

**Phase 2 SW Bicester Parcel 7849 North Of
Whitelands Farm Adjoining
Middleton Stoney Road
Bicester**

17/00522/DISC

Applicant:	Countryside Properties (Bicester) Ltd		
Proposal:	Discharge of condition 6 (design code) of 13/00847/OUT		
Ward:	Bicester South And Ambrosden		
Councillors:	Cllr David Anderson Cllr Nick Cotter Cllr Dan Sames		
Reason for Referral:	To enable Members to consider the design code which will be used to guide the future development on Kingsmere Phase 2.		
Expiry Date:	22 December 2017	Committee Date:	23 November 2017
Recommendation:	Approve		

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site relates to an area of approximately 36.9 ha which is currently in agricultural use. It is bounded by the Middleton Stoney Road to its northern boundary, the new Vendee Drive to the south eastern boundary and by the existing Phase 1 development along its eastern boundary. Further to the west is Bignell Park, a private estate mainly comprising open woodland and parkland.
- 1.2. There are no watercourses on the site although there is a farm ditch along the northern boundary. There are also existing drainage ditches in the form of swales along vendee Drive which have been provided in connection with phase 1 and the perimeter road. The southern part of the site is crossed by a public right of way that links Chesterton village with Bicester. The Whitelands Farm complex adjacent has been converted to residential use under a separate permission. These buildings are an important landmark, is an enclosure farm which whilst not listed, is of heritage value.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This report relates to the Design Code document that has been submitted in order to discharge condition 6 of the outline planning permission relating to the residential development at Phase 2 Kingmere, Bicester. The purpose of the Design Code is to guide the detailed design of the development of the site. The development relates to the erection of up to 709 residential units (13/00847/OUT) refers, a strategic allocation in the adopted Cherwell Local Plan 2011-2031 – Policy Bicester 3. The Lead Developer (Countryside Properties (Bicester Ltd)) will be responsible for implementing the strategic infrastructure on the site which includes the primary streets, strategic foul and surface water drainage, structural landscaping, informal open space, greenways and strategic play facilities.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
09/01531/REM	Reserved Matters Planning Application for strategic highway infrastructure: New perimeter road, linked to development at South West Bicester: 'Kingsmere' (as amended by plans received 23.02.10 and 22.03.10)	Application Permitted
11/00380/REM	Reserve Matters (ref. Outline 06/00967/OUT) - Landscaping scheme for the Western habitat corridor (structural landscaping) at the SW Bicester (Kingsmere) development	Application Permitted
12/00005/SCOP	Scoping Opinion - Proposed phase 2 of residential development at South West Bicester	Scoping Opinion Issued
13/00847/OUT	OUTLINE - Residential development within use Class C3, Extra care facility, primary school, retail, formal and informal public open space, play facilities, sports pitches, allotments and associated infrastructure including landscaping, highways, footpaths/cycleways, drainage utilities and parking	Application Permitted
13/00041/SO	Screening Opinion - Residential development within use Class C3, Extra care facility, primary school, retail, formal and informal public open space, play facilities, sports pitches, allotments and associated infrastructure including landscaping, highways, footpaths/cycleways, drainage utilities and parking	Screening Opinion requesting EIA
17/00522/DISC	Discharge of condition 6 (design code) of 13/00847/OUT	Pending Consideration

4. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
17/00237/PREAPP	244 Dwellings on first land parcel
17/00305/PREAPP	Design Code – meetings and workshop discussions followed by written response to agents. The submission is in response to the discussions and comments made to earlier draft documents.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments is 30.11.2017, and any further comments received following Planning Committee will be taken into consideration.
- 5.2. No comments have been raised by third parties at the time of writing this report.
- 5.3. Any comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. Bicester Town Council: Comments awaited
- 6.3. Chesterton Parish Council: Comments awaited

STATUTORY CONSULTEES

- 6.4. Environment Agency: Comments awaited
- 6.5. Thames Water: Comments awaited

NON-STATUTORY CONSULTEES

- 6.6. Arboricultural Officer: Comments awaited
- 6.7. Landscape Officer: comments as follows:
 - The MUGA should be included in the correct orientation adjacent to the southern play area – all images should show this
 - Play equipment – custom made natural features/equipment must be discouraged because they are rarely robust and fit for purpose; they wear out quickly with increased maintenance and financial outlay. These play features are not subject to the rigorous play standards that designed and manufactured play equipment needs to comply with.

- Some of the plant species are not appropriate
 - Central square illustrative plan – railings are a welcome addition to the scheme but must be of an appropriate design in terms of safety, the opening of the double gate will conflict with pedestrian flow from the school, at each single gate entrance there should be a recessed space to allow for the temporary parking of buggies and wheelchairs off the main circulation routes to ensure pedestrian flow is maintained
 - Southern parkland should also include a LAP
 - Balancing pond is acceptable
 - Greenways – hoggin path will become muddy and material can travel if not drained properly and should therefore be replaced with 'flexipave' with limestone-coloured aggregate to associate with local stone/materials
 - Landscape summary matrix – trees and shrub list is only indicative and the viability of species and cultivars will be assessed at the detailed reserve matters stage
 - Hard landscape materials – delete hoggin footpaths as above. The proposed sections of wood sleeper surfacing can be very slippery.
- 6.8. Urban Design: the urban design officer has been involved in all discussions with the applicant and agent through the production of this document with many of the comments made addressed. Additional verbal discussions have been conveyed to the agent through the comments given on 7th November to which a response/amended Code is awaited.
- 6.9. Ecology Officer: comments awaited
- 6.10. Stage Coach: Comments awaited
- 6.11. OCC: Comments awaited
- 6.12. Kingsmere Residents Association: Comments awaited

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- ESD15 - The Character of the Built and Historic Environment
- Policy Bicester 3

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Kingsmere Design Code Phase 1 2008

8. APPRAISAL

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

- Background
- The Requirement for Design Codes
- Planning Permission Conditions
- The Design Code Submission
- Character Areas
- Landscape Strategy
- Streets

8.2. Background

8.3. Outline planning permission for the residential development of Phase 2 Kingsmere was granted on 30th May 2017 following the completion of the Section 106 Agreement. This permission is for up to 709 residential dwellings and a primary school and associated infrastructure (13/00847/OUT) refers. The permission included a condition requiring a Design Code to be submitted and approved prior to the submission of any application for reserved matters.

8.4. A Design Code for Phase 1 Kingsmere was adopted in 2008 and has been relatively successful in leading the development on the site. This document seeks to take forward the most successful elements of the Phase 1 design Code and to learn from the less successful. As part of the background to this document a review of the Kingsmere Phase 1 document was therefore undertaken by Officers with the Lead Developer Countryside Properties (Bicester Ltd). Whilst Kingsmere Phase 1 has generally been reasonably successful, there are a number of issues that we do not wish to see repeated in the Phase 2 Code. It is generally considered that away from the main spine road there is a general lack of greenery and street trees and the different character areas are more difficult to distinguish away from the central spine road. This was not helped by the cross-sections shown which did not show room for soft landscaping and this was not helpful when negotiating with developers. Some of the parking courts have not been successful. There is also a need to improve on the provision of marker buildings which have not been successful which were required to help aid legibility.

8.5. A number of workshops and discussions have taken place with stakeholders, Countryside Properties and their agents in helping to steer the Code now submitted for consideration.

8.6. The Requirement for Design Codes

8.7. Design Codes are designed to deliver an improved quality of development and to ensure consistency across a site. They also give house builders interested in taking

one of the parcels an equal playing field in terms of what is expected. The use of design codes can also enhance the economic value of a site through better quality design and sense of place; give greater certainty to the planning process, and a more streamlined process. The aim of a design code is to provide clarity over what constitutes acceptable design quality for an area and therefore provide a level of certainty for developers and the local community generally. Codes are intended to focus around the design characteristics that are important to achieve and establish and firmly fix the 'must have' design elements.

- 8.8.** The NPPF – 'Requiring good design' advises that the government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, indivisible from good planning, and should continue to contribute positively to making places better for people.
- 8.9.** Paragraph 59 advises – 'Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of development in relation to neighbouring buildings and the local area more generally.
- 8.10.** Given that Kingsmere Phase 2 is a large strategic allocation of up to 709 dwellings on the edge of an existing settlement, it is vital that the scheme is considered very carefully in order to successfully integrate it with Phase 1 and the existing adjacent development.
- 8.11.** The submission of the design code will lead to better quality and consistency through all phases of the development. Whilst the lead developer (Countryside Properties (Bicester Ltd) will deliver the main strategic infrastructure, it is likely that, as on phase 1, that the residential parcels will be sold to other developers and the Code will provide clarity on what is expected across the site. The NPPG advises at paragraph 036 that 'codes should be succinct and carefully distinguish mandatory from discretionary components, avoiding ambiguous aspirational statements, unnecessary jargon and they should define any use of key technical terms'.

8.12. Planning Permission Conditions

- 8.13.** The outline planning permission was issued on 30th May 2017. Conditions 6 and 7 relate to the submission of a design code as follows:

Condition 6 - No reserved matters applications shall be made or development commenced until a Design Code for the site has been produced in accordance with condition 7 and following consultation with the Local Planning Authority and other stakeholders, and has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Design Code.

Reason – A Design Code is required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirements to achieve high quality design as set out in the Environmental statement and Policy Bicester 3 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

Condition 7 – The Design Code shall include

- a) the character, mix of uses and density of each character area identified, to include the layout of blocks and the structure of public spaces
- b) the character and treatment of the structure planting to the development areas
- c) guidance of surface water control including design standards and methodology for sustainable drainage systems, detail of specific features and constraints, including appropriate options for SUDS features, considerations for implementing during construction, and adoption requirements
- d) the building height, scale, form, design features and means of enclosure that will form the basis of the character of each phase, sub-phase or parcel
- e) the street form and hierarchy and the features that will be used to restrict traffic speeds and create legibility and requirements for street furniture
- f) the approach to car parking and cycle parking within the phases, sub-phases and parcels and the level of car and cycle parking within each phase to be provided to serve the proposed uses
- g) the materials to be used within each character area
- h) the treatment of any hedge or footpath corridors and retained trees and woodlands and local areas of play within each phase, sub-phase or parcel
- i) the measures to be incorporated to protect the amenities of the occupiers of existing properties adjacent to the site measures to be incorporated into the development to ensure all properties have convenient locations for individual waste and recycling bins
- j) lighting proposals

Reason – A Design Code is required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirements to achieve high quality design as set out in the Environmental Statement and Policy Bicester 3 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.

8.14. There are also a number of other planning conditions attached to the consent which require other details such as highway requirements, landscaping and ecology to be addressed. The clearance of planning conditions is ordinarily dealt with through officer delegation, but given the important role that the Design Code will have in securing the future appearance and design of the site it has been brought to Committee for Member's approval. Furthermore, if the Code is approved, this will influence schemes that come forward for reserved matters approval. These schemes will be dealt with at officer level under the Council's 'Scheme of Delegation' (unless requested to be brought to Committee).

8.15. The Design Code Submission

8.16. The Design Code has been produced to provide certainty for developers and their agents who will be building out the development, Officers determining the reserved matters applications as well as consultees and members of the public about the standard of development required. The Code will be used to inform pre-application discussions over the design of the various parcels of the development and will follow through to assist in determining the various applications. This Code has been based

very much on Phase 1 and seeks to promote traditional local vernacular although it does allow for an opportunity for contemporary design in the Whitelands Character Area.

8.17. The Code is broken down into chapters, namely, introduction; the vision; urban form and character; streets; landscape and delivery. These are considered further below:

8.18. The Code advises that all aspects within it are mandatory unless stated otherwise or identified by a 'G' logo. These elements are considered to be less important but are included as guidance for developers. Elements that are deemed to be unacceptable will feature a red logo and those that are considered to be more appropriate are identified by a green logo. As the code is designed to be a detailed book of 'rules' for developing the site, it is vital that the document is clear in its vision and what is required and that none of the statements are ambiguous. As currently submitted it is considered that the vision as set out lacks clarity and doesn't fully paint a picture. Many of the statements and illustrations are a little ambiguous and require further clarification; for example; it is not clear how the key words used to describe the character of each character area will be applied to successfully define how the areas will be conveyed through the development. The applicant's agent has been advised of these concerns and at the time of writing the report a revised document is awaited. A successful Design Code will be clear and unambiguous.

8.19. Urban Form and Character Areas

8.20. The Code identifies three main character areas: Core Area, Whitelands Area and Suburban Area. The Code deals with each of the character areas in turn. As each of the character areas is different in their character, location within the site or function, there are different rules for each of the areas. Each area is defined by a set of words which are supposed to epitomize their specific characteristics. Each character area also differs slightly in terms of density and building heights. The edges of the site are also treated slightly differently with three different edges created within the character areas, these being Middleton Edge, Vendee Edge and Phase 1 Edge. Having detailed character areas for each of the parcels in the development provides each of the various areas with subtle changes within the design and appearance of the areas, removing the risk of developing a large site with a lack of variation in typology or too much variation and also helps to provide legibility within the development. The key elements of each character area are summarised below.

8.21. Core Character Area

8.22. This is described as the urban core of the development and the community heart and focal point with central space adjacent to the school and potential retail facility. This area will have the highest building density and the highest buildings achieved through 2.5 and 3 storey buildings. Strong vistas, consistent and formal primary streets with near continuous frontages and the central square are the key features. A core area word grid is included to describe this area as mixed, lively, compact, enclosed, highest density, heart, formal, sense of place and focal point. The materials specified in this area are 60% red brick and 40% reconstituted stone. It is considered that some natural stone would be more appropriate to key buildings and frontages. A response in this regard is awaited.

8.23. Whitelands Character Area

8.24. The Code advises that this area which is located at the southern end of the development adjacent to the main public open space should seek to encapsulate a lower density, informal, fragmented form to reflect a character informed in part by barn typologies. The Whitelands area word grid describes this area as traditional,

fragmented built form, informal, barn inspiration for key buildings, contemporary opportunity, varied building line and geometric. Building heights are mainly 2 storey in this area. The materials specified are 65% stone and 35% red/weathered red brick. The illustration however does not convey the character described as barn or contemporary typologies are not shown and the house types are very sub-urban in their appearance. An amended illustration is awaited.

8.25. Sub-urban Character Area

- 8.26.** This is the largest of the character areas. The code states that this area should showcase the landscape elements through tree, hedge and shrub planting and should be pedestrian focussed. The sub-urban area also includes three specific sub-areas, based upon responsive edge treatments to Vendee Drive, Middleton Stoney Road and the Phase 1 edge. The Suburban area word grid describes this area as rural, quiet, green informal, pedestrian focus, green streets, on-plot parking and low-medium density. Building heights are 2-2.5 storey with occasional 3 storey. The building materials specified are 70% red brick and 30% buff brick or cream render.

8.27. Landscape Strategy

- 8.28.** At the very beginning of the document it states that the vision for the development of Kingsmere Phase 2 will be '*landscape led, including a green approach to the street scene*'. Although the planting within the primary streets in Phase 1 is successful, the lower order streets and courtyards lack any significant landscaping elements. It is hoped that the provision of a number of green spaces in the form of 'pocket parks' will help to address this together with a requirement for tree planting beyond the primary and secondary routes. The main area of open space is located at the southern edge of the development and will include play areas and a kick-about area. Greenways are also included within the development although it is considered that the specific design detail of these requires further clarification to ensure that they are successful. It is further considered that the Code should be clearer about the relationship of these areas with the adjacent development and their role in terms of ecology to ensure net biodiversity gain is made across the development. Neither does the document currently successfully address the landscape areas between the proposed development along the boundaries of the site to Middleton Stoney Road and Vendee Drive. As above, a revised Code is awaited which will clarify these matters.
- 8.29.** In terms of proposed planting, the Council's Landscape Officer has no objection with the exception of a couple of species that he does not consider to be appropriate on this development and where proposed.

8.30. Streets

- 8.31.** The County Council as Highway Authority have been involved in the development and completion of this document and they have endorsed the approach that has been detailed in the Code. The design of the streets follows closely those approved for Kingsmere Phase 1 which took guidance within Manual for Streets, the government guidance on street design. The road system within the development is made up of five main types of roads; primary, secondary, side street, lanes/mews and private drives. The main secondary street links through into Phase 1 alongside the proposed school site and will be the bus route through the development. This secondary street meets primary street A before it exits onto Middleton Stoney Road while a second primary street B will exit onto Vendee Drive. No on-street parking is allowed on primary street A or B. The primary streets will be tree-lined.

- 8.32.** The access onto Middleton Stoney Road is included within the Code and is referred to as the Northern gateway. The Code includes a description stating that it will feature a symmetrical form, with the development edge brought forward with a Marker building. The vision and illustrative plan however lacks detail, commitment and information regarding its design and delivery. If the document is not clear and unambiguous, it will be difficult to ensure that an acceptable scheme is delivered. Further information in this respect is awaited.
- 8.33.** A second southern gateway is proposed for the Vendee Drive entrance. Again the vision is unclear and the wording is ambiguous although the principle of what is illustrated is acceptable.
- 8.34.** The final chapter explains how the site will be delivered having regard to such matters as sustainability, implementation, travel, energy and waste, ecology and health. It also builds the possibility of the code to be reviewed or revised over time. There will be an opportunity for the lead developer and/or Cherwell District Council to request a review of the code after the notification of the 300th occupation, with the review completed within five months of the 300th occupation. This is important as it allows this council or developer to voice any concerns. Any changes to the code would be subject to mutual agreement between Countryside Properties and Cherwell District Council.

9. PLANNING BALANCE AND CONCLUSION

- 10.** The Design Code for Kingsmere Phase 2 has evolved through negotiation ensuring that the final document is moving towards a comprehensive and sufficiently detailed Code which can be used by developers, the Council, consultees and the general public to ensure a good quality development on the edge of Bicester.
- 11.** The revised Code submitted for consideration has taken into account a number of comments and criticisms that Officers have made, although as stated above, further refinement is still required. Subject to the most recent comments to the applicant's agent on 7th November 2017 being successfully addressed, it is considered that the code would be acceptable for approval, enabling the relevant planning condition to be discharged.

9.1.

12. RECOMMENDATION

That the Design Code for South West Bicester Phase 2 be approved as satisfying condition 6 of the planning approval (reference 13/00847/OUT) and that delegated authority be given to Officers to agree the final submission having regard to the comments made to the agent on 7th November 2017 and subject to no adverse comments being received from OCC, Thames Water and Environment Agency and any other consultees prior to the expiry of the public consultation which ends on 30th November 2017.

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