

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

15/00837/OUT

Applicant: Gallagher Estates, Charles Brown And Simon Digby

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

Ward: Bicester South And Ambrosden

Councillors: Cllr David Anderson
Cllr Nick Cotter
Cllr Dan Sames

Reason for Referral: Major Development

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

Recommendation: Approve subject to legal agreement

1. Update

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

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

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

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

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

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

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

2. Further Assessment

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

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

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

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

3. Recommendation

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

APPENDIX 1 – REPORT TO 18TH MAY 2017 PLANNING COMMITTEE

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Ward: Bicester South And Ambrosden

Councillors: Cllr David Anderson
Cllr Nick Cotter
Cllr Dan Sames

Reason for Referral: Major Development

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

Recommendation: Approve subject to completion of a legal agreement

1. APPLICATION SITE AND LOCALITY

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

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

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

2. DESCRIPTION OF PROPOSED DEVELOPMENT

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

3. RELEVANT PLANNING HISTORY

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

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

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

4. RESPONSE TO PUBLICITY

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

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

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

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

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

5. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL

Bicester Town Council – Objection

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

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

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

CHERWELL DISTRICT COUNCIL (INTERNAL CONSULTEES)

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

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

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

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

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

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

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

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

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

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

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

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

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

Environmental Protection – No objection

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

OXFORDSHIRE COUNTY COUNCIL

No objection subject to conditions and planning obligations.

Transport

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

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

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

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

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

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

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

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

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

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

Public transport

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

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

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

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

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

Public rights of way

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

Travel Plan

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

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

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

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

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

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

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

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

Drainage Engineers

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

Archaeology

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

Property

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

Education

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

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

OTHER EXTERNAL CONSULTEES

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

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

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

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

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

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

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

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

Network Rail – No objection subject to conditions

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

6. RELEVANT PLANNING POLICY AND GUIDANCE

- 6.1 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The

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

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

- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – Effective and Efficient Use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD8 – Water Resources
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11 – Conservation Target Areas
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Bicester 13 – Gavray Drive
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

6.3 Other Material Planning Considerations:

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

7. APPRAISAL

7.1 The key issues for consideration in this case are:

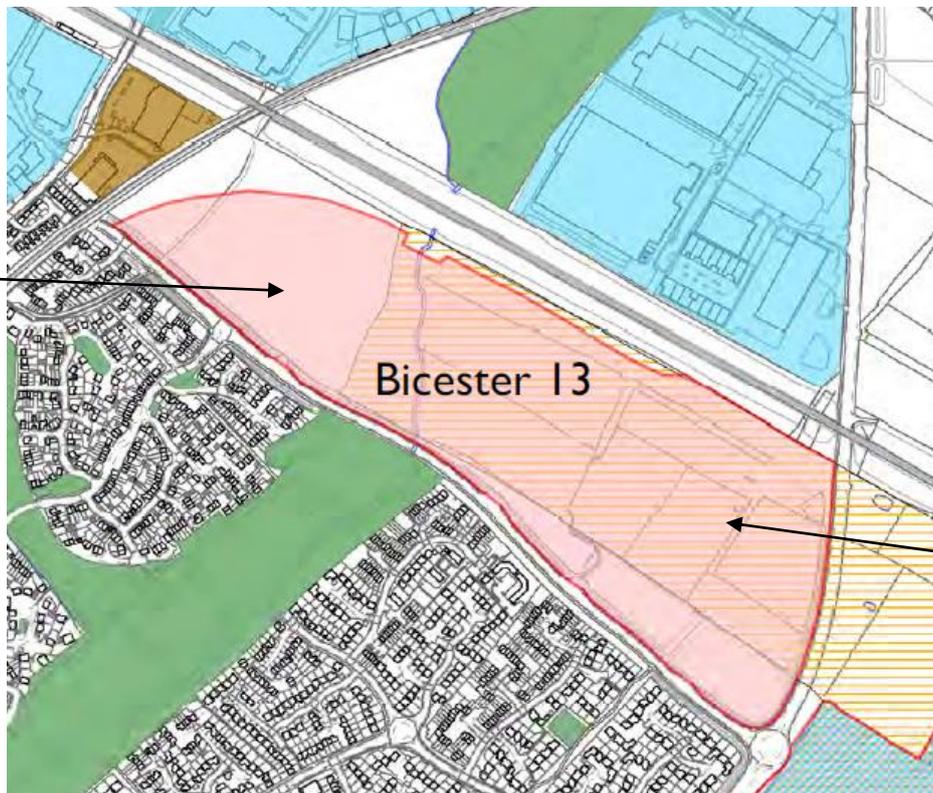
- Principle of Proposed Development;
- Access and Transport;
- Design and Layout;

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

Principle of Proposed Development

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

The application site consists of the part of the allocated site to the west of Langford Brook. The land edged in red represents the extent of the allocation.



River Ray Conservation Target Area

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



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

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

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

Access and Transport

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

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

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

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

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

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

Design and Layout

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

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

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

Housing Mix

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

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

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

Residential Amenity

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

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

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

Ecology

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

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

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

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

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

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

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

Flood Risk and Drainage

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

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

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

Infrastructure

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

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

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

Historic Environment

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

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

Trees/Landscaping

7.57 As stated previously in this report, Policy Bicester 13 requires the retention and enhancement of significant landscape features. This reflects some of the requirements of Policy ESD10 which promotes the protection of trees as part of development proposals. The Council also has a statutory duty to ensure that in granting planning permission that adequate provision is made for the preservation or planting of trees. Landscaping is a matter reserved for later approval and so detailed landscape protection and planting schemes have not been proposed at this stage. However, the illustrative plans indicate the retention of all existing trees and hedgerows with the exception of the hedgerow that follows the public footpath through the site. Officers have already commented on the acceptability of removing this hedgerow which could be mitigated through new planting around the site edges and which would be expected to be detailed as part of reserved matters submissions. The existing woodland belt along the southern boundary is proposed to be retained and there is the potential for enhancement to replace some of the trees and hedgerows lost as part of the recent Network Rail works which have left a barren northern and western boundary to the site. Reserved matters applications would be expected to detail this new landscaping as well as demonstrate suitable protection measures with respect to retained trees. Reserved matters submissions would also be expected to detail the wildflower planting and grassland along Langford Brook to ensure that it provides suitable ecological habitat.

7.58 Consequently, officers are satisfied that a suitable detailed scheme is able to be proposed as part of reserved matters applications that would retain existing landscape features of importance whilst providing opportunity for mitigatory and further planting that would contribute towards biodiversity enhancement objectives and deliver an appropriate quality of development that is in keeping with its context. In this regard officers are therefore of the view that the proposals accord with the requirements of relevant policies of the Development Plan including Bicester 13 and ESD10.

Energy Efficiency/Sustainability

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

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

Land Contamination

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

Local Finance Considerations

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

Planning Obligation(s)

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

Cherwell District Council:

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

Oxfordshire County Council:

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

Other Matters

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

8. PLANNING BALANCE AND CONCLUSION

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

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

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

9. RECOMMENDATION

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

Conditions

1. No development shall commence until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the hereby approved development have been submitted to and approved in writing by the Local Planning Authority.

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

2. In the case of the reserved matters, no application for approval shall be made later than the expiration of three years beginning with the date of this permission.

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

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

Reason - This permission is in outline only and is granted to comply with the provisions of

Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

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

JJG050-015 Rev. A

14-033/009 Rev. B

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. Prior to the commencement of the development, impact studies on the existing water supply infrastructure, which shall determine the magnitude and timing of any new additional capacity required in the system and a suitable connection point, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the water supply infrastructure has sufficient capacity to accommodate the additional demand in accordance with Government guidance contained within the National Planning Policy Framework.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30. No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing beforehand that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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

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

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

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

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

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

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

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

been provided as approved.

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

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

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

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

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

37. The development shall include a minimum of:

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

All applications for reserved matters approval shall reflect these requirements.

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

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