF identifies offices, commercial and leisure development as town centre uses and advises a sequential test to such uses that are not in a town centre (para 24) and where they are not in accordance with an adopted plan. This policy is designed to protect the vitality of town centres and this has been an important consideration in developing the proposals for NW Bicester. Local retail, leisure and employment provision is sought to serve the needs of the new development and reduce the need to travel but the scale and mix of uses is such that they will not compete with the town centre so for example the proposals do not include large scale supermarkets or retail provision. The benefit of mixed use development for large scale residential development is recognised, and a core principle of the NPPF is to promote mixed use development and in other paragraphs such as para 38 the benefit of mixed use for large scale residential development is recognised.
- 5.54 The Adopted Cherwell Local Plan makes it clear that there is an aim to support sustainable economic growth and Policy SLE1 requires employment proposals on allocated sites to meet the relevant site specific policy. Policy Bicester 1 seeks:
- a minimum of 10 ha, comprising business premises focused at Howes Lane and Middleton Stoney Road
  - employment space in local centres
  - employment space as part of mixed use centres
  - 3000 jobs, approx. 1000 B class jobs on the site (within the plan period)
  - A carbon management plan produced to support applications for employment developments
  - An economic strategy demonstrating how access to work will be achieved and to deliver a minimum of 1 employment opportunity per dwelling easily reached by walking, cycling or public transport
  - Mixed use local centre hubs to include employment
  - Non-residential buildings to be BREEAM very good and capable of achieving excellent
- 5.55 The NW Bicester SPD includes 'Development Principle 5 - Employment'. This

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

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

## **Transport and Highway Safety**

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

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

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

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

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

#### Application

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

#### Transport Assessment

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

development.

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

#### Walking and Cycling

5.70

##### Layout

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

5.71

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

#### Wider Walking & Cycling Network

5.72

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

5.73

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

5.74

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

#### Public Transport

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

#### Rail

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

#### Vehicle Movements

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

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

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

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

## Howes Lane/ Bucknell Road

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

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

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



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

5.91 In this case Network Rail have raised no technical objection to the proposed work and negotiations are underway. On the evidence that we have seen to date A2D appear committed to deliver the infrastructure and negotiations are taking place that makes sure that they are bound to an appropriate programme. The provision of funding for the works from the HCA is available and therefore it is considered reasonable to use a Grampian approach in these circumstances.

5.92 There have been concerns expressed regarding the Howes Lane realignment, as well as support for moving traffic away from existing residential properties affected traffic on the existing road. The primary concern raised is whether the proposed realigned road will adequately function as a perimeter road to the town. The design of the realigned road has been the subject of extensive discussion with Highway Officers who have not raised objections. Whilst these concerns are recognised it is considered that the realignment of the road offers significant advantages. The existing Howes Lane has no footpaths or cyclepaths and runs immediately at the rear of properties. As the town grows improvement to the route and access from it is required. The relocation of the route provides the opportunity to remove traffic impacts from existing dwellings and design a route that has really good provision for pedestrians and cyclists, accommodates sustainable drainage, allows for landscaping and access as well as accommodating the vehicular traffic. It is officers view that it provides a better solution for the long term growth of the town than improvements to the existing Howes Lane.

#### Travel Plans

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

5.94 The targets for modal shift on the site are ambitious and as such will require active measures to support the modal shift. The framework travel plan reflects the PPS target for modal shift and outlines a range of measures to achieve targets.

#### Conclusion

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

#### Healthy Lifestyles

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

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

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

#### **Local Services**

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

ACLP.

**Green Infrastructure**

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

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

### **Landscape and Historic Environment**

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

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

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

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

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

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

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

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

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

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

### **Biodiversity**

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

should include a biodiversity strategy.

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

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

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

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

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

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

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

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

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

### **Water**

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



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

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

#### **Flood Risk Management**

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

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

- 5.137 The NW Bicester SPD includes 'Development Principle 11 – Flood Risk Management', which requires the impact of development to be minimised by ensuring that the surface water drainage arrangements are such that volumes and peak flow rates leaving the site post development are no greater than those under existing conditions. The aim is to provide a site wide sustainable urban drainage system (SUDs) as part of the approach and SUDs should be integrated into the wider landscape and ecology strategy. Applications should demonstrate that the proposed development will not increase flood risk on and off the site and take into account climate change.
- 5.138 The FRA shows that the site falls within flood zone 1 and is consequently at low risk of flooding. The FRA considers existing conditions, including details of the existing drainage features, which are formed from drainage ditches connecting to existing watercourses. The surface water drainage strategy for the site is to manage surface water runoff and to include a network of above ground attenuation incorporated within the green infrastructure across the Development. Surface water is to be managed through a Sustainable Drainage System which will achieve greenfield run off rates from the Site. This will include swales located within the green corridors which will act as key pathways for surface water to flow through the site and will also act to attenuate water by using a series of check dams and detention basins integrated in to the landscape where the natural topography can provide additional storage.
- 5.139 The Environment Agency originally objected to the scheme on the basis that the FRA failed to satisfactorily demonstrate that there are viable outfall locations for surface water discharging from the site (in particular that further work was required to confirm that surface water can be drained via identified culverts) and how and where the required 27,000sqm<sup>3</sup> of surface water attenuation will be provided on the site (it was considered unclear that sufficient storage is being provided within the indicative layout, especially during early phases of the development). Additional information has been submitted in relation to swale volumes and drainage layouts as well as the existing outfalls and this has been reconsidered by the Environment Agency and The Oxfordshire County Council drainage team. Both parties have removed their objection on flood risk grounds. In the view of Officers, sufficient information has been provided at this stage to demonstrate that the risk from flooding is limited and that a scheme to deal with surface water can be reached. It is therefore considered that with suitable conditions to agree a full drainage strategy, the application can be considered to comply with the PPS, NPPF and the ACLP with regard to flood risk.

### **Waste**

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

waste

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

5.141 The NW Bicester SPD includes 'Development Principle 12 – Waste', which sets out that planning applications should include a sustainable waste and resources plan covering both domestic and non-domestic waste and setting targets for residual waste, recycling and landfill diversion. The SWRP should also achieve zero waste to landfill from construction, demolition and excavation.

5.142 The application is accompanied by a Sustainable Waste and Resources Plan, which sets targets for residual waste and recycling along with mechanisms for monitoring and achieving these targets. This provides details of the areas existing waste management systems and the anticipated waste streams from the development. Targets are set for the reduction of residual waste (diversion of 95% waste from landfill) and for 70% of the total waste collected to be reused, recycled or composted and includes details for how this level of performance can be realistically achieved. The Environmental Statement assesses that there would be a negligible impact upon waste both at the construction stage and once the development is occupied given the targets set for diverting waste from landfill and for recycling, reuse and composting. Conditions and/ or legal agreements will be used to ensure measures to achieve the targets will be put in place.

#### **Master Planning**

5.143 The Eco Towns PPS sets out that 'eco-town planning applications should include an overall master plan and supporting documents to demonstrate how the eco- town standards set out above will be achieved and it is vital to the long term success of eco towns that standards are sustained.' The PPS also advises there should be a presumption in favour of the original, first submitted masterplan, and any subsequent applications that would materially alter and negatively impact on the integrity of the original masterplan should be refused consent.

5.144 The ACLP Policy Bicester 1 states 'Planning Permission will only be granted for development at North West Bicester in accordance with a comprehensive masterplan for the whole site area to be approved by the Council as part of a North West Bicester Supplementary Planning Document.'

5.145 A masterplan and supporting documents have been produced by A2Dominion in consultation with the Council and other stakeholders. This masterplan has been the subject of public consultation. The development at NW Bicester will take place over a number of years and as such it was considered important that the key components of the masterplan are enshrined in planning policy and therefore the Council has produced a draft SPD. The SPD emphasises that in order to ensure a comprehensive development, all planning applications will be required to be in accordance with the framework masterplan for the site. Applications should provide a site specific masterplan to show how that site fits with the overarching masterplan and demonstrate the vision and principles set out in the site wide masterplan and the SPD.

5.146 The NW Bicester site identified in ACLP is large and it is important that development is undertaken in such a way as to deliver a comprehensive development. A masterplan is an important tool in achieving this particularly when there is not a single outline application covering the site as in this case. The application has been submitted with a masterplan and parameter plans, which demonstrate that the proposals for Himley Village has been prepared having regard to the submitted masterplan and generally accord with it in relation to the overall proposal for the site. Whilst there are minor variations from the masterplan, which are considered elsewhere in this report, these are generally considered to be acceptable and are

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

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

### **Transition**

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

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

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

### **Community and Governance**

- 5.153 The Eco Towns PPS advises that planning applications should be accompanied by long term governance structures to ensure that standards are met, maintained and evolved to meet future needs, there is continued community involvement and engagement, sustainability metrics are agreed and monitored, future development meets eco town standards and community assets are maintained. Governance proposals should complement existing democratic arrangements and they should reflect the composition and needs of the local community. ACLP Policy Bicester 1 requires the submission of proposals to support the setting up of a financially viable local management organisation.
- 5.154 The NW Bicester SPD includes 'Development Principle 13 – Community and Governance', requires planning applications to show how they support the work to establish a Local Management Organisation (LMO) as the long term governance structure and seek to achieve a seamless approach across the site in terms of community led activities and facilities.
- 5.155 The applicant has submitted details of a proposed Land Trust model (to be known as Himley Farm Land Trust) within their design and access statement. Their intention would be that this would take on the long term operation of the landscape and community assets within the proposed development and they see the potential to extend this role to the wider NW Bicester Eco Town.
- 5.156 Officers have raised concern with the principle of such an approach, given the work that has been ongoing with a group of local stakeholders, A2 Dominion and CDC officers in relation to the setting up of a LMO. This work has demonstrated there is a local appetite for such an organisation and helped to inform the role the LMO could play in future management of the development. The LMO model has therefore progressed and it is hoped that this model would be embraced across the site. It would be of concern to have different models being established and utilising different management practices across this site and so this has been raised with the applicant and their Agent has confirmed that the applicant would be happy to progress with the LMO approach rather than the CLT at this stage. It should be noted that currently the LMO has not identified a desire to manage large areas of open space.
- 5.157 There has been good progress in progressing the LMO through the work on the Exemplar application and to ensure the PPS and ACLP requirements are met. Given the applicants current intention in relation to progressing with the LMO route, it is intended that details of the setting up of the LMO and funding for it so that it can be sustainable in the long term will be included in legal agreements for the site and this matter would therefore form part of the S106 discussions moving forward.

### **Design**

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

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

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

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

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

#### **Conditions and Planning Obligations**

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

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

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

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

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

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



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

#### **Other matters**

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

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

### **Pre-application community consultation and engagement**

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

### **Engagement**

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

### **Conclusion**

- 5.181 The application proposals accord with the development plan being a part of an allocated site and this allocated site is supported by the Eco Towns PPS and the NPPF. Planning decisions should be in accordance with the Development Plan unless material considerations indicate otherwise.
- 1.582 Policy Bicester 1 and the Eco Towns PPS identify North West Bicester as a location of an Eco Town. Both policy requirements set standards for eco town development in order for the proposal to be an exemplar, incorporating best practice and to provide a showcase for sustainable living. A Masterplan for the site has been submitted and are due to be incorporated into an SPD for the site. The application proposals have gone some way in meeting each of the standards set out within the policy documents and the Interim draft SPD, providing a proposal that exceeds the normal standard of development and with the potential to be a national exemplar of sustainable development subject to planning conditions to seek further information to secure these standards.
- 5.183 The application proposes a significant amount of housing, including affordable housing albeit as set out there are some Officer concerns with the current proposal, however Officers would continue to negotiate a suitable affordable housing proposal in line with the usual requirements. This housing will contribute to the rolling requirement to achieve a five year housing land supply and this weighs in favour of the proposal. In addition the scheme would deliver employment and sports pitches, which are critical for the overall site. The NPPF seeks to support sustainable economic development and the mixed use nature of this proposal weighs in its favour.
- 5.184 The proposals relate to green field land and the NPPF recognises the importance of the protection of the countryside, although the site is not the subject of any specific designations. The Adopted Cherwell Local Plan identifies the site for development having considered how best to meet the growth needs of the district and therefore accepts as necessary the loss of the countryside. The application proposals incorporate areas of green space, incorporate and maintain features of bio diversity value and show how they can achieve a net biodiversity gain. This weighs in favour of the proposal. Whilst the loss of countryside weighs against the proposal the protection of bio diversity and the proposals for a net gain weigh in its favour.
- 5.185 The residents of this large scale proposal will need to travel and the TA has assessed the impact of the proposals. The application proposes measures to encourage and

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

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

#### **Environmental Impact Assessment Determination**

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

**6. Recommendation**

**Approval**, subject to:

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

TO FOLLOW

**STATEMENT OF ENGAGEMENT**

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