

Committee: Planning Committee
Date: Thursday 11 August 2011
Time: 2.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Rose Stratford (Chairman)	Councillor Alastair Milne Home (Vice-Chairman)
Councillor Ken Atack	Councillor Fred Blackwell
Councillor Colin Clarke	Councillor Tim Emptage
Councillor Mrs Catherine Fulljames	Councillor Michael Gibbard
Councillor Chris Heath	Councillor David Hughes
Councillor Russell Hurle	Councillor Mike Kerford-Byrnes
Councillor James Macnamara	Councillor George Parish
Councillor D M Pickford	Councillor G A Reynolds
Councillor Trevor Stevens	Councillor Lawrie Stratford

Substitutes

Councillor Maurice Billington	Councillor Kieron Mallon
Councillor Norman Bolster	Councillor Leslie Sibley
Councillor Paul O'Sullivan	Councillor O'Sullivan
Councillor Diana Edwards	Councillor Nicholas Turner
Councillor Andrew Fulljames	Councillor Douglas Williamson
Councillor Timothy Hallchurch MBE	Councillor Barry Wood

AGENDA

- 1. Apologies for Absence and Notification of Substitute Members**
- 2. Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.

3. **Petitions and Requests to Address the Meeting**

The Chairman to report on any requests to submit petitions or to address the meeting.

4. **Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. **Minutes** (Pages 1 - 14)

To confirm as a correct record the Minutes of the meeting of the Committee held on 14 July 2011.

Planning Applications

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|-----|--|------------------------|
| 6. | Bicester Eco Town Exemplar Site Caversfield Oxfordshire
(Pages 18 - 160) | 10/01780/HYBRID |
| 7. | Select France, 2 Fiveacres, Murcott, Kidlington, Oxfordshire, OX5 2RP
(Pages 161 - 173) | 11/00243/F |
| 8. | Unit 1 Adj Topps Tiles, Southam Road, Banbury
(Pages 174 - 185) | 11/00266/F |
| 9. | Unit 1 Adj Topps Tiles, Southam Road, Banbury
(Pages 186 - 192) | 11/00267/F |
| 10. | Land South of Blackwood Place and Molyneux Drive and North West of Cotefield Farm, Oxford Road, Bodicote
(Pages 193 - 212) | 11/00617/OUT |
| 11. | St Georges Barracks, Arncott Wood Road, Arncott, Bicester
(Pages 213 - 223) | 11/00722/F |
| 12. | Former DLO Caversfield, Skimmingdish Lane, Caversfield
(Pages 224 - 251) | 11/00151/F |
| 13. | Former DLO Caversfield, Skimmingdish Lane, Caversfield
(Pages 252 - 264) | 11/00805/F |
| 14. | Former DLO Caversfield, Skimmingdish Lane, Caversfield
(Pages 265 - 276) | 11/00153/LB |
| 15. | Former DLO Caversfield, Skimmingdish Lane, Caversfield
(Pages 277 - 283) | 11/00806/LB |
| 16. | Former DLO Caversfield, Skimmingdish Lane, Caversfield
(Pages 284 - 289) | 11/00152/CAC |

17. **144 Oxford Road, Kidlington, Oxfordshire, OX5 1EA**
(Pages 290 - 300) **11/00875/F**
18. **Land north of DeeJay Farm and south of Chestnut Road, Mollington, Oxon**
(Pages 301 - 309) **11/00892/F**
19. **Unit 3A, Bessemer Close, Bicester OX26 6QE**
(Pages 310 - 320) **11/00995/F**
20. **Land South West of Bicester adjoining Oxford Road and Middleton Stoney Road, Bicester.**
(Pages 321 - 336) **11/01052/OUT**

Review and Monitoring Reports

21. **Decisions Subject to Various Requirements** (Pages 337 - 339)

Report of the Strategic Director Planning, Housing and Economy

Summary

This report aims to keep members informed upon applications which they have authorised decisions upon to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

Recommendation

The Planning Committee meeting is recommended:

- (1) To accept the position statement.

22. **Appeals Progress Report** (Pages 340 - 343)

Report of the Strategic Director Planning, Housing and Economy

Summary

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged, Public Inquiries/hearings scheduled or appeal results achieved.

Recommendation

The Planning Committee is recommended:

- (1) To accept the position statement.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or (01295) 221554 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in Part 5 Section A of the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

Personal Interest: Members must declare the interest but may stay in the room, debate and vote on the issue.

Prejudicial Interest: Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Queries Regarding this Agenda

Please contact Michael Sands, Legal and Democratic Services michael.sands@cherwell-dc.gov.uk (01295) 221554

Evacuation Procedure

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Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Sue Smith
Chief Executive

Published on Wednesday 3 August 2011

Agenda Item 5

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 14 July 2011 at 2.00 pm

- Present: Councillor Rose Stratford (Chairman)
Councillor Alastair Milne Home (Vice-Chairman)
- Councillor Ken Atack
Councillor Fred Blackwell
Councillor Colin Clarke
Councillor Tim Emptage
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor D M Pickford
Councillor G A Reynolds
Councillor Lawrie Stratford
- Substitute Members: Councillor Leslie F Sibley (In place of Councillor George Parish)
- Apologies for absence: Councillor James Macnamara
Councillor George Parish
Councillor Trevor Stevens
- Officers: John Hoad, Strategic Director - Planning, Housing and Economy
Bob Duxbury, Development Control Team Leader
Jenny Barker, Major Developments Team Leader
Ross Chambers, Solicitor
Michael Sands, Democratic and Scrutiny Officer

35 **Declarations of Interest**

Members declared interest in the following agenda items:

6. Bicester Eco Town Exemplar Site Caversfield Oxfordshire.

Councillor D M Pickford, Personal, as a Member of Bicester Town Council.

Councillor G A Reynolds, Personal, as a Member of Oxfordshire County Council and the Executive.

Councillor Lawrie Stratford, Personal, as a Member of Bicester Town Council.

Councillor Michael Gibbard, Prejudicial, as a Member of the Executive and a Member of the Eco-Bicester Strategic Delivery Board.

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council.

8. Drayton leisure Golf Centre, Warwick Road, Banbury.

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council.

Councillor Colin Clarke, Personal, as a Member of Banbury Town Council.

Councillor G A Reynolds, Prejudicial, as the former Portfolio Holder for Recreation and Health.

9. Land at Whitelands Farm, South West of Bicester. Adjoining Oxford Road and Middleton Stoney Road, Bicester.

Councillor D M Pickford, Prejudicial, as a Member of Bicester Town Council and Prejudicial as a Member of the Executive.

Councillor G A Reynolds, Prejudicial, as the former Portfolio Holder for Recreation and Health.

Councillor Ken Atack, Prejudicial, as a Member of the Executive.

Councillor Lawrie Stratford, Personal, as a Member of Bicester Town Council.

Councillor Michael Gibbard, Prejudicial, as a Member of the Executive.

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council.

13. Land East of Oxford Spires Business Park, Langford Lane, Kidlington.

Councillor G A Reynolds, Prejudicial, as a Member of Oxfordshire County Council.

Councillor Lawrie Stratford, Personal, as a Member of Oxfordshire County Council.

Councillor Michael Gibbard, Prejudicial, as a Member of Oxfordshire County Council.

Councillor Mrs Catherine Fulljames, Prejudicial, as a Member of Oxfordshire County Council.

Councillor Tim Emptage, Personal, as a Member of Kidlington Parish Council.

(Note: Where Members declared a prejudicial interest in an agenda item, the Member left the meeting for the duration of the item.)

36 **Petitions and Requests to Address the Meeting**

The Chairman advised that petitions or requests to address the meeting would be dealt with at each item.

37 **Urgent Business**

There was no urgent business.

38 **Minutes**

The Minutes of the meeting held on 16 June 2011 were agreed as a correct record and signed by the Chairman.

39 **Bicester Eco Town Exemplar Site Caversfield Oxfordshire**

The Committee considered a report for the development of Exemplar phase of NW Bicester Eco Town to secure full planning permission for 394 residential units and an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1)), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined.

Councillor Andrew Fulljames spoke in objection to the application as Ward Member.

Mr Ian Inshaw spoke in favour of the application as the applicant.

Councillor Mrs Fulljames proposed that the application be deferred, to enable further information requested by Members to be addressed, and requested a recorded vote. Councillor Lawrie Stratford seconded the proposal.

Councillor Pickford	For
Councillor Emptage	For
Councillor Sibley	For
Councillor Hurle	For
Councillor Hughes	Against
Councillor Kerford-Byrnes	For
Councillor Heath	For
Councillor Clarke	For
Councillor Stratford	For
Councillor Atack	For
Councillor Mrs Fulljames	For

Councillor Blackwell	Against
Councillor Milne-Home	Against
Councillor Mrs Stratford	Abstention

In reaching their decision, the Committee considered the Officers report, presentation and written update.

Resolved

That application 10/01780/HYBRID be deferred to enable further information requested by Members to be addressed. This was particularly around delivery of infrastructure and clarification of details contained in this complex application around timing of school site, design and the relationship of master planning to the planning policy for the town.

40

Buildings at Heyford Park, Camp Road, Upper Heyford

The Committee considered a report for the change of use of former Military Buildings to Business (Class B1), Industrial (Class B2), Storage and Distribution (Class B8), Retail (Class A1), Nursery/Training Centre (Class D1) (as specified in the submitted Schedule of Potential Planning Uses.

The Committee was satisfied with the evidence presented.

In reaching their decision, the Committee considered the Officers report, presentation and written update.

Resolved

That application 10/01778/F be approved subject to the applicants first entering into a Section 106 and routeing agreement and the following conditions:

- 1) That at the expiration of 10 years from the date hereof the uses specified in your application shall be discontinued and the land shall be restored to its former condition on or before that date.
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following approved plans: D.0291_7-9
- 3) No signs or advertisements shall be erected on any buildings unless a signage strategy has previously been submitted to and agreed in writing with the Local Planning Authority. Any proposed signage shall comply with the terms of the signage strategy
- 4) Within three months of the date of this permission, a lighting strategy shall be provided. The strategy as approved shall be implemented within 6 months of the date of this permission and the development shall be undertaken in accordance with the details as approved

- 5) Within three months of the date of this permission, a waste management strategy shall be provided. The strategy as approved shall be implemented within 6 months of the date of this permission and the development shall be undertaken in accordance with the details as approved
- 6) That no goods, materials, plant or machinery shall be stored repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.
- 7) All plant, machinery, mechanical ventilation equipment and ducting shall be installed internally. No other plant, machinery, mechanical ventilation equipment, flues or ducting shall be placed on the outside of the building without the prior written permission of the Local Planning Authority.
- 8) Save for existing uses on the site, before any other buildings are first occupied parking and manoeuvring areas shall be provided in accordance with plans approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall be constructed, laid out, surfaced in bound material, drained and completed, and shall be retained unobstructed except for the parking of vehicles at all times.
- 9) Save for existing uses, before any other buildings are occupied, details of parking provision for the proposed uses shall be submitted to and approved in writing by the Local Planning. The approved parking shall thereafter be implemented within 3 months and thereafter be retained in accordance with such approved details.

41

Drayton leisure Golf Centre, Warwick Road, Banbury

The Committee considered a report for the change of use from agriculture to camping field (up to 25 touring caravans, including hard road and hard standing) overflow car parking, installation of temporary shower and toilet block adjacent to club house, removal of the existing car park to be re landscaped, levelled and turned into a putting green, re-landscaping and levelling of the old putting green and surround, raising and levelling the outside practice tee area to give better practice facility, extending the golf range 7.5m forward to facilitate wider practice bays and bespoke teaching bay.

The Committee was satisfied with the evidence presented.

In reaching their decision, the Committee considered the Officers report and presentation.

Resolved

That application 11/00489/F be approved subject to the following conditions:

- 1) S.C. 1.4 [Time Limit]

- 2) Development to be carried out strictly in accordance with approved plans
- 3) S.C. 3.0 [Submit Landscaping Scheme]
- 4) S.C. 3.1 [Carry out Landscaping]
- 5) S.C. 2.6 [Materials to match] (golf range building only)
- 6) S.C. 3.7aa [Boundary Enclosures] (remove reference to dwellings)
- 7) S.C. 4.13CD [Parking and Manoeuvring Areas]
- 8) S.C. 8.20a [Location of Refuse Storage Area]
- 9) S.C. 7.4a [Touring Caravans: Period of Stay]
- 10) S.C. 8.18 [Floodlights/Lights]
- 11) S.C. 6.18a [Temporary Building] 'three years' insert 'temporary shower' before 'building' delete 'and the land shall be restored to its former condition on or before that date'.

42 **Land at Whitelands Farm, South West of Bicester. Adjoining Oxford Road and Middleton Stoney Road, Bicester**

The Committee considered a report for construction of winter games pitches, cricket outfield and cycle track at south west Bicester sports village.

The Committee was satisfied with the evidence presented.

In reaching their decision, the Committee considered the Officers report, presentation and written update.

Resolved

That application 11/00565/CDC be approved subject to the objections of the Environment Agency being overcome and the following conditions:

- 1) SC1.4 Standard Time Limit
- 2) SC3.1A
That all planting, seeding or turfing comprised in the approved details of landscaping as shown on drawing No. DE 108 24 007 and the supporting information dated May 2011 and submitted by STR1 shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species,

unless the Local Planning Authority gives written consent for any variation.

3) SC3.3AA

No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:

a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.

b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.

c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.

d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.

e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).

f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).

h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).

i) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.

j) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses

and enclosures, with particular regard to ground compaction and phytotoxicity.

- 4) SC8.18
No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.
- 5) SC9.4A
The development hereby permitted shall be carried out in accordance with the recommendations set out in ecological appraisal and bat emergence of the activity survey by STRI dated 10 March 2011 and 13 May 2011 and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.
- 6) That a 3m buffer zone shall be provided and thereafter maintained to the existing and new hedgerows to be planted within the development in accordance with Condition 1 above.
- 7) That prior to the construction of the footpath/cycle way, full details of the proposed fitness trail and equipment shall be submitted to and approved in writing by the Local Planning Authority. The fitness trail shall be constructed and completed and ready for use prior to the first use of the sports pitches hereby approved. The trail shall be thereafter maintained and retained in accordance with this condition.
- 8) That prior to the commencement of any development on the site, full details of the proposed footpath/cycle links from Whitelands open space and the perimeter road shall be submitted to and approved in writing by the Local Planning Authority. The footpath/cycleway and links shall be provided in accordance with the details prior to the first use of the sports pitches. The footpath/cycleway shall thereafter be maintained and retained in accordance with this condition.
- 9) That the sports pitches hereby approved shall not be brought into use until such time as the vehicular access and car parking to serve the pitches (otherwise known as Phase 2) have been constructed and are operational.
- 10) Prior to the commencement of any development on the site, the type and precise location of any protective fencing around existing trees and hedgerows to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected prior to the commencement of the construction works and thereafter maintained during construction in accordance with those details.
- 11) That prior to the commencement of any development on the site full detailed drawings to scale of 1:200 showing the proposed new hedge and tree planting along the southern boundary adjacent to the perimeter road shall be submitted to and approved in writing by the Local Planning Authority. The planting shall be carried out in accordance with those details, within 12 months of the construction of the pitches hereby approved.

43 **Land North of Hornton Grounds Quarry, Manor Farm, Hornton**

The Committee considered a report for the erection of agricultural buildings comprising of grain store, general purpose building and livestock building with associated hard-standing, landscaping and gravel access track.

The Committee was satisfied with the evidence presented.

In reaching their decision, the Committee considered the Officers report and presentation.

Resolved

That application 11/00571/F be approved subject to the following conditions:

- 1) SC 1_4A (Time for implementation)
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents submitted with the application, including the material and finishing details set out therein.
- 3) Prior to the commencement of construction of the grain store on the site full details of the proposed plant and equipment to be used for grain drying (including the sound pressure levels produced by any dryers and/or fans to be used) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. Any variation to an approved specification must in turn receive written approval from the local planning authority prior to it being implemented. RC53AB
- 4) Prior to the construction of the slurry store full details of the store and the method of management and disposal of slurry (including details of the location of the land to be spread) must be submitted to and approved in writing by the local planning authority. The store shall be managed and operated in accordance with the approved specification thereafter. RC55A
- 5) 3_0A (remove (c)) (Submit landscaping scheme)
- 6) 3-1A (Implement landscaping scheme)

44 **Site BB, Langford Locks, Kidlington**

The Committee considered a report for a two storey building accommodating twelve units for B1 purposes.

The Committee was satisfied with the evidence presented.

In reaching their decision, the Committee considered the Officers report, presentation and written update.

Resolved

That application 11/00751/F be approved subject to the following conditions:

- 1) 1.4A - Full Permission: Duration Limit (3 years) (RC2)
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with approved plans: 99057 400C; 99057 400C; 99057 401A; 99057 402C; and 99057 403A.
- 3) 2.1A Details of Materials and External Finishes – (RC4A)
- 4) 3.0A - Submit Landscaping Details (RC10A)
- 5) 3.1A - Carry Out Landscaping Scheme and Replacements (RC10A)
- 6) Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
- 7) If a potential risk from contamination is identified as a result of the work carried out under condition 16, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
- 8) If contamination is found by undertaking the work carried out under condition 17, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning

Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

- 9) If remedial works have been identified in condition 18, the remedial works shall be carried out in accordance with the scheme approved under condition 18. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.
- 10) 4.31AA Soakaways (Contaminated Ground)
- 11) Piling or any other foundation using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
- 12) The construction of the surface drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before works are commenced.
- 13) 4.3AA Access Details for Approval (RC13BB)
- 14) 4.13CD Parking and Manoeuvring Area Retained (RC13BB)

45 **Land East of Oxford Spires Business Park, Langford Lane, Kidlington**

The Committee considered a report for construction of a household waste and commercial waste recycling centre (OCC ref. R3.0167/10).

The Committee considered the volume of people who would use the proposed facility and the suitability of the site.

In reaching their decision the Committee considered the Officers report, presentation and written update.

Resolved

That Oxfordshire County Council be advised that Cherwell District Council has concerns about this scheme for the following reason:

- 1) The proposal represents inappropriate development in the Green Belt, and, taking into account the closure of existing household waste sites, it is considered that there are no very special circumstances for the current proposal in this location, which outweighs the harm by reason of its inappropriateness and the harm caused to the openness of the Green Belt, which would set aside the normal presumption against such inappropriate development. The proposal is considered to be contrary to PPG2: Green Belts and Policy GB1 of the adopted Cherwell Local Plan.

If Oxfordshire County Council considers the principle of the scheme to be acceptable, Cherwell District Council have the following comments on the detail of the scheme:

- 1) CDC have some concern over the proposed canopies situated over the visitor parking adjacent to the household waste disposal areas as this results in further built development encroaching into the countryside and Green Belt and these canopies are not considered to be wholly necessary;
- 2) CDC consider that the proposed landscaping could be improved, particularly along the eastern and northern boundaries of the site to provide a better screen to the development;
- 3) CDC would suggest a management scheme is put in place to ensure the good house keeping of the site to stop waste being swept to the surrounding areas;
- 4) CDC consider the amount of tarmac is a significant amount and would request that this be kept to as little as possible;
- 5) CDC Anti Social Behaviour Manager has questioned the way in which the acoustic survey has been carried out due to the comparison exercise carried out. The usual approach and indeed that recommended in PPG 24 Planning and Noise is to compare the activity noise level (measured as an LAeq(t)) with the current background noise level at the development site (measured as an LN90) applying British Standard BS 4142:1997 if appropriate. CDC would therefore ask that the County ensure they are happy with the conclusions set out and the way in which the report has been carried out.
- 6) CDC suggest the recommendations in relation to ecology are carried out and adhered to, to ensure the development complies with protected species legislation prior to the commencement of the development.
- 7) CDC Landscape Officer has raised concerns about the loss of the hedgerow on the site frontage to Langford Lane and would suggest the hedgerow is retained to a minimum height of 3m above ground level. Protective fencing in accordance with BS5837:2005 Trees in relation to construction would be needed. He concurs with the recommendation to plant woodland on the northern boundary. However it appears the planting is outside the site boundary, and owned by an adjacent land owner and so it is important to consider who will maintain this planting and the access needed to achieve this. He suggests that additional information should be required in relation to the works to the west boundary of the development due to the change to land levels and due to there being some trees protected by a TPO along this boundary. He comments that the recommendation for reinforcement woodland planting is justifiable and would suggest that additional screen woodland planting to the area between the hedgerow and the edge of the hard standing is required and that additional tree planting should be required to the frontage in order to screen the vehicle depot areas. The

car park would also benefit from trees planted in appropriate tree pits. The Council's Arboricultural Officer also suggests that a further survey is carried out of any additional trees within influencing distance that are not covered within the submitted survey and that all conclusions set out within the Method Statement should be adhered to by the developer.

Cherwell District Council request that they be advised of the outcome of the application once it has been determined.

46 **Corner Meadow, Farnborough Road, Mollington**

The Committee considered a report which sought to inform Members of the latest situation at Corner Meadow, to report matters of unauthorised development and breaches of condition and to advise Members whether enforcement action against these matters has been taken. At their meeting held on 19 May 2011 Members requested that such a report be presented to Committee in two months time which was followed up by an e-mail from Councillor Atack setting out the specific matters expected to be addressed.

Resolved

- (1) That the content of this report be noted
- (2) That delegated authority be granted to Strategic Director Planning Housing & Economy to take enforcement action and any necessary court proceedings if it is deemed necessary to do so in relation to landscaping, access, development and hardstanding.

47 **Corner Meadow, Farnborough Road, Mollington, Banbury**

The Committee considered a report for vehicular access.

Mr Paul Stephenson spoke in objection to the application as a Member of Mollington Parish Council.

In reaching their decision, the Committee considered the Officers report and presentation.

Resolved

That application 11/00783/F be approved subject to the following conditions:

- 1) S.C. 1.4 [Time Limit]
- 2) S.C. 4.0ab [Access Specification]
- 3) That full design details of the access gates shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

48 **Decisions Subject to Various Requirements**

The Committee considered a report which updated Members on decisions which were subject to various requirements.

Resolved

That the position statement be accepted.

49 **Appeals Progress Report**

The Committee considered a report which updated Members on applications where new appeals had been lodged, public inquiries/hearings scheduled or appeal results received.

Resolved

That the position statement be noted.

The meeting ended at 6:30 pm

Chairman:

Date:

PLANNING COMMITTEE

11 August 2011

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

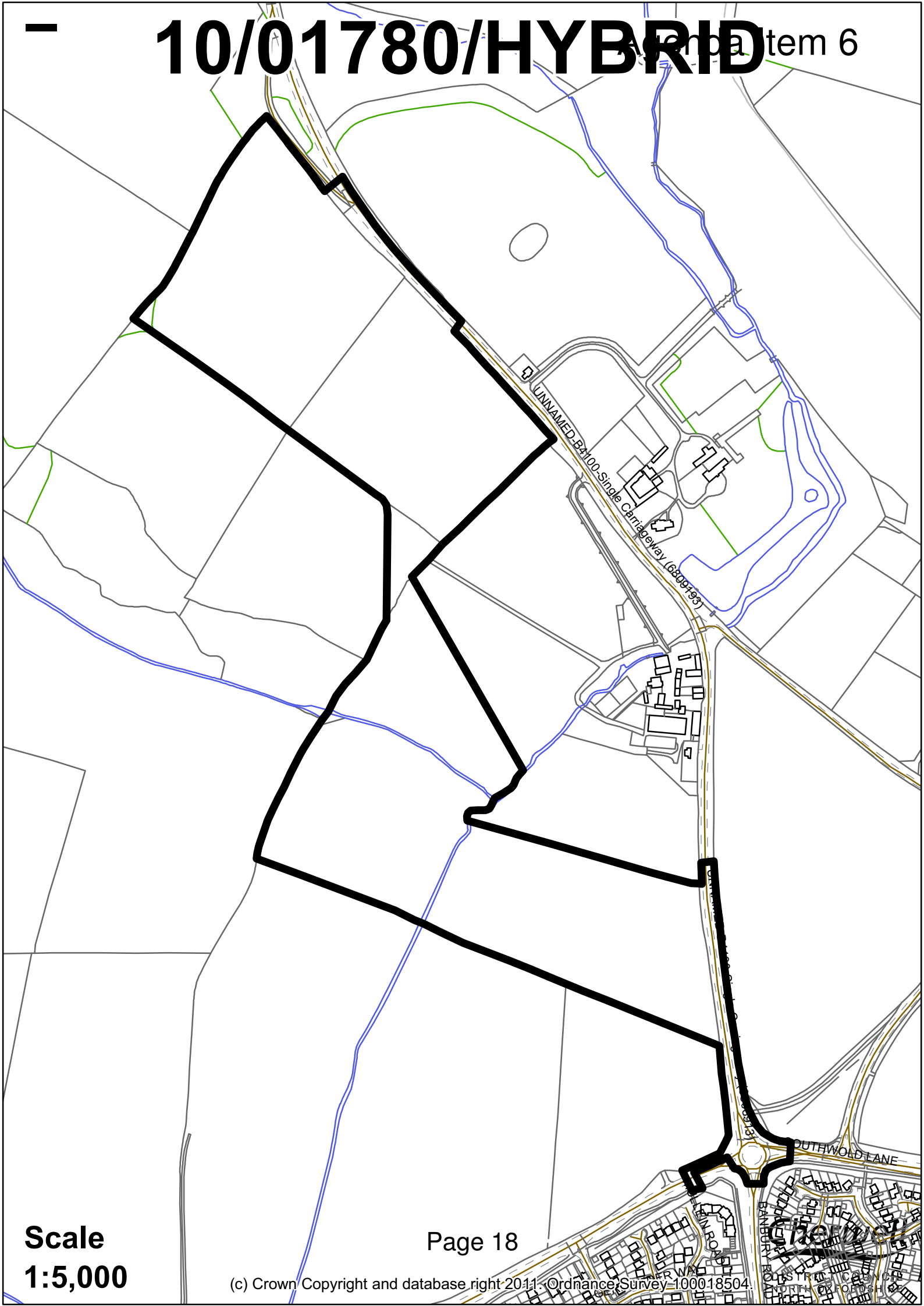
The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site.

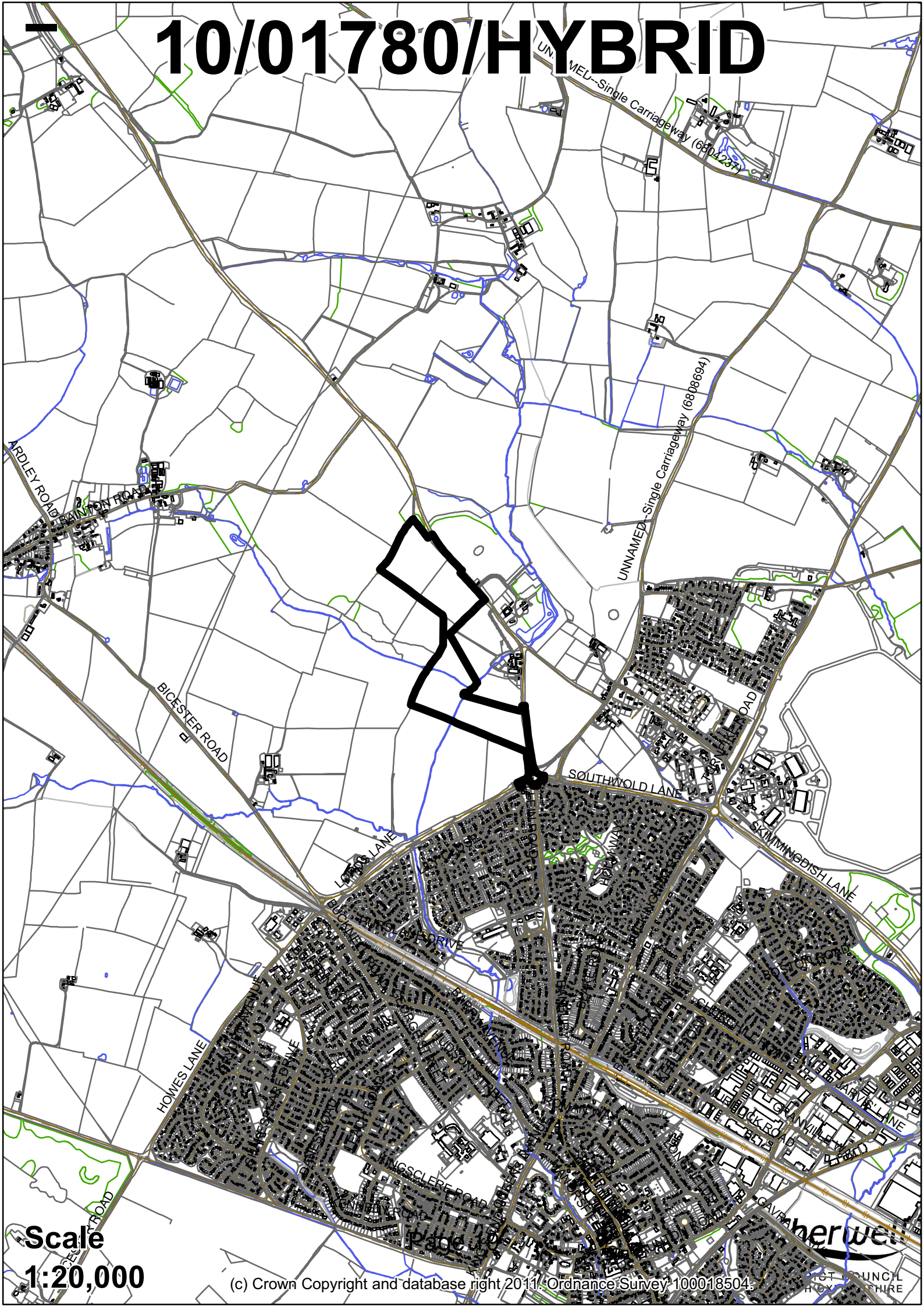
	Site	Application No.	Ward	Recommendation	Contact Officer
6	Bicester Eco Town Exemplar Site Caversfield Oxfordshire	10/01780/HYBRID	Caversfield	Approval	Jenny Barker
7	Select France, 2 Fiveacres, Murcott, Kidlington, Oxfordshire, OX5 2RP	11/00243/F	Otmoor	Approval	Caroline Ford
8	Unit 1 Adj Topps Tiles, Southam Road, Banbury	11/00266/F	Banbury Grimsbury & Castle	Refusal	Jane Dunkin
9	Unit 1 Adj Topps Tiles, Southam Road, Banbury	11/00267/F	Banbury Grimsbury & Castle	Approval	Jane Dunkin
10	Land South of Blackwood Place and Molyneux Drive and North West of Cotefield Farm, Oxford Road, Bodicote	11/00617/OUT	Bloxham & Bodicote	Refusal	Caroline Roche
11	St Georges Barracks, Arncott Wood Road, Arncott, Bicester	11/00722/F	Launton	Approval	Rebecca Horley
12	Former DLO Caversfield, Skimmingdish Lane, Caversfield	11/00151/F	Caversfield	Approval	Caroline Roche
13	Former DLO Caversfield, Skimmingdish Lane, Caversfield	11/00805/F	Caversfield	Approval	Caroline Roche
14	Former DLO Caversfield, Skimmingdish Lane, Caversfield	11/00153/LB	Caversfield	Approval	Caroline Roche
15	Former DLO Caversfield, Skimmingdish Lane, Caversfield	11/00806/LB	Caversfield	Approval	Caroline Roche
16	Former DLO Caversfield, Skimmingdish Lane, Caversfield	11/00152/CAC	Caversfield	Approval	Caroline Roche
17	144 Oxford Road, Kidlington, Oxfordshire, OX5 1EA	11/00875/F	Kidlington South	Approval	Caroline Ford
18	Land north of Deejay Farm and south of Chestnut Road, Mollington, Oxon	11/00892/F	Cropredy	Refusal	Michelle Jarvis

19	Unit 3A, Bessemer Close, Bicester OX26 6QE	11/00995/F	Bicester Town	Refusal	Graham Wyatt
20	Land South West of Bicester adjoining Oxford Road and Middleton Stoney Road, Bicester.	11/01052/OUT	Ambrosden & Chesterton	Approval	Linda Griffiths



Scale
1:5,000

10/01780/HYBRID



Scale
1:20,000

Application No: 10/01780/HYBRID	Ward: Caversfield	Date Valid: 23/12/2010
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Applicant:	A2 Dominion Group/ P3Eco (Bicester) Ltd
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Site Address:	Bicester Eco Town Exemplar Site Caversfield Oxfordshire
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Proposal: Development of Exemplar phase of NW Bicester Eco Town to secure full planning permission for 394 residential units and an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1)), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined.

Amendments to the Report

Following the deferral of this application at the planning committee on the 14th July the following amendments have been made to the report;

Representations:

The inclusion of late representations from the 14 July 2011.

Revisions to the Main Report

The following sections of the report have been revised or expanded following the consideration of the application at the July committee;

5.2 Environmental Statement

5.7.6 Carbon saving

5.11 Employment

5.14 Local Services

5.21 Masterplan

5.25.10 Design – HouseTypes

5.26 Community Infrastructure and Planning Obligation

Revised Recommendation (see end of report)

Heads of Terms

The inclusion of Heads of Terms from the update sheet from 14 July 2011.

Conditions;

In corporation of conditions from the update sheet from the 14th July 2011 committee, including adjustment of previous conditions to publication.

The addition of condition (14) to ensure the Panter Hudspeth architect designed properties are built to passivhaus standards as set out in the Design & Access Statement.

1. Site Description and Proposal

- 1.1 The application site is located to the north of Bicester, it adjoins the B4100 on its eastern side and wraps around Home Farm Caversfield. The most southerly part of the site is approximately 120 metres north of the existing extent of development at Bicester (Bure Park).
- 1.2 The site is just over 21 ha and currently in agricultural use. The land is currently in use for grazing with native hedgerows dividing up the fields. A small stream transects the site running west to east and then south through the southern part of the site.
- 1.3 The application proposes 393 dwellings, 30% provided as affordable, together with an energy centre, open space and infrastructure for which full planning permission is sought. The application also seeks outline permission for a children's nursery, community centre, retail units, business centre, offices, public house for which outline planning permission is sought. A site for a primary school is also identified within the application site.

2. Application Publicity

- 2.1 The application was publicised by way of press advert in the Oxford Times, site notices and neighbour notification letters on registration and following the receipt of amended plans and information in April 2011 and in receipt of further amendments by further notification letters May 2011. Further amendments in June and July 2011 have been subject of limited consultation to technical consultees.
- 2.2 Below are set out the consultation responses and representations received as a result of advertising the application. PPS 1 advises that *'The outcomes from planning affect everyone, and everyone must therefore have the opportunity to play a role in delivering effective and inclusive planning. Community involvement is vitally important to planning and the achievement of sustainable development.* In addition para 43 states; *Community involvement in planning should not be a*

reactive, tick-box, process. It should enable the local community to say what sort of place they want to live in at a stage when this can make a difference.' The Council has also produced a Statement of Community Involvement (SCI) setting out how consultation will be carried out. This encourages applicants of major proposals to undertake consultation whilst developing their proposals.

- 2.3 The applicants undertook consultation on their emerging proposals, prior to making the planning application. The details of the consultation and the outcomes are set out in a statement accompanying the application. Consultation has included an open planning week and two further periods of consultation prior to the application proposals being submitted. The Statement concludes that *'A good level of awareness of the proposals for NW Bicester has been established and a significant amount of interest shown in the information presented publicly. Primary concerns have centred on whether the development will reach the high expectations of sustainability and the impact of the additional population on traffic and other infrastructure.'*

3. Consultations

- 3.1 **Bucknell Parish Council** object to the application and highlight the first phase of the development does not fall within their parish boundary. A summary of their concerns are listed below:
1. General Observations
 - Density is high as insufficient consideration has been given to land available for each property.
 - There is no variety in design of the properties and this has been disguised by using different types of cladding.
 - Shape of the land available has had a detrimental effect on the layout and 'community' principle.
 2. Traffic

Pleased to see no direct vehicular access to the Bucknell Road, however the issues of number of parking spaces was raised, that if the same 8% of parking spaces is applied to the masterplan a total of 8 800 parking spaces would be built and therefore it would undermine the eco concept and have a negative impact in traffic travelling through Bucknell. They question what provisions will be made to restrict the 'through Bucknell' vehicular traffic accessing junction 10 of the M40.
 3. Light Pollution

Very concerned over additional light pollution, how will this be addressed especially in view of the proposed high density housing.
 4. Noise

Parish Council wants to know what mitigating measures will be put in place to mitigate the unacceptable noise intrusion on the rural community.
 5. Buffer Zones

To help obviate some of the issues raised above the timing of the buffer zones needs careful consideration to protect rural Bucknell and the growth of biomass.

With regard to the revisions they raise the following additional comments;

General observations

- Design and layout of the proposal is cramped

Traffic

No apparent provisions to restrict through Bucknell vehicular traffic.

Light & Noise pollution

- Concerns over the light and noise pollution on the rural community, however well planned buffer zones can obviate some of the problems, so a thorough plan of all buffer zones and the types of vegetation proposed are essential.

Other concerns

- Use of the proposed Ardley incinerator as an energy source for the CHP is a complete contradiction to eco principles.
- To minimise the school traffic into Bicester, the infrastructure especially the primary needs to be built initially.
- Detailed master plan should be developed and agreed before making a start on the exemplar site, especially as an alternative brownfield site in Gravel Hill are now available for development.

3.2 **Chesterton Parish Council** makes no objections to the application but do make the following comments:

1. They fully support the comments made by Phillip Clarke (Vice chairman) in his 'Why Shops & Offices' letter. (Details of the letter are awaited).

With regard to the revisions they raise the following additional comments;

- The Parish council believe there has been no public consultation of the proposed development and believe because of the size of the development there should have been.
- Alternative sites should have been investigated.
- The need for the development is questioned as there is already 1500 homes due to be built in the Kingsmere development, are the proposed 5000 Eco homes needed.
- They believe that private car usage will still be the preferred mode of transport to access Bicester.
- The use of 850 acres of agricultural land for the development at a time when DEFRA is advocating for increased food production. Need to consider alternative brownfield sites.
- The exemplar development is not a viable entity at one point the two sections are only linked by a corridor 25m wide.
- At 1.6 parking spaces per household x 394 residential units will result in approx 600 more vehicles on already congested roads. Are road improvements proposed.
- Finally, the financial viability of the development is questioned.

3.3 **Middleton Stoney Parish Council** object to the planning application and they state that they were not consulted directly by CDC, but felt duty bound to communicate their views as the masterplan of 5,000 houses will eventually extend closer to the parish boundary.

The parish council also highlighted that the web-based planning application was very vast and highly technical and it was not conveniently accessible and therefore undermined the consultation process. A summary of their comments are below.

1. Masterplanning
CDC must very carefully consider the longer term effect of any decision made in regards to the exemplar phase of NW Bicester, as this application cannot be considered in isolation, but as part of a masterplan. It is felt that if the exemplar application is granted permission it will most certainly mean that applications for further developments within the Eco town site may simply be 'rubber stamped' and that is not compatible with good planning practice.
2. Examination in Public
There has been no examination in public of the proposed Eco town development, and due to the size and scope of the proposed project we believe there should have been. We question whether CDC should even accept the application for determination as it was only a small group of councillors who made a decision in regards to the use of this land not owned by CDC justified by the PPS. Alternative sites for this development should be examined.
3. Size of development
Question the need for a development of the size of the Eco town, and whether CDC were just reacting to the now defunct SE Plan. As Bicester is already growing quickly with agreed housing development, how will the local infrastructure cope with a further 5000 houses on its outskirts. There is lack of planned infrastructure to serve the development, and a further transport study must be undertaken as the Halcrow study is out of date. Once the development is finished it will mean an extra 10,000 cars travelling on daily journeys to and from the development to work far outside both the Eco town and Bicester itself. The Eco town will become a dormitory town where even if 1 job per household is achieved there will be up to 10,000 extra people).
4. Location of development
The site is detached from Bicester, approximately 2.0 miles from the centre of Bicester (Market Square) and it is set alone within open countryside, with green fields between it and the edge of Bicester. It claims that the town is easily accessed by cycling and public transport, we believe that private vehicles will be used for the majority of journeys. Real concerns that the exemplar and indeed the whole Eco town it's driven by expectations divorced from reality that people choosing to locate in the eco development will adopt the sustainable living ethos. No real solutions are considered here other than 'discussions with OCC and Highways Agency will continue'.
5. Loss of agricultural land
The whole of the Eco town development will cover 850 acres of productive agricultural land that will be used for housing when DEFRA is already highlighting the need for a significant increase in food production. The existing

landowners which CDC or the developer are not, should be encouraged to continue making a significant contribution to the agricultural economy and not be insulted by dismissive statements in regards to the quality of the land.

6. Alternative sites for development

Alternative sites existing brownfield sites within Bicester should be used without destroying productive land. These sites include MOD land at Graven Hill proposing 1800 houses and SW Bicester Phase 2 land which is already under option by a potential developer. However the MOD option was dismissed by CDC on the basis that the Eco town would provide all of Bicester's housing needs until 2026.

7. Financial viability

Concerns have been raised over the financial viability of the development. The shortfall in central government funding has been raised as well as the funding need to provide three primary schools and one secondary school which would be in the region of £60m. Other issues raised were the land values and the uncertainty of where the funding will come from.

8. Prematurity

The submission of the planning application for the exemplar site is premature and we call for the Local planning authority to refuse this application, which will give an opportunity to assess the level of development Bicester need going forward and looking into the possibilities of development at Graven Hill and SW Bicester Phase 2.

With regard to the revisions they reiterate their earlier objection.

3.4 **Caversfield Parish Council** object on the following grounds;

- There is insufficient evidence that that PPS standards can be met
- Proximity to existing & planned employment and lack of clear indication where adequately paying jobs will be provided. Difficult to substantiate number of home workers
- Bicester's transport system is already congested with serious bottle necks for example the roundabout by Bicester Village. Extra traffic from the exemplar will impact the Bicester/Oxford Road, Bicester/Banbury Road and Bicester/Bucknell Road. These will be expensive to resolve and will result in rat running through villages.
- It is questioned if there is a timetable for delivery including the primary school
- The development is built on greenfield farmland at a time when food production is a key factor in sustainability
- There are more suitable sites around Bicester
- The approach has been top down and consultation did not take place until after plans to build one
- No bio mass converter is planned and
- No plans to build a factory to produce house frames as promised.

With regard to the revisions they raise the following additional comments;

- long-term sustainability of proposed bus service unconvincing;
- environmental impact on existing village of Caversfield – rural, non-suburban

nature of village altered as it becomes subsumed within Bicester urban sprawl;

- Traffic safety concerns with regard to B4100 from which traffic will access the Exemplar.

3.5 **Bicester Town Council** support the principle of the application, however they raise some concerns summarised below:

1. General concerns

- The improved social, economic and environmental infrastructures promised for Eco Bicester as a whole does not appear to be being considered as part of this application, although the Eco Town concept has been 'sold' to the residents with these benefits as part of the whole package.
- Again we stress that with the necessary incremental nature of the NW development over many years it is essential that wider educational, health, social, community and transport needs are built into a master plan for NW Bicester so they are part of planned development and not addressed as an emergency after thought.
- In addition this master plan should also dovetail with a wider blue print for New Bicester as a whole so that the whole community benefits from Eco town status.
- We appreciate that this is not the traditional planning approach but having Eco Town status is not about being traditional it's about being cutting edge and looking forward to showing how things can be done differently both by the applicant and the planning authority

2. Sustainable houses

- We would like to see opportunities for sustainable 'self build' housing in all applications for NW Bicester including this one. We believe that unless this is built in at the start it is unlikely to become part of the overall master planning for NW Bicester.
- Need to be satisfied that provision for home working has been fully considered in respect of impact on family life as well as providing the right tools such as effective high speed broadband.

3. Economy and job creation

- The Economic strategy accompanying the application does not sufficiently enlarge on its aspirations of providing one additional job per dwelling that is accessible by public transport, walking or cycling.
- This first phase would generate some 465 new local on-site jobs. The vast majority of these jobs are of the type that would be generated by any development of this size. They are not the high skilled or green technology or construction jobs that are intended to be derived from being an eco exemplar.
- Lack of any focus on when or how high skilled and green technology and industry jobs can be attracted to New Bicester. Nor is it necessary for the new jobs to be solely located in the new development. Bicester Town Council

wishes to see the employment and economic benefits of development being shared right across the town.

4. Education, health, social and community infrastructure

- The application outlines a site but gives no details about providing a primary school. Our expectation is that an on-site primary school will be available from the beginning of occupation of the first homes. We recognize that this is a major shift from the traditional approach but that is what being an exemplar is all about.
- The school and significant indoor community space should be located together to increase community identity and reduce the carbon footprint. The application proposes a community building above a commercially operated nursery in a local retail centre. There is no certainty when this would be provided and its isolation from the school is not in the best interests of community development. Bicester Town Council suggests that closer location of the school to the retail centre or vice versa would be advantageous.
- We are very concerned that no medical facilities and services are identified in the application. The assumption is that already available local surgeries will absorb the additional numbers and meet their medical needs. However, it appears that local doctors have not been engaged with to ascertain their views on existing availability.

5. Heat, light and power

- The application makes reference to using CHP and bio-mass systems.
- There is no mention of the Ardley Incinerator, which could offer heat and power benefit to NW Bicester and to Bicester as a whole. It has been promised that the incinerator would benefit the local community, and the development on the NW is geographically ideally positioned to best benefit and act as a conduit to the rest of Bicester. The incinerator at Ardley will be generating power to feed back to the National Grid and exhaust heat to the atmosphere so denying local people, the environmental and financial benefits of local heat and power. Bicester Town Council is perplexed that this is an opportunity lost and we strongly urge that this is further and fully examined.

6. Transport

- Transport continues to be an issue. The application does not address integration of the Phase 1, NW development with the rest of Bicester.
- Lords Lane is an obvious barrier but no real options are offered to reduce or overcome this physical barrier to greater integration with the rest of Bicester. To be integrated into the existing town, efforts need to be made to break through this barrier; otherwise, the development will remain segregated.
- The timing of the Primary School provision is also key, in order to encourage the first residents to be able to access education as soon as they move in, otherwise travel patterns will be established with children being driven offsite to access school facilities elsewhere. In addition it will form a social hub helping to stimulate community identity and cohesion.

With regard to the revisions they raise the following additional comments;

- Bicester Town Council is concerned that the 'eco concept is being diluted to satisfy the commercial viability of the development and will only continue to support the project if the eco concept remains strong.

Other concerns are;

- There is insufficient evidence to demonstrate how this development is significantly different from any other large scale development in the area.
- The design amendments do not go far enough to distinguish this development as an exemplar of eco design and principals.
- BTC is concerned that the energy strategy is still not thinking widely enough in terms of the benefits that the Ardley incinerator could offer re energy supply to the development.
- It is unclear how 40% green space is identified. Garden space should not be included.
- There is still no indication of where the construction of the house frames will take place. BTC urges that all possible steps are taken to ensure that this can be manufactured in Bicester or the close locality.

With regard to the revisions they raise the following additional comments;

3.6 **Oxfordshire County Council (OCC)** have the following comments on the planning application

Economic Strategy and job generation

- The Economic Strategy remains light on detail as to how it will be implemented.
- Although the applicant is willing to provide land for the Eco-Business Centre, it cannot be delivered without the public sector providing the funding to construct the Centre. Given that this is the first stage in a much bigger development it seems appropriate for the public sector to provide pump priming in this way on the basis that the pump-priming investment is recovered as later phases of the development come on-stream.
- The proposal to construct a good quality business building, supported by Oxford Innovation, a well-regarded organisation that provides innovation centres across the UK should help deliver high quality sustainable employment opportunities. However, a firm commitment will be needed for early delivery of the Centre to ensure that high-quality jobs are provided.
- The revised strategy includes more realistic levels of home-working (down to 50 from 105); this will need to be supported by the applicant providing high-speed broadband for every household and by business support and mentoring.

OCC support subject to full agreement between OCC and CDC of the eco town funding going forward and a mechanism being put in place to recover the initial investment.

Social and Community Infrastructure

a) Primary School

- Further detailed information is still needed to fix the size of the site, its shape and location.
- The applicant has submitted an earthworks plan, which would see a significant

change in levels in and around the proposed school site. Officers' initial assessment is that this will make the school site unacceptable. The application shows land for phase 2 of the school to the west of phase 1; we have previously stated our expectation for the extension to be to the south.

- Discussions are ongoing about the timing of the opening of the school in relation to the occupation of the first housing and the need for temporary provision of places at an existing school.
- Subject to advanced funding, it would be possible to accelerate the design, procurement and build programme so that a school could be operational within 12 months of occupation of first housing.
- The applicant's draft heads of terms offer land but no funding for the provision of the new one-form entry (1FE) school building with 2FE core facilities or the costs of temporary provision off-site, including transport.

OCC object unless the land is demonstrated to be acceptable and the S106 contributes to funding the provision of the new school, temporary education arrangements and transport.

b) Community space

- The new primary school will be designed to include an element of extended school space (the County Council's minimum standard is 90 sqm); additional community space will be required to meet the needs of a number of users, to create a thriving community.
- It has been the County Council's preference that the community space should be co-located with the school. The applicant has indicated a willingness to explore co-locating the community space with the school.
- The application is in outline only for the non-residential uses and there is no firm commitment to when the community facility would be delivered.

OCC support subject to an acceptable solution being found as to where and when the community facility is provided.

Transport

a) Connection between the northern and southern fields

- The link between the northern and southern fields will be for pedestrians, cyclists and public transport only (with provision for emergency vehicles).

b) Bus frequency

- It is essential that a high frequency bus service is provided from the to enabling the first phase to meet the target of 50% of generated movements being by non-car means.
- The amended application now commits to a half-hourly service from the 50th to the 200th occupation and a 15-minute frequency thereafter. This is an improved offer; however, officers remained concerned that the proposed provision is not sufficient to meet the agreed target.

OCC Support subject to an acceptable solution being proposed up to the 200th occupation.

c) Parking

- The issue of undersized garages has been met. Although it looks as if the number of parking spaces per property has increased, this is because the figure in the original application did not include the garages.
- The residential parking strategy is improved by these changes and previous

concerns are met.

d) Rights of way

- A general contribution will be required through the section 106 agreement towards the upgrading of and improvements to existing and new rights of way routes.

e) Drainage

- Following our initial comments on the drainage proposals, improvements have been made to the strategy. However, further information is required before the officers can assess whether it meets the standards for Sustainable Drainage System (SuDS). More detailed information is also required to be able to agree to the lighting proposals.

OCC object unless further information is submitted to ensure that the drainage proposals meet SUDs and Lighting standards

Section 106 package

- Agreement has yet to be reached on the population profile for the development on which infrastructure requirements are based or the off site transport and social and community transport.
- at this stage it is not possible to assess whether the proposal is viable. As a consequence there is a risk that the essential infrastructure required to support the development may not be affordable.
- Officers strongly advise that the planning application should not be determined until such time as the outcome of viability work is known.

Object on the basis that viability work is incomplete and that as a result it is not possible to take an informed view as to whether the scale of infrastructure requirements can be afforded.

Bio-diversity

- The proposed development still does not stand out as one that is demonstrating best practice by taking full account of the biodiversity present on the site or one by seizing the opportunity to maximise biodiversity within the proposed development.

Object unless further information is provided showing the development will deliver net biodiversity gain, encroachment into the river corridor is removed, off site compensation is provided.

Bridges Waste & Energy

Support these areas of the application subject to further details being provided.

Oxfordshire County Council continue to object on the following grounds

Over the course of the last two days we have been informed that the applicant is only prepared to fund:

- the on-site infrastructure, including the affordable housing units, the bus service, the entrances to the site;
- the new mini roundabout at the Bucknell Road/Lords Lane junction;
- contribution towards the primary school (although they are also questioning why they need a school on site, because they believe that there is available

spaces in existing primary schools).

We have been advised that the funding for these works will be underwritten by A2 Dominion as P3Eco appear unable to afford these items. We have also been advised that there is no prospect of the funds being secured through a bond, as is the normal practice for contributions towards County Council delivered services. While we are aware that the applicant is proposing to 'guarantee' the funds by means of a parent company guarantee, this would not give the County Council the security it requires. In addition, such an arrangement would be setting a precedent for future applications across the County that we are not prepared to accept.

We have also been advised that there is now NO funding from the applicant to contribute towards the cost of temporary primary school accommodation and transport, secondary school places, libraries or general transport contributions. In total this equates to over £4 million of contributions towards services that are needed as a consequence of the demand arising from the application. The complete absence of any contribution towards the delivery of these services cannot be made good by using County Council funds.

It is the County Council's clear policy that additional service needs arising from a development need to be funded by the proposal. In addition to leaving a substantial funding shortfall for services that are needed to support the application, the failure of the applicant to make an appropriate contribution towards those services sets, in our view, a dangerous precedent not only for future negotiations associated with any development in Bicester but more widely across the County.

It is on the basis of the above concerns that I must advise you the County Council OBJECTS to the application before the Planning Committee.

One of our common aims, agreed when we last met, was that the CLG funding should be spent for the eco-benefit of the whole of Bicester and not used to fund infrastructure for the eco-town. The sole exception was the temporary funding of the primary school funding but we were both looking for repayment of this sum by the developer as houses were built. We would not, therefore, feel able to agree that some of the CLG funding was used to plug the £4 million gap referred to above.

The discussions of the last few days with the applicant have served only to reinforce earlier concerns as to the financial soundness of what is being proposed. Indeed one might raise the question as to whether the promoter has the ability to deliver the longer-term aspiration for the North West Bicester site. As a County Council we remain committed to working with the District Council to realise long term housing plans for the town as part of a broader strategy that is jobs-led.

In what clearly continues to be a difficult market for developers, I believe it is increasingly important that we remain flexible in our approach to opportunities to secure the level of growth planned for the town.

OCC have provided a copy of their **draft School Site requirement document**. The transfer of the school site will need to provide the reasonable information identified in the document.

OCC as Highway Authority

Advise that further research has been carried out by the County's Land and Highway Records Team. They can confirm the following:

The North Entrance Works can be accommodated within land classed as public highway i.e. highway boundary is up to the fence/stone wall boundary along the eastern side of the B4100. However these works will mean the removal of the hedge-line/vegetation along this section of the B4100. It is acknowledged the land available for the North Entrance Works is very tight and it is likely the boundary stone wall in the vicinity of the dwelling known as the Lodge will be affected – any associated damage from these works on the boundary wall/fence is the responsibility of the developer to address with a separate formal agreement with the owner of the Lodge. Such an agreement should be in place before work begins on this entrance.

There is an existing field/farm access within the North Entrance Works which serves a 3rd party and their agreement is required/must be secured for this access to be closed, otherwise the proposed north entrance arrangement is considered unacceptable. It is likely a replacement access to the field will be required at the developer's expense to replace the existing access - such a replacement access must meet the County Council's design & construction standards, be in an appropriate new location and have the formal agreement of the 3rd party affected.

In terms of the South Entrance Works investigations carried out by OCC's Land & Highway Records Team shows the majority of the South Entrance Works can be accommodated (again very tight) within land classed as public highway i.e. highway boundary and is up to the historic hedge line along the eastern side of the B4100 (including the ditch). This boundary was established from previous highway improvements.

However there is a large section of land/ditch (in the area of the existing field accesses) where there is no record of the land being classed as public highway land i.e. land is considered to be in the ownership/control of a third party. For these works to take place this section of the works needs the agreement of the third party/landowner so the works can be dedicated as public highway. If the developer can provide evidence the land is in fact public highway to the County Council's satisfaction this issue may be overcome.

OCC Highways advise with regard to travel plan monitoring the following fixed targets are proposed

Occupation of development	Expected build rates	Date if start on time	Target percentage of non-car trips	Target percentage of car trips	Indicator or target year
Year 1	50	2012			Indicator
Year 2	100	2013			Indicator
Year 3	100	2014			Indicator
Year 4	100	2015			Indicator
Year 5	43	2016	45%	55%	Target
Year 6		2017			Indicator
Year 7		2018	46%	54%	Target
Year 8		2019			Indicator
Year 9		2020	47%	53%	Target
Year 10		2021			Indicator
Year 11		2022	48%	52%	Target
Year 12		2023			Indicator
Year 13		2024	49%	51%	Target
Year 14		2025			Indicator
Year 15		2026	50%	50%	Target

The level of incentive payment - the payment should increase over the years as set out below.

Year 5	£10,000
Year 7	£20,000
Year 9	£30,000
Year 11	£40,000
Year 13	£50,000
Year 15	£100,000

Incentive money would be used for further enhancements to which ever modes are not meeting the targets. Would need to fully understand why the targets are not being met so that any incentive payment is properly targeted.

OCC Street Lighting advise;

We will ensure that any proposed and approved new street lighting design is in accordance with the Institute for Lighting Professionals' guidance notes for reducing the impact on bats and other protected species. We will also be specifying a low energy LED unit which can be dimmed later at night and a shield fitted if necessary.

OCC summarise their current position as follows;

Oxfordshire County Council (OCC) object to the planning application. Its objection relates to a concern that on the basis of the information in the planning application there is no commitment by the applicant to make an appropriate contribution to the infrastructure and service needs arising from the proposal. However, it accepts that the exemplar application forms part of a longer-term proposal. Accordingly, it accepts that further work on the viability of the overall project, as part of the work on the masterplan, will provide the opportunity to agree a way forward on this issue. It is therefore content to support a 'minded to' recommendation provided the applicant gives a commitment to make satisfactory progress on agreeing a way forward on how the longer-term proposal will fund the necessary service needs arising from it prior to the signing of the S106 Agreement.

3.7 **Thames Water** has provided the following comments on the application.

1. Waste
 - Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed requiring a requirement for a drainage strategy.
2. Water
 - The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommends a condition requiring impact studies to be undertaken and agreed.

With regard to the revisions they raise the following additional comments;

The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Thames Water is taking undertaking wastewater impact study with flow monitoring and the hydraulic model is currently being updated. Flow and pressure tests are

also taking place on the Thames Water network.

- 3.8 **SEEDA (South East England Development Agency)** identified that the application did not meet their Regionally Significant Planning Application criteria, therefore no planning comments were made, however they welcomed the scheme and its eco credentials.
- 3.9 **Highways Agency** originally directed that the following condition be attached to any planning permission which may be granted. Subsequently the HA withdrew the direction and advised that they had no objection.
- 3.10 **Network Rail** has no objections to the application and would support the developer contributions towards railway/station improvements in the area as clearly stated in the transport assessment at £186 per dwelling.

With regard to the revisions they raise the following additional comments;

The amended plans reiterate comments made on 27 April 2011. Applicant clearly makes a reference to contributions in the resubmitted Travel Plan towards railway issues as part of the overall transport contribution; therefore Network Rail supports contributions towards railway station improvements in the area.

- 3.11 **Chiltern Rail** raise no objections but believe any rail contribution should be provided to them.
- 3.12 **Natural England** stated that this application does not have the feel of an exemplary Eco town site, not least in terms of biodiversity. Natural England's concerns relate to the delay in biodiversity survey information within the master planning process, a lack of survey data relating to wintering birds, a lack of evidence on the net gain of biodiversity, and a lack of evidence on the impact of air quality on Ardley Cutting and Quarry SSSI.
 - 1. Conservation Target Areas
 - 1.1 The development should endeavour to help meet the aims of the Conservation Target Areas, either on or off site, rather than show a lack of impact.
 - 2. Wintering Birds
 - 2.1 Concerned that a wintering birds survey has not been included in the Environmental Statement following from Arup's recommendation to produce one. This is so the applicant must be clear of the levels of loss that will occur.
 - 3. Net Gain in Biodiversity
 - 3.1 The current value of the hedgerows and the watercourses is related to their setting within the surrounding farmland and the species utilising them reflect this. Enhancements proposed, such as reduced cutting of the hedgerows and the provision of buffers will serve to mitigate the change in context, but not result in a gain in biodiversity.
 - 3.2 The construction of SuDS features are planned to create a network of wet and dry habitats throughout the site, which will be designed to be of value for wildlife. However there is no detail as to how these features will be created

and so Natural England remain unconvinced that this will be delivered. We are also disappointed that more wetland features have not been incorporated around the river corridors.

- 3.3 There is inconsistency in the detail of the habitats enhancement proposed for the site. For example on the landscape framework plan (drawing 3-2) there orchards to be planted on the wet grassland along the tributary of the River Bure. Orchards will not survive in wet grassland. However elsewhere in the document it is stated that these area may not in fact be wet, but actually quite dry. It need to be decided what habitats are planned for the proposal, and how this will be created and delivered before it can be decided what the biodiversity value will be.
 - 3.4 25% of the green space within the development is to be dedicated to nature conservation (page 61). These areas should be made clear in the plans, and access should be minimised in these areas in order to reduce disturbance. From the plans it appears that the areas considered to be important for nature conservation contain footpaths and cycle ways, and will probably make attractive dog walking areas. This will result in highly disturbed habitats which will not be of a high vale for nature conservation. One solution would be to incorporate carefully designed wetland features which will reduce permeability and hence disturbance. Where access is an essential part of the design then the value of these areas for biodiversity will be reduced and this should be taken into account when calculating biodiversity gains.
4. River Corridor/Bats
 - 4.1 Natural England is concerned that we have been unable to find any evidence or designs to show that the lighting of the site will allow a dark corridor along the River Bure. The lighting strategy in the Design and Access statement says that 'This has been accommodated, as far as practicable,' but there is no detail to show what the result of this is, and how much of the river corridor will remain dark at night time.
5. Bridge Design
 - 5.1 Natural England is concerned with the provision of box culverts as the bridge design for crossing the River Bure and its tributary. We believe that clear span bridges would allow for a more effective corridor for both continuity of habitat and movement of wildlife and people. This design would also retain a more open view along the river corridor, increasing the feeling of open space, and creating a more attractive landscape.
6. Long Term Management
 - 6.1 The applicant needs to demonstrate that the green infrastructure can be managed, maintained and monitored in the long term in order to guarantee that a net gain in biodiversity can be delivered. This includes the need to commit to a management option which can be proven to be viable in the development.
7. Green Infrastructure
 - 7.1 Natural England is pleased that 46% of the proposed development has been allocated as Green Space. (page 58 of ES). However we are concerned that the term multifunctional has been taken to mean that all areas of GI must serve more than one purpose. This does not have to be the case, and in some cases combinations of functions are not compatible.

8. Agriculture and Land Use

8.1 Natural England are happy that most if not all of the small area of best and most versatile land (Grade 3a) is being retained as part of the Green Infrastructure for the site, and that soils will be relocated to suitable locations, depending on the land use e.g. allotments and habitat creation.

9. Masterplanning

9.1 Natural England are disappointed that the design of this proposal was carried out without all of the relevant background information being available. Indeed the extended phase 1 habitat survey data was only received in November 2010, weeks before the application was submitted. Ecological surveys must be carried out first in order to inform the design as stated in PPS9. This must be the case for the wider eco-town master plan in order to prevent many of the problems that have been encountered here.

With regard to the revisions they raise the following additional comments;

Designated sites - NE request that the increase in traffic along Middleton Road (between Bucknell and Middleton Stoney) and Ardley Road/Station Road (B430, between Middleton Stoney and Ardley), is modelled and any impacts on the above SSSI assessed. Regardless of the distance of the SSSI from the development site, there is still the potential for an increase in traffic on this road which is less than 200 metres from the SSSI, to cause an impact on the designated site, due to the development.

River Bure corridor - Natural England are pleased that a 60m wide corridor of semi-natural habitat has been proposed to buffer the watercourse. However several elements of development seem to be encroaching, including the NEAP, the nursery garden, bungalow access and gabions, which all erode the value and effectiveness of the buffer. In particular the gabions and NEAP will alter the natural profile of the watercourse, and is less acceptable than the previous plans. It is still unclear as to how much lighting will be provided within the 60m corridor, in order to assess the suitability of a dark corridor for the bats travelling up and down the watercourse. This includes lighting of the bridges (both road and pedestrian), and of the adjoining NEAP, terrace and pub seating. Natural England still believes that a clear span bridge would be more beneficial for the continuity of habitat, bat flight paths and views along the watercourse.

Net Gain in Biodiversity

Natural England would like to see that the increase in species value calculated through the BREEAM guidance is backed up with qualitative explanations. This would help to see what the values of biodiversity are based on.

The management of the habitats to be created is essential in being able to show a net gain in biodiversity. Without this information, a net gain cannot be ensured. Natural England would need to see as a minimum that management objectives and prescriptions are provided at this stage in the Landscape and Ecology Conservation Management Plan.

Green infrastructure

Natural England are concerned with the lack of clarity on the calculations of the

green infrastructure within the development. It is difficult to work out from the drawings provided exactly what area home zones and green lanes, for example, consist of. Also the school green spaces appear to be made of anything that is not covered by the school buildings. However some of this area must consist of car parking and hard play areas and so may not count towards green infrastructure.

Although Natural England is supportive of green roofs as an element of GI on the development, where these are provided on private garages, information on the suitability of this should be included in the application. This includes the future necessary management that the owners would be expected to carry out including the costs.

3.13 **Berks, Bucks & Oxon Wildlife Trust (BBOWT)** has commented on the application and the comments are set out below.

1. Legislation and guidance

- In addition to the normal legislative and policy guidelines in relation to biodiversity, we are looking for this eco-town development to meet the guidelines of the supplement to PPS1 on eco-towns with regard to biodiversity and green infrastructure, as well as following the eco-town worksheets on biodiversity and green infrastructure published by the TCPA, CLG and Natural England. In light of the guidance available, I wish to submit the following comments.

2. Net Biodiversity Gain

- Overall, whilst the proposal is unlikely to be significantly detrimental to local biodiversity, it does not stand out as an exemplar in terms of biodiversity enhancements.
- Late provision of ecological survey information did not allow for ecology to be considered at initial stages of the design of this development. Further information is required in the Environmental Impact Assessment as it is considered that the level of information submitted is insufficient to determine whether the Eco-town will achieve the aim of a net gain in biodiversity, and as such whether it fulfils the requirements of the supplement to PPS1.
- Arrangements for the long term management of green spaces, including identification of a management body and funding, have yet to be secured. As a result it is unclear that the measures incorporated for biodiversity will be fully realised.

3. Environmental Impact Assessment

- The results of wintering bird surveys are not available to inform the ecological assessment, so any gains or losses with regards to this group cannot be taken into account.
- In relation to assessment of impacts on Ardley Quarry and Cutting SSSI, I note that it is reported that calcareous grasslands would not be enriched by nitrogen. Reference to the Air Pollution Information Service (APIS) website indicates that whilst this is often the case as phosphate is limiting, and critical loads for nitrogen deposition, for this habitat it is indicated that *B.pinnatum* (which currently occurs on the site) is tolerant of low phosphate and therefore an increase in this species may result from increased nitrogen, thus resulting in a change in species composition.
- It is suggested that further consideration needs to be given to this issue,

- including assessment of contributions of nitrogen from increased traffic as well as the energy centre and with reference to the critical levels for nitrogen oxides.
- It should be noted that a systematic review of potential impacts on Local Wildlife Sites (LWSs) has not been included. Whilst many of the LWSs in the locality have been mentioned, I would expect to see an assessment of potential impacts on the specific features for which these sites have been selected as being of local value; this should include assessment of any likely recreational, air pollution or hydrological impacts.
 - Whilst impacts on Conservation Target Areas (CTAs) have been considered, the purpose of CTAs is in fact to identify areas of opportunity for biodiversity enhancements to help deliver the aims of the UK and local Biodiversity Action Plans (BAPs) through landscape scale conservation. Policy ET16.3 of the supplement to PS1 indicates that the Biodiversity Strategy should set out priority actions in line with Local Biodiversity Action Plans. In line with this policy, I would wish to see an assessment of opportunities for the development to contribute towards the aims of the Tusmore and Shewell CTA and the Ray CTA. Whilst a negative impact on the Ray CTA has been excluded due to its location upstream of tributaries feeding from the proposed development site, I would wish to see consideration of the impact on the Otmoor CTA, and designated sites, which lie downstream of the proposed development.
 - There is no mention of records for BAP priority butterflies in proximity to the proposed development, records were provided to Arup by Butterfly Conservation. These included brown letter hairstreak at Bure Park, and white letter hairstreak south of the application site. I would expect to see identification of opportunities to enhance the habitats for these species to encourage population expansion in line with Policy ET16.3 of the supplement to PPS1. Whilst I understand that hedgerow management is to be improved and may benefit brown hairstreak, the provision of elm for whiteletter hairstreak does not seem to have been considered (varieties resistant to Dutch elm disease are available). The EIA also reports water voles in the nearby area, consideration should be given to design of water features to provide appropriate habitat for this species.
4. Delivery of a 'net gain in local biodiversity'
- I welcome that a Biodiversity Strategy has been submitted with the application, as is required under Policy ET 16.3 of the supplement to PPS1. However, it is not clear that a net gain in biodiversity will be delivered. Policy ET 16.1 of the supplement to PPS1 makes it clear that 'Eco-towns should demonstrate a net gain in local biodiversity'.
 - Overall, it appears that it is intended that delivery of a net gain in biodiversity would be achieved through retention of existing features including hedgerows and watercourses, including management of these features, and habitat creation within corridors of open space.
 - The eco-towns biodiversity worksheet emphasises the need to integrate biodiversity within the built environment to create a high degree of permeability for wildlife. Whilst bird and bat boxes are to be provided, I am disappointed not to see more innovative design of the built environment to provide for biodiversity.
 - Whilst more sympathetic management of the hedgerows may well benefit certain species, particularly invertebrates, the setting of the hedgerows will

change, which in turn is likely to make them less attractive to some of the farmland bird species (for example yellowhammer) which currently use them. Therefore achievement of an overall net gain for this habitat and associated species is unclear.

- The main corridor of open space following the watercourses in the southern section of the site is divided by roads. I understand that the bridges which are planned to carry these roads will consist of a box culvert. This is likely to reduce the ability of wildlife to move along these corridors of open space. It also creates a series of small management units which severely limits the ability to manage these areas in a suitable way to achieve successful wet grassland and species rich meadow creation. A clear span bridge design would be preferable to allow better connectivity and management of these areas.
- Whilst the need to maintain dark corridors along the watercourses has been recognised in the submission, particularly with regard to provision of foraging corridors for bats, I have some concern that this will not be achieved particularly since there is likely to be demand to light pedestrian routes along these corridors. Consideration should be given to routing these paths along the edges of the corridors to maintain a larger proportion of unlit space and to aid management of these spaces.

5. Green Infrastructure

- I welcome that the development meets the PPS target for 40% Green Infrastructure, but the multi-functionality of this green space means that there are unlikely to be many areas undisturbed by the public, thus limiting the ability to achieve a net gain in biodiversity. Through planting design and use of wetland features (such as ponds, scrapes and fen habitats), it is possible to design areas of open space which allow for quiet areas for wildlife alongside those areas which are more accessible to the public, but currently the design appears to encourage access throughout most of the open space.
- It has been identified that wet grassland and species rich grassland will be created within the watercourse corridors, but it is unclear whether the hydrology and soils in these areas suit these habitats. If the soils are too enriched or too dry or wet then creation of the habitats suggested will not be achievable. Additionally, in order to successfully create these grassland habitats, appropriate ongoing management will be needed. Such habitats need to be cut and/or grazed; since the species rich grassland is also to be planted with trees it is unclear how this will allow for machinery to be used to cut the grassland.
- It does not appear that any fencing of these grassland areas has been identified, which would preclude the ability to graze. Grazing on such sites would provide the most effective management to achieve the desired habitats in terms of wildlife conservation and enhancement.
- Since a management body, and mechanisms for funding management work, have not yet been secured it is not clear that the biodiversity benefits of management of existing features will be realised, or the successful creation of wildlife habitats will be achieved.
- We would encourage the applicants to consider creative approaches to long term management involving the local community.

With regard to the revisions they raise the following additional comments;

BBOWT welcome some of the amendments that have been made to the application, including widening of the east-west river corridor, rerouting of footpaths to the edges of the river corridors, inclusion of further above ground SUDS features, further assessment of impact on wintering birds and BAP priority butterflies, and the provision of green roofs on some garages.

Whilst the proposal is unlikely to be significantly detrimental to local biodiversity, it still does not stand out as an exemplar in terms of biodiversity enhancements and it should.

Arrangements for the long term management of green spaces, including identification of a management body, and a process to ensure robust and sustainable community governance, funding, and infrastructure (including social and physical infrastructure such as: 'Friends of the Eco-town' groups, meeting places, equipment storage, eco-education centre, etc), have yet to be secured. As a result it is unclear that the measures incorporated for biodiversity will be fully realised and as a result it is uncertain that all the ecological enhancements proposed are likely to be achieved.

Links to the detail of design on later phases of the Eco-town development and some provision of finances for equipment and infrastructure to be provided with later phases will be crucial if the people and biodiversity provisions are to work well. This will need to be addressed from an early stage and it is not clear that this has been successfully achieved at this time.

BBOWT in response to further revisions they raise the following comments; In addition to the normal legislative and policy guidelines in relation to biodiversity, we would expect this eco-town development to meet the guidelines of the supplement to PPS1 on eco-towns with regard to biodiversity and green infrastructure, as well as following the eco-town worksheets on biodiversity and green infrastructure published by the TCPA, CLG and Natural England.

Overall, the fundamental opinion of the Trust is still that the proposals for the exemplar phase with incorporation of the planned ecological mitigation are unlikely to result in significant adverse impacts on local wildlife. However, the biodiversity enhancements within the scheme design remain uninspiring and there is little to justify the scheme's billing as an exemplar of eco-town development. Whilst recent amendments and refinements to the scheme design have been made in response to concerns raised by the various biodiversity stakeholders (such as additional ponds, improved lighting schemes and altered bridge designs), these amendments are essentially incremental tweaks to a master plan largely fixed early in the design process rather than substantial improvements to biodiversity provision and green infrastructure based on provided feedback.

It is their opinion that the ecological mitigation measures described and the green infrastructure designed into the proposed scheme are likely to ensure that there will be no significant net loss of biodiversity within the zone of influence. However, I consider that the level of prior and amended information submitted remains insufficient to satisfactorily demonstrate that the scheme will achieve the aim of a net gain in biodiversity, and therefore I am not confident that it fulfils the requirements of the supplement to PPS1. Although a draft Landscape and Ecology Conservation Management Plan for the exemplar phase has been submitted, it still

fails to provide sufficient details and assurances of how funding for habitat management and ecological monitoring post construction will be secured and delivered. As a result it remains unclear whether the measures incorporated for biodiversity are either adequate, or could be fully realised.

Environmental Impact Assessment

The issue of a systematic review of potential adverse hydrological, air quality and recreational impacts on Local Wildlife Sites (LWSs) was raised in previous BBOWT responses. The note of Supporting Information re Biodiversity, 10/06/11 attempts to summarise the reasoning for discounting significant adverse impacts on LWSs. Whilst I can accept that significant adverse impacts on sites in the locality are probably unlikely as a result of the proposed application, the assessment only considers the effects of the exemplar site, and not the potential impacts of the subsequent phases of the eco-town. It is reasonable to assume that potential impacts on LWS and other valued ecological features would be of a different magnitude when considering 5000 rather than 400 new dwellings.

Demonstration of a net gain in biodiversity

BBOWT continues to support the submission of a Biodiversity Strategy with the application, as required under policy ET 16.3 of the supplement to PPS1. However, policy ET 16.1 of the supplement to PPS1 makes it clear that 'Eco-towns should demonstrate a net gain in local biodiversity' and I am still not convinced that the proposed scheme in its present form could deliver this.

Despite the recent revisions to the scheme, it still appears that the retention of existing features including hedgerows and watercourses, with some buffering and limited habitat creation within corridors of open space, is intended to deliver a net biodiversity gain and satisfy the requirements of the PPS supplement. The eco-towns biodiversity worksheet emphasises the need to integrate biodiversity within the built environment to create a high degree of permeability for wildlife, and I am disappointed that consultation with, and feedback from, the biodiversity stakeholders has not resulted in a more innovative design of the built environment to incorporate provision for biodiversity. I am concerned that the BREEAM ecology calculator has been used as a means by the applicant to demonstrate that a net gain in biodiversity has been achieved. I believe that it is a system of limited value, and it is certainly not a suitable tool to reliably establish net gain in developments with more than the smallest and most basic change of land use. Simple calculations have been made based on approximate current floral species present within the application site and species numbers from proposed planting schemes to demonstrate that there would be a by area increase in floral diversity as a result of the proposed development. What is not considered is whether the species used would become established, whether the expected diversity of the habitats to be created can actually be maintained by appropriate maintenance, and whether viable populations of any species of conservation value would be supported as a result. The draft Landscape and Ecology Conservation Management Plan makes some initial attempt to set measurable targets that can be monitored post-construction, but far more considered qualitative information is required regarding the expected value of the habitats to be created for biodiversity gain. It is my opinion that the habitat areas within the green infrastructure proposed will be too small and physically constrained to manage optimally for conservation purposes, and will be subject to too much human disturbance to be of real value for wildlife other than species that adapt readily to urban environments. For example, it is unlikely that

farmland birds will return to nest in the retained hedgerows once they have become a network within a residential development. Furthermore, since a management body and mechanisms for funding management work have not yet been clearly defined within the draft Landscape and Ecology Conservation Management Plan, there is no certainty that the on-site enhancements proposed by the applicant can actually be delivered through implementation of the scheme.

Improved overall biodiversity provision in future phases of the eco-town
There has been some inference that any perceived or accepted inadequacies in terms of biodiversity provision within the proposed exemplar phase could or would be overcome by an improved vision for the eco-town as a whole, and I would make the following comments. As the first phase of the proposed eco-town is intended to be an exemplar of what can be achieved, any physical constraints or housing delivery targets should not justify excessive compromises in ecological planning. Furthermore, the application is for the exemplar phase only and consent would not guarantee delivery of future planned phases of the eco-town, and thus the exemplar phase should be judged as a stand-alone development, as indeed should the adequacy of the proposed biodiversity provision.

Off-site contribution to net biodiversity gains

Given the difficulties in agreeing the achievement of net biodiversity gain to the satisfaction of all stakeholders, I would recommend that the developer is required to contribute to appropriate off-site wildlife conservation work elsewhere in the locality in order to compensate for residual impacts (such as the displacement of farmland bird species) and to clearly demonstrate that a net biodiversity gain would result from implementation of the proposed development, in compliance with PPS9 and policy ET 16.1 of the supplement to PPS1.

Whilst impacts on Conservation Target Areas (CTAs) have been considered in the EIA, the real purpose of CTAs is in fact to identify areas of opportunity for biodiversity enhancements to help deliver the aims of the UK and local Biodiversity Action Plans (BAPs) through landscape scale conservation. Policy ET 16.3 of the supplement to PPS1 indicates that the Biodiversity Strategy should set out priority actions in line with Local Biodiversity Action Plans. In line with this policy, I would wish to see an exploration of opportunities for the proposed development to contribute towards RSPB / BBOWT conservation work within the Otmoor CTA downstream of the application site, to be included as a condition to any planning consent.

3.14 **Sport England (SE)** objects to the application, the reasons for their objection are stated below; however SE would be willing to withdraw this objection should further details be provided which address their concerns:

- The developments site does not include any playing field land, as identified by Article 16(1) Schedule 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 or any other sporting provision. Consequently, Sport England does not have any comments to make on the principle of the proposed development.
- Due to the nature of the development Sport England would expect the application to ensure that
 - a) the demand for sporting provision generated by the development will be

- adequately met,
- b) The design of the development actively promotes participation in sport and physical activity, thereby enabling residents to lead active and healthy lifestyles.
- It is therefore essential that new developments, especially residential, provide for the additional demand they will generate for sporting provision as supported by PPG17.
 - No information is provided on how the demand for sporting provision that will be generated from the development will be adequately met. The planning Statement under the 'leisure' heading refers only to green infrastructure provision rather than wider leisure facilities such as those for formal sports.
 - The Social Infrastructure Provision (SIP) paper does include information on leisure and recreation facilities in Bicester, but concludes that the development will not generate the level of demand necessary to support a wider range of facilities beyond those local and neighbourhood facilities already proposed for the site.
 - Due to the size of the development Sport England accepts that it may not be appropriate to provide formal sporting provision on site. However the information supporting the application does not provide any assessment of the likely demand that will be generated by the development and how this demand may be met by existing provisions.
 - Details regarding a contribution towards meeting this demand off site through new and/or enhanced provision are also not included. Work is currently being undertaken to look at the likely demand that will be generated from the wider Eco town proposal for sporting provision. Using Sport England's Sports Facility Calculator it was found that for the 1,000 population included within the SIP the demand that will be generated from the exemplar site for certain facilities types: Sports Halls – 0.31 courts at a cost of £219, 799, Swimming Pools – 11.01 Sqm at a cost of £123,396 and Artificial Grass Pitches – 0.03 pitches at £25,427 (3G Surface) & £20,517 (Sand Based surface).
 - The design of the proposed primary school site should ensure that it lends itself to community use. Providing this new facility offers the opportunity to design in ease of access to ancillary provision (changing rooms and toilets) and an appropriate pitch specification to ensure local sports clubs could benefit from the provision at the site (e.g. playing field land) outside school hours. In addition a community use agreement should be secured to ensure the maximum benefit to sport of the school facilities. These points could be secured by way of condition to any forthcoming planning permission.

3.15 **Campaign to Protect Rural England (CPRE)** raised some concerns regarding the application, however they support the aspiration that if Bicester is to grow significantly, it should be achieved in a more innovative and eco-friendly way so that any new development truly minimises its impact on the natural environment, and indeed can be demonstrated to enhance that environment. Their main concern is the potential loss of 850 acres of "greenfield" land, which is currently productively farmed, should the whole eco-town plan go ahead. Therefore demonstration of special circumstances prevailing and appropriate mitigating features applicable to such a development are of prime importance.

1. Planning process

- The application is premature and driven by the PPA. An overall strategy needs to be approved instead of starting in a piecemeal manner. There need

to be far more certainty over the financial viability and deliverability of the whole Eco town before embarking on the exemplar. At the same time the overall need and timing for building 5,000 additional dwellings at Bicester should be scrutinised and justified in the context of the changing national scene with the expected abolition of RSS 9, the removal of the Government's housing targets and a much less buoyant housing sector.

2. Alternatives

- The specific question of alternative sites needs to be reviewed in light of the possibility of development in the MOD Graven Hill area. Having attended your workshop on "how Bicester might grow in future", on balance we are of the opinion that the development envisaged to the North West is the most appropriate given the assumed housing pressures and the other alternatives. Whether this has been altered by the possibility of at the MOD's Graven Hill "previously developed" site becoming available is hard to judge at this stage. Certainly initial proposals from the MOD do not appear to carry any eco credentials.

3. Eco aims

- We should like to applaud in general Dominion group/P3ECO's commitment to making this extension as eco friendly as possible. If Bicester has to grow, let it be in as eco friendly way as possible, and, if at all feasible, let such development influence the rest of the town so that Bicester can be held up as an example of what in future towns can achieve in their sensitivity to the local environment.

4. The Exemplar

- The development is very piecemeal, strung out and detached – which may be a function of opportunistic land acquisition.
- It is not at all clear how the local job formation will occur, and therefore how the new development's residents will be prevented from joining the vast majority of existing Bicester inhabitants in commuting by car to their work.
- We concur with OCC's view that the transport plan needs tightening up if sustainable travel from, to and within the site is to be the norm. In addition the overall effect of the new development on Bicester's existing traffic patterns remains unclear. We are reminded of Councillor Barry Wood's insistence that the long term problems at Junction 9 of the M40 need to be solved to make the NW Bicester eco-town viable. It is unclear what progress is being made with the Highway Agency on this major project.
- We are particularly concerned that given its overall eco-credentials that the proposed development does not appear to have made a full survey of the existing biodiversity on the site, and more importantly does not spell out how, under the terms of PPS 1 and 9, the developers intend to meet their statutory duty to enhance that biodiversity.
- Is there any sound reason why the Exemplar site should not achieve the Council's proposed policy (NWB1) of Level 6 of the Code for Sustainable Homes? Surely by definition an "Exemplar" should set the highest standard aspired to?
- The new eco village at Milton Keynes though the dwellings and gardens were sympathetic, however the community had no pivotal point or fulcrum. This may be a function of scale or timing, but we would echo OCC's concerns that there is no certainty as to when the proposed community building will be

delivered. Somehow the outcome of a soulless, piecemeal estate must be avoided even at this embryo stage.

With regard to the revisions they raise the following additional comments;

- (i) They are strongly of the view that the Exemplar scheme should not proceed before a viable Masterplan for NW Bicester Eco –development has been agreed in the context of a plan for all of Bicester.
- (ii) Also remain to be convinced as to how local job formation on a long term basis will occur.
- (iii) However they support the aspiration that if Bicester is to grow significantly, it should be achieved in a more innovative and eco – friendly way, and for this reason, it is essential that the proposals should achieve Level 6 of the Code for Sustainable Homes.
- (iv) They also believe that it will be very difficult to demonstrate that the Exemplar phase and eco development as a whole will be sustainable in transport terms – which must be a key criterion. Factors militating against green travel patterns include:
 - Physical location of the development on the periphery of a small market town.
 - New residents tend to be from outside the area, and are likely to commute by car given Bicester’s location in relation to concentrations of employment. (Currently only 85% of Bicester’s workers work at or from home – amongst those who commute 78% of journeys are by car).
 - Car usage is still likely to be very attractive despite improved rail services at Bicester.
 - Public transport is simply not viable for many journeys from Bicester.
 - There seems little prospect of the necessary changes and improvements to transport networks being implemented in the subregion in the foreseeable future.

3.16 The Environment Agency object to this planning application, however they do support elements of the scheme and it should be noted that their concerns may be overcome through revisions to the development and further information being provided. Their concerns are listed below:

1. Water Cycle Study (WCS)
 - The submitted WCS is a good outline investigation. To fully demonstrate the likely impact the exemplar development may have on the water environment, certain elements of the study need to be expanded.
2. Water supply
 - We support the proposal to limit potable water use to 80 litres, per person, per day through the use of water efficient devices and rainwater harvesting. This would ensure the development meets level 5 of the Code for Sustainable Homes. We support this commitment.
3. Foul drainage
 - The foul drainage for the exemplar site will connect to the existing Bicester sewage treatment works. The study concludes that capacity at the works is sufficient for the exemplar but the network is likely to require upgrading and a proposal has been outlined to identify what would be required. It is essential that a development phasing arrangement is agreed to ensure that the

- upgrades are implemented prior to, or in line with the development to avoid pollution. There should be no occupation of the homes until the necessary upgrades are in place.
- Including water efficient devices within the development will reduce the volume of water going to the sewer network. However, we recommend a margin of error is built in to the network so there is no risk of overloading in the future by any changes that may be made within the houses.
4. Water quality
- The Eco-town development must not result in deterioration in water quality and should take steps to ensure water quality is improved. Further work is required on this element to ensure the likely impacts of the development are fully understood and there is confidence that it is feasible to address them.
 - In addition, there should be an outline of the steps that will be taken towards water neutrality. There is currently insufficient detail to show how this development can contribute to this aspiration.
5. Fluvial flood risk
- We have reviewed the fluvial flood model to inform the Flood Risk Assessment (FRA) and while there are no significant issues with it, we do require some further explanation as to how the hydrology used within the model has influenced the outputs.
 - we are supportive of the FRA objectives which identifies that all development will be located in Flood Zone 1 (low risk) and therefore the risk of fluvial flooding will not be increased.
 - As a precautionary measure, we recommend that the internal floor levels of all buildings are set no lower than 300mm above the 1 in 100 year climate change flood level. This will ensure the development is resilient to any future changes in flood risk. It is not clear from the details of the application whether this is feasible within the current design parameters of the development.
6. Surface water drainage
- It is proposed that surface water will discharge via soakaway wherever feasible and the remaining runoff managed through attenuation features with a controlled discharge to local watercourses.
 - We welcome the commitment within the drainage strategy to limit surface water discharges from the site to the Greenfield runoff rate of 40 l/s for all rainfall events up to and including the 1 in 100 year (including a 30% allowance for climate change).
 - Both the FRA and the drainage strategy have concluded that a certain number of properties will be able to drain via soakaway. However, there have been only 3 drainage tests carried out and these conclude that there is variable infiltration potential across the site. We are concerned that the size of the attenuation features relies on those property numbers being drained by soakaway but there is no clear explanation or evidence to show that level of soakaway is feasible. If the required volume of storage needs to be increased, the size of the attenuation features may need to increase and we are concerned that there will not be sufficient space to allow this within the current layout.
 - Although the proposed discharge rate is to be limited to Greenfield rates,

discharged from the site will increase as a result of the development, a volume has not been stated. This presents a risk of increasing flooding downstream, particularly at the confluence of the River Bure (to which the site will discharge), the Pingle Stream and Langford Brook.

- Any increase in the rate or volume of water leaving the site should be avoided or mitigated on site through storage, re-use and infiltration
7. Sustainable Drainage (SuDS)
- We are very disappointed to see the inclusion of sub-surface attenuation in the form of tanks as part of the design. Although tanks will attenuate surface water, they do not deliver any further benefits that other SuDS features can. They also have the disadvantage of traditional drainage systems as they are below ground, which can lead to maintenance difficulties and hide any potential blockages and failures within the system. We would not wish, or expect, to see tanks within the drainage system of an exemplar environmental development on a greenfield site of this size and would like to see them replaced.
 - We also note the proposal includes decking and walkways over a number of the SuDS ponds. This also can hinder maintenance through the accumulation of litter, debris and silt. We advise that access to the ponds be limited to the edge so not to obstruct maintenance access.
8. Ground Water flooding
- The FRA identifies that parts of the site may be at high risk from groundwater flooding and that mitigation measures will be required to manage this risk. However, it does not identify which parts of the developments will be at risk, quantify the level of risk or detail the mitigation required beyond generic examples. Without understanding and mitigating this risk the development could be susceptible to prolonged periods of flooding. Any mitigation must be designed with consideration of other environmental factors such as avoiding surface water and fluvial flood risk, and not depleting groundwater levels.
 - The conclusion of the FRA is misleading as it states the risk from groundwater flooding is low, this is only the case if suitable mitigation is provided.
9. Bridges – flood risk
- To ensure no obstruction to the flow of the watercourse and maintain a natural watercourse corridor we would wish to see bridges on this site be of clear span design and not culverted as shown on the plan.
 - The culvert is shown to be undersized, impinging on the natural banks of the watercourse. This will restrict flows on the watercourse especially during flood events, increasing flood risk upstream. The large heavily engineered headwalls also reduce the aesthetic value of the watercourse corridor through what is meant to be an environmentally sensitive development.
 - The erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. As we have concerns with the current design, we may refuse this consent.
10. Biodiversity
- The assessment of risks to nature conservation is inadequate by virtue of being incomplete and the mitigation measures do not ensure the achievement

- of net biodiversity gain.
 - Although there has been a significant range of ecological surveys to support the development, a number of these (i.e. wintering bird survey) were completed too late to substantially influence the design of the scheme. The results of the wintering bird survey must therefore be integral to the assessment of the impacts on the local biodiversity resource, and also to the appropriate design of mitigation measures, and is therefore pertinent to support the overall conclusion of net biodiversity gain.
 - Without a more robust design of a mosaic of wet features in the stream corridor, carefully designed to allow some access but with areas which are less permeable to people and are therefore less disturbed, it is not clear how the stated claim for net biodiversity gain can be secured in the Exemplar site.
 - The achievement of this net gain is also predicated in the Biodiversity Strategy on the future management of the habitats to be established, but although the Strategy sets out options to achieve this management, none of this has been secured nor demonstrated to be viable.
11. Development close to watercourse
- An adequate buffer between the development and watercourse is essential to support biodiversity and link spaces to allow wildlife to move between suitable habitats, currently it is shown to be inadequate.
 - The stream corridors in the Exemplar site are an essential component in the Biodiversity Strategy for securing net biodiversity gain. The current design shows built development, a NEAP and access routes in close proximity to the Bure which all serve to reduce the potential for the stream corridor to achieve the objective of net biodiversity gain.
 - The development claims 40% GI, with 20.5% claimed as 'enhancement' to provide biodiversity net gain, which in principle we support. However, the design does not demonstrate an imaginative use of the stream corridor to provide the multiple benefits of GI to biodiversity, flood risk management and amenity which will allow all these objectives to be achieved successfully. .
 - Of particular concern is the requirement for the stream corridor to provide a dark foraging and transit route for bats – although this is acknowledged as an important design element, the proximity of the development and the lack of clarity in the lighting strategy as to whether access routes through and across the corridor may be lit, provides no confidence that this objective can be achieved.
12. Bridge design – biodiversity
- Culverting of the River Bure will have a damaging impact on nature conservation and landscape; in particular it deteriorates the river and bankside habitat while interrupting the wildlife corridor.
 - The current proposal for a box culvert with concrete wingwalls and earth embankments severs this corridor, compromising its value for wildlife movement in general and in particular disrupting the flight path corridor for bats, an attribute recognised as important by the developers. The current design also detracts significantly from the natural landscape characteristics of the stream corridor.

13. Waste

- We support the use of a Site Waste Management Plan (SWMP) linked to a Sustainable Resource Management Plan and the high recycling targets outlined.
- We accept that some materials may need to be placed in landfill, provided that this is the best environmental option.

14. Contaminated land & Groundwater quality

- We agree with the indication that levels of contamination on the exemplar site are low and therefore unlikely to impact groundwater quality. However, section 3.2 of the Interpretative report it states that the full results of the gas and groundwater monitoring will be issued as a separate addendum to this interpretative report, then Section 6.4 of the same report concludes that no remedial action is required. However, it is not clear how this conclusion is reached because no results for water analysis are included within that report. The interpretative report refers to a Factual Report which perhaps includes some groundwater quality data which has not been included within the application documents.
- This is particularly relevant because of the proposal to drain surface water via soakaway. We would not want to see any infiltration through contaminated soils as this would present an unacceptable risk to groundwater quality. The developer will need to demonstrate that this risk does not exist.

With regard to the revisions they raise the following additional comments;

Water cycle study

- The study has been updated since the previous submission. Reference to water quality and the Water Framework Directive (WFD) is made as is water neutrality as previously requested.
- A number of statements have not been fully investigated and assessed and it is therefore impossible to determine how effective and successful they will be in meeting WFD objectives and water neutrality.
- We support the four options outlined on water neutrality, however there needs to be more clarity. Support is given to any further feasibility analysis along with inclusion in any S106 negotiations to secure the contribution.
- There is no evidence to prove to what extent they can achieve for effluent options which indicate that any water could be used for keeping green features wet through dry periods and not for reuse in houses. There is an indication that following the implementation of water efficiency measures and re-use mechanisms, the water neutrality gap would be 82m³ per day.
- The site is situated on the Bicester Otmoor cornbrash which is failing standards for Phosphorus and should ideally be referred to as well.
- Although it is technically true that the entire Eco-Town site will lead to a reduction in agricultural runoff, there is no evidence included to show whether there is currently a significant input and how much of a reduction will be seen alongside how much this will contribute to water quality improvements. A statement of this nature needs to be supported by suitable evidence and assessment.
- We have also previously requested that an investigation into the possibility of be carried out. The study refers to the opportunity to improve flows within local watercourses to improve their ecological status but no assessment of the

potential has been made. It is also very concerning that it is likely that there will be a reduction in flow due to restricted discharge rates, therefore so will the chance of water quality deterioration.

- While not relevant to the exemplar site, we have also noticed that there is no reference to an Integrated Constructed Wetland option for sewage treatment. We would like to see this option pursued for consideration for partial or full treatment of sewage. If not pursued or proven to be unfeasible for this situation we would like to see evidence why.

Land re-profiling & bridge design

- The Flood Risk Assessment (FRA) shows where ground re-contouring will take place. This includes areas of land which are at risk of flooding in the South Field and areas along the river corridor
- The infilling along the river corridor is shown to be significantly greater than previously shown. This infilling will reduce the cross-sectional area of the river corridor which will in fact reduce conveyance, reduce biodiversity value and necessitates the bank protection and steeper profiles which are proposed at certain locations. Although not specifically stated within the text, it appears the infilling is taking place with an intention to increase the development footprint and is very likely to have driven the current bridge design.
- In terms of flood risk, it is not clear whether the proposed contour changes means land is being raised or lowered. In order to advise you on the impact of these changes, we will need to know whether there will be a loss or an increase in flood water storage. If there is an expected loss of flood water storage, we will need to see details of how this will be compensated for.
- Raising land within the floodplain to reduce the level of risk goes against the objectives of the Eco-Town PPS which stipulates that development should be located within Flood Zone 1, as it is clear that plots 278 and 288 in the South Field, along with footpaths and access routes are being raised to remove them from Flood Zone 2.
- We disagree that the proposed bridges (culverts) will cause no restriction to the watercourse. This is proven in further paragraphs of the FRA which discuss backing up of flood water and increased velocities within the rivers.
- Both land raising and the bridge design will increase flood velocity. This increases the risk of erosion. Although mitigation is proposed in the form of willow spiling and stone gabions we do not consider this approach appropriate or sustainable. The development should fully accommodate the watercourses within their current form avoiding the need for mitigation which is being created by the current design.
- Also, the bridge designs (culverts) as proposed creates an informal flood defence. This is obviously not the applicants intention but as an informal defence they would need to show how these structures are going to be maintained and by whom.
- If the current design were progressed, the culverts will offer flood risk reduction downstream and so a full assessment of benefits and impacts should be undertaken. All associated structures including the bund (road embankment) must be appropriately designed to reduce the risk of failure.
- All of this seems to be completely unnecessary. If the river channel and bridge are designed to be sympathetic to the existing topography then no flood risk mitigation involving substantial engineering and significant cost would be needed.

- In terms of biodiversity interests, the bridge designs only offer a relatively small aperture in the context of the river corridor, particular for bats using this corridor for foraging and as a flyway. Given the importance of this flyway to retain the integrity of the site for bats, the bridges should be re-designed to provide a clear- or wider-span structure which maximises the connectivity through the bridge opening to the landscape of the watercourse on either side. The ground raising and re-profiling of the river corridor provides an unnecessary constraint to the bridge design options.
- We are also concerned that board walking is still shown over a SuDs pond. We recommend access is limited to the edges of the pond as structures across the pond will hinder maintenance.

Biodiversity net-gain

- We acknowledge that the revised submission includes a number of improvements on the original application. However, the assessment of net gain has been calculated largely on the basis of the proposed planting schedules and the increase in plant species which will result, should establishment be successful. Knock-on benefits for other species have been assumed to follow on from this.
- It is necessary for the applicant to fully demonstrate that they are able to secure this net gain by showing that they have robust prescriptions in place. They should also provide qualitative information on the suites of species and communities they expect to become established, over and above just relying on the planting schedule and a list of gross species numbers to demonstrate that net gain will be achieved.
- The achievement of the biodiversity objectives and the successful integration of multiple uses of Green Infrastructure requires a robust and appropriate landscape management plan. Given the juxtaposition of housing, people, access routes and green space, the applicant should provide an outline set of objectives with accompanying management prescriptions to show how biodiversity gain will be achievable.

Encroachment of the river corridor

- We support the provision of an increased width in the buffer zone along the river corridors. We remain concerned that the river corridor NEAP will negatively impact on the integrity of the river. Due to the size, location and the proposal to raise the level of the NEAP, bank protection is required and shown in the form of a gabion wall.
- This reduction in size of the river reduces the quality of the environment for wildlife and is contrary to the development objectives.
- The impact of the NEAP would appear to be significantly exacerbated by the re-profiling of the river corridor.

Suds wetland features

- There has been an improvement in the number of surface wetland features associated with the Exemplar site; however, there is no detailed information available as to how the different SuDs features will be designed to achieve this range of habitats, where the more semi-permanent water features will be, and how they will relate to the other habitats on the site.

Ecological monitoring regime

- The success of the development in safeguarding populations of protected species present and in achieving the net gain in biodiversity will depend on a robust monitoring regime. This should be sufficiently outlined prior to determination so that it is clear the developers understand what is required to demonstrate they have achieved the ecological requirements for an Eco-town, are prepared to resource this monitoring, and can demonstrate that they have a process in place to provide a feedback mechanism to inform management prescriptions as the site develops

Contaminated land and groundwater quality.

- No further information has been submitted in response to our previous request for further information. The applicant previously identified that further groundwater monitoring was taking place and in order to fully and properly consider the risk to groundwater, we will need to see the results of this ongoing work. This is particularly relevant as we would not wish to see any infiltration of surface water through areas of contaminated soils.

Environment Agency have removed their objection and further comment as set out below;

Water Cycle Study

We have reviewed the letter from Hyder dated 13 June 2011 ref. 7520-UA001881-02 and accompanying Technical Note dated 01 June 2011.

The note provides further clarity on the options and requirements to meet Water Neutrality. If these measures can be successfully implemented, in combination with high water efficiency measures within non-residential building then we advise that this development could become water neutral.

The note confirms that 2,030 existing homes within the Bicester area would need to be fitted with water efficient devices such as variable flush toilets and low flow showers and taps in order to meet the gap of 82m³ per day. Hyder have indicated the likely contributions that Thames Water will require in order to achieve this. While we have no reason to question this, it is essential for this to be incorporated into the S106 agreement to which Thames Water should agree to.

Land re-profiling, bridge design & encroachment of the river corridor

We have reviewed the Revised Flood Risk Assessment (FRA) reference 3501-UA001881-UU41R-03 June 2011.

The FRA now confirms to our satisfaction that flood risk will not be increased either on site or in the surrounding area as flooding within and arising from the development can be entirely mitigated and managed.

We welcome the revised design of the two watercourse main bridges which now incorporate an increased span. The amount of re-contouring has also been reduced which again we welcome.

If areas of more than 10,000m³ of storage are being created through this development then it may still be necessary for those areas to be designated under the Reservoirs Act 1975.

In terms of biodiversity interests, the increased bridge span, mammal tunnel and reduced re-contouring (around the NEAP) has addressed our previous concerns. Although it would be preferable to move the NEAP further away from the river corridor to restrict the level of human interaction within the watercourse corridor, we note that this is not feasible within the current layout. The revised vertical profile of this corridor is an improvement on the previous design.

We can also confirm that the proposed bridge lighting is agreeable and sympathetic for bats.

Biodiversity net-gain

We have reviewed the submitted plans 8001 Masterplan, 8002 biodiversity net-gain, 8003 – 8005 landscape planting & 8045 GI Typology.

It is clear that the required net-gain could be achieved through the proposed development. We are pleased that a proposal to incorporate a number of wetland features has now been included as shown on the Masterplan. Due to the overall layout of the development and the level of human activity we anticipate across the whole site, it is clear that the success of this net-gain achievement is heavily reliant on proper management and maintenance. At present, the current management plan is not robust enough to give us confidence that this can be achieved. However, we consider that this could be addressed through further discussion and amendments.

While we welcome the inclusion of the new pond complex, there is no detailed planting schedule provided for these areas. As landscaping is being sought for approval we would expect planting plans for these ponds would be required. However, we are confident that a planting scheme could be agreed through a suitable planning condition.

SUDs wetland features

There has been an improvement in the number of wetland features and some detail has been given as to how they are to be secured. This goes some way to resolve our concerns as to how these features will contribute to the net-gain in biodiversity. We are satisfied that a reasonable level of improved wetland biodiversity potential has been incorporated within the development.

Final details on the design of these features should be agreed through a suitable

planning condition.

Contaminated Land and groundwater quality

In our previous responses to this application, we requested sight of the further groundwater monitoring investigations that were being undertaken. Hyder kindly supplied us with further information but there seems to have been some minor misunderstanding of what we wanted to see.

We wished to see the results of all the groundwater quality monitoring data which is summarised in Section 3 of the Technical Memorandum dated 02 June 2011 ref. UA001881 but instead we were given details of groundwater depth. We continue to conclude that the risk of degradation to groundwater quality as a result of contaminated land is low. However, we would still wish to see this groundwater quality monitoring data particularly in relation to informing the surface water drainage scheme.

Conditions are recommended as set out below.

- 3.17 **Commission for Architecture of the Built Environment** cannot support the application as they comment that the execution of the first phase is disappointing and that the eco-credentials of the scheme are limited and that there is little deviation from the standard suburban housing model. They highlight that as this application needs to set a precedent for development in the area over the next 20 to 30 years it is crucial that the first phase sets high standards for the future, therefore the proposals must be more visionary in their approach if the requirements of the PPS1 Eco towns supplement are to be met. Details of their comments are below:

1. Masterplan
 - It is unfortunate that the planning application for the exemplar phase has been submitted prior to the submission for approval of the overall masterplan. This is a back to front approach and makes it more difficult for the exemplar phase to be considered as an integrated part of the masterplan development, given that the masterplan is still yet to be finalised and agreed.
2. Site layout
 - Convincing work has been undertaken to consider the flexibility of the landscape and to incorporate the existing field pattern into the site plan. This could successfully deal with the co-existence of the developed and undeveloped plots, by providing clear boundaries. It is inevitable that the phasing of the development will result in changes to the co-existence of different land uses, with fields directly adjacent to new homes when initial plots are developed, which overtime will be built upon.
 - We are encouraged that thought has been given to how the phases will link to one another by providing lanes that can continue into adjacent phases and not constrained dead ends. However we think that this work should be taken further. It is essential to the success of the masterplan that individual phases are not designed in isolation and we suggest that site layout plans are put together for adjacent plots from the outset in order to ensure that the design of different phases fit together. In light of this point, we question whether it is desirable to build right up to the site boundaries, which could lead the next phase to do the same which would then blur the development boundaries and lose sight of the

- original ethos of the site plan.
 - We find that the arrangement of clusters provides a structure to the development which is more manageable than the whole. We suggest that different clusters could create different characters or types of development, providing choices for the future community. However we query how the different clusters relate to each other and how the clusters relate to individual plots.
 - We find the layout of streets and spaces interesting, such as the single carriageway streets with passing places that could add interest and variety to the public realm. It needs to be demonstrated that sufficient access will be provided for emergency services and refuse trucks. We question whether the levels of maintenance required for this form of street design can be sustained, or will these spaces be adopted and maintained by the local highways authority?
3. Density
- We think that the density of the development is too low, lower indeed than that of the nearest areas of existing development. The idea behind an eco-town development is to provide an efficient and intensive scheme layout, however this scheme does not meet these requirements generated by the imperative of efficient use of infrastructure. The team has not demonstrated why such a low density development is being proposed as we see no reason why a higher density scheme would not be viable in this location. We are concerned that the low density will militate against the principles of the EcoTowns PPS principally greater resource efficiency and the reduction of car use.
4. Architecture
- We are encouraged to see that three different architects are working on the housing designs, but are disappointed that a greater variety of house types is not emerging to provide a greater choice for buyers. All the clusters of development are the same in terms of building typologies and architecture, and that there is limited variety in terms of the size of dwellings.
5. Conclusion
- For the exemplar site, we would expect to see a proposal that captures the essential aspirations of an eco-town: the current proposals fall short of that mark.

With regard to the revisions they raise the following additional comments;

Site Layout

- Convincing work has been undertaken to consider the flexibility of the landscape and to incorporate the existing field pattern into the site plan. The geometry of the site layout is welcomed in the northern part of the proposal as it responds well to the character of the countryside around Bicester. CABE also support the proposed connection for buses only between the northern and the southern part of the development. Thought has been given to how the phases will link to one another by providing lanes that can continue into adjacent phases and not constrained dead ends.
- Dominance of cars across the site parked cars on both sides of the dwellings will have a detrimental impact on the quality of the development. The amount of surface given to roads, parking and tarmac appears excessive for an eco-town proposal.

Density

- The large amount of open space will have an impact on maintenance cost,

- and a management strategy needs to be in place to look after those areas. Greater density would also help reduce the cost for each household.
- Density of the development could increase to provide an efficient and intensive scheme layout as the idea behind the eco-town developments intended.
 - There are concerns that the low density will militate against the principle of the eco-town PPS principally greater resource efficiency and the reduction of car use.

Character

- It is welcomed that different architects are working on the housing designs, but it is disappointing that the proposal does not use the opportunity to create a characterful eco-town community to set it apart from standard volume house builders' estates.
- The local centre has some character, but it is questioned whether the scale and choice of urban arcades are appropriate and viable financially. Locating the local centre at the entry on the ring road might increase accessibility and encourage integration of the new with the existing community.

Landscape

- It is important that the connections to future phases are established as part of the infrastructure of the first phase and structural planting is carried out so that the trees and hedges will have grown by the time the development gets to them.
- The provision of water is welcomed; however the watercourse and the village green could be integrated in a more meaningful way to offer a more interesting village experience and to provide a usable and magic resource to children.

Governance

- The extensive provision of landscape raises the question of community ownership and management of common parts and we would recommend that establishment of a community group that also includes members of the existing adjacent community.

Sustainability

- Proposed targets for the development are impressive and the Local authority is urged to ensure themselves that the environmental targets will be delivered and to condition them as appropriate and to make the proposal work successfully on a larger scale and to integrate it with the existing town of Bicester and the energy from waste facility nearby.

It was expected to see a proposal that captures the essential aspirations of an eco-town; the current proposal does not make the most of this ambition.

3.18 **Thames Valley Police Authority (TVP)** fully supports the identification of the North West Bicester Eco town, however they wish for the Local Authority to consider the issues below when determining the application.

- The location for the whole North West Bicester Eco town has not been subject to SEA as is required by the EU Directive and Government legislation.
- This speculative application has no adopted development plan, area action or masterplan basis that should similarly be subject of SEA.

- The location for this first phase of the eco town is based purely on land ownership and would not be the first choice for a sustainable development by any sensible town planner and indeed there has been no appraisal of alternative first phase locations to inform this choice.
- In an unfavourable economic climate, there is a danger that this development could remain an island of inappropriate development for some time in the future.
- The application proposals fall short of the PPS Eco town supplement to PPS1 in many respects and on a number of issues.
- TVP has developed a formula for calculating the level of contributions required from new developments in Cherwell to fund the additional police infrastructure needs generated by population growth arising from planned residential and business/commercial developments. Using the methodology, the proposed development of 394 dwellings and other proposed development subject to this application, would generated a financial contribution of £202,910, less the cost of any permanent on-site office provision. TVP see this as a starting point, based as it is on a national formula for new housing development, as it is recognised that this may be the first phase of a larger and fairly unique development. Unfortunately, there is no masterplan or outline application for the whole Eco town development to allow TVP to confirm the level of development it needs to police and how it would do so from an operational view.

The **Thames Valley Police Crime Prevention Design Advisor** requests that a condition is imposed requiring that properties meet secured by design standards.

3.19 **Countryside Properties (Bicester) Ltd** does not object to the planning application and cognises the eco credentials of the proposal along with the history to the site but they do raise the following concerns:

1. Planning Justification
 - The key justification for the planning application therefore lies in the supplement to PPS1 on Eco-towns as the planning application documents clearly state throughout that the application is a departure from the adopted development plan, consisting of the saved policies within the Cherwell District Local Plan and the South East Plan.
 - The application is significantly below the level set out in the PPS of a minimum 5,000 and 5,000 new jobs at 394 dwellings with an equivalent level of employment generating development. This is without greater certainty over the ability to deliver the remainder of the 5,000 dwellings and jobs, it is surely inappropriate to rely upon the PPS as justification for the development of this site at this time. Also if the development is being bought forward in a piecemeal manner it is not allowing the Bicester Eco town concept to be tested.
 - The eco town concept appears to be becoming outdated and liable to change as national policy thinking evolves over months and years. Within the Localism Bill there continues to be a need for LDF documents to be tested for 'soundness' and deliverability (PPS3) and at no point in the application does it state that developers have control of the wider land required to bring forward 5,000 residential units.
 - The development should only be viewed as acceptable if it represents the first part of the Eco Town the Council may consider it appropriate to use planning

conditions/legal agreements to ensure that an application does indeed come forward within a reasonable timescale for the remaining 4,606 residential units, employment uses and infrastructure.

- We consider it premature to bring a site forward on the basis of that draft allocation. The core strategy, along with the associated evidence base, has not yet been tested through public examination and remains open to potentially significant change.
- We have raised through the Core Strategy consultation some fundamental concerns over the evidence base supporting the strategic allocation of NW Bicester. These concerns still stand, and are reinforced by the fact that the Council is having to re-visit its evidence base for district-wide housing requirements, in the light of the forthcoming revocation of Regional Plans.

2. EIA

- The Local authority needs to have environmental information available for the whole site as part of the Environmental Statement (ES) so the whole NW Bicester development can be assessed as the planning documents clearly identify that the exemplar site forms part of the wider Eco town proposal. The point is raised again that the PPS1 states a minimum of 5,000 homes for an Eco town, therefore the application should be assessed as a whole development, because currently the validity of the submitted ES is questionable when the development is clearly part of a larger scheme.
- If this Exemplar Development proposal were to be permitted on the assumption that it is the initial phase of the wider Eco-Town, and it is this assumption that makes it acceptable, then the decision cannot be made in the absence of environmental information about the consequences of the entire Eco-Town project. Therefore the scope of the submitted ES would need to encompass the entire Eco-Town masterplan.
- It is accepted that the ES considers the potential cumulative environmental effects of the Exemplar development alongside the wider Eco-town scheme. This concludes that there would be little or no cumulative impact, as a range of mitigation measures will be put forward for the wider Eco-town scheme to alleviate any potential issues.
- The assessment has been done on a very broad basis, which means that many key elements, such as traffic issues, have not been considered in a level of detail to provide any degree of certainty with regards the assumptions made in the cumulative assessment.
- As the applicant is also promoting the wider site, and goes as far as including a detailed master plan within the application documents, that in this instance a more detailed cumulative assessment should have been undertaken and that if the wider scheme is key to the planning argument then the entire development should have been assessed in an EIA context.

3. Transport

- WSP reviewed the transport assessment submitted in support of the exemplar proposal and a summary can be found below.
- The location of the 'exemplar' site is not conducive to sustainable modes of transport.
- All connections between the northern and southern site are channelled through the centre of the site. This is not permeable as per Manual for Street principles.
- The applicant makes a case for mixed-use to support internalisation but

admits that significant employment provision to achieve this could only be realised with the wider NW Bicester Eco-town. This undermines the 'establishing mindset early' arguments made in the TA.

- It is unclear how modal shift assumptions can be achieved within the context of a stand-alone development when there is no certainty that the Eco-town would be deliverable/viable.
 - Only local junctions have been assessed with no reference to whether the improvements are incremental or abortive in the long-term.
 - No agreement has been reached with OCC/HA on wider impacts, these are described simply as 'subject to further discussion'. This is not considered sufficient for a site with such potentially far reaching transport implications.
 - The majority of parking is off-plot, leading to uncertainty over how parking levels across the site will be enforced. This leads into further uncertainty over how the travel plan will be monitored and enforced.
4. General comments
- In the absence of vigorous testing and meaningful examination could result in what would be an incomplete development in an unsustainable location.
 - They do not consider that the level of consultation carried out is sufficient for the proposals of this scale.

Further representation on behalf of **Countryside Properties**

The submitted information fails to address the fundamental issues with the scheme identified in their letter of 26th January 2011.

Countryside have ongoing concerns that the eco town scheme is seemingly being pursued without vigorous testing and meaningful consideration of the overall impacts of the wider scheme. If a decision is taken to approve the application based on the information currently before the Council it is difficult to see how it is considered sound.

3.20 **Defence Estates** raise an objection to the planning application; they ask for the application to be refused on the following grounds:

- The application is premature in that its determination would have a prejudicial pre-determination impact upon the draft Core Strategy in contravention of the guidance set out in PPS1.
- The application does not have a current allocation and has no approved masterplan in contravention of guidance as set out in PPS1, PPS12, the Eco-Town supplement to PPS1, and policy NWB1 of the draft Core Strategy. Furthermore, in its development the local community has not been afforded adequate opportunity to shape the proposal through well managed community consultation which does not comply with the guidance, also set out in PPS1.
- The application fails to protect the natural environment by proposing unnecessary use of productive green field land, and housing development in an unsuitable and unsustainable location in contravention of the guidance as set out in PPS1 and PPS3.
- The application does not offer sufficient evidence that the proposed development can comply with the guidance set out for Eco-Towns in the supplement to PPS1 in terms of employment or transport modal shift;

- The eco-credentials proposed have not been sufficiently demonstrated, in particular, with the lack of a Water Cycle Study or a Sustainable Waste Resources Plan, and
 - The application does not comply with policy R12 of the adopted Local Plan, Policies I3 or I4 in the draft Core Strategy, or guidance as set out in PPS3 or the Eco-Town supplement to PPS1 in regard to sufficient levels of sports and play provision;
1. Assessment of Prematurity
 - The proposal is not in accordance with current development plans.
 - It is of such a significant scale that it is likely to prejudice the outcome of the Core Strategy.
 - The emerging Core Strategy is only at draft stage and there have been objections to the Eco-Town proposal contained within it.
 - Alternative strategic housing sites have been put forward for consideration but have not yet been tested through the examination process, the application is considered to be premature.
 2. Case for the principle of an Eco-Town to be progressed as a Supplementary Planning Document
 - The proposed application has been submitted without the benefit of an allocation in the LDF and in the absence of any approval for a wider masterplan.
 - A 4.5 year supply of housing has been identified. Sufficient time is available for the principle of an Eco-Town to be considered properly, and delivered in an achievable timeframe, if the principle of the proposed eco-town is determined by the local community as desirable and necessary.
 - The proposed development does not:
 - a) Comply with an approved masterplan as set out in Policy NWB1 of the draft Core Strategy
 - b) Comply with an approved masterplan as set out in paragraphs ET20.1 and 20.2 of the supplement to PPS1; or
 - c) Set out clearly, in a draft Section 106 legal document, how the proposed development would progress in order to support the 394 dwellings proposed, in line with paragraph ET21.1, 22.1 or 22.2.
 3. General Policy Considerations
 - The proposed development does not comply with the policies in the SE Plan:
 - a) SP3 in that it does not support the urban focus;
 - b) CC1 as it does not constitute sustainable development; or
 - c) H5 in that it does not comply with the minimum density of 40 dph.
 - The proposed development does not comply with the following policies in the adopted local plan:
 - a) EMP1 or EMP4 in that it is not an existing or allocated employment site;
 - b) C8 in that it constitutes sporadic development in the countryside; and
 - c) C28 and C30 in that there is no adopted design code, brief or masterplan for this development.
 - The proposed development does not comply with the following policies in the non-statutory local plan:
 - a) H3 in that it does not constitute efficient use of land at less than 30dph;

- b) H8 in that it is not a rural exception site;
 - c) H11 and H19 in that it is not within the built up limits of Bicester; and
 - d) S1 in that it is not located following the sequential approach.
- The proposed development does not comply with PPS1 in that it does not:
 - a) Protect or enhance the natural environment;
 - b) Make efficient use of previously developed land;
 - c) Take advantage of significant economies of scale; or
 - d) Demonstrate evidence of sustainability and deliverability of infrastructure.
 - The application does not comply with the Eco-Town supplement to PPS1 in that it does not:
 - a) Set out facilities to support job creation...(of) one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport;
 - b) Demonstrate evidence of sustainability and deliverability, including infrastructure;
 - c) Re-use land that has been previously developed; or
 - d) Safeguard wider policy objectives.
 - The application does not comply with PPS3 in that it does not offer:
 - a) A range of community facilities
 - b) Good access to jobs, key services or infrastructure; or
 - c) Housing in a suitable location.
4. Community Consultation
- The proposed development does not comply with policy CC6 in the South East Plan in that it does not develop or implement a local shared vision as it is not an allocated site and is not in compliance with an approved masterplan.
 - The proposed development does not comply with PPS1 in that the community consultation carried out has not:
 - a) Been an essential part in delivering sustainable development;
 - b) Enabled the local community to say what sort of place they want to live in at a stage when it can make a difference;
 - c) Enabled the community to put forward ideas and suggestions and participate in developing proposals and options – it has simply invited people to comment on proposals that have already been worked up; or
 - d) Provided or sought feedback.
5. Transport
- The application does not comply with the following policies in the non-statutory local plan:
 - a. TR1 in that it does not contribute to achieving the objectives of the local transport plan
 - b. TR2 in that it is not located in an existing centre
 - c. TR4 in that it does not include all appropriate mitigation measures required to support the development in an implementation strategy.
 - The application does not comply with the policy set out in the Eco-Town supplement to PPS1 in that it does not provide walking and cycling connections at anything above the standard required in an attempt to overcome the sites isolated location. It would not provide a sufficient level of public transport provision in order to promote and encourage modal shift from private cars. The proposal does not go beyond national standards with the

exception of a reduction in parking provision. Without sufficient public transport provision this is likely to be problematic. As car based travel is likely to be the dominant mode. The proposal does not comply with guidance as set out in the Eco-Towns supplement to PPS1 in paragraphs 11.1, 11.2 or 11.3.

6. Eco Standards

- All new dwellings will be carbon neutral by 2016. The building standards proposed do not outweigh the significant detrimental impact that would occur in building 394 dwellings on productive agricultural land, in an isolated location, in the absence of a demonstrable and pressing housing need.
- The application is not accompanied by a full Water Cycle Strategy or a Sustainable Waste Resources Plan which does not comply with the policy in the supplement to PPS1.

7. Public Open Space

- No sports provision is proposed to serve a 394 house development. This is in direct contravention of policy contained within PPS3 and paragraph ET14.1 of the Eco-Town supplement to PPS1 and does not comply with policy R12 of the adopted Local Plan. The proposed playspace does not comply with the minimum standards contained within policy I4 of the draft CS.
- The proposed allotment provision meets minimum standards only and does not appear to have been planned in an integral manner, but located in the left over spaces in the development.

With regard to the revisions they raise the following additional comments;

- The application is premature in that its determination would have a prejudicial pre-determination impact upon the draft Core Strategy in contravention of the guidance set out in PPS1
- The application does not have a current allocation and has no approved masterplan in contravention of guidance as set out in PPS1, PPS12, the Eco-Town supplement to PPS1, and policy NWB1 of the draft Core Strategy. Furthermore, in its development the local community has not been afforded adequate opportunity to shape the proposal through well managed community consultation which does not comply with the guidance, also set out in PPS1
- The application fails to protect the natural environment by proposing unnecessary use of productive green field land, and housing development in an unsuitable and unsustainable location in contravention of the guidance as set out in PPS1 and PPS3;
- The application does not offer sufficient evidence that the proposed development can comply with the guidance set out for Eco-Towns in the supplement to PPS1 in terms of employment or transport modal shift;
- The eco-credentials proposed have not been sufficiently demonstrated, in particular, with the lack of a detailed Water Cycle Study, and
- The application does not comply with policy R12 of the adopted Local Plan, Policies I3 or I4 in the draft Core Strategy, or guidance as set out in PPS3 or the Eco-Town supplement to PPS1 in regard to sufficient levels of sports and play provision;
- The recently submitted information does nothing to address the fundamentally important points raised in the first representation (appended), and as such the application should be refused or withdrawn to allow the proper democratic

process of the assessment of the proposal eco town via the local development framework.

DIO again take the opportunity to urge Cherwell DC to take advantage of the democratic process and not seek to approve an application which does not comply with either local or national policy, and does not demonstrate sufficient gains to the local populace to justify such a departure. Cherwell DC should enable the local population to objectively assess how development needs should be met and determine the future shape of Bicester via the appropriate application of the Local Development Framework.

Further representation has been received from DIO's legal advisors commenting on the process through which proposals for Graven Hill could be progressed and making the following comments on the current application;

- The proposals do not constitute the first phase of an eco town and can not be considered as such as it does not relate to a wider approved masterplan. Reference is made to the Head of Planning Policy's comments that the outcome for the whole site can not be pre determined. There is no national or development plan support for an isolated development. The draft Core Strategy does not support the approach.
- The form and nature of the development has seemingly been driven not by sound planning or environmental considerations but by land ownership.
- No masterplan has been developed for an eco-town at north west Bicester. Both the draft Core Strategy policy NWB-1 and the Eco-town Supplement require an overall masterplan to demonstrate how the eco-town standards will be achieved.
- All the Eco-towns Supplement indicates is that Councils, where appropriate, should give consideration to identifying suitable locations for eco-towns in the context of the distribution of housing within their area. They refer in particular to paragraph ET4.2
- In the context of the above, it is incumbent upon the Council as a matter of law to determine this application in the context of section 38(6) of the Town and Country Planning Act 1990 (as amended), namely: "*If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise*". There is, as stated, no development plan policy either adopted or emerging to give support for these proposals. In the context of any other material considerations it would be entirely inappropriate to justify these proposals with reference to the Eco-towns Supplement when clearly proposals for 394 dwellings and related development do not constitute an eco-town since there is a minimum requirement of 5,000 homes
- There is no support for these proposals in the context of PPS3 and the delivery and supply of housing. The planning policy response of 12 May 2011 to the amended proposals, this response makes it clear that at the present time the Council has a five year housing land supply.
- The Application itself does not bring forward development of "exemplar standards" despite its title. A number of consultees have objected to the Application quite rightly highlighting issues surrounding the standards set to be achieved by the Application.

- The proposal would not meet the standards set out in policy NWB-1 of the draft Core Strategy because the houses proposed to be built will not meet Level 6 of the Code for Sustainable Homes and, due to its position and distance from Bicester it is highly unlikely to meet requirements for transport and access to sites.
- In relation to the determination of the Application, it would, in their considered view, be perverse for the Council to approve this application in the absence of support from either the development plan or other material considerations. Any approval given by the Council would in our view make such a decision susceptible to challenge by way of judicial review.
- The determination of the Application would be premature in the context of the relevant advice contained within PPS1. Any eco-town proposals should be considered at the examination in public to the draft Core Strategy against any reasonable alternative proposals
- The Council through the preparation of its draft Core Strategy needs to consider whether or not the most appropriate strategy is to provide for the scale of housing envisaged by an eco-town at this location when judged against reasonable alternatives. The need to consider reasonable alternatives is provided for within the requirements for the preparation of development plans in accordance with regulation 12(2) of the Environmental Assessment of Plans and Programmes Regulations 2004. The need to consider reasonable alternatives has also been endorsed and emphasised by the Court of Appeal in the case of *Hertfordshire County Council & St Albans District Council v The Secretary of State and Environment [2009]EWHC 1280 (Admin)*.
- A review of the sustainability appraisal prepared in relation to the draft Core Strategy has highlighted that reasonable alternatives have not been properly considered.
- the principles enshrined within the supplement to PPS 1 entitled 'The Planning System: General Principles' at paragraph 17 dealing with prematurity is relevant. This states as follows: "*In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD*". Any proposals for upwards of 5,000 dwellings plus associated development must be seen in any context as substantial. The proposals, as outlined in the draft Core Strategy, have been the subject of significant opposition (upwards of 40 objections including several from local parish councils). To allow the present application, which is being put forward as "phase 1" of a much wider eco-town proposal, would in effect and by implication be prejudging the location of the eco-town at this location.

3.21 **BioRegional** are working as part of the project team on sustainability and outline some concerns that need to be resolved:

1. Density
 - On the exemplar, far too much space is taken up by roads, driveways, parking and garages. It results in really low density without the sense of ample quality space.

- The exemplar design is short on play space. The biodiversity areas have been squeezed. Net biodiversity gain has not been demonstrated.
- The draft travel plan has fallen short of demonstrating the modal shift needed. A higher density of homes would help make the bus, the car club and all the services at the village hub more viable.
- The majority of Milton Keynes has a density of 27dph and they have found bus services to be unviable without prohibitive subsidy. The newer parts of the city are 50dph and can support a good bus service.
- The energy solution put forward in this application opts for a district heating system, allowing for renewable centralised technologies. Energy Saving Trust and CHPA recommend at least 55dph for district heating to be financially viable.
- The home zones would be far more successful at an increased density as they would have the critical mass of households to be populated and vibrant.

2. Sustainability Statement

- Even though on p3 reference is made to enabling low carbon footprints, there is no mention of any analysis or strategy for achieving this either in the vision or in any of the Hyder Heartbeat headings. Whilst individual measures such as zero carbon buildings will help to deliver this aspiration, the Sustainability Statement should follow through and demonstrate how this core aspiration will be achieved and to what degree.
- P25 – Construction – best practice in minimising embodied impacts of construction materials should go beyond the use of the BRE Green Guide. Embodied CO2 should be monitored and managed and reduced.
- 1046 NW BICESTER Masterplan report 23-11-10 part 1
- Says all homes are within 800m walking distance of local centres. This is not true of the exemplar.
- It is questioned if there will be green roofs on all garages? (Document BIMP2_PA_05_200_GARAGES)

3. Design and access statement

- P56 Viewpoint 3 looks terrible and uninspiring.
- P131 – Lighting – says “request for dark corridors has been accommodated as far as possible.” What does this mean?
- No details is provided on street design or the degree to which junctions and street textures have been designed to prioritise walking and cycling

4. Environmental Statement Vol 1 Main Text p66

- The report suggests that the construction phase of the development will have no residual impact on the biodiversity of the site. This cannot be correct. Most birds and other animals will leave due to the noise and disturbance.
- What measures are in place to oversee good ecological practice during the construction phase?
- Need details on the construction phase lighting with a plan showing lighting free zones
- Need details on post occupancy lighting – plan showing lighting strategy

5. Economic Strategy

- What evidence is there that the eco business centre, office space, nursery and retail units will be viable and taken up?

- What measures are being proposed in order to promote and facilitate home working?
6. Bridge
- The box culvert bridge is ugly and it disrupts large areas of the supposed watercourse corridor.
7. Draft Travel Plan
- It is a technically robust report as far as it goes with a wide menu of sensible, intelligent and some novel measures, however the measures in this Travel Plan do not go far enough to deliver the targets or meet the PPS.
 - A detailed table (also submitted by BioRegional), shows the list of measures proposed, the associated trip reductions and modal shifts due to each measure. If Hyder's individual mode targets for walking, cycling, bus and train are achieved, then a modal shift of 49% (just short of the target 50%) is achieved. However, there are questions over whether each mode target is achievable. Targets for all 4 modes are ambitious and measures to deliver them are falling short.
 - When specific key journeys are examined, the travel plan shows that unless the resident is a cyclist (some 1-2% of UK population cycle regularly and some 5-8% cycle occasionally), then the measures proposed do not offer a quicker, easier alternative to the car. The alternative travel options for non cyclists therefore need to be improved.
 - The plan rightly proposes to place a lot of emphasis on promoting cycling and positively attracting cyclists to live there, some of the ideas in this section are potentially exemplary and could be a UK showcase. However, detailed plans showing how cycle friendly the site is are missing. Bicycle storage facilities are nothing special and not particularly convenient.
 - The density of the scheme is not sufficiently high to support the services needed to really deliver modal shift. Campaign for Better Transport recommend 100dph.
 - The carbon reduction target, T5 is fine but from the work done to date, it is not possible to even start to assess the degree to which the travel plan delivers against this target. Some analysis of baseline transport related carbon emissions and potential reductions through modal shift and low carbon vehicles is needed.
 - Measures to promote and incentivise low carbon motoring are not at all developed in this plan. There is a lot of potential for this scheme to pioneer alternative fuels and super efficient cars. A strategy and commitments to resource and promote these alternatives would be a good addition to this report.
 - The Travel Plan relies heavily on travel behaviour work, travel planning, branding, marketing and promotion. It is not clear how well resourced these activities will be.

With regard to the revisions they raise the following additional comments;

The most notable credentials of the scheme are:

1. zero carbon through on site solutions
2. best practice in water efficiency
3. we believe this to be the largest Code 5 application in the country
4. comprehensive Travel Plan which includes a commitment to one of the first

semi rural car clubs in the country
5. possibly the largest residential PV array in the country
The scheme offers a semi-rural interpretation of sustainable living that is different from its urban equivalent. The green space for leisure, food growing, wildlife and natural drainage is more extensive. The ratio of roof area to people is much higher than an urban scheme and so solar technologies and rainwater harvesting become a meaningful resource as opposed to tokenistic references. Sustainable transport is more challenging on this sort of scheme. It is also more difficult to demonstrate net biodiversity gain when the ecology baseline is high. The challenge of sustainable living in semi rural locations is one faced all around the world and BioRegional welcome this attempt to address it. The scheme will certainly achieve higher sustainability standards than any typical current developments and also most existing towns and cities.

Of a typical carbon footprint of 16tCO₂, residents will reduce their carbon footprint by at least 2tCO₂ because of the zero carbon homes. They can save a further 1tCO₂ by taking advantage of the sustainable travel measures and reducing their car use. Beyond that, further reductions in carbon footprint will be dependent on personal choices.

The application currently lacks any reference to or analysis of environmental limits or carbon footprint reduction. However, we believe the intention is to look at this comprehensively during the master planning process. The water strategy addresses adaptation to water stress. The potential for overheating in buildings due to increased heat waves still needs to be addressed through building physics modelling at detailed design stage.

The submitted energy strategy, in combination with subsequent revisions to energy and carbon balance tables, delivers this definition of zero carbon in the PPS. The strategy is set apart from other “carbon neutral” housing schemes around the country because it deals with all of its carbon emissions, both regulated and unregulated, through on site solutions.

BioRegional believe the zero carbon electricity provision is designed right to the limit of the site’s generating capacity and there is no margin of error. If the electricity provision were to fall short after detailed design is complete or if it consistently falls short in practice, then a mechanism for making up the difference should be agreed, installing additional PV on other roofs in Bicester.

BioRegional came to this scheme hoping to see reduced parking provision, car free areas and higher housing density of 50dph. We would have been delighted to see new ideas for remote parking provision tested out along the lines of the Freiburg model where cars are parked in one secure area away from the homes. The scheme has no plans for charging for parking spaces and therefore has no mechanism for disincentivising car ownership. However the scheme is supported on the grounds that; they have found no examples elsewhere where lower parking has been delivered, the masterplan will provide further opportunities around higher densities, that the applicants advise the parking is necessary to market the dwellings; that restriction of parking at the destination is the first step in reducing car use and the local centre has a restricted parking, lower parking risks inappropriate parking, the draft travel plan is comprehensive, a higher density scheme may mean less solar pv and the bus only link and road design will make walking & cycling

attractive.

The biodiversity strategy and the design proposals work hard to retain, protect and enhance all of this and to introduce new habitats of value. A wide area along the watercourse has been left open with water features and a range of habitats proposed. It would seem to be extremely challenging to introduce 400 homes, 1000 people with all their cats and dogs and 5 years worth of construction activity to a few fields and still deliver a net benefit to wildlife. Conflicting pressures on the different green spaces bring the net gain into question. The developer team have been working hard to address these concerns and new information has only recently been submitted. If it were to be decided that the proposals fall short on net gain, there are many opportunities for addressing residual impacts off site and we hope these will be agreed and secured.

A town wide travel plan delivering town wide modal shift would be in keeping with the Eco Bicester Shared Vision and it would also make the travel plan for this scheme far more likely to succeed.

The following areas remain a concern; achievement of biodiversity, if the scheme falls short in terms of zero carbon off site solutions should be secured, measures to take action if the modal shift is not achieved are required, remaining design issues should be resolved, low emission vehicles should be encouraged and there is a lack of a stated vision for low carbon lifestyles.

3.22 Cherwell's **Building Control Manager** has highlighted there is some information outstanding from the application that has made it difficult to give a complete set of comments. However his comments are below:

1. Communal Area (River Corridor) Dwr No. 8010-UA001881 & UP23D-01 and 8011-UA (etc)
Lack of 'spot' levels relating to the proposal; no details relating to the materials/surface finishes are available. Ramps are referred to a 'DDA compliant' which is meaningless. Also very little in the way of 'furniture' is provided which would be suitable for older or disabled individuals to watch or part take in activities.
2. Specific comments on 'access' section of DAS
 - No mention of - consultation/involvement conducted with user groups
 - Imminent demographic change specially age profiles and aging population (as well as those with impairments).
 - Lifetime, home and neighbourhood standards within the DAS.

The DAS makes vague and meaningless reference to compliance with the Disability Discrimination Act and 'relevant guidelines'. It's not clear what provision has been made for visually impaired individuals relating to way finding in and around 'shared spaces'. Reference is made in regards to refuse collection, however how will the designer ensure the bins do not become obstacles and barriers for those with sight limitations? Also how will the bins be moved for occupants with mobility restrictions?

It does state that all integrated walking and cycling routes will be segregated.

Over all not convinced that the 'access' part of the DAS clearly demonstrates that

the philosophy of the 'social model' of disability has been adopted as the design goal.

3. General comments relating to the application

Application should a) establish from the onset the appropriate technical standards which have been adopted as part of the access strategy b) justify any intended departures/variations from the national guidance relating to 'inclusive design' and c) aim to demonstrate that the 'social model' of disability has been adopted.

4. Specific comments relating to the application

- Housing should be no greater than 500m from primary and 800m from secondary services.
- All pedestrian footways should have gentle gradients not exceeding 1:20.
- Bicycle lanes should be separate from footways and clearly marked (already mentioned in DAS).
- Lifetime homes provide 'improved access' to dwellings for wheelchair users but does not make them fully accessible. It is recommended that 10% of all houses are built to 'Wheelchair Housing Standards' (which exceed LTH criteria).
- With respect to external information the house plans do not provide sufficient detail to conclude whether the proposals satisfy criteria 1 of the Lifetime Home Standards': (Also there appears to be conflict between the planning strategy of a reduction in vehicular use/ownership and the requirement of LTH's to provide a parking space (2.400m wide which has the potential to be increased in width to 3.300m) for every house (as all houses are required to meet the LTH criteria as required by the PPS1 supplement).

3.23 Cherwell's **Ecology officer** comments that the application has not made the most of opportunities enhance and conserve biodiversity within the development as might be expected in an Eco town exemplar.

- Low levels of space given to the more natural areas is disappointing when taking into account the pressures these areas are likely to experience in terms of disturbance.
- Not clear if the Eco town PPS is and PPS9 requirements for 'net biodiversity gain' will be achieved as incorporating designs to benefit wildlife have not been maximised.
- Retainment of hedgerows is welcomed; however the value of the translocated hedgerowns will be reduced once removed from the agricultural context, this could to some extent be mitigated for with large buffers adjacent to the hedgerows limiting disturbance.
- The Environmental Strategy outlines that the 'majority' of hedgerows will have a buffer of 3m. However for those hedgerows which may have less of a buffer than this their value to wildlife will probably be less than current, despite the intended sympathetic management. I note the hedgerow survey undertaken by Arups recommends buffers of at least 10m either side of the hedgerows managed for biodiversity not amenity in order to retain value which does not appear to have been taken into account.
- If the habitat creation and retention proposed along the riparian corridors are achieved in their entirety these are likely to be beneficial in terms of biodiversity. However there seems insufficient proof and inadequate detail and clarity which make its achievability uncertain.

- There is little information on how the hydrology may be manipulated to achieve the wetter areas along the Bure corridor for the proposed wet grassland and the inclusion of orchard planting within these areas seems inconsistent. Even if it is achieved there is potential that the value of these habitats will be reduced by other impacts i.e. lighting strategy on road, footpaths and play areas within and adjacent to the river corridors which is not fully detailed.
- The design of the bridges which currently do not appear sympathetic to wildlife movement and are likely to fragment the corridor. There should be some strategies in place to discourage high intensity usage of these areas for recreation and dog-walking etc in order to provide some level of refuge and space for wildlife.
- There is little mitigation for the loss of habitat for farmland birds. I understand the wintering bird survey is still ongoing, the results of which should determine the value of the site in this respect. As it is not possible to mitigate for the loss of open space and foraging ground for birds on site compensation for this aspect off-site should be sought.
- The proposals for biodiversity enhancements within the built areas of the development should deliver some benefits for wildlife if carried out – green walls, green roofs on garages, higher levels of planting, suds features (lack of detail)
- The ‘classic homezones’ appear to deliver comparatively little of benefit to biodiversity or green connections. Could the enhancement proposals not be carried through these as well?
- The Environmental Statement that allotment areas can achieve some of the biodiversity aims on site forming quite an extensive area of transitional habitat in parts. It is unclear whether this is achievable when such areas are to be managed by residents and therefore cannot be guaranteed to be managed in a wildlife friendly way.
- The mechanism for management of the created and retained habitats is not yet agreed nor have the viability of the various options in terms of achieving the funding and management required been outlined. The long-term management and monitoring of the green spaces on site is critical for the successful delivery of the biodiversity enhancement objectives and to prevent deterioration of the retained habitats. This needs to be fully outlined before it can be assessed whether there will be clear gain in biodiversity on site.

Comments from Cherwell District Council’s Rural and Countryside Service & Ecologist on revisions to the scheme

The additional information received has been largely welcome from an ecological viewpoint, in particular the inclusion of further pond complexes to increase biodiversity interest and the provision of some further details of the proposed management plan.

However, the lack of a full management plan in terms of details of secured funding matched to the costs of proposed management prescriptions in order to demonstrate the deliverability of the various biodiversity enhancements throughout the exemplar site threatens its ability to achieve the overall net biodiversity gain claimed and in accordance with PPS1 (ecotown supplement). This should be put in

place in its entirety prior to any works commencing on site.

In addition (and particularly if the above is not satisfactorily achieved such that delivered net gain remains questionable), consideration must be given to contributions for off-site compensation (projects on downstream sites such as RSPB Otmoor or BBOWT's Ray area would be appropriate candidates). Whilst not a replacement for the value of enhancements on site, if such off-site compensation is achieved then I believe the development could claim clear overall biodiversity gain such as would be expected from an ecotown exemplar.

A full Ecological Construction and Method Statement or equivalent should be produced and agreed in writing with the LPA prior to the commencement of any works on site. This should include statements on the protection of retained biodiversity interests on site including mitigation for protected/priority and other species, hedgerows and trees from the commencement of works, during construction and the initial post construction period. Statements on the appropriate time of year for various works, e.g. clearance of woody vegetation only outside of the bird nesting season, are also required. In addition it should include an overall timetable of delivery of the green spaces and biodiversity enhancements as required as part of an ecotown application by ET21.1 PPS1.

Should more than 12 months elapse between the commencement of works on site and the protected species surveys already in place update surveys should be carried out in order to assess whether species have moved on to the site in the interim and therefore the need for further consideration. The results of these surveys should be submitted to the LPA and any actions agreed.

Although there is no stated intention to light the pedestrian footways crossing the river corridors or the NEAP area, it is accepted that this may realistically be required in the future. Therefore a lighting strategy for these areas to include designs which would not be detrimental to the use of the river corridor by bats should be agreed by condition, such that there can be certainty that the future value of the corridor for bats and other nocturnal species will not be compromised.

The changes to the NEAP design in terms of altered earthworks and removal of the need for gabions is welcome. It should be noted that the design suggestions made by the CDC Landscape Officer intended to lessen the encroachment of the more heavily disturbed areas of the NEAP into the 60m buffer of the river corridor and make it more sympathetic to its location would be a significant benefit to biodiversity in this area and should be given full consideration. Environmental interpretation boards should be included at the footbridges or in a similar location near the river corridor to inform the users of the objectives of that area and its importance to biodiversity.

There is some lack of visual clarity within the plans as to the location of the retained and translocated hedgerows at the boundaries and their buffer zones. Some of the plans suggest tree planting within these buffer zones (this is particularly unclear in

the Northern fields section). In order to maintain their functionality any additional planting should be made outside these zones. Clarification of this point would be appreciated.

Production of detailed plans of the proposed pond complexes (which are not intended to be within the SUDS system) in terms of linings, cross sections etc should be conditioned and agreed prior to commencement of works.

3.24 Cherwell's **Strategic Housing Officer** provided their comments and submitted draft Heads of Terms. Details can be found below:

1. Affordable housing mix and tenure
 - Although 30% affordable housing is being offered in line with current policy this is not at CDC's current policy mix –a suggested mix has been put forward. A total of 102 units, 18 of which would be for affordable rent and 120 for shared ownership (Table of detailed mixture was submitted).
 - The mix of size and types has been agreed. Affordable rents (including eligible service charges) will need to be set at a level that is deemed affordable against local market rents.
 - There are particular concerns with regard to service charge costs and the affordability of these which will need to be addressed.
 - We will need to determine an approach to fixed term tenancies.
 - We would expect shared ownership units to be sold at a variety of shares between 25 and 75% with an average share across the scheme of between 40 and 50%. We believe there is a healthy market for shared ownership units within Bicester and would like the number of units available as shared ownership to be increased on the wider application.
 - A block of 2 bed flats is to be kept for special downsizing units for older people releasing family homes. This will be of a higher spec than the other blocks and age restricted to 55 years. The majority of flats in this block should be for rent.
 - One of the 2 bed terrace and an adjoining 3 bed terrace will be set aside for the re- provision of Lucan House, teenage parent's project and leased to Stonham for that purpose. This will have an exit strategy for reconversion to general needs and a separate referrals procedure.
2. Location
 - CDC policy is for a well integrated mix of tenures and we have not generally accepted clusters of more than 15 units, with the rented and intermediate housing mixed in each cluster. We would prefer to see the affordable housing more integrated throughout the development than the current plan shows to achieve a mixed and sustainable community and a consistent stream of delivery.
3. Standards and Design
 - PPS 1 lays down standards for the new build which this application achieves. Standards include:
 - a) Code level 5 and Carbon Neutral
 - b) CABE –Building for Life –silver level
 - c) Lifetimes Homes Standard
 - Wheelchair units are to be designed to standards laid down in the Habinteg design guide (2nd Ed) but agreed at internal design stage with CDC Housing

- team as these may be tailored to individual needs.
 - Lucan House internal layout is to be agreed with CDC and Stonham Housing.
 - The affordable housing should be tenure blind in design.
 - Housing Services would like sight of the revised plans to be able to comment further on the wider design issues.
4. Delivery triggers
- These will need to be set in line with the build programme but would want to see the affordable housing come forward simultaneously with the private sale units.
5. Nominations and Local Lettings Plan
- All housing will be subject to our standard nominations agreement and processes but will also benefit from a local lettings plan both of which will be attached to the planning agreement. The lettings plan will give priority to Bicester applicants and seek that new residents have a pre-tenancy qualification which covers residents being in work or training or actively involved in community work and their intention to embrace a greener living agenda.

3.25 Cherwell's **Design and Conservation** has made the following comments on the application:

1. Local distinctiveness / appropriate to context
- The palette of elements of construction, elevational detailing, windows and doors is not derived from local architectural styles. Given the very contemporary elevational treatment, the untraditional roof profiles, the buff brick and the timber proposed for elevations and the particularly regimented approach to layout, the design does not appear appropriate to its context.
 - It is the role of the DAS to explain the design rationale behind the proposal and how this has been informed by an analysis of context etc. There is little in the submitted DAS to explain these matters.
2. High Quality Inclusive Design
- The architecture of the housing relies very heavily on very similar floor plans with repetitive pattern of openings and three elevational treatments. The effect is repetitive with a risk of monotony and many dwellings and terraces are visually unappealing, particularly the affordable bungalows and flats. The gabled elevations, particularly those with differential widths and heights or asymmetrical pitches or extended roofs, create a discordant image.
 - Some of the "enriched" house types are visually stimulating but have little in common with their neighbours. This does not appear to constitute high quality design.
 - The house types are grouped into enclaves, with streets composed of single house types. This does not constitute inclusive design that creates well mixed and integrated development which avoids segregation. Although the 2 and 3 bedroomed houses are tenure blind, the affordable bungalows and flats are distinctively different by virtue of their scale and appearance and thus their design could not be described as inclusive.
 - There is a rigidity of building line, a lack of variety, a lack of change of scale, a lack of public spaces within the housing areas, a lack of landmarks, lack of

- successful corner buildings, etc and the resultant places do not create high quality streets, open space, public realm or places to inspire and delight.
- The layout does not offer continuity and enclosure, consistent with local character, because the perimeter blocks are too small. The distorted grid layout has high permeability but movement for pedestrians and cyclists and legibility through recognisable routes is not clear due to the repetitive layout and a lack of landmarks to help people find their way around. All dwellings outside the High Street centre are designed for residential use without opportunities for other uses, even working at home for most, included, and no expressed adaptability through building types that enables their use for different purposes over time.
 - The development is designed to meet Code 5 but the layout of the street grids does not maximise solar gain through layout and orientation of buildings. The PV panels on the gable fronted terraces results in asymmetrical pitches and the requirement to lift the PV panels above the shadow line to increase their efficiency results in an aggressive roofscape.
 - The housing layout is inefficient, with a high proportion of highway to dwellings. Despite the resultant relatively low density, the size of private gardens attached to the terraced houses is small and some of the gardens of the affordable homes will be dominated by cycle and bin stores and their sheds.
 - The inefficient layout compromises the amount of green space.
 - The size of some private gardens result in some dwellings having a very small area of private amenity space, some north facing.
 - The master plan for the whole site is in preparation. It is not clear that the detailed design of this layout has been considered in relation to the interface with subsequent adjacent phases. As the aspiration for the non residential elements on the High Street is very specific in terms of height, elevational treatment, order, symmetry etc and is to be delivered by different developers at different times, a design code will be needed to ensure consistency.
3. Density / efficiency of layout
- The layout of the housing is inefficient, with small perimeter blocks and a high proportion of road to dwelling. This results in a relatively low density development, which is inefficient in terms of district heating and encouraging measures such as the provision of a viable public transport service, car clubs etc to encourage modal shift.
 - The pattern of field boundaries has been followed in the layout of streets such that the orientation of buildings does not maximise solar gain. The reliance of PVs as a significant source of electricity has required a high proportion of gable fronted terraces and the pitches of some are asymmetrical and others need to be extended to ensure sufficient solar gain. Not only does this produce a visually discordant street scene but it also conflicts with policy requirements for locally distinctive development.
4. Green Infrastructure
- 44.92% of the whole exemplar site is to be Green Infrastructure and 37.69% of the exemplar site is to be public Green Infrastructure, but this largely comprises hedgerow buffers (27.72% of total GI and 33.04% of public GI) and water course corridors of high biodiversity value (18% of total GI and 21.47% of public GI), where development is not possible.

- The buffers are linear features, mainly around the edges of the site and, although they incorporate some amenity planting and allotments, are of little value to the whole community because of their peripheral location. The water course corridor is required to accommodate a range of potentially conflicting uses, which could compromise biodiversity and existing vegetation.
 - There are no amenity green spaces within the net housing areas and this is a loss to residential amenity and successful place making. A further 21.26% of the total GI (25.22% of the public GI) is due to come from the Home Zones but information on this has not been provided.
5. Car parking
- Oxfordshire County Council and the District Councils across the County have worked together to develop residential parking standards, taking account of empirical evidence about actual levels of car ownership in recent housing developments in the County. The parking provision proposed is higher than the local standards.
 - All dwellings are provided with a garage, but the dimensions of these are intended to ensure they do not count towards parking provision so additional parking spaces are also provided. All spaces appear to be allocated, although there might be the intention to enable visitor parking within Home Zones. It is unlikely to discourage the use of the private car in favour of public transport, walking or cycling and so is unlikely to contribute to modal shift.
6. Design and Access Statement
- The DAS submitted with the application was lacking in many respects and additional subject areas were requested to enable the application to be registered. A contents list for a further, fully revised DAS was agreed and the revised document is awaited.

With regard to the revisions they raise the following additional comments;

- There are some interesting aspects to this proposal, not least in achieving Code Level 5, in some of the architecture, in some of the potential Home Zone style living environments and in some of the use of green infrastructure. However, there are also areas where the proposals under-perform, for example relating to the rigid choice and application of house types, the approach to parking provision, inefficiencies in the layout and some of the house types.
- There are lost opportunities to create a really ground-breaking exemplar scheme and this is frustrating and disappointing. Some of these, such as inefficiencies in the layout, could potentially be resolved with more time for discussion. Others, however, such as the approach to house types and parking, would need a more radical change of approach on behalf of the developer, which we have been advised will not be forthcoming, and so these shortcomings will remain.

3.26 The **Head of Planning Policy and Estates** comments as follows;

- This is to be the first phase, as an Exemplar project, of the proposed NW Bicester Eco-Town development. Were it not for this proposed Eco-Town there would arguably be no context for the proposed 394 dwellings and this

proposal would not be coming forward. This phase is not therefore a 'self contained' development. At the same time, the outcome of the proposal for the whole site cannot be pre-determined and so, as this first phase is coming forward in advance of either the Core Strategy or consideration by outline application of the whole site, it also needs to demonstrate that it has potential and justification to form an isolated development if it is to be determined before the proposal for the whole site has been fully assessed.

- The council has committed support for the concept of an Ecotown in NW Bicester through various Executive decisions since 2009. The site was put forward by the Council as an alternative to Weston Otmoor site (on government's initial shortlist of potential ecotowns April 2008), which it strongly opposed. A concept study was commissioned in December 2008 to explore its potential and at the 30th March 2009 Executive a resolution was agreed that the council "*supports the inclusion of the NW Bicester location (as defined and presented through the Council's Eco Town Concept Study-Draft February 2009) in the Government's Eco Town Programme and Planning Policy Statement*" (although this was with the proviso that ten caveats set by the council were recognised by the government first). Furthermore the Council endorsed the Eco Bicester One Shared Vision document, as informal planning guidance for development control purposes at the 6th Decemeber 2010 Executive.

General Comments

- There are several general comments which relate to the planning application and supporting information. There is a general lack of clarity, consistency and detail within and between documents. The means and the mechanisms by which a range of factors will be addressed and/or delivered is often simply deferred to external agencies and organisations with no information on who, how or when those factors will be addressed or delivered.

Planning Policy Review

- There are currently no local plan allocations for the site; The Draft Core Strategy contains a proposed policy for NW Bicester, however it is still at draft stage and therefore it carries little weight. The site is identified as a potential location within Annex A of the PPS Ecotowns, A supplement to Planning Policy Statement 1.
- in the absence of an up to date local development plan policy, an application for an Eco-town should be determined in accordance with legislative requirements and on it's merits. This application does not relate to and allow consideration of the merits of the Eco-town as a whole. The requirements/standards for an Eco-town are set out between ET7-ET22; these should be satisfactorily met before permitting the scheme.

Housing Requirements

- The development of an eco-town at Bicester is in general conformity with the direction of South East Plan policies for the distribution of housing. Indeed, the Draft Core Strategy proposes an increase in Bicester's figure partly in the interest's of accommodating an eco-development and would be in keeping with the thrust of the South-East Plan's sub-regional strategy for Central Oxfordshire.
- The current residual requirement for Bicester 2,393 (2,793 without the

exemplar) is less than the 3,000 homes anticipated by 2026, but the proposed local adjustment of the Bicester housing requirement is being considered through the emerging Core Strategy.

- Policy H2 of the South East Plan states that LPAs ‘*will work in partnership to allocate and manage a land supply to deliver*’ the required housing provision, while ensuring appropriate regard to environmental and infrastructure issues and a number of considerations including, “*the need to facilitate any proposals that are agreed for Growth Points and eco-towns to be assessed through the next review*”. There is, now, no plan to review the South East Plan. However, the reference to eco-towns in the final version of the South East Plan, reflects the expectation that eco-towns could have a role in meeting future housing needs.
- On 14 October 2009, the Council was advised by the Department for Communities and Local Government that homes built as part of an eco-town by 2026 could be considered as part of the district’s South East Plan housing requirements. The Council’s Draft Core Strategy (in February 2010) proposes for an eco-development at North West Bicester of 3,000 new homes by 31 March 2026. The proposed allocation at North West Bicester reflects the Council’s commitment to delivering major housing growth at Bicester through the eco-towns initiative.
-

5 Year Housing Land Supply and Phasing

- Notwithstanding comments elsewhere in this response, delivery of Phase 1 of the Eco-Town from 2012 to 2017 would broadly be consistent with the expectations of the Draft Core Strategy (Table 18, p.134) which suggested that 500 homes could be provided at North West Bicester by 2016

Size and Type of Housing

- Policy H4 of the South East Plan requires local authorities to identify the full range of existing and future housing needs and to seek an appropriate range and mix of housing opportunities by identifying the likely profile of housing types and the size and type of affordable housing required. A 2009 assessment of the type and size of housing needed in Cherwell informs Draft Core Strategy policy H6. Although, at this stage the policy carries little weight, it does set out the size and type of housing expected to be required to meet the needs of Cherwell’s future population having regard to a ‘Household Projections and Current Market Position Model’. It does not however, take account of the profile of the existing housing stock. A comparison with the type and size proposed in the application is provided below:

Draft Core Strategy (Policy H6)	Exemplar Application
1 bed flats (4%)	8 one bed’ flats / maisonettes (2%)
2 bed upsizing flats (8%)	20 two bed’ flats / maisonettes (5.1%)
2 bed houses (19%) 2 bed retirement / downsizing homes (23%)	118 two bed’ houses (29.9%)
3+ bed houses (35%)	141 three bed’ houses (35.8%) 107 4+ bed’ houses (27.2%)
3 bed flats / cluster homes (2%)	None
1/2 bed extra care homes (9%)	None

- consideration should be given as to how a range of housing closer to that in draft policy H6 might be achieved across the wider development. There appears to be no evidence provided for the proposed housing mix included in this planning application.

Affordable Housing

- The Strategic Housing Market Assessment (2009) and Local Housing Needs Estimates (2009) show that there is a demonstrable lack of affordable housing to meet local needs. In these circumstances, the Non-Statutory Cherwell Local Plan and supplementary planning guidance require the proposed development to provide 30% of the proposed housing as affordable homes. Policy CO3 of the South East Plan requires at least 40% of all new housing in the Central Oxfordshire sub-region to be affordable, including housing for key workers. Policy H3 seeks 25% of all housing across the region as social rented and 10% as intermediate (policy CO3 takes precedence). The Draft Core Strategy proposes a requirement of 30% for qualifying sites in Bicester, having regard to a viability study. The PPS1 supplement requires at least 30%.
- The planning application states that 120 units (30.5%) would be provided. This is appropriate in the context of existing and emerging policy.

Housing Density

- The scheme has an average of 27.1 dph and is, regardless of the removal of PPS3's national indicative minimum of 30 dph, a relatively low figure in view of PPS1 and PPS3 aims of making efficient use of land and the expectation that eco-towns should be seeking the most sustainable use of natural resources.

Comments specific to other submitted documents

Very detailed comments are made with regard to the submitted documents these can be viewed in full via the Council's web site.

With regard the revised submission the following comments are made;

Housing

- The Council is in the process of developing an evidence base to identify a local housing target in view of the expectation that the legislation regarding the preparation of Regional Spatial Strategies will in time be repealed. However, the South East Plan currently remains part of the Development Plan. Nevertheless, a report on emerging work presented to the Executive on 07 March 2011 considered that a figure of approximately 12,750 households may be able to be justified in terms of meeting potential need in the district.
- The current residual requirement for Bicester 2,393 (2,793 without the exemplar) is less than the 3,000 homes proposed by 2026, but a local adjustment to the South East Plan to increase growth at Bicester is being proposed through the emerging Core Strategy and would be in keeping with the general direction of the South-East Plan's sub-regional strategy for Central Oxfordshire.
- Housing delivery projections in the 2010 AMR (as amended in February 2011)

show that the district presently has a 5.7 year supply of deliverable sites for the five year period 2011-2016 (rising from 4.9 years for the period 2010-2015 and including the Phase 1 Eco-Town site). On this basis, at this time it is considered that there is not a shortfall in the district's supply of deliverable sites.

- If the site was ultimately shown not to be deliverable, it would need to be removed from the district's current assessment of deliverable sites. Under current circumstances, this would mean that the district would not be able to demonstrate a 5 year land supply for the period 2010 to 2015. However, the district would continue to have a 5 year land supply for the 5 year period beginning in April 2011 (2011-2016). Under current circumstances, this would mean that the district would have a 5.1 year supply for the period 2011 to 2016, an acceptable but more marginal position. A refusal of permission on a detailed matter may not in itself alter the assessment of the site as being deliverable in principle.

Size and Type of Housing

- it is understood that the mix of housing is unchanged. It is noted that the mix and type for the affordable housing component has been agreed with the Strategic Housing team. In the absence of information about how the wider eco-town will meet changing household needs, there remain concerns about the proposed mix for the Phase 1 application without further justification. The Draft Core Strategy envisages that the North West Bicester development will be the only new strategic site for meeting Bicester's needs to 2026. It is therefore particularly important that household needs as well as demand are being addressed. The simple trend based analysis, may not be sufficient to justify the proposed mix housing in the context of delivering a major eco-town development that aims to meet a new vision for the town and its longer term housing needs particularly as no new build Greenfield housing has been completed in the town since 2004/5. The report does not consider how household profile and demand may change over the build-time of the whole development and may be influenced by the eco-town itself. Further justification is required.

Comments specific to other submitted documents

Very detailed comments are again made with regard to the submitted documents these can be viewed in full via the Council's web site.

- 3.27 The Council's **Arboricultural Officer** has commented in detail on the street tree planting proposals;
- The 1.0m sq planting pit provides an inadequate space to promote initial fibrous root development and should be increased to a minimum of 1.8m sq, a load-bearing foundation comprising of soil/root cells or trenches should be constructed thus facilitating good root development, root cells/trenches should be installed adjacent to the improved planting pits, resin bonded surface around the tree pit at ground level provides a good porous surface for the tree pit and is preferred over tree grills, irrigation (including storm water management) should also be extended to incorporate the root cells/trenches recommended for good root development, porous surfacing or an engineered irrigation system should be applied to the above ground surfacing above the load-bearing foundation system for tree roots.

- It may be advisable to assess the structural stability of the SUDS channel design and consider re-reinforcement or alternative designs to protect from tree roots. I think it necessary to evaluate the design and the positioning of the planting areas and SUDS. It may be advisable to consider as to whether or not the two separate systems (tree pits and SUDS) can both be accommodated within a single design specification which provides appropriate below ground rooting areas, suitable irrigation/stormwater systems and SUDS.

The Council's Anti Social Behaviour Manager advises that there are no significant issues re traffic noise affecting the site and suggests revised wording for the noise condition for the energy centre

The Council's Environmental Protection Officer advises that the risk to human health from land contamination has been addressed and the condition to deal with any unexpected contamination encountered is acceptable.

3.27 **Thomas Eggar on behalf of Mr and Mrs Kleiman of Caversfield House** object to the application on the following grounds;

- An exemplar site should set the standard for the whole development and should, if anything be built to a higher standard so that it can truly call itself exemplary, in this case the applicant has tried to argue that the exemplar site is the first phase of the proposed eco town, it should be held to lower standards than would otherwise apply under local and national policy.
- The proposal falls well short of the government's minimum requirements for eco towns and cannot, therefore take advantage of the policy concessions applying to eco towns.
- Under national policy eco towns should provide for a minimum of 5,000 new homes. The application should not be assessed under national policy applying to eco towns because;
 - o The applicant has failed to demonstrate how it will bring forward the remainder of the site for development;
 - o It fails to provide the number of jobs required under national policy; and
 - o It fails to achieve the modal shift to non-private car means of transport required under national policy.
- The applicant's inability to explain how the remainder of the site will come forward for development, there is a real risk that if approved, attractive and productive countryside will be lost to an unsustainable and poor designed development that fall short of the standards required of the eco towns.

3.28 6 Letters have been received with regard to the planning application. These letters comprise 5 objections to the proposals and 1 letter which neither state support or objection but that raise interesting and specific points regarding issues in the application. The main points of the letters have been summarised below.

3.29 Traffic

- Bicester already has the Kingsmere development being built, and if this development is also built, I do not see how the roads in Bicester will cope with major increase in traffic.
- Lords lane is already heavily used 7 days a week,

- Bicester Village traffic brings the roads around it to a standstill in the weekend.
- A41 & A34 are gridlocked on a daily basis, and not sure if the widening of J9 will help with this.
- Will new residents at the development be enforced to walk and cycle everywhere?
- Appalling conditions of many major and minor roads within Bicester and the surrounding local area is where the money should be spent.
- Increase in traffic will increase traffic pollution and noise to houses backing on to Southwold Lane. This is already a problem and will only be exacerbated by heavy lorries during the building stage. What will the council plan to protect these houses?

Environment

- The farmland and wildlife that the development will be built on will be demolished and the surrounding villages will be engulfed.
- loss of valuable rural land & agricultural land and how it will be lost forever while the land is in such desperate need for an ever growing UK population.

Location

- possibility of alternative brown field sites in Gravel Hill, Bicester RAF and former US Air Force base at Heyford.

Planning policies

- the application does not accord with the development plan and that no material considerations have been put forward to the residents of Bicester.

Funding

- How much taxpayers money has already been spent on this ecotown?

Local services

- Money used to fund this development should be used to improve local road infrastructure, General Hospital and Secondary/Academy schools for the current population. It should also be spent on the local police and libraries with threats of closure.

Growth of the town

- There were too many building projects occurring in Bicester, such as Kingsmere. Bicester should retain its rural status and not become another Milton Keynes.

Masterplanning

- the masterplan seemed to be put together as the proposed development evolves.

Materials to be used

- Will materials to be used on the development be organically grown?

With regard to the revisions two letters have been received reaffirming the previous objection, and one letter raised the issue of rural land which is unique and should be protected against development, especially around the village of Bucknell as it is a very small and old village. The other letter raises the following issues;

- Deprived of normal planning procedure through the local plan, this bolt from the blue has been ushered through with undignified haste. It is shameful.
- It is the wrong side of town for access to roads etc.
- That A2 Dominion personally told me that all they are interested in is houses, and numbers are more important than anything else.. The Eco bit is an inconvenience to them.
- Why was Upper Heyford ignored in your figures you published a couple of years ago that justified these sort of numbers being built in Cherwell?
- Sustainability with respect to cars, working from home, etc is nowhere near the Continental models,
- When, if ever, will the green infrastructure ever be built. After 10 homes? 100 homes? 1000 homes? If ever?
- Will the green technology on energy production ever work? Is there any serious credibility to this, or is it a sop to get planning?
- Do the people of Bicester support this scheme? I feel that is unlikely.

A2 Dominion (the applicants) have confirmed that the access road to the school would be the first phase of the development and although they would endeavour to meet the 6 month deadline that OCC are seeking they could not guarantee to do so due to the time it will take to construct the bridge. They have offered further discussions with OCC regarding the timing to deliver the works.

With regard to **Bonds A2Dominion comment;**

A2 Dominion own and manage over 30,000 homes and have a strong covenant. We are committing over 80m to the exemplar phase and have the means to deliver it. In the current market, Bonds are treated as loans by banks, and they therefore attract high interest per annum. If we are asked to Bond, for example, 4.9m, this will attract interest of, for example 7%, and this is per annum. This would put a huge cost burden onto a project that is already at the margins of normal profit levels as set out by our own financial consultants (Hayes Houghton) and also yours (Bruton Knowles). This is not acceptable to us.

Also, not only does it attract interest, we also have to put up security to get the Bond in the first place, as a charitable housing provider we only charge our properties to provide the funds to carry out our core activities, and therefore this would actually stop us using scarce resources on other projects.

We are completely committed to this scheme, and are a large organisation with a strong covenant, who builds in excess of 1,000 homes a year, so by offering to underwrite the S106 contribution for essential infrastructure, it is not on the basis of incurring significant financial penalties for doing so.

Barton Wilmore on behalf of P3 & A2 Dominion advise;

Further to our discussions re the underwriting of the essential infrastructure, I understand that the District Solicitor has expressed concern as to reference to future phases in any s106 relating to the exemplar phase.

I appreciate that the Council cannot bind nor fetter any future committee or determination of a future application.

Our current thinking on the wider master plan is that it will be accompanied by a site wide infrastructure plan. This will relate to the entire master plan area (i.e. 5000 dwellings) and will identify the phasing of infrastructure and generate a 'charging schedule' or similar to be charged on a per dwelling basis. The payments could be paid into a 'Eco Town fund', where forward payment or gap funding is required, then any forward funding would be made up in subsequent phases. This approach is consistent with the County's agreement to forward fund the 'over-provision' of the school (i.e. that element over and above the needs generated by the exemplar phase itself).

The wider master plan will of course be subject to a financial model and I appreciate, that at this stage, the level of contribution sought at the exemplar phase may be consistent or even above or below the master plan. This will be determined at the appropriate stage. In any event, if equalisation does not occur nor overage, the terms provided yesterday provide for the developer to underwrite the essential infrastructure generated by the exemplar phase.

I would hope that the above is consistent with Officers' current thinking. The issue is then how the above is reflected, if at all, in any s106 relating to the exemplar? This we can discuss. It may be that the obligations are 'reversed', to provide for the underwriting mechanism, but to provide for 'nothing shall prevent' the infrastructure contributions being addressed through the wider master plan and s106 agreements which may or may not be agreed'.

Further details have been received from **A2Dominion with regard to community governance**. The progress regarding community governance is described by the Local Authority project lead on this work below;

"Good progress has been made on how we set up a Local Management Organisation (LMO) for NW Bicester. Consensus between the local authorities and the site promoters has focussed on a staged approach so that the LMO evolves over 3 stages. These are:

Stage 1: This will take place around the time when the first homes on site start to be occupied. A2 Dominion will take on the early management and service delivery role of the LMO and start to engage with the new community, carry out community development work and capacity building work so that they could eventually manage their own affairs if they choose to do so.

Stage 2: The next stage will occur after 200 dwellings have been occupied. An Interim Partnership Board will be formed - a precursor to the LMO - which will contain representatives from all the key partner organisations (BTC/CDC/OCC) as well as representatives from the wider Bicester community and from the NW Bicester community plus A2 / P3. New residents will have the opportunity to learn about governance without taking on sole

responsibility or ownership of assets. As the NW Bicester community grows and as and when there is increased interest from newcomers in governing their community, this will be reflected in the changing composition of the Board so that eventually the Board will get to a stage where the NW Bicester representatives start to outnumber the representatives from other bodies. It is at this point work can be commissioned to establish the legal structure of the nascent organisation and a detailed Business Plan for its operations.

Stage 3: This will take place when there is a critical mass of new occupants who want to sit on the LMO Board and it will be at this stage that the full transfer of assets and responsibilities takes place. This will not happen during the exemplar build out phase but during the development of the wider 5000 homes. It may not happen for many years as it will depend on the appetite of the new community to take on the entire governance of their community.

A2 Dominion are currently working up detailed proposals with guidance from CDC officers as to how they will engage with the existing stakeholders and other community groups in NW Bicester on this issue to develop options and build consensus on how the LMO could work.

In terms of financial resources to support the setting up of an LMO, it is essential that the S106 for the exemplar application secures a £100,000 financial contribution towards the business planning and legal work that the IPB will need to commission to ensure that the setting up of the LMO proceeds on a financially and legally secure basis and that in excess of £100,000 is dedicated by A2 towards the resourcing of their early Community Development, Community Engagement and Governance Capacity Building activities so that CDC have the assurance that these activities will be carried out to defined agreed outcomes and high standards".

4. Relevant Planning Policies

National Policy Guidance -	Documents	PPS1 and supplements, PPS3 as amended, PPS4, PPS5, PPS7, PPS9, PPS10, PPG13, PPG17, PPS22, PPS23, PPG24, PPS25.
South East Plan 2009 -	Policies	SP1, SP3, CC1, CC2, CC4, CC6, CC7, CC8, RE5, H1, H2, H3, H4, H5, T6, NRM1, NRM2, NRM4, NRM5, NRM9, NRM10, NRM11, NRM12, NRM16, W2, W8, C4, C6, BE1, BE4, S2, S3, S5, CO1, CO2, CO3, CO5.
Adopted Cherwell Local Plan 1996	Saved Policies	H5, S28, TR1, R12, C1, C4, C7, C9, C28, C30.
Other Policy Considerations		
Non-Statutory Cherwell Local Plan 2011	Policies	H1a, H2, H3, H4, H5, H7, TR1, TR3, TR4, TR5, TR6, TR9, TR11, TR19, TR19a, R4, R8, R9, R10a, R11, EN1, EN5, EN6, EN11, EN13, EN15, EN16, EN21, EN22, EN24, EN27,

LDF draft Core Strategy	Policies	EN30, EN34, EN35, D1, D2, D3, D4, D5, D9, SD1, SD2, SD3, SD4, SD5, SD6, SD8, SD11, SD13, NWB1, H1, H2, H3, H4, H5, H6, I1, I3, I4, I5, BIC6
One Shared Vision for Bicester	Document	The document sets out the aspiration for Bicester and includes development standards that reflect those contained in the Eco Towns supplement to PPS1.
Emerging Local Transport Plan Ministerial Statements & emerging national policy	Document	

5. Appraisal

5.1 Issues raised by the application

5.1.1 This application raises a number of significant issues. These include the compliance with Development Plan policies, National Planning Policy Guidance, Statements (PPGs and PPS's) and emerging policy, housing delivery, environmental impacts, design and community infrastructure.

5.2 Environmental Statement

5.2.1 The application is accompanied by an Environmental Statement (ES). The ES covers the application site and contains information describing the project, outlining the main alternatives considered, aspects of the environment likely to be significantly affected by the development and measures to prevent or mitigate any identified impacts. Where an ES has been submitted with an application the Local Planning Authority must have regard to it in determining the application and can only approve the application if they are satisfied that the ES provides adequate information.

5.2.2 Circular 02/99 provides advise on Environmental Impact Assessment and provides the following advice in paragraph 45 with regard to developments that may be carried out under more than one application.

'For the purposes of determining whether EIA is required, a particular planning application should not be considered in isolation if, in reality, it is properly to be regarded as an integral part of an inevitably more substantial development (see

endnote12). In such cases, the need for EIA (including the applicability of any indicative thresholds) must be considered in respect of the total development. This is not to say that all applications which form part of some wider scheme must be considered together. In this context, it will be important to establish whether each of the proposed developments could proceed independently and whether the aims of the Regulations and Directive are being frustrated by the submission of multiple planning applications.'

Paragraph 47 goes on to advise;

'It should be noted that a developer can be asked to provide an Environmental Statement only in respect of the specific development he has proposed, though the statement will need to address not only direct, but also indirect effects of the development. Any wider implications would be for the local planning authority to consider, although it is open to developers to assist the local planning authority by supplying any additional information relevant to this consideration.'

In this case the current application development is capable of standing alone and the ES addresses the specific development proposed.

5.2.3 The applicants submitted an application for a scoping opinion prior to submitting the current application. The ES accompanying the application covers the areas identified in the scoping report. The areas covered are landscape and visual assessment, ecology, flood risk and hydrology, air quality, noise & vibration, built heritage and archaeology, contaminated land, agriculture and land use, human health, socio economics and community, waste, traffic and transport and cumulative effects. An addendum to the ES was submitted in April 2011 providing information on air quality and assessing the impact of design changes to the plans against the areas previously assessed.

5.2.4 Since the Addendum there has been further correspondence in the form of notes from the applicants consultants with regard to; impact on Sites of Special Scientific Interest (SSSIs) and County Wildlife Sites (CWS) in the locality of proposed development, setting out how earth movement has been considered in the ES, further correspondence with the Environment Agency with regard to contaminated land, technical notes in relation to flood risk and water neutrality. These notes do not form an addendum to the ES but do provide further clarification in respect to the

matters it also covers.

5.2.5 The ES & Addendum for each chapter considers the impacts and the significance as well as the cumulative effects. It is not possible within this report to set out all of the impacts identified but below is a summary of the areas covered. The full report can be viewed via the web site.

5.2.6 **Landscape & Visual Amenity** – Over all the significance of landscape effects is considered neutral and the significance of visual effects is considered slight adverse.

Ecology – the proposed development will ensure that features of value to wildlife (stream corridor and hedges) will be retained and new habitats will be created to achieve net biodiversity gain. No significant impacts were identified.

Flood Risk & Hydrology – Identifies slight adverse impacts from construction dust but no permanent residual impacts associated with traffic as the over all rating is negligible. Energy centre emissions are predicted to be between slight adverse and negligible

Noise – Minor adverse effects may arise from construction noise. Majority of the site falls within noise category NEC A and therefore noise is not a determining factor in considering the development. Construction noise impacts will depend on proximity, operational traffic noise effects are identified as negligible. There may be potential for adverse cumulative effects from traffic to sensitive receptors. Further assessment is required of operational plant to be installed.

Built Heritage & Archaeology – Neutral impacts on archaeology, slight adverse effect on high and medium value assets (St Lawrence's Church & Home farm House) and the development will change the landscape from rural to urban and this has been identified as slight adverse.

Contaminated Land – The contamination risks associated with the exemplar are considered very low although naturally occurring radon gas will require dwellings to have radon protection. Construction impacts are neutral to minor adverse.

Agriculture and Land use – 95.1% of the land is classified as 3b and the remainder is 3a. Approximately 1ha is best and most versatile land and the proposals are considered slight adverse. The main potential impact identified is disturbance to livestock.

Human Health – During construction health impacts were assessed as positive due to the employment opportunities. Impacts on health determinants are neutral. Positive health effects are predicted from the design of the development.

Socio Economics and Community – Positive impacts are identified relating to job creation, local expenditure, tourism, open space. Significant negative effects are identified during the construction phase with regard to cumulative development taking place in the town.

Waste- Waste from construction is identified as slight adverse but other effects are neutral.

Transport – Exemplar traffic is considered to have a negligible impact on severance, pedestrian delay and amenity, fear and intimidation, hazardous loads dust and dirt. Impacts on driver delay, accidents and safety will be negligible with mitigation measures.

5.2.7 The ES also looks at the cumulative effects of the development, both the cumulative effects of different developments and the cumulative effects of different environmental features. The main adverse cumulative effects that have been identified are the construction phase around traffic, noise and dust. Potential positive effects are identified for human health and socio economics.

5.2.8 All new development has some impacts. The ES has not identified major adverse impacts and where impacts, for example from construction, have been identified mitigation measures are proposed. The proposed mitigation measures are secured through conditions and the planning obligation. The ES is considered to contain 'adequate information' to enable the determination of the application.

5.3 Principle of Development

5.3.1 The development plan for Cherwell comprises the saved policies in the adopted Cherwell Local Plan 1996 and the South East Plan 2009 (the Regional Spatial Strategy) Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that if regard is to be had to the

development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the development plan unless material planning considerations indicate otherwise.

5.3.2 **Cherwell Local Plan**

5.3.3 The adopted Cherwell Local Plan dates from 1996 and planned for growth up to 2001 and therefore does not identify the application site for development. As such the proposal is a departure from the adopted local plan. . In terms of housing land requirements and allocations the Plan is now dated and government advice in *The Planning System:General Principles* advises at paragraph 10 that whether plan policies are up to date is a material consideration and where there is a conflict between policies in a Regional Spatial Strategy (RSS) and Development Plan Document (DPD) the most recent policy will take precedence. In this case the South East Plan, the RSS, contains the more recent policies. These are discussed further below.

5.3.4 The adopted Cherwell Local Plan does however contain some relevant policies relating to affordable housing, retail provision, transport, open space and biodiversity, landscape character and design. These are considered together with other relevant policies relating to these areas later in the report.

5.3.5 Policy C9 of the Cherwell Local Plan seeks to resist incompatible development beyond the existing or planned limits of a settlement as set out in that Plan, but whilst the principle contained in this policy is still relevant, the definition of “planned limits of a settlement” now needs to be considered in the context of a more up to date assessment of land requirements and allocations. The draft LDF Core Strategy provides this by looking at the growth needed up to 2026 (see below). It includes proposed new land allocations and consequential revised planned boundaries for the town.

5.3.6 **The Non Statutory Cherwell Local Plan**

5.3.7 The adopted Cherwell Local Plan was due to have been replaced by the Non Statutory Cherwell Local Plan (NSCLP) but the plan was never formally adopted due to changes to the planning system. The plan has however been approved by

the Council for development control purposes. This plan was produced to cover the period up to 2011 and identifies the land at SW Bicester as the primary site to meet housing need in Bicester for that plan period. That site now has planning permission and is being developed. The proposed development departs from this aspect of the NSCLP. The general policies remain relevant and are considered in relation to the issues they relate to below.

5.3.8 South East Plan

5.3.9 The South East Plan was published in 2009 and is the regional spatial strategy (RSS) up to 2026. RSS's are to be removed under provisions within the Localism Bill to abolish them. In the mean time they remain part of the development plan. The Court of Appeal recently considered the weight to be given to the intention to remove RSS in *R (CALA Homes (South) Ltd) v Secretary of State for Communities and Local Government (No2)*; Ref: EWCA Civ 639; Date: 27 May 2011. The Court rejected CALA's claim that the Government's abolition plans could never be a material consideration. The weight to be given to the Government's abolition plans is a matter for the local planning authority as decision maker. The Localism Bill is not yet at an advanced stage through the legislative and environmental assessment process, which affects the weight to be given to the Government's abolition plans. The RSS remains part of the development plan and therefore decisions should be in conformity with it unless other material considerations outweigh its policies.

5.3.10 The RSS contains a number of relevant policies in particular identifying the Central Oxfordshire sub region area for growth and Bicester as one of the main locations within it to accommodate that growth. The RSS also seeks sustainable and distinctive communities and the delivery of 6,400 new dwellings within that part of Cherwell falling within the sub region. The RSS leaves local development documents to identify the location for growth. The RSS had been through its examination before the Eco Town proposals were finalised. Therefore RSS policy H2 requires that in planning for housing delivery local planning authorities will take account of considerations including the need to facilitate any proposals that are agreed for growth points and eco towns to be assessed through the next review. Other relevant RSS policies are considered in respect of further issues later in the

report.

- 5.3.11 Although the application proposals are a departure from the Cherwell Local Plan they do reflect the growth requirements of RSS policy for Central Oxfordshire and Bicester.
- 5.3.12 However, crucially in this case, assessment of the Development Plan and policy background must give particular weight to the national planning policy origin of the Eco Towns programme and the designation of NW Bicester as an Eco Town location. Material considerations arising from relevant government policy in Planning Policy Guidance and Statements (PPGs & PPSs), and the emerging LDF Core Strategy are considered in detail below.

5.4 Supplement to Planning Policy Statement 1:Eco Towns

- 5.4.1 A number of the planning policy guidance and statements issued by the government are relevant to the current proposals. Of particular relevance to the principle of development is the Eco Towns supplement to PPS1. This PPS issued in 2009 and identifies NW Bicester as one of four locations nationally for an Eco Town. It is unusual for government guidance to identify locations for growth in this way. All the identified locations in the PPS Supplement were subject to a detailed strategic environmental assessment (SEA) process and the preparation of the national policy came through a full consultation process. Where endorsed by the Local Planning Authority under the terms of the PPS (see below) the national designations are a significant material consideration.
- 5.4.2 The PPS advises '*The policies set out in this PPS should be taken into account by regional planning bodies in the preparation of revisions to regional spatial strategies¹, by the Mayor of London in relation to the spatial development strategy for London, and by local planning authorities in the preparation of local development documents. The policies may also be material, depending on the particular circumstances of the case, to decisions on individual planning applications.*' The PPS goes on to advise when considering planning applications

that *'This PPS including the list of locations set out in Annex A will be material considerations that should be given weight in determining planning applications for eco-towns.'* Nevertheless the PPS does indicate where there is an up to date development plan that makes provision for adequate housing applications can be refused. As set out above the District does not currently have an up to date development plan and therefore the PPS is a central material consideration in determining the application.

5.5 Local Development Framework draft Core Strategy

5.5.1 The LDF draft Core Strategy sets out broadly how the district will grow and change over the period to 2026. The draft Core Strategy was published in February 2010 and has been the subject of public consultation. The draft Core Strategy will now be amended to take account of the changed circumstances such as the proposed abolition of the RSS before a submission draft Core Strategy is published and in due course be considered at an examination in public before formal adoption. The draft Core Strategy as an emerging document can not carry the weight of adopted policy but does set out the Council's strategy for growth within the District.

5.5.2 The draft Core Strategy identifies NW Bicester as the strategic direction of growth for Bicester (policy NWB1). The policy requires development in accordance with the standards set out in the Eco Towns supplement to PPS1. Delivery of the exemplar scheme from 2012 to 2017 would broadly be consistent with the expectations of the Draft Core Strategy (Table 18, p.134) which suggested that 500 homes could be provided at North West Bicester by 2016. The Draft Core Strategy thus indicates the Council's clear commitment to implementation of the national Eco Towns policy.

5.5.3 At its meetings in 19 July 2010 Full Council considered the emerging planning strategy afresh in the light of the Government's intent to abolish the RSS. The resolution confirmed the council's commitment that the nationally designated eco town site would be a central part of the development strategy stating:

'This Council welcomes the letter from Eric Pickles MP signalling a clear intent to release us from the constraints of the SE Plan. The Council instructs Officers to continue work on a Local Development Core Strategy, but to progress on the basis

of meeting the locally proposed housing target originally endorsed by Councillors and included in the submission of the draft plan to the Government (11,800 to 2026). In general terms the Council anticipates this may result in a Core Strategy that creates less pressure on Banbury to expand beyond its natural boundaries, less pressure on Rural Areas to accept housing growth, and a firming up of housing growth for Bicester in line with its Eco Town status. More recently (7 March and 23rd May 2011) the Council's Executive gave more detailed consideration to local population and household change projections and confirmed revised figures for growth within the District and agreed an updated development strategy. The revised draft Core Strategy (particularly the new local work on population, household change and housing growth needs for the District) will be subject to a consultation over the summer of this year, prior to Council decisions on a submission of the Core Strategy for Examination.

- 5.5.4 Although further work has been done on the housing need for the District to provide a robust position in the LDF when the RSS is abolished. This still identifies the need for significant growth in the District and supports the strategic allocation at Bicester already identified. Without prejudice to consideration of the application, the exemplar site has been included as a deliverable site in the district's 5 year housing land supply (see the 2010 AMR). This in itself carries no weight. Nevertheless, if the site was ultimately shown not to be deliverable, then it would need to be removed from the district's land supply. (see section on PPS 3).

5.6 PPS 3 & Housing Delivery

- 5.6.1 PPS 3 requires at paragraph 57 *'the supply of land should be managed in a way that ensures that a continuous five year supply of deliverable sites is maintained ie at least enough sites to deliver the housing requirements over the next five years of the housing trajectory'* Members will be aware from other applications that recently the District has not been able to demonstrate sufficient housing delivery to meet housing targets. However the AMR for 2010 does show that the position on housing delivery improves during 2011/12 and exceeds targets in 2012/13. The AMR identifies 400 houses at NW Bicester delivering from 2012 as one of the deliverable sites that contributes to the five year housing land supply.

5.6.2 Paragraph 71 of PPS3 requires favourable consideration of planning applications for housing (subject to other policy considerations) where a 5 year supply of deliverable housing land is not being maintained. Although, at the present time, the District would continue to have a 5 year land supply for the period 2011-2016 without the exemplar scheme (5.1 years), a significant change in circumstances, such as a delay in a large site coming forward, could leave the district with a less favourable housing supply position.

5.6.3 A number of the representations received have suggested that the application should not be considered until the Core Strategy is adopted. The government publication *The Planning System: General Principles* advises at para 17; *'In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not been adopted. This may be appropriate where a development is so substantial, or where the cumulative effect would be so significant, that granting planning permission could prejudice the DPD by predetermining decisions about the scale, location and phasing of new development which are being addressed by a policy in the DPD. A proposal for new development which has an impact on only a small area would rarely come into this category.'*

However if the proposal falls within the description in paragraph 17 it is also necessary to consider how much delay would be caused by waiting for the issues of scale, location, and phasing to be resolved through the DPD process. The advice in paragraph 18 of *The Planning System General Principles* is that: *"where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question"*.

The proposed changes to the planning system have caused some delay to progressing the draft Core Strategy. As a result of changes in response to the proposed abolition of the RSS, amongst other matters, further consultation is to be carried out. Whilst it is hoped this will not cause undue delay, no date is yet identified for an examination, and as such to await the the outcome of the DPD is not considered reasonable particularly in the light of advice in PPS 3 at para 72 that;

'Local Planning Authorities should not refuse applications solely on the grounds of Prematurity' .

This advice is contained in the latest revisions to the PPS which was published in June 2011 and post dates that in The Planning System: General Principles.

The current application relates only to a part of the housing required to meet housing need in Bicester identified in the RSS and revised draft Core Strategy .

Whilst the applicants intend to bring forward a further application for the remainder of the identified NW Bicester site identified in the Eco Towns PPS, the current application does not commit the Council to approving such an application, particularly as the proposed scheme meets nearly all the PPS requirements without further development, see below. The application is therefore not considered prejudicial to the emerging draft Core Strategy.

5.6.4 Representations have suggested other sites should be considered to accommodate the necessary growth and formulating the draft Core Strategy a number of sites were also put forward and considered. Latterly the MOD site at Graven Hill has also been promoted for development. The issue of prematurity has therefore been carefully considered. The Eco Towns PPS should not be overlooked and the process through which it was formulated, considering a range of sites before identifying eco town locations, including NW Bicester. The PPS states at ET5.1 *This PPS including the list of locations set out in Annex A will be material considerations that should be given weight in determining planning applications for eco towns.* The PPS goes on to advise that where there is an up to date development plan local planning authorities may refuse applications on the grounds that they had already planned for their housing need. This is not the case in relation to Bicester. The PPS also advises that there are circumstances where authorities can justify going against the development plan which includes where a plan is out of date. In these circumstances an application should be considered on its merits taking account of material considerations. Given the advice set out above it is not considered that refusal of the application on the grounds of prematurity could be sustained.

5.6.6 In considering a planning application Para 69 of PPS 3 is relevant and states;

'In general, in deciding planning applications, Local Planning Authorities should have regard to:

- *Achieving high quality housing.*
- *Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.*
- *The suitability of a site for housing, including its environmental sustainability.*
- *Using land effectively and efficiently.*
- *Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives eg addressing housing market renewal issues.'*

Although the five year housing land supply is improving there remains a need to deliver housing land allocations and planning permissions that meet identified housing needs. It is not considered that a refusal reason relating solely to prematurity could not be successfully defended, given the time it will take for the Core Strategy to be adopted and the identification of NW Bicester in the Eco Towns PPS and the advice in PPS3 re prematurity. In seeking to achieve the standards in the Eco Town PPS the application will address the issues around quality and mix of housing, environmental sustainability, effective and efficient use of land and these issues are considered further below.

- 5.6.7 In summary although the proposal is a departure to the adopted Cherwell Local Plan the identification of the location in the Eco Towns PPS and as the Council's strategic allocation in Bicester for growth in the emerging LDF Core Strategy, as well as the need to deliver houses to meet local needs supports the consideration of development proposals on the site at the present time. Furthermore, although the South East Plan is unlikely to be reviewed now to consider the inclusion of eco towns, the growth of Bicester, as part of the Central Oxfordshire sub region is consistent with the RSS.

5.7 Eco Town Standards

- 5.7.1 The Eco Town PPS sets out the government's objectives for eco towns as achieving sustainability standards significantly above equivalent levels of development in existing towns. PPS 1 also sets out that sustainability is the core principle underpinning the planning system and the climate change supplement to PPS 1 sets out that planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. The RSS Policy CC1 sets out that *'The principle objective of the Plan is to achieve*

and to maintain sustainable development in the region.'

- 5.7.2 The PPS also advises that eco towns should develop unique characteristics by responding to the opportunities and challenges of their location and community aspiration. The PPS also requires the standards set out to be met. These standards have also been incorporated in the Eco Bicester One Shared Vision for the town which has been approved by Bicester Town Council, Cherwell and Oxfordshire County Council. These standards and the response of the current proposals to them are central to assessment of the application. This is considered further below.
- 5.7.3 The PPS at ET 2 sets out the locational criteria for eco towns and advises that eco towns should have the *functional characteristics of a new settlement* which is defined as *being of sufficient size and have the necessary services to establish their own character and identity and so have the critical mass necessary to be capable of self containment whilst delivering much higher standards of sustainability*. At Bicester the approach has been to propose new development that is to be part of the existing town, rather than a free standing settlement. This provides greater opportunities for sustainable development as it enables the proposed development to take advantage of the wider range of facilities that the town, with its existing population of nearly 30,000, provides. In addition new development is being sought that benefits the town and provides additional support for facilities such as the development taking place to expand the town centre, through an increase in population. The proposed application does however demonstrate that the new development will have its own character, not least because the design to meet the PPS standards that are considered further below and this will distinguish the area from other development. The approach of extending the existing town was accepted by the government in identifying the location for an eco town and is consistent with ET2.2 (d).
- 5.7.4 The PPS advises that consideration should be given to *'the area of development needed which should be able to make provision for a minimum of 5000 homes'* (ET2.2 (a)). The current application is for a much smaller level of development but is accompanied by an indicative masterplan that shows how a development of

5000 houses could be accommodated on land at NW Bicester. Furthermore the application shows how the proposed development can meet the PPS standards in advance of further development on the site and this is considered in more detail below.

5.7.5 The PPS sets out that the governments objectives are to promote sustainable development and reduce carbon footprint. The promotion of sustainable development is identified by ensuring eco towns acheive standards of sustainability significantly above equivalent levels of development in existing towns by setting challenging targets. These are considered further below. With regard to reducing carbon footprint the PPS advises this should be done by ensuring households and individuals reduce their carbon foot print to a low level and acheive a more sustainable way of living.

5.7.6 Bio Regional have done some work looking at the potential carbon saving from the proposed development compared with a standard development. They have calculated a total carbon saving 2,184 t CO₂/year , 48, 680 tCO₂ over 20 years. To put this in context the Zero Carbon Hub (public/private partnership established to take day-to-day operational responsibility for co-ordinating delivery of low and zero carbon new homes to meet government targets) values carbon at £46/tonne and as such the value of the carbon saving over 20 years is over £2m.

5.8 **ET7 Zero Carbon**

5.8.1 The PPS defines zero carbon as ‘that over a year the net carbon dioxide emissions from all energy use within buildings on the eco town development as a whole are zero or below’. This is an ambitious target. The planning application is accompanied by an energy statement. In summary the statement proposes Solar PV on all residential properties as well as non residential buildings together with heat and power generation by gas CHP (combined heat and power system) and bio mass boiler. These latter elements would be located within the proposed energy centre.

5.8.2 The energy strategy shows reduced demand through energy efficiency measures. It then meets the demand through on site renewable and low carbon technologies. The strategy is set apart from other “carbon neutral” housing schemes around the

country because it deals with all of its carbon emissions, both regulated and unregulated, through on site solutions. At a time when national policy is moving away from such ambitious zero carbon definitions, this scheme has made use of the assets of the site and is believed to be proposing to deliver the largest truly zero carbon scheme in the country.

5.8.3 Bio Regional believes the zero carbon electricity provision is designed right to the limit of the site's generating capacity and there is no margin of error. The strategy relies on careful detailed design of the roofs and careful detailed PV design to avoid shading losses and maximise PV output. The scheme relies on reasonably energy efficient behaviour of residents and so an energy efficiency programme of education should be included in long term governance plans. The submission of the detailed design of the energy system is therefore proposed through the planning agreement and should it fall short in electricity provision at that stage that off site provision is made to ensure zero carbon development is achieved. The monitoring of the energy generation and use is also proposed, together with other monitoring of the eco towns standards, as part of the agreement.

5.8.4 Queries have been raised as to whether waste heat from the proposed incinerator at Ardley could or should be used for this application. However the grant of planning permission for the incinerator is subject to a judicial review and there is therefore no certainty regarding the development at present. Should the incinerator go ahead a condition of that permission would require the consideration of the use of waste heat and this could be an option for future development at NW Bicester . However the current application is accompanied by an energy strategy that identifies an approach to energy generation that achieves the ambitious PPS standard of delivering zero carbon development without waste heat from Ardley.

5.9 **ET8 Climate Change Adaptation**

5.9.1 The PPS requires eco town developments to be designed to minimise future vulnerability in a changing climate. Work being undertaken by Oxford Brooks on climate change adaptation has highlighted a range of issues including how wind driven rain or temperature change might affect durability of buildings, how soil

condition might be affected, urban heat island effects and many more. But the two that show up as being critical are water stress and over heating in buildings. The application addresses this in considering impacts of rainfall on the scheme. In considering the impacts of rainfall on flooding and drainage an allowance has been made for climate change. Consideration has been given to the use of most up to date data that is available at a sufficient level of detail and the Environment Agency are satisfied the data used is the most appropriate.

5.9.2 The design of buildings takes account of the need to reduce water use and reduce the need for energy, see further details below. The one area that has not directly been dealt with is the issue of potential over heating of buildings during warmer weather. Whilst the Code for Sustainable Homes deals with retaining warmth it does not address over heating. A condition is therefore proposed to ensure construction design addresses this issue.

5.10 **ET9 Homes**

5.10.1 The PPS requires developments to achieve Building for Life Silver Standard and Level 4 for the Code for Sustainable Homes as a minimum, meet Life Time Homes Standards, have real time energy and public transport monitors, high speed broadband, potential digital access to support assisted living, 30% affordable housing, demonstrate high levels of energy efficiency, achieve carbon reductions of at least 70% relative to current building regulations. These requirements are reflected in the One Shared Vision although that seeks Code for Sustainable Homes Level 5.

5.10.2 **Building for Life** is a method for assessing housing schemes and recognising good design. The application proposals submitted were assessed and fell short of the Silver Standard required. The scheme has since been redesigned to address a range of concerns that have arisen in respect of the layout and design. This redesign has brought the scheme closer to achieving the silver standard when assessed by the HCA on behalf of the Council. An assessor appointed by the applicants concluded the scheme did achieve the silver standard. It is anticipated that the difference in the assessments rests with the weight that is given to proposed facilities and infrastructure. With the conclusion of negotiations on the

heads of terms and therefore greater certainty over details of the scheme and delivery of the infrastructure the scheme is being reassessed and it is anticipated that it will reach silver standard. A verbal update will be given at the meeting.

- 5.10.3 **Life Time Homes Standards** have been designed to ensure dwellings can be adapted to accommodate the changing needs of the occupants over their lifetime if for example they become less mobile. It means that the properties are capable of adaptation with minimal disruption. The application states all properties will be to lifetime homes standard and it is proposed that this is secured by a condition.
- 5.10.4 The application states that **real time energy monitors and high speed broadband** will be provided to all homes and real time public transport information will be provided at bus stops. However to achieve a change in the way people travel and reduce car use it is important that real time public transport information is available in peoples homes, as set out in the PPS, as well as at bus stops. The applicants have agreed to provide real time information for transport for each dwelling and it is proposed that real time information and the provision of high speed broadband are secured by a condition.
- 5.10.5 **Code for Sustainable Homes** level 4 is required as a minimum in the Eco Towns PPS. RSS policy H5 encourages positive measures to raise the quality of new housing, reduce its impact and facilitate future adaptation. The draft Core Strategy policy NWB 1 states homes should achieve code level 6. Policy SD5 requires Code level 3 rising to 4 in 2012 and continuing to rise to Code 6 in 2016.
- 5.10.6 The application proposes housing to Code level 5 and it is proposed that this is secured through the planning obligation. The application is accompanied by a completed Code for Sustainable Homes Pre Assessment Estimator form. The Code for Sustainable Homes covers levels from 1 to 6 with 6 being the highest. A development is scored against the requirements of the code which cover a wide range of issues including energy, water, materials, surface water, waste, pollution, health & well being, management and ecology. The pre assessment indicates the scheme achieves a Level 5. Although this is below the level included in NWB1 of the draft Core Strategy, achieving Code 5 and delivering zero carbon

development is beyond the requirements of the PPS and significantly beyond other large scale development in the district. Bio Regional suggest it would be the largest Code 5 development in the country. In addition it has been agreed that non residential development would be to BREEAM Excellent and that infrastructure provision would be to CEEQUAL Excellent. Taken together the achievement of these sustainability standards would provide a very sustainable built form.

- 5.10.7 **30% affordable housing** is proposed as part of the application (120 dwellings). The affordable housing is a mixture of affordable rented properties and shared ownership and includes flats, bungalows and houses. The RSS Policy H3 identifies that a substantial increase in affordable housing in the region will be delivered and sets an over all regional target of 25% social rented housing and 10% intermediate affordable housing. However the policy also recognises the need for decisions to be based on sound evidence and targets that take account of financial viability. The Cherwell Local Plan policy H5 looks for affordable housing to be delivered through substantial new residential development schemes. The NSCLP policy H7 seeks affordable housing through residential schemes. The emerging draft Core Strategy policy H5 sets out the expectation of at least 30% affordable housing as part of new residential development in Bicester.
- 5.10.8 Given that bringing forward a scheme to meet the Eco Town PPS standards results in additional costs at a time when the market for housing is not as strong as it has been in the past, the delivery of 30% affordable housing to meet local housing needs would be a significant benefit arising from the scheme and the Homes and Communities Agency (HCA) have committed grant support to help deliver the affordable housing on the site. Although affordable rented properties are proposed as opposed to social rent this is consistent with the government's new approach to the delivery of affordable housing and is supported by the Head of Housing.
- 5.10.9 The buildings will have high levels of **energy efficiency** and together with the energy generation on site will deliver the carbon reductions sought. This would be

delivered through by achieving Zero Carbon and meeting Code for Sustainable Homes level 5 (100% improvement on CO2 emissions rate over building regs) as set out above.

5.10.10 Although the Eco Towns PPS does not address the mix of housing to be provided, the draft Core Strategy Policy H6 states that '*New Residential development will be expected to provide a mix of homes to meet current and expected future requirements*'. A table is included in the policy as a guide to decision making. The mix proposed in the application does not match the guide table although the affordable housing mix proposed has been developed in conjunction with the Head of Housing to meet local needs and includes wheel chair accessible housing and some other specialist housing provision as a result. The addendum to the planning statement advises '*the proposed private housing mix has been chosen to meet the needs and requirements of A2 Dominion in response to current market trends.*' (para 6.6). The draft Core Strategy advises that it is proposed to use the table in considering individual proposals to help develop mixed communities. It is considered that the application proposals would deliver a mixed community in terms of tenure and the variation in the size of dwellings proposed.

5.11 **ET 10 Employment**

5.11.1 The PPS identifies the importance of creating mixed use communities and minimising unsustainable commuting. RSS policy BE1 requires new development to provide significant improvements to the built environment including support for mixed use development. RSS Policy RE5 encourages '*smart economic growth*'. RSS policy CO1 identifies the ambition for the central Oxfordshire sub region in education, science and technology and identifies Bicester as one of the main locations for growth. PPS4 advises at para EC10.1; '*Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.*' More recently Government Minister Greg Clark in his statement of 23 March 2011 stated;

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development. In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

The government is providing a strong steer in support of growth and economic and employment development to ensure a return to robust growth after the recent recession.

5.11.2 The application proposals include a mix of uses including B1 business floorspace, local retail provision, public house, children's nursery and community hall. This is a greater level of mixed use provision than is normally provided with an application for this number of homes and reflects the PPS requirement for mixed use and the need to encourage sustainable lifestyles and reduce the need to travel through the provision of local facilities. Although the non residential elements of the scheme are in outline the Heads of Terms set out as part of the recommendation link the progress of residential delivery with the provision of the non residential elements to ensure a mixed use scheme.

5.11.3 The PPS requires an Economic Strategy to accompany planning applications but does not comment on the type of jobs to be created. The strategy should set out facilities to support job creation to achieve as a minimum access to one job per

new dwelling that is easily reached by walking cycling and/or public transport. The application is accompanied by an employment base line report and strategy. The strategy identifies employment in the non residential elements of the scheme (eco business centre, office, retail, nursery, community facilities and visitor centre). In addition jobs are identified through home working. The largest employers are the Eco Business Centre (110-140 jobs) and other office provision (90 -110). In total between 320 and an upper range of 445 jobs on site are identified. The strategy also identifies in addition off site jobs (50-70) and construction jobs (50-70). An action plan is identified to implement the strategy. Not all the measures are identified to be delivered by the applicants and it is not clear to what extent other parties are signed up to deliver the actions.

5.11.3 The creation of jobs is not a straight forward matter. The application creates a very good opportunity for employment to develop as part of the proposed development. The proposed Eco Business Centre is to deliver managed workspaces and hot desk space for homeworkers. It is also suggested the building could accommodate a cafe, visitor centre and exhibition space, conference and meeting rooms. The Eco Business Centre would provide approximately a third of the jobs proposed for the site with a further third in the proposed office accommodation within the local centre. The Eco Business Centre would provide a real impetus to new business and provide a valuable focus for employment on the site. The Eco Bicester Strategic Delivery Board (SDB) has therefore agreed to set aside £4million from Eco Town Growth funding to support the delivery of the business centre. The Heads of Terms therefore require the transfer of the land for the Eco Business Centre to Cherwell District Council. Discussions are ongoing regarding the delivery and management of the building but, with the transfer of the land and the funding identified, the Council could deliver a business centre on the site. Therefore there is reasonable certainty over this element of the scheme.

5.11.4 There are opportunities for on site employment, although the figures in the Employment Strategy are optimistic. Highspeed broadband will facilitate working from home and the application is accompanied by a plan demonstrating how a computer work station could be accommodated within the properties. Larger

properties have the potential for the conversion of garages and some roof spaces, in smaller properties the opportunities are more limited and commensurate with other properties built elsewhere.

5.11.5 Jobs in construction would not normally be included in job creation totals as the employment is not permanent but only remains whilst development is taking place. Never the less with the amount of building work taking place and planned around Bicester it is important that the opportunities for employment arising from construction are recognised. The Heads of Terms for the planning agreement therefore include provision for apprenticeships, working with the job club and promoting the use of local companies to support local employment.

5.12 **ET 11 Transport**

5.12.1 The PPS identifies the need to support people's desire for mobility whilst achieving the goal of low carbon living and design to give priority for walking cycling and public transport and reducing the reliance on the private car. The PPS therefore advises all homes should be within ten minutes walk of frequent public transport and neighbourhood services. Travel plans are to be provided which demonstrate how the town's design will enable at least 50% of trips originating in eco towns to be made by non car means with the potential to increase to 60% over time, good design principles and how transport choice messages, infrastructure and services will be provided from day one and how carbon impact of transport will be monitored. The PPS goes on to identify that where an eco town is close to an existing higher order settlement, planning applications should also demonstrate options for ensuring key connections do not become congested and include significantly more ambitious targets for modal share than the 50%. The PPS also seeks sufficient headroom in energy generation where schemes for electric vehicles are proposed, that private vehicles will not cause congestion and that the maximum walking distance to primary schools is 800m.

- 5.12.2 The adopted Cherwell Local Plan Policy TRI requires transport measures to serve new development to be provided. RSS policy T1 seeks proposals that are supported by appropriate mobility management measures, achieve the rebalancing of the transport system in favour of sustainable modes as a means of access to services and facilities and encourage development that is located and designed to reduce average journey lengths. There are limited opportunities for further growth within the town and therefore major new developments, required to deliver necessary growth to meet RSS targets, will have to be accommodated beyond the existing built up limits. The area identified for NW Bicester abuts the existing built edge to the town. The application proposals are situated north of the existing town and separated from it by a field, approximately 120m measured along the Banbury Road. The location of the development therefore presents a challenge in delivering the PPS standards with regard to modal shift and the measures proposed are set out further below.
- 5.12.3 PPG13 provides the governments guidance on transport. The objectives set out are to promote more sustainable transport choices for both people and for moving freight, promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reduce the need to travel, especially by car. New development should help to create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport. The Local Transport Plan contains a separate chapter on Bicester which recognises the Eco Town allocation and the aspiration to encourage more sustainable patterns of travel within the town.
- 5.12.4 The application is accompanied by a Transport Assessment (TA) and a draft Travel Plan. The TA does not indicate any off site impacts from the proposal that could not be mitigated. The off site measures identified are the improvement of the Howes Lane/Bucknell Road junction and some improvements to the Banbury Road roundabout and the requirement for these is proposed to be dealt with in the planning obligation as set out in the attached Heads of Terms.
- 5.12.5 The design of the application proposals includes footpath/cyclepaths and a crossing along the Banbury Road and crossing to Lords Lane to link the proposed

development to Bicester and Caversfield. Importantly this links into the existing footpath/cyclepath network through Bure Park. Two vehicular accesses are proposed from Banbury Road and this will enable the bus service to run through the development. Centrally the scheme includes a link for walking cycling and public transport between the northern and southern sections of the site and therefore give advantage to these modes over the use of the car in this respect. Within the development there is a number of roads that are to be designed to be homezones where traffic will not have priority, other roads will be designed to slow the speed of traffic (15 or 20 mph).

5.12.6 The proposals include local facilities (see below) and a school site centrally located and accessible by walking. The bus service will run through the site so that all properties will have access to convenient bus stops. It has been agreed that the bus service will run between the site, the stations and the town centre at least every 30 mins up until the construction of 200 dwellings and every 15 minutes thereafter. The travel plan also identifies other measures to encourage modal shift including a travel plan co ordinator, marketing the site, cycling incentives, travel plans for non residential elements, electric vehicle charging points on request and promotion of car share and provision of a car club. The scheme also includes cycle storage for all residential properties. However the scheme also includes parking for private cars of at least 2 spaces per dwelling apart from the proposed affordable flats. The applicants have argued that the private parking provision is necessary to successfully market the properties. The design of the scheme and the measures in the travel plan therefore provide significant encouragement and opportunity for residents not to need to use private cars for journeys within the site and the town but do not prevent the ownership of the car and for many journeys the car would remain the most convenient method of travel. The travel plan measures, to be secured through the planning obligation, therefore include monitoring and additional measures if targets for modal shift are not achieved.

5.12.7 The draft travel plan shows 45% of trips originating the eco town being by non car modes by 2016 and 50% by 2026. This meets the general requirement but is below the target for eco town sites adjacent to higher order settlement. This does

reflect the ambitious and challenging nature of the target for modal shift and the high levels of car ownership and use within the area. As part of the masterplan for NW Bicester a wider range of facilities would be included, for example secondary school provision therefore providing greater opportunity for the containment of trips within the site. However the application travel plan proposals do predict a significant modal shift away from travel by the private car and would provide a number of measures that haven't been available previously in the town such as car clubs and specific provisions to encourage cycling as well as a frequent bus service and real time information. Therefore it is considered that the application complies with ET11.2 but is unlikely to meet ET11.3 of the PPS. The proposals do meet development plan and PPG13 requirements to provide access to services by means other than the private car.

5.13 ET12 Healthy Life Styles

5.13.1 The PPS advises that Eco Towns should be designed and planned to support healthy and sustainable environments and enable residents to make healthy choices easily. The scheme includes mixed use facilities to meet basic everyday needs of residents, measures to encourage walking and cycling and green infrastructure including provision for play, informal recreation and allotments. The Primary Care Trust has not formally responded to the application but in discussions have advised that no new provision is required for a doctor's surgery in relation to the proposed development. Provision would be required in connection with the wider NW Bicester proposals.

5.14 ET 13 Local Services

5.14.1 The PPS advises applications should include a good level of service provision, proportionate to the size of the development. Policy S28 of the Cherwell Local Plan indicates that favourable consideration will be given to small shops to meet local needs. The mixed use nature of the current application providing local retail, nursery, employment, community hall and public house is welcomed and provides a wider range of facilities than would normally be supported by a development of the size proposed. The proposals also include play facilities.

5.14.2 One key local facility, to reduce the need to travel and support the community, is

the provision of a primary school. A scheme the size of that proposed will not generate enough primary age pupils to require a new primary school. However rather than accommodate the pupils arising from the development in existing schools (through expansion) the decision has been taken to seek to deliver the first phase of a new school. This requires the provision of an appropriate site and funding to reflect the number of primary age children estimated to arise from the proposed development. The gap in funding for the first phase would be bridged through the use of Eco Town Growth funding to enable early delivery of the school. The Heads of Terms identify the requirements for the transfer of the school site and include financial contributions necessary to provide the school with the identified gap funding. Should further development take place adjacent to this phase in due course education contributions would be required to repay the Eco Town growth funding used to pump prime the delivery of the school as well as to allow the expansion of the school to two form entry when required.

5.14.3 Discussions have taken place with the developers to ensure that access to the school site is available as early as possible within the development. The developers have therefore agreed that the first works on site will be the provision of the access road at least as far as the school site to enable works to commence on the building of the school as soon as possible.

5.14.4 In considering the wider infrastructure necessary to support increased population in the town a number of contributions have been sought to provide or support local facilities off site such as the library, resource centre and sports provision. It is unlikely to be viable for all the off site contributions to be met (see Planning Obligation below). It is proposed that financial contributions are not allocated at the present time but that an infrastructure fund is developed where the priorities for funding can be identified when the level of funding available is established and as the development progresses.

The application proposals, through their mixed use nature and measures to allow for early delivery of the school delivers a good range of local services, will deliver a range of local services to serve the residents. Some of the areas suggested in the PPS like health facilities and indoor sport already exist in the town and it

would not be appropriate to provide further provision on site. The improvement of other areas of off site facilities is dependent on the availability of funding and although highly desirable are not sufficient to prevent the development going ahead. Over all it is considered that the planning application does provide 'a good level of service provision' as required by the PPS.

5.15 **ET14 Green Infrastructure**

5.15.1 The PPS seeks 40% of an eco town's total area to be green space of which at least half should be public. The PPS advises that a range of green space should be provided, that it should be multifunctional and particular attention should be given to local food production. The Cherwell Local Plan contains a policy R12 which requires a minimum of 2.43ha of open space per 1000 population as part of new developments. The draft Core Strategy policy I4 seeks 3.73 ha of open space per 1000 population. The Core Strategy standard derives from by studies carried out to develop local standards as required by PPG17.

5.15.2 Following the original submission of the application the scheme has been redesigned to provide a larger space along the stream corridor and to introduce central areas of green space within the two northern fields. Further details have been provided of the homezones proposed within the scheme.

5.15.3 The application proposals include a plan showing over 40% green infrastructure (45.16% of the site, approx 11.5ha). The plan suggests over 30% of this is public (6.7ha). The Eco Towns PPS does not define 'green space' although it gives examples of community forests, wetland areas and public parks. The Town & Country Planning Association (TCPA) Eco Town Work Sheets, published to help inform the design of eco towns, suggests a much wider definition including green roofs, hedges, highway trees and verges, civic squares and road corridors for example. Domestic gardens are also included. The green infrastructure figures accompanying the application do not include domestic gardens as this has not been accepted by the local authority team as part of the green infrastructure as there is no control over whether these private spaces remain green. Other areas have also led to debates in particular the extent to which homezones and green lanes contribute to green space. It has been accepted that a number of the

proposed homezones will provide sufficient green space and be of a multifunctional nature to be counted as green space although it is not agreed that the green lanes will. However the exclusion of the green lanes from the calculation still results in over 40% green space.

5.15.4 Establishing that the application delivers at least 20% public green space has been important. The applicants calculation includes areas like the homezones, hedges and swales that it is accepted fall within the public domain but would not normally be counted towards open space provision. A calculation has therefore been done of the areas that would normally be recognised as open space including the stream corridor, open space within the northern parcels, amenity space at the entrances to the site and the local centre square. This calculation demonstrates over 20% green space (over 4ha) and in addition a further 2.5% of the site (0.5ha) is to be provided for allotments. The proposals therefore meet the requirements of the PPS.

5.15.5 Cherwell Local Plan policy R12 seeks provision of 2.43ha of space per 1000 population and the application proposals exceed this. The text supporting the policy suggests this is broken down between amenity space, playspace and sports grounds. The draft Core Strategy policy I 4 seeks 4.52ha per 1000 population which is broken down between general green space/ semi natural amenity space, playspace, outdoor sports and allotments. Again the application meets the overall areas specified. The scheme exceeds the greenspace requirement, meets the play space required (although some allowance has been made for play within the homezones as opposed to in dedicated areas), and meets the requirement for allotments. The scheme does not make provision for outdoor sport and Sport England have raised an objection on this basis, although they do recognise that given the size of the development off site provision could be appropriate. Although no formal consultation response has been received regarding sports pitch provision, the advice of the Head of Recreation and Health has been that a commuted sum should be sought for off site provision. Much of the open space provision is along the stream corridor which would not be suitable for sports pitch provision as it slopes but does have potential for bio diversity gain and informal recreation provision, see below.

5.15.6 The public green spaces will be multifunctional in that they will address play, informal recreation, biodiversity and drainage functions as well as make provision for allotments for local food growing. The scheme makes adequate provision for green space to meet the PPS standard and has the potential to provide attractive informal green spaces for the residents.

5.15.7 The long term success of green spaces is dependent on their long term maintenance and management. An Ecological and Landscape Management Plan is proposed to ensure appropriate management. It has been the Council's normal practice to seek the transfer of public open space areas to the District Council or the Town or Parish Council with a commuted sum for maintenance. In this case it is proposed that a local management organisation will be set up in the long term and is likely to take ownership and management responsibility for public open space. In the meantime A2 Dominion propose to maintain ownership and carry out the management and maintenance of the area. Subject to suitable safeguards this is considered acceptable by the SDPHE and reflected in the Heads of Terms set out below.

5.16 **ET 15 Landscape & Historic Environment**

5.16.1 Planning applications should demonstrate that they have adequately considered the implications for the local landscape and historic environment. Cherwell Local Plan Policy Policy C7 seeks to protect the topography and character of the landscape. NSCLP policy EN34 seeks to conserve and enhance the character and appearance of the landscape and advises proposals will not be permitted where they cause harm or are incompatible with the landscape character. RSS policy BE6 supports proposals that protect, conserve and where appropriate enhance the historic environment. NSCLP policy EN39 seeks the preservation of the setting of listed buildings. PPS 5 provides advice on planning for the historic environment and advises with regard to the setting of heritage assets that;

HE10.1 When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do

not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.

PPS7 sets out two of the governments objectives as;

iv) New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.' and

vi) All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

5.16.2 The ES accompanying the application includes the assessment of Landscape and Visual Impact, Built Heritage and Archaeology. The application site is not subject of any landscape designation but is an attractive stretch of countryside. The ES concludes that *'The visual influence of the proposed development is in keeping with landscape character through carefully considered design, with the retention of open land and/or provision of planted landscape buffers, around heritage features, safeguarding the majority of existing vegetation , extensive green infrastructure proposals, and proposed built form in response to local settlement'*. In assessing the proposals it is clear that development around the perimeter of the site will be visible in local views to the site and, despite some screening, the regular form of the development proposed would not blend with the existing landscape character or reflect local settlements and their relationship with the surrounding landscape. The revisions to the design of the scheme have reduced the regularity of siting of properties in views to the site, which is an improvement, but, the use of similar detached housetypes along significant stretches of the boundary means the concerns regarding the appearance remain, although it is accepted that views to the site are limited.

5.16.3 There are no listed buildings within the site but Home Farmhouse, to the west of

the B4100 and separated from the site by fields, is listed as well as St Lawrence's Church, grade II*, that lies to the east of the B4100. The development would inevitably have some impact on the settings of these buildings given the development is on existing farmland. However the Church is separated from the site by the B4100 and existing boundary enclosures, which will remain, and Home Farmhouse will remain within the existing buildings at the farm, which form its immediate setting, and with the retention of the surrounding fields it is not considered that the settings will be so adversely impacted as to make the development unacceptable. The ES advises that the impact is slightly adverse. An archaeological field investigation including trial trenching has been carried out on the site. There is considered to be low potential for archaeological remains within the site, based on the evidence from the investigation that has been carried out.

5.16.4 Whilst the design of the development edge is disappointing it is not considered so harmful to the character of the countryside, due to the limited views and landscape planting proposed, as to merit refusal of the application. The proposal is considered to conserve the historic environment and in that respect complies with the PPS.

5.17 **ET 16 Biodiversity**

5.17.1 The Eco Towns PPS advises eco towns should show a net gain in bio diversity. A strategy for conserving and enhancing local bio diversity should be produced to accompany planning applications for Eco Towns. Cherwell Local Plan policy C1 seeks to promote the interests of nature conservation and protect sites of local nature conservation interest. Policy C4 seeks to promote the interests of nature conservation within the context of new development. The RSS policy NRMA 5 advises that net loss of biodiversity should be avoided and local planning authorities should actively pursue net gain. PPS 9 contains key principles including that; *planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. and the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests.* The PPS goes on to advise at par 14 14. *Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning*

authorities should maximise such opportunities in and around developments, using planning obligations where appropriate. Circular 06/05 provides further advice and par 98 advises with regard to protected species;

The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult English Nature before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species.

5.17.2 The site has no designated sites within it or particularly sensitive areas identified within the ecological assessments. The hedges and stream corridors have been identified as the areas of greatest bio diversity value. The hedges are retained except where access is required and translocation is proposed where the hedges have to be set back to allow for vision splays. Amendments to the application have increased the width of the stream corridors excluded from development, as they have been the area identified as having the greatest potential for developing bio diversity gain.

5.17.3 The site is used by protected species, for example the stream corridor is an important route for bats and badger sets exist on the site. The Natural Environment and Rural Communities (NERC) Act (2006) imposes a duty to conserve biodiversity:

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.” (Section 40(1))

Bats are european protected species and the Conservation of Habitats and Species Regulations 2010 place duties on the LPA with regard to the protection of species. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. Where such works are proposed three tests are applied; the proposed development must meet a purpose of *‘preserving public health or public safety or other imperative reasons of overriding public interest including*

those of a social or economic nature and beneficial consequences of primary importance for the environment'. In addition the competent authority must be satisfied that, (a) *'that there is no satisfactory alternative'* and (b) *'that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'*.

- 5.17.4 No direct harm is proposed to protected species. The development has been designed to retain the badger sett. Ecological Surveys have shown that the stream corridor is used by bats. Natural England, the Environment Agency, Wildlife Trust, District and County Ecologists have been involved in discussions to ensure the stream corridor is protected as a route used by bats. As a result the design of the proposed stream corridor and bridge has been carefully considered. The latest amendments have included widening the bridge span, moving the proposed play area further from the stream and providing lighting details to the bridge. These alterations reduce the impact of the development on the stream corridor and protect it as a route for bats. Furthermore it is necessary to cross the stream corridor to link the parts of the proposed development and enable access to local facilities to deliver a cohesive community and support proposals for modal shift.
- 5.17.5 The applicant's ecologist has also made a case that the scheme will deliver net bio diversity gain but Natural England, the Environment Agency, Wildlife Trust and District and County Ecologists were not convinced (see representations). The site will be lost to farmland birds but measures are proposed to provide a broader range of new habitat to that which exist at present. Further comments received on the latest amendments, which do provide for greater potential for bio diversity gain, have led to the Environment Agency's ecologists being satisfied whilst others remain concerned about the ability to secure the gains identified. A draft ecological and landscape management plan (ELMP) has also been produced to demonstrate long term maintenance and management will secure the bio diversity gain planned. The final version of the plan and on going management are recommended to be secured through the S106 agreement to address the ecologists terms about its implication. The scheme avoids harm to habitats of importance and protected species and includes measures to enhance bio diversity

as required by the PPS.

5.18 ET 17 Water

5.18.1 Eco Town are required to be ambitious in terms of water efficiency and to ensure water quality in their localities. A water cycle strategy is required and eco towns in areas of serious water stress should aspire to water neutrality. The incorporation of sustainable urban drainage (SUDs) systems and proposals for its long term maintenance and management. RSS policy NRN3 advises that *'There is a demonstrable need for new water resources and increased demand management over the period of the plan to cater for water supply needs of current and future development and the protection of the environment.'*

5.18.2 Bicester lies within an area of water stress and the application is accompanied by a drainage strategy and water cycle strategy. Code for Sustainable Homes also includes requirements regarding efficient water use and the target is to achieve a level of use of 80 liters per person a day. The application includes proposals for rainwater harvesting and water efficient appliances for all the residential properties to reduce water use. SUDs are incorporated within the scheme and have been revised following comments on the initial submission. The water cycle strategy has been revised and now also includes a proposal to contribute to Thames Water campaign to enhance water efficiency other measures could include retrofitting existing homes with more efficient fittings, expanding metering, introducing innovative tariffs that reward efficient use of water and leakage reduction.

5.18.3 The provision of rainwater harvesting is proposed to be secured by a condition. The compliance with the Code level 5 is proposed to be required through the proposed planning obligation. A financial contribution to water neutrality would form part of the infrastructure fund (see below) and the extent to which this can be met will depend on the extent of the fund.

5.19 ET18 Flood Risk Management

5.19.1 The PPS advises that Eco Towns should reduce and avoid flood risk. PPS25 provides advice on dealing with flood risk and seeks to ensure it is taken into

account in considering development proposals. It aims to direct development away from areas of flood risk and encourages the use of SUDs. RSS policy NRM4 supports the sequential approach to flood risk.

5.19.2 The application site is mainly free from flood risk except for areas along side the water courses that run through the site. These areas are to be left free from built development and form part of the green infrastructure. Revisions have taken place to the design of the two proposed bridges over the water course, increasing the spans, to prevent them from impeding flood flows. The Environment Agency raised a number of concerns regarding the details of the original flood risk assessment. Revised comments are awaited.

5.20 **ET 19 Waste**

5.20.1 The PPS advises that applications should include a sustainable waste and resources plan which sets targets for residual waste levels, recycling levels and landfill diversion which are substantially more ambitious than the 2007 National Waste Strategy targets for 2020. The design of development needs to facilitate the achievements of targets, consideration of the use of waste for CHP is required and no construction waste should be sent to landfill unless this is the least environmentally damaging option. PPS 10 provides advice on sustainable waste management and seeks to move the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort. The PPS has the objective to; '*ensure the design and layout of new development supports sustainable waste management*'. RSS policies W1, W2, W5 and W6 seek to reduce waste, minimise construction waste, divert waste from land fill and provides targets for recycling and composting.

5.20.2 The application is accompanied by a waste strategy which proposes that the existing district waste collection is extended to the proposed residential development with a target for recycling of 70 % and a residual waste target of 330 kg per household. A number of measures are suggested to help to achieve targets including a reuse repair centre, community composting project and incentivising the residents. A revised site waste management plan has also been submitted to deal with construction waste.

5.20.3 Whilst the waste target is welcome and a range of measures have been identified to deliver the targets, there is a lack of detail on delivery. As a result this is a matter that it is proposed is dealt with through the proposed planning obligation.

5.21 **ET 20 Master Planning**

5.21.1 The PPS advises that all Eco Town applications should be accompanied by a masterplan and demonstrate how eco town standards will be met. Design codes are identified as an approach to deliver high quality design and a high level of engagement and consultation is sought.

5.21.2 The term ‘masterplan’ can cause some confusion. In the PPS context it is a reference to a plan that shows how new development is to be provided, in terms of Bicester this would be a plan for the whole of the proposed NW development. There has been suggestions that a masterplan should be provided for the whole of the town of Bicester. However it is the role of the LDF Core Strategy to provide the policies and plans that will guide development in the town as a whole and it is the appropriate planning document to do so, as, once adopted, it will carry significant weight in planning decisions. The Shared Vision for Bicester sets out the wider aspirations for change in the town. The draft Core Strategy identifies NW Bicester as a strategic allocation for development. It is the role of a masterplan for NW Bicester to provide detail on the arrangement of land uses and other necessary information regarding the NW site to guide future development.

5.21.3 The current application is for just a part of the eco town site identified in the draft Core Strategy. It has to be recognised that the application in itself would not be the whole eco town envisaged by the Eco Towns PPS. It is unusual to consider an application for part of a large site without first having an agreed masterplan to guide the over all development. In this case an emerging masterplan accompanies the application and shows how the application scheme could link into further development on the NW Bicester site. The masterplan is also compatible with the draft LDF Core Strategy which will provide the overarching planning policy for the town.

- 5.21.4 The masterplan has been included in the consultation that has been carried out prior to the submission of the application. However the emerging masterplan requires further work before it could be accepted and this is progressing with regard to issues such as energy, water and waste, transport modelling and archaeological investigations for example. It is anticipated that the masterplan will be submitted accompanying an outline application early next year. Never the less the masterplan accompanying the current application provides a framework that shows how the current application could link to further development at NW Bicester in an acceptable fashion. It also provides reassurance that the layout of the first phase will not prejudice future decisions as it retains flexibility with regard to connection to later stages.
- 5.21.5 It should also be recognised that the national Eco Town programme envisages a need to innovate and experiment. Early work by government on the eco towns programme encouraged the Local Planning Authorities involved to bring forward demonstration and exemplar schemes at the earliest possible date, as this was seen as a way of creating confidence that eco town objectives could be achieved and encouraging further development to eco town standards in other locations than those designated in the PPS.
- 5.21.6 Although normally a masterplan is necessary to ensure a large development comes forward in a co ordinated manner the current application has been designed within the framework of an emerging masterplan. This has identified that there is sufficient land to accommodate the required development and identifies an approach to the layout of that development, in a series of linked neighbourhoods, that maximises access to facilities within each area. The emerging masterplan shows the potential road links to the application proposals. The application proposals retain flexibility to link with future phases of development. Work on the redesign of the northern fields has included consideration of how the adjoining two fields could be integrated and similarly routes through the southern section of the site have been identified that could link to further development in the future. Never the less should future development not come forward for some time, the application proposals are sufficiently self contained to provide local facilities and services, beyond what might be anticipated

in a development of just less than 400 dwellings, to serve the population and as such are not reliant on future development. The lessons learnt from the current application in developing it to meet the PPS standards will also inform future proposals, although these will be subject to separate planning applications which will control the details of any further development. It is therefore considered reasonable to consider the current application in advance of the completion of masterplanning work.

5.22 ET 21 Transition

5.22.1 The PPS advises that planning applications for Eco Towns should set out a detailed timetable for the delivery of neighbourhoods, facilities and services. This is to include delivery of services to underpin low levels of carbon emissions, health and social care, support for formation and growth of community, encouragement of environmentally responsible behaviour, annual monitoring, how carbon emissions from construction will be limited managed and monitored.

5.22.2 The level and timing of services and community infrastructure to be provided as part of the current application is set out in the planning obligation heads of terms (see recommendation). At the present time there is some knowledge of the infrastructure requirements for the wider NW Bicester site but further work is necessary on timing and phasing of development and the necessary infrastructure.

5.22.3 The Department of Communities and Local Government has funded the development of a monitoring tool for eco towns. This has been trialled using the current application and is available for use. Monitoring all of the eco town standards is potentially a significant area of work and provision to undertake this is proposed within the planning obligation heads of terms as set out below.

5.23 ET 22 Community and governance

5.23.1 The PPS advises that a long term approach is necessary to ensure that the integrity of an eco town is maintained and is able to manage change in a planned way. A long term governance structure is therefore required. The application is accompanied by an outline of an approach to governance and further discussions

are on going to establish the most appropriate short and long term approach to governance of the new development.

5.23.2 The initial approach for the current application area is for much of the responsibility for managing the area to remain with A2 Dominion (the developer of the residential portion of the site). An interim partnership board is proposed, with representatives of the developers, local authorities and residents, once the development has progressed to a sufficient level (no later than the occupation of 200 dwellings) to take over the responsibilities and to progress proposals to a fully developed local management organisation. At present no decision has been made over the nature of the long term local management organisation as its form will need to reflect its eventual functions and interests as well as issues as the most appropriate structure to deal with issues such as tax efficiency.

5.24 **Conclusion of the PPS Standards**

5.24.1 The PPS and Shared Vision Standards provide a comprehensive framework against which to assess the application proposals and in meeting them ensure that a scheme is produced that goes beyond the approach that is otherwise likely to be taken and to ensure the delivery of a much more sustainable development. The policies in the development plan, non statutory local plan and in other national policy statements that are also addressed above reflect much of the approach of the Eco Towns PPS but the PPS standards are generally higher and more specific standards. As set out above all the PPS standards have been addressed in the application and all have been met with the exception possibly of the provision of a masterplan. The PPS does not indicate the status that a masterplan is required to have, although it does state there should be a presumption in favour of the first permitted master plan. In the current application steps have been taken to demonstrate how the current site can fit within the framework of a masterplan for a wider area and it demonstrates how eco town standards can be met. The advantage of dealing with the current proposals at the present time also has to be recognised, particularly the ability to demonstrate that the higher standards set out in the PPS are achievable.

5.25 **Design**

- 5.25.1 The Eco Town PPS advises that *'The design of eco towns should take full account of the impact on local eco systems mitigating negative impacts as far as possible and maximising opportunities to enhance their local environment.'*(para 3). PPS 1 states *'High quality and inclusive design should be the aim of all those involved in the development process.'* The PPS also highlights the importance of design in creating attractive and robust environments. PPS 3 also identifies the objective of delivering *'High quality housing that is well-designed and built to a high standard'*(para 10) and at para 12 and 13 that *' Good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. Reflecting policy in PPS1, good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.*
- 5.25.2 Policies C28 and C30 of the Cherwell Local Plan advise that control will be exercised over new development to ensure that it is sympathetic to the context and provides standards of amenity and privacy acceptable to the local planning authority. RSS policy BE1 seeks for new development to help provide improvements to the built environment. NSCLP policy D1 seeks local distinctiveness, continuity and enclosure, attractive and safe public routes and spaces, permeability, legibility, adaptability and diversity. Policy D3 looks to permit development that reflects or interprets the locally distinctive character, whilst policy D4 seeks high quality contemporary architecture and policy D5 sets out requirements for the public realm.
- 5.25.3 The importance given to good design in the development plan and also in national planning policy statements highlights how important it is that new development meets this requirement. The Council's Design & Conservation Team Leader has provided detailed comments on the scheme (which are available in full on the web site). This report provides a summary of the design issues below.
- 5.25.4 The Design and Access Statement (DAS) accompanying the application has been revised and should explain the design rationale for the scheme. Given the unusual

nature of the scheme the DAS could have been used to provide a better explanation and understanding of the emerging scheme. That it does not do so is disappointing, however, the DAS does not form part of the application and it is not considered so deficient as to prevent the application being determined.

5.25.5 **Layout**

Northern Fields

Following comments on the original submission the northern fields have been completely redesigned. This has introduced a central open space with swales to each of the housing parcels as well as providing a more efficient layout and better orientation of routes, although concerns remain regarding some of the details of the routing of paths particularly in relation to the car parking areas and where the paths are sited awkwardly in relation to buildings. Larger perimeter blocks result in more coherent street scenes. However there remain examples where parking and buildings have a poor relationship within the street. Some problems stem from the applicants' approach which has been to provide large numbers of similar detached properties together for example the grouping of four bedroomed detached houses and the location of five bedroomed detached houses around the perimeter of the site. This is unfortunate, resulting in a less efficient layout and uninspiring streets and detracts from the scheme. Bike and bin stores are also poorly located on some plots. There is a lack of detail on street design including front boundary treatments, albeit it is proposed that this is dealt with through a planning condition.

5.25.6 **Central Fields**

Some changes have resulted in improvements but the route of the spine road leaves quite awkward parcels of development. Levels have need to be adjusted through this section to meet the bridge requirements and to deliver level sites for the primary school and access to wheel chair accessible bungalows. Access to some housing is through parking areas which is unfortunate, particularly where the parking is prominent, and again repetitive use of detached properties to the boundary is regrettable in terms of both the street scene and views to the site. Again bike and bin stores and street design are awaiting further details as above.

5.25.7 **Southern Fields**

The entrance to the southern section of the development has been amended and this is an improvement. Much of the remainder of the southern portion of the site retains the small perimeter blocks, resulting in a lot of road space to serve relatively few dwellings, some properties with small rear gardens and some having awkward relationships. Nevertheless this is the part of the site which will have the majority of the homezones which could, if well designed, be a positive feature of the development. The main street through the southern section has been referred to as a boulevard but has a wide variety of house types and little continuity and therefore even with tree planting this is unlikely to be a strong feature.

5.25.8 **Local Centre**

The primary street runs into the local centre and forms a High Street, with all the main uses located off the street. Although this part of the application is in outline the indicative plans show a strong design with arcaded frontages and towers at each end. This has the potential to be an attractive place provided the design is carried through to the eventual development. Conditions and notes are proposed to ensure development is of high quality.

5.25.9 **Density**

The density of the scheme is a matter that has been raised with regard to the original submission. The revised scheme has a slightly more efficient layout and more green space and achieves a net density of just under 30 dwellings per hectare (dph). Higher densities are often promoted to support local facilities like public transport (bringing more people within easy reach of transport hubs) and to make combined heat power (CHP) schemes more economical as well as to make best use of land. The current scheme has a relatively low density but the scheme achieves a 15 minute bus service and CHP. A local centre is proposed with a range of facilities as well and therefore the density proposed has not limited the facilities that are to be delivered. Some of the site would be the long term edge of the town and therefore the lower densities might be appropriate in these locations. Furthermore the scheme achieves the green space requirement of the Eco Towns PPS and therefore, whilst it would undoubtedly be possible to design a higher density scheme, the proposed scheme is considered acceptable in terms of the

density it achieves.

5.25.10 **Housetypes**

There are 5 house types, 3 of which are presented in one of 3 generic elevational styles (described as horizontal emphasis, framed elevations, repetitive fenestration) and constructed in one of a mix of 4 materials (brick, timber, render, stone), with 3 alternative roof types (linear, gabled and asymmetrical gables).

Floor plans were designed for

- 1 and 2 bedroomed affordable flats
- 2 and 3 bedroomed affordable bungalows
- 2 and 3 bedroomed private and affordable terraced houses
- 4 bedroomed detached private and 4 bedroomed terraced affordable houses
- 5 bedroomed private detached houses

Certain plots were identified as “special” and the dwellings on these plots were offered to other architectural practices to design, albeit utilising and amending the basic floor plan, and called “Enriched type 1” and “Enriched type 2”. Further additional “Enriched Type 1” houses have now been included and the designs of these have been amended.

5.25.11 The approach to the design of housetypes is therefore complex and some are more successful than others. It is disappointing that all are two storey except the affordable flats and bungalows and some rooms in the roof space of enriched housetypes. The use of standard floor plans compromises the layout in a number of locations, for example through the lack of housetypes that turn corners and lack of flexibility to address different aspects and plot locations. Never the less the floor plans show that the dwellings have more generous floor plans, providing additional space for occupants than many comparable standard developer housetypes. The regimented approach to elevational treatment also results in some strange features such as full length windows in groundfloor bathrooms in some house types. The distribution of housetypes, despite some amendment, still largely groups houses of similar types together. In places, such as around the perimeter of the site, this results in edge treatment that lacks interest, although along some areas, for example parts of the swales in the northern section of the site, the terraces result in a strong design feature. The lack of integration of

different housetypes is unfortunate both visually and in terms of social inclusion. The 'specials' designed by different architects are welcome although the distribution does not maximise the potential benefits of legibility that they could bring.

5.25.12 There has been no expectation that the appearance of the dwellings will be traditional. Indeed, as an Eco Exemplar project, it is entirely appropriate for the appearance of the dwellings to reflect and promote the Eco credentials. As well as orientation in relation to solar gain, the extensive use of solar PV has determined roof form in particular, with a high proportion of gable fronted dwellings and even asymmetrical gables, albeit the design of these has been rationalised from the original application to produce a somewhat more sympathetic roofscape. As a result, the appearance of some of the house types is very contemporary and the design of the "enriched" house types in particular could be visually stunning. Additionally, a move away from vernacular materials to promote sustainable construction, including using timber externally, is also acceptable, albeit local sourcing of materials needs to be secured. The DAS claims that the design source for the housing is the traditional and the familiar, which is somewhat at odds with the outcomes above. Where this design approach has been used, an uncomfortable compromise between the imposition of non-vernacular "traditional" design base and a contemporary approach results. It is not the case that all house types exhibit high quality design, notably some of the terraces, the affordable flats and the affordable bungalows. Where traditional design is proposed it should be informed by the local vernacular. There are some areas where the design of the housetypes requires further work and as a result a condition is proposed to deal with the redesign of these plots. However since the consideration of the application in July further sketch designs have been received that look to address the concerns regarding the designs. Whilst these require further work it is encouraging that they show ways the designs can be improved.

5.25.13 **Parking**

The scheme proposes at least 2 parking spaces per dwelling apart from the affordable flats. The travel plan indicates that, where the parking is off plot that

only one space will be allocated and details are sought through a condition. All the five bedroomed properties have a double garage, although half is proposed for storage, and all four bedroomed market properties have a single garage and driveway space. The result is that the scheme has no less parking than other housing schemes. Oxfordshire has high levels of car ownership and therefore the reduction in car parking has to be considered carefully. However if residents are to be encouraged to use private cars less, having a car immediately outside the door provides little incentive to use other modes. The applicants have argued that they require car parking to be able to successfully market the scheme. This is an important consideration but it is disappointing that the scheme has not been used to test a range of different solutions to reducing car parking provision. The high level of car parking has meant that a wider range of incentives will be required to encourage travel by other means and it is proposed that these are secured via the planning obligation.

- 5.25.14 In conclusion the design has some locations and architecture that will be pleasing and in some cases exciting. However, this does not apply to all the scheme and some areas require further work. This is covered either by conditions requiring further details or where this is not possible further amendments are awaited.

5.26 Community Infrastructure & Planning Obligations

- 5.26.1 All large scale development, with the resulting increase in population, would put pressure on existing facilities. Some facilities may have spare capacity but others will require expansion, improvement or new provision to enable them to accommodate the increase in population from a proposed development. Work has been undertaken to identify the necessary community infrastructure to support the application proposals and mitigate its impact. This has identified a mixture of on site and off site provision, direct provision of facilities and financial payments. The application includes a supporting statement on social infrastructure provision. However this document does not directly address the additional issues arising in this case around the PPS standards and the need to produce sustainable development and address travel behaviour.
- 5.26.2 Section 106 of the Town & Country Planning Act allows for planning obligations to

be entered into in connection with development. Circular 05/05 provides guidance relating to the use of planning obligations. More recently specific regulations (linked to the introduction of Community Infrastructure Levy) introduced in 2010 & 2011 make it unlawful for a planning obligation to be taken into account when determining a planning application if the obligation does not meet the following tests;

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development
- (c) fairly and reasonably related in scale and kind to the development

5.26.3 The community infrastructure identified as necessary, meeting the tests set out above, covers a wide range of items, some the development could not go ahead without, for example the need to provide safe highway access, whilst others are necessary to meet PPS requirements, for example the measures to achieve bio diversity gain. Some, whilst necessary, are not as directly related to the on site development for example the contributions to the Bicester Integrated Transport and Land Use study which are pooled to deliver general transport improvement measures in the town in response to growth.

5.26.4 It has to be recognised that there are additional development costs associated with achieving some of the PPS standards such as the development of homes to high Code for Sustainable Homes levels. It also has to be recognised that the housing market is not as robust as it has been in previous years. There are considerable risks for the developers in bringing forward a form of development that seeks to innovate and is different from previous developments. The applicants have therefore been unable to meet the full range of contributions that have been sought but have agreed to an open book approach to the assessment of viability of the scheme and to identify the level of contributions the scheme can reasonably afford to support. Viability assessment work has been undertaken by a consultant appointed by the Councils. The out come of that work and the negotiations with the applicants is the agreed Heads of Terms set out in the recommendation below.

5.26.5 The Heads of Terms set out a range of on site measures that have been agreed and the applicants will commit to deliver. These include;

- 30% affordable housing,
- establishment of a management body,
- community development,
- provision of play areas, open space, allotments and arrangements to manage them to include the delivery of biodiversity gain,
- delivery of the local retail store and community hall
- marketing of site for further retail, office, childrens nursery and public house,
- Provide land for the eco business centre
- Provide a bus service (1/2 hourly until 200 dwellings, a 15 minute bus service thereafter)
- Funding for a travel plan co ordinator
- Establishment of a car club
- Funding for cycling incentives
- Provision of electric vehicle infrastructure
- Off site highway works
- Provision of the school site and education contribution
- Provision of funding for waste reduction measures
- Provision of job club support, training and apprenticeships
- Provision of the energy centre
- Provision and management of sustainable urban drainage

This is an extensive package of on site measures to meet the needs of the residents and meet PPS standards as discussed above. The cost of the above measures is in excess of £7m. In addition the applicants have offered a provision within the agreement that any developer profit over and above that necessary for the development to go ahead will be shared with the local authorities.

5.26.6 A2Dominion have offered to guarantee the funding will be available for the contributions agreed. Normal practice has been to require bonds to ensure significant payments will be paid. However bonds have become more difficult to secure and are expensive. A2Dominion advise;

'A2 Dominion own and manage over 30,000 homes and have a strong covenant.'

We are committing over 80m to the exemplar phase and have the means to deliver it.

In the current market, Bonds are treated as loans by banks, and they therefore attract high interest per annum. If we are asked to Bond, for example, 4.9m, this will attract interest of, for example 7%, and this is per annum. This would put a huge cost burden onto a project that is already at the margins of normal profit levels as set out by our own financial consultants (Hayes Houghton) and also yours (Bruton Knowles). This is not acceptable to us.

Also, not only does it attract interest, we also have to put up security to get the Bond in the first place, as a charitable housing provider we only charge our properties to provide the funds to carry out our core activities, and therefore this would actually stop us using scarce resources on other projects.'

The Head of Legal Services has advised that there are risks in enforcing positive covenants such as that proposed. In particular if A2 were to cease to trade in the future secured creditors would take priority which is why a bond is preferable. A2 are a large provider of affordable housing who maintain they have a strong covenant, which reduces the risk. Nevertheless there is always a risk in successfully enforcing a covenant to pay which is not linked to restrictions on occupations. The detail of how payments agreed will be guaranteed will need to be resolved through the detailed drafting of any S106 agreement but if bonds are required the cost is likely to significantly and reduce the measures that can be funded on site by the same amount.

5.26.7 The proposed planning agreement is dealt with in 2 parts. The first securing the on site measures and required highway improvements and the second dealing with the financial contributions. The financial contributions would be to mitigate the needs arising from the development but it is proposed to leave the allocation of these flexible. This would enable the needs to be prioritised and the most pressing needs met.

5.26.7 The final extent of the infrastructure fund has not yet been established as it requires the conclusion of the detailed assessment of the build costs to confirm the conclusions of the viability report. It is anticipated that this will be available in time for the committee meeting. In addition the overage clause (share of

increased profit) has been agreed that will mean that should the market improve and the scheme achieves a higher level of profit than currently anticipated, the increased profit would be shared between the two developers, the Homes & Communities Agency (HCA) (through the development and HCA funding agreement) and the Councils (through the mechanism of the planning obligations).

5.26.8 This approach fits well with the nature of this development as part of the national eco towns programme. Through that programme CLG Eco Town growth funding has allowed establishment of a dedicated Eco Bicester project fund to be used where public money is needed to pump prime aspects of the development. Formally, priorities for the eco town funding will be established, and funding allocated to relevant projects, by decision of the Council's Chief Executive in consultation with the Leader of the Council (previous decision of Executive). However, in practice, the funding allocation will be made through achieving consensus with partner organisations including the County Council on the Eco Bicester Strategic Delivery Board. An important objective in use of this funding will be to support the more difficult start up phases of the development (especially to advance projects that it would be impossible for the developer alone to fund on the basis of the scale of development currently proposed), but to try where possible to invest in ways that can provide a future return on investment, or be repaid through future planning agreements. This will then allow recycling of at least some of the funding for future projects. The support for the provision of the first primary school and Eco Business Centre in the development have provisionally been identified by the Strategic Delivery Board as projects to be handled in this way.

5.26.9 The money in the proposed infrastructure fund, secured through the S106 agreement, would be specifically to mitigate the impacts of the development currently proposed. As Cherwell District Council and Oxfordshire County Council are to be signatories to the proposed agreement they will ultimately be responsible for decisions regarding the use of the infrastructure fund, although as with the CLG money, the Strategic Delivery Board will also be included in the decision making process.

5.26.10 Although very significant provision is being made on site the viability work has shown (subject to confirmation of build costs) that the scheme would not be able to afford all the contributions that have been identified as necessary to mitigate the impact of the development. The following contributions have been sought and unless the development makes additional profit to that predicted they could not be funded through the development. These items are contribution to library (£84.9k), adult learning centre (£11.3k), Changing places toilet (0.6k), policing provision (£6.3k), fire and rescue (£5.5k), youth bus (£58.5k), youth service (£20k), outdoor sport provision (£345.2k), indoor sport provision (£241.7k), public art (58k), Museum Resource centre (£5.2k), Registration Service (£11.8k), strategic waste recycling (£58.9k), cemetery (£4.6k), Childrens centres (£46.5k), secondary school (£2,460k), Special educational needs (£90k), Bicester Integrated Transport schemes (731.5k) , Rights of Way matters (£155k), Water neutrality measures (cost of retrofitting 2000 homes) and bins and recycling banks (£28.6k). The applicants agent has not accepted all the contributions sought are reasonably and fairly related to the development but in the light of the viability issues this has not been pursued.

5.26.11 Increasingly planning agreements are being used to look for an expanding range of contributions to support local service delivery for a growing population. In crude terms the value of contributions that the developers have agreed to fund (in addition to building to higher standards) is over £18k per dwelling (in addition to the affordable housing). A further sum in excess of £11k per dwelling would be required to fund all the contributions identified above. This is a very significant level of contributions and it is unsurprising that together with the increased costs of building to Code for Sustainable Homes level 5, delivering zero carbon development and meeting the PPS standards that this relatively small development can not meet all the requirements identified. In recent years the economic conditions have been difficult and developers accross the country have sought to reduce the level of S106 contributions to enable them to bring development forward. The Ministerial Statement of 23 March 2011 by Greg Clark advises that;

'To further ensure that development can go ahead, all local authorities should

reconsider, at developers' request, existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms.'

Although this advice is in respect of existing permissions the same principle would apply to new proposals which will not go ahead if the level of contributions required make them unviable.

- 5.26.12 Historically land values have been high in this area, particularly for residential development, and therefore it was anticipated that the cost of the S106 would come off the land price but still leave the landowner with a significant return, sufficient to sell land for development. In the case of the development at NW Bicester the Councils viability consultant has advised that the land price agreed was reasonable and that a lower price would generally be unlikely to be sufficient to encourage a landowner to release their land for development.
- 5.26.13 Oxfordshire County Council objected to the application at the committee on the 14 July raising concerns about the lack of funds to meet the full level of obligations they have sought to address the needs of the population of the development. The delivery of community infrastructure is a concern for all the public bodies that have sought contributions that may not be able to be met. Most public bodies are facing reduced resources at the current time making it particularly important that new development mitigates the impact of the increased population that it brings about. There is therefore a need to balance the reasonable requirements for funding for community infrastructure and the need to ensure that development, that in other respects is acceptable and will bring benefits through investment, employment and homes to meet identified needs, can go ahead. In the case of the current application as a first phase of a development it is potentially carrying higher costs than later phases may need to and therefore it is envisaged that current concerns around funding may be addressed through the masterplan and an outline application for the whole of the NW Bicester site. It is proposed, with the applicants agreement, to commence work on identifying the necessary development to serve the whole site and the mechanism for delivery of the necessary infrastructure in parallel with the completion of the drafting of the S106

agreement for this application. Oxfordshire County Council would want to see that there has been progress on the masterplanning and funding for infrastructure before they would complete the a joint S106 Agreement.

- 5.26.14 The scheme will deliver 30% affordable housing, school site, frequent bus service, open space and land for eco business centre which not only meet the needs of the development but deliver wider benefits for the town (see the Heads of Terms of the proposed planning agreement are set out above and below). Given the development is designed to meet higher standards than other developments currently acheive and includes innovations such as the delivery of zero carbon, the level of on site contributions acheived is considered an reasonable and this is supported by the viability work that has been undertaken.

5.27 Conclusions

- 5.27.1 The development of a sustainable extension on land identified at NW Bicester is part of the Council's strategy for accommodating necessary growth within the District, although it currently remains a departure from the development plan. It is therefore necessary for there to be material considerations in favour of grant palnning permission contary to the development plan. In this case there are a number of material considerations.
- 5.27.2 The Eco Towns PPS is unusual in identifying locations for development. The PPS itself draws attention to the fact that it is a material consideration in determining applications. Although the current application is not for a whole eco town, it meets almost all of the standards in their entirety and is an important first step in establishing that moe sustainable development can be delivered.
- 5.27.3 Whilst the application site is not immediately contiguous with the existing built development in the town it is within easy walking and cycling distance and over time it is anticipated that further development will take place between the site and the existing edge of the town to join the proposed development. It is also unusual to consider an application for part of a larger site allocated for development before an outline application has been granted as a whole. However in this case the application proposals were, following consideration with Government, after the

publication of the PPS, invited as an exemplar for a wider development. The proposals are capable of delivering a scheme that can stand alone and provide the opportunity to test development and the deliverability of a scheme to the PPS standards which has not previously been done on a large scale scheme. This will be able to inform other development proposals that also seek to meet standards.

- 5.27.3 Never the less achieving the PPS standards and delivering the high standard of development sought is challenging and the application proposals, as originally submitted, have drawn a number of criticisms and comments. Revisions to the proposals and supporting documents have been made to address the concerns raised. In almost all respects the application meets the Eco Town PPS standards. This therefore will genuinely deliver a form of development that achieves higher standards of sustainability on a scale that has not been achieved elsewhere.
- 5.27.4 The One Shared Vision for the town sets out the aspiration is to integrate growth and to lever wider benefits for the town, reducing the impact of development on the environment, whilst creating a vibrant place where people will choose to live, work and spend their leisure time. The identification of NW Bicester as an eco town location has already resulted in the receipt of significant government grant funding which is currently helping to fund demonstration projects in the town. The proposal has also brought visitors to the town from the UK and internationally. There has therefore been a number of benefits already arising from the identification of an eco town and the application would contribute towards meeting the aims of the Vision.
- 5.27.5 The SDPHE therefore considers that there are strong material considerations as set out within the report for granting planning permission for the proposed development. The application will deliver housing and affordable housing, employment opportunities, new community infrastructure, zero carbon energy provision, an ambitious package of measures to influence travel behaviour, open space and homezone streets. Therefore the application is recommended for approval subject to the matters outlined below.

6. Recommendation

The applicant will note that concerns around funding for infrastructure and service needs must be addressed through the masterplan and an outline application for the whole of the NW Bicester site. Prior to the completion of the s106 agreement satisfactory progress on the masterplan must have been made including an agreed way forward for the wider development to fund the necessary service needs arising from the increase in population from the NW Development as a whole.

Approval subject to;

- Confirmation that the scheme meets building for life Silver Standard
- The conclusion of a review of the viability work (carried out on an open book basis)
- Completion of a S106 agreement (in accordance with the Heads of Terms set out below but subject to the clarification of the infrastructure fund as identified above)
- The following conditions

It is further recommended

That in accordance with the provisions of Regulation 21 of the Town & Country Planning (Environmental Assessment) (England & Wales) Regulations 1999 that this report is approved as setting out the main reasons, considerations and measures proposed with regard to the ES.

Heads of Terms of Planning Obligation	
Requirement	Terms
Provide phasing plan	<ul style="list-style-type: none"> • Provide plan of agreed phasing • Build in accordance with the phasing unless otherwise agreed.
Affordable Housing	<ul style="list-style-type: none"> • Provide 96 dwellings for rent and 23 for shared ownership in accordance with the agreed mix. • Build the affordable housing in each phase , as identified on the plans, prior to the occupation of 50

	<p>% of market phasing</p> <ul style="list-style-type: none"> • Construct to HCA Design Quality Standards • Construct as Lifetimes Homes Standard • Properties let in accordance with a nominations agreement and local lettings plan.
Community Governance	<ul style="list-style-type: none"> • Agree the form of the initial management body (for the avoidance of doubt it may comprise employees of A2) and form and constitution of interim partnership board, provide the programme of activity of the management body and define list of functions the body will be responsible for prior to commencing work • Provide accommodation on site for the management body/partnership board and their employees • Establish the management body prior to the first occupation of a dwelling • Establish the interim partnership board at the request of identified partners or no later than the occupation of 200 dwellings. • Provide and agree details of the funding for the running of the management body and interim partnership board and the carrying out of its functions as identified • Provide £100k to enable the partnership board and other stake holders to assess and develop the options for the Local Management Organisation.
Community Engagement, Development & Capacity Building	<ul style="list-style-type: none"> • Agree a programme for the local management body to deliver community engagement, development and support for sustainable lifestyles or pay CDC the sum of £100k prior to the occupation of the first dwelling.
Ecological & Landscape Management and play areas	<ul style="list-style-type: none"> • Provide and agree an Ecological and Landscape Management Plan prior to implementation • ELMP to cover objectives for management, management body, management regime, monitoring, funding, process for agreeing variations to plan, proposals for community involvement and phased implementations. • Where the ELMP comprises various elements in different ownership or control, the compatibility between elements is to be demonstrated; • Implement the agreed ELMP • Either put in place agreed ring fenced fund for maintenance by the management body or transfer the open space to CDC with a commuted sum based on CDC's standard rates. Unless otherwise agreed in writing • Fence each area of open space prior to work starting on the adjacent building phase • Complete laying out of open space in the first

	<p>planting season following commencement on a building phase</p> <ul style="list-style-type: none"> • Provide allotments and incidental open space & play areas prior to the occupation of any dwelling within 30m • That the open space shall be available to the public in perpetuity • That the open space shall be retained in a single ownership by A2 Dominion, the local management organisation or the Local Authority unless otherwise agreed. • Maintain all areas to meet ELMP or attached specification as a minimum • No services through open space and landscape areas unless agreed in writing by LPA
Non Residential retail/office/nursery/community hall	<ul style="list-style-type: none"> • Planning application for the retail store and community hall to be submitted within 12 months of grant of planning permission or occupation of 100 dwellings which ever is the sooner. • Marketing strategy to be agreed and implemented • Store & Hall to be provided prior to occupation of 250 dwellings, unless an interim scheme for local retail provision to meet the day to day needs of the residents and programme for permanent provision of the Store and Hall have been agreed. • Prior to the occupation of the 50th dwelling provide a temporary community meeting place. Retain until permanent provision is available. • Application for remaining facilities to be made prior to the occupation of 250 dwellings • No more than 350 dwellings to be occupied until the offices, nursery and further retail premises have been provided unless a suitable alternative provision has been agreed and implemented prior to that date. • Make the public house site available and market until developed or 5 years post completion of the development. • Transfer the hall to management body with a commuted sum for maintenance & management for the benefit of residents on the site • Agree details of measures to make available food produced locally
Eco Business Centre	<ul style="list-style-type: none"> • Transfer fully remediated / serviced site to CDC prior to 100 dwellings being completed (at nominal sum of £1)
Employment, Skills & Training	<ul style="list-style-type: none"> • Set up and maintain until all development is complete on application site web site to attract local suppliers and enable them to compete for work on the construction of the development • Agree details of local supply chain events to

	<p>promote opportunities for local companies shall be provided and such opportunities shall be made available during construction works on site.</p> <ul style="list-style-type: none"> • Provide details of commitments to provide apprenticeships (minimum 10) to people with local connections (5 mile radius) • Agree details and provide sustainable skills training for local people. • Prior to the commencement of development agree a scheme to market home working on the site. • Prior to commencement of development, agree and implement a programme with Bicester Job Club to identify employment opportunities related to construction work on the site and skills and training to assist local people to access the job opportunities. The programme to include the delivery of workshops to introduce opportunities to job seekers and assist employers to recruit. • Work with the Bicester Job Club to ensure local people are aware and have access to all job vacancies arising from construction on site.
Transport & Access	<ul style="list-style-type: none"> • No residential or non residential occupations until travel plan agreed • Monitor mode share annually but with agreed residents survey after five years post commencement then biannually until 10 years post completion • Monitor carbon from transport from the occupation of the 50th dwelling until 10 years post completion. • Monitor mode share in accordance with agreed details • If targets are not achieved pay the following sums; Year 5 £10,000, Year 7 £20,000, Year 9 £30,000, Year 11 £40,000, Year 13 £50,000, Year 15 £100,000. • Appoint/fund a travel plan co-ordinator to implement the travel plan • Provide £100k to fund cycling incentives and agree the use of the fund to deliver the cycling incentives in the travel plan including feasibility for cycle hire scheme. • Agree a management scheme for un-allocated residential parking and neighbourhood centre parking prior to first occupations • Prior to commencement agree an electric vehicle scheme including the provision of car charging points for individual residents and for visitors to the site and incentives to use electric vehicles • Prior to occupation of the first dwelling agree a car

	<p>club scheme including identifying parking bays and funding to support the scheme. Occupy no more than 200 dwellings until the scheme is in place.</p> <ul style="list-style-type: none"> • Provide the bus service from the first occupation in accordance with an agreed timetable, to provide at least a ½ hourly service, after 200 dwellings deliver a 15 min service until 10 years post completion. • No development to commence until off site highway works identified are secured including an agreed timetable for delivery. • No occupations until Banbury Road footpaths, cycleway and pedestrian crossing have been provided. • Fund transport order for Banbury Road
HGV routeing agreement	<ul style="list-style-type: none"> • No development to commence until the a Routeing Agreement is in place for construction traffic • No occupation of non residential buildings until Routeing Agreement is in place
Education	<ul style="list-style-type: none"> • Within 12 months of commencement of construction or occupation of 50 dwellings which ever is the sooner, offer transfer to OCC or in default CDC for £1 a fully remediated, serviced site of 1.34 ha of developable land in accordance with the boundaries and levels shown on drawing no 7170-UA001881-03 • Transfer to be completed within 3 months of acceptance of offer; • Transfer of land to comply with the terms of the OCC School Site Requirements for Residential Development (draft) document unless otherwise agreed. • Provide a plan to show service connections to the site in accordance with the attached specification • Safeguard land for the extension of the school
Waste	<ul style="list-style-type: none"> • Agreed site for a recycling banks in the local centre shall be provided prior to the occupation of 50 dwellings. If it is not possible to secure the permanent site by this stage of a development temporary provision shall be made in accordance with agreed details until such time as permanent provision has been made. • Agree and Implement a construction waste management plan (zero waste to landfill) and monitor compliance. • Prior to implementation identify space and programme to deliver community swap shop days. • Prior to implementation provide the Sustainable Waste Management Plan identifying waste reduction measures to ensure waste targets are

	met, their implementation, monitoring and measures to be implemented should waste from the development exceed targets.
Energy Centre	<ul style="list-style-type: none"> • Provide a detailed scheme, including phasing and amount of PV, for the delivery of the energy strategy. In the event that zero carbon development to PPS1 definition can not be delivered on site agree a scheme for off site allowable solutions in Bicester for the benefit of the community. • Deliver the energy centre building and centralised heat and power distribution in accordance with the agreed scheme • Prior to occupation each dwelling shall have the PV provided and connected • Maintain energy centre in operation for 25 years
Construction Standards to achieve Eco Town Requirements	<ul style="list-style-type: none"> • Provide code for sustainable homes design assessment demonstrating that each dwelling meets Code for Sustainable Homes level 5 or higher prior to commencement of construction of each phase. • Prior to occupation provide post construction certificate demonstrating each dwelling is built to Code 5 • Provide BREEAM design assessment prior to commencement of construction demonstrating that each non residential building is designed to BREEAM excellent • Prior to occupation provide post construction certificate demonstrating each building has achieved BREEAM excellent • Prior to any relevant infrastructure works taking place provide a CEEQUAL excellent certificate for the works • Agree scheme for local sourcing of materials • All building control procedures shall be undertaken by Local Authority Building Control to allow appropriate public verification and learning process for construction innovation on the site. This shall not prevent the seeking of an NHBC guarantee in addition to LABC. • Ensure all contractors register for Considerate Contractor scheme
SUDs	<ul style="list-style-type: none"> • Provide SUDs to adoptable standard • Provide a scheme and funding for secure future maintenance
Monitoring of Eco Town Standards	<ul style="list-style-type: none"> • Agree a monitoring scheme and fund the monitoring of the eco town standards in accordance with the attached schedule until completion of the whole of the NW Bicester site.
Overage	<ul style="list-style-type: none"> • Provide 25% of any additional profit over that used as a baseline in agreed HCA viability assessment

	as a contribution to Infrastructure fund (see above) (after 23%) then 50% to P3)
Financial Contributions to Infrastructure Fund	<ul style="list-style-type: none"> To pay the Council in staged payments to be agreed a sum of no less than £3.5m index linked. The infrastructure fund to be used solely for the delivery of infrastructure related to the development of the site. The sum of £3.5m and the cost of delivering the bus service (£1,000,000) to be underwritten such that there is certainty over delivery of the funding.
Indexation & bonds	<ul style="list-style-type: none"> Agree indexation and security of payments
Obligation Monitoring	<ul style="list-style-type: none"> Pay on completion to CDC the sum to monitor the legal agreement

	Conditions
	<p>Full Permission – 393 dwellings, Energy Centre,</p> <ol style="list-style-type: none"> SC1.4A Standard Time Limit <p>Outline Permission Time Limits</p> <ol style="list-style-type: none"> SC1.0A Standard time Limit SC1.1 SC1.2 SC1.3 measures to achieve zero carbon energy use as defined in PPS 1Eco Towns, through on site solutions. 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 Policy contained in PPS1. Prior to work commencing on the non residential elements of the development, a design code shall be provided covering the distribution of land uses, form of buildings, street frontage, materials, servicing, parking, sustainability features. The Design Code shall be approved in writing prior to the submission of reserved matters for any element of the local centre and thereafter the reserved matters shall be made in accordance with the agreed Code. Reason: To ensure high quality development in accordance with the advice in Planning Policy Statement 1 and the Planning Policy Statement 1:Eco Towns

7. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the attached schedule of plans and documents received 1/7/11.
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 Policy contained in PPS1.
- Housing Standards**
8. All dwellings shall be constructed to meet Joseph Rowntree Foundation Life Time Homes standard.
Reason : To deliver flexible housing to meet the diverse and changing needs of the population and in accordance with Planning Policy Statement 1:Eco Towns
9. Each building shall be provided with high speed broadband (no less than 100mbs)
Reason:To facilitate homeworking and information delivery in accordance with Planning Policy Statement 1: Eco Towns
10. Prior to occupation each dwelling shall be provided with a real time information system in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason:To facilitate information delivery and travel information to properties in accordance with Planning Policy Statement 1: Eco Towns
11. Prior to work commencing on each phase details of how each dwelling achieves good day lighting by achieving at least 2 points of the Code for Sustainable Homes level 5 for day lighting shall be submitted to and approved in writing by the LPA. The development shall thereafter be carried out in accordance with the approved details and such that each dwelling achieves good day lighting.
Reason: to prevent increased energy use and to enable zero carbon development to be achieved in accordance with Planning Policy Statement 1:Eco Towns
12. Prior to commencement of development on each phase a study , by a suitably qualified person, shall be submitted to and approved in writing by the local planning authority, demonstrating that the design of the buildings is such that over heating will not occur and that heat island effects have been minimised. The development shall thereafter be carried out in accordance with the agreed details.
Reason: To address the impacts of climate change in accordance with Planning Policy Statement 1:Eco Towns
13. All properties shall be constructed to meet Secured by Design standards unless otherwise agreed in writing by the Local Planning Authority.
Reason: to ensure that crime and the fear of crime are addressed and to meet the requirements of Planning Policy Statement 1.
14. The Panter Hudspeth house designs shall be constructed with the passive

ventilation and thermally massive floors as set out in the Design and Access Statement accompanying the application.

Reason: to test the delivery of innovative energy efficient houses as supported by Planning Policy Statement 1:Eco Towns

Energy Strategy

15. Each dwelling shall be provided with solar PV prior to occupation.

Reason:To deliver zero carbon development in accordance with Planning Policy Statement 1:Eco Towns

16. The pipework to deliver the district heating system shall be provided to each dwelling prior to occupation.

Reason:To deliver zero carbon development in accordance with Planning Policy Statement 1:Eco Towns.

Notwithstanding Conditions

17. Notwithstanding the details submitted details of the positioning of bicycle and bin stores on each phase shall be submitted to and approved in writing by the LPA prior to the commencement of the construction of any dwelling on the phase. The development shall thereafter be carried out in accordance with the approved details.

Reason: to ensure convenient bicycle and bin stores to encourage cycling and sorting of waste and a high standard of design to comply with policy C28 of the Cherwell Local Plan and to deliver the standards of Planning Policy Statement 1:Eco Towns.

18. Full details of the boundary enclosures for each dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development on each phase forming part of the site. The approved boundary enclosures shall thereafter be provided prior to the dwelling they serve being occupied.

Reason:RC12AA

19. Not withstanding the details submitted details of the fenestration, roof verge and eaves, cills, lintols and infill panels for each phase will be submitted to and approved in writing by the Local Planning Authority prior to work commencing on that phase. Thereafter the buildings shall be constructed in accordance with the approved details.

Reason: to ensure a high quality development in accordance with Cherwell Local Plan policy C28 & C30

20. Not withstanding the details submitted, details of revised designs of Plots 16, 139- 142, 195, 276, 277, 288, 289, 292, 319, 355, 356, 376, 319, 296 – 299 and the detailing of the terraces 240-2, 262-4, 258-261 to ensure the creation of an acceptable street scene shall be submitted to and approved in writing by the local authority prior to work commencing on the plots. The plots shall be constructed in accordance with the revised approved details.

Reason: To ensure the delivery of satisfactory streets with a high quality of design to accord with a high standard of design to comply with policy C28 of the Cherwell Local Plan and PPS 1.

21. Notwithstanding the details submitted a parking scheme for each phase shall be submitted to and approved in writing by the local planning authority prior to work commencing on the agreed phase. The approved parking shall thereafter be provided in accordance with the approved plan.

Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: Transport and to ensure that there is a satisfactory appearance to the development in accordance with Cherwell Local Plan policies C28 and C30.

22. Prior to work commencing on any phase, details of the streetscape, including font boundary treatment to any buildings, treatment of street parking, street landscape, hard and soft landscape details, street furniture and play features in homezones shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details approved.

Reason :To ensure the delivery of satisfactory streets that deliver the green infrastructure, play and other features necessary to create a successful place and to accord with a high standard of design to comply with policy C28 of the Cherwell Local Plan.

Construction Details

23. SC2.10A floor levels 'dwelling'

24. A Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason: To ensure the environment is protected during construction in accordance with policy ENV1 of the Cherwell Local Plan.

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that if any contamination is encountered during site development, it is suitably assessed and dealt with, such that it does not pose a threat to controlled waters.

26. SC9.1 services underground

27. Prior to work commencing a report shall be submitted outlining how carbon emissions from the construction process and embodied carbon have been minimised. No work shall commence until the report has been approved in writing by the Local Planning Authority. The development shall thereafter be

carried out in accordance with the plan.

Reason: To ensure the development achieves a reduced carbon footprint in accordance with Planning Policy Statement 1: Eco Towns

Materials

28. SC2.0 Non Residential

29. SC2.1A dwellings

30. Details of the construction and planting of the green roofs and details of the maintenance programme that will ensure the delivery and long term maintenance of the roofs shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of any dwellings. The green roof shall then be constructed and maintained in accordance with the approved details.

Reason: To ensure the delivery on green infrastructure and bio diversity gain in accordance with Planning Policy Statement 1: Eco Towns

Highway Conditions

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

Reason – In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the Bicester and Caversfield during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

32. Notwithstanding the details shown on drawing no.s 7154 -UA001881-3 & 7155- UA001881-3 a revised plan of adoptable highways including vision splays shall be submitted to and approved in writing prior to the commencement of development on any phase. The roads, lanes and homezones shall thereafter be constructed in accordance with the proposed details.

Reason: To ensure an adequate construction and maintenance of roads, lanes and homezones in accordance with the advice in PPG13 and TRI of the Cherwell Local Plan.

33. That prior to the commencement of work on the Exemplar development the proposed South Entrance Works between the land and the highway and the off site cycle links shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all

ancillary works specified shall be undertaken.

Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

34. Prior to any dwelling being on the northern fields the access from the B4100 shall be formed laid out and constructed strictly in accordance with Oxfordshire County Council's specification and be available for use.
Reason : To ensure safe access to the site in accordance with Cherwell Local Plan policy TR1
35. Before the proposed North and South Entrances are first used the existing accesses serving the Exemplar site onto the B4100 (Banbury Road) shall be permanently stopped up by the means of full face kerbing (where appropriate), the reinstatement of the highway verge, ditch and hedge/boundary structures (fence or stone wall) and shall not be used by any vehicular traffic whatsoever.
Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.
36. Notwithstanding the details shown details of the locations and facilities to be provided at each bus stop including Real Time Information shall be submitted to and be approved in writing by the Local Planning Authority prior to the occupation of the first dwelling on the site. The bus stops and facilities s21hall thereafter be provided in accordance with the approved details.
Reason: To ensure facilities to enable convenient use of public transport to achieve the requirements of Planning Policy Statement 1: Eco Towns
37. No development shall commence on any phase of the development until the full design and construction details, including vision splays, bridge details, surfacing, planting, traffic calming of the roads, paths, bridges and other parts of the access routes are submitted to and approved in writing by the Local Planning Authority. The phase shall thereafter be constructed in accordance with the approved details.
Reason – In the interests of highway safety and the appearance of the area in accordance with Cherwell Local Plan policy C28 & C30.
38. Details of the final surface treatment of each road shall be submitted to and approved in writing by the LPA prior to the construction of each road, lane, homezone or public footpath .The road, lane, homezone or path shall thereafter be constructed in accordance with the approved details.
Reason RC12AA
39. That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways, parking courts, parking areas and turning areas that serve those dwellings shall be constructed, laid out, surfaced and in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development.
Reason – In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice contained in PPG13: Transport.

40. No development shall commence on any phase until a lighting scheme for the pedestrian, cycle and vehicle routes are submitted to and approved in writing by the Local Planning Authority and the Local Highway Authority. Such lighting shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken unless otherwise approved in writing.
Reason – In the interests of highway safety.
41. Details of the bus only link shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development of the northern fields.
Reason: To ensure facilities to enable convenient use of public transport, walking and cycling to achieve the requirements of Planning Policy Statement 1: Eco Towns
42. That before any dwelling is first occupied the estate roads and footpaths between that dwelling and the B4100 shall be laid out, constructed, lit and drained to the Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads'. No dwelling shall be occupied in the northern fields until the bus only link has been provided.
Reason; RC13 BB
43. That no surface water from the Exemplar development shall be discharged onto the adjoining highway and a scheme to prevent this occurrence shall be submitted to and approved in writing by the Local Planning Authority and constructed prior to the commencement of building operations.
Reason – In the interests of highway safety and to comply with Government advice in PPG13: Transport and PPS25: Development and Flood Risk.
44. SC 4.13CD (Parking & turning areas) after approved insert 'except as modified by condition 13'
- Drainage**
45. All properties shall be provided with rainwater harvesting in accordance with the details shown on drawing no. 7163-UA001881-03.
Reason: To reduce the use of water to achieve the requirements of Planning Policy Statement 1: Eco Towns
46. Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
Reason: To ensure the water supply infrastructure has sufficient capacity to cope with the additional demand.
47. Development shall not commence until a drainage strategy detailing any on or off site drainage works has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the

	<p>public system until the drainage works referred to in the strategy have been completed. Reason : The development may lead to sewerage 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.</p> <p>48. SC9.7 Hyder Consulting and received 24 June 2011. Reason: To prevent the risk of flooding and to meet the requirements of PPS25</p> <p>49. No development approved by this permission shall begin until a scheme to avoid the risk of ground water flooding in accordance with Section 2.4.3 of the Flood Risk Assessment 3501-UA001881-UU41R-03 (Hyder, June 2011) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason: To reduce the risk of flooding to the proposed development and future occupants.</p> <p>50. No development approved by this permission shall begin until a scheme to provide level for level floodplain compensation in accordance with Section 3.5 of the Flood Risk Assessment 3501-UA001881-UU41R-03 (Hyder, June 2011) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason: To reduce the risk of flooding to the proposed development and future occupants.</p> <p>51. No development approved by this permission shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and to OCC adoptable standards, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:</p> <p>Capacity to contain the 1 in 30 year storm event with the drainage attenuation and conveyance features.</p> <ul style="list-style-type: none"> • the ability to manage storm events up to and including the 1 in 100 year storm event (with a 30% allowance for climate change) safely on site, while avoiding risk to properties and others. • A range of best practice sustainable drainage techniques including permeable paving, swales, basins, ponds and wetlands in accordance with the drainage strategy ref. 7501-UA001881-UP21R-02 and Section 4
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of the Flood Risk Assessment 3501-UA001881-UU41R-03 (Hyder, June 2011).

- Measures to increase discharges into the local watercourses to improve local biodiversity.
- Full planting schedules utilising species of native and local provenance of each SUDs feature including proposed wetland features.
- No infiltration of surface water into the ground where there is a presence of contaminated land unless it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: The drainage strategy and FRA shows that a successful scheme can be designed into this development to effectively manage and reduce flood risk, to improve water quality and improve habitat and amenity. Plans ref. 7161-03 and 7160 -03 in the FRA show Surface Water pipe runs. These are indicative plans and where feasible pipe runs should be omitted in favour of ditches and swales.

Landscaping & Open Space

52. SC3.4 AA Hedge/tree protection delete' boundaries' 2m

53. The translocation of hedges as shown on drawing no.s 8003-UA001881-04, 8004 UA001881-04, 8005 UA001881-04 shall commence in the first planting season following the commencement of development and completed within 12 months of the commencement of works. No dwelling within 30m of the translocated hedgerow shall be occupied until such time as the hedge has been translocated.

Reason: RC11A

54. Should any translocated hedgerow die or be removed within 5 years of the works being carried out a replacement hedge shall be planted in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The replacement hedge shall be properly maintained for a minimum of five years from planting.

Reason: RC11A

55. Prior to the commencement of construction the open space either side of the streams shall be fenced in accordance with BS 5837 to prevent the incursion of construction vehicles working elsewhere on the site or damage during construction. No service trenches, drains or other excavations shall take place within the open space. Where works are necessary within the open space areas relating to the adjustment of ground levels, construction of bridges, footpaths and swales, details of construction areas and adjustment of the fencing to accommodate works shall be submitted to and approved in writing prior to any work taking place within the open space area. The fencing shall thereafter be moved in accordance with the approved details and on the completion of the works the fencing shall be reinstated in the original position.

Reason: RC10A

56. Prior to the commencement of construction the hedge buffers and allotments shall be fenced in accordance with BS 5837 to prevent the incursion of vehicles or damage during construction. No service trenches, drains or other

	<p>excavations shall take place within the hedge buffers or allotments. Reason:RC10A</p> <p>57. SC3.3A</p> <p>58. SC3.5A</p> <p>59. SC3.16</p> <p>60. SC3.12</p> <p>61. SC3.14</p> <p>62. The development hereby permitted shall be carried out in accordance with the recommendations and specifications set out in the Arboricultural Method Statement (AMS) and/or the Tree Protection Plan (TPP) submitted by Hyder Consulting (UK) Ltd dated 19/11/2010 unless otherwise agreed in writing by the Local Planning Authority. Reason - To ensure that no proposed operations impair the health of any retained trees in the interests of the visual amenity of the area, and to comply with Policy C4 of the South east Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p> <p>63. That prior to the commencement of any development on the site, notwithstanding the details submitted, full details, specification and construction methods for all purpose built tree pits and associated ground level surfacing materials shall be approved in writing by the Local Planning Authority. Details must also include specifications for the installation of associated below ground, load-bearing root pits and trenches and soil type required to accommodate the planting and future development of the proposed trees. The works shall be implemented in accordance with the approved details. Reason - To ensure that the trees are retained and maintained in a safe and healthy condition and to ensure that the adjacent roads, pavements, screen walls and any other structures are not adversely affected by the tree roots and in the interests of the visual amenities of the development and to comply with Policies BE1 and C4 of the South East Plan 2009 and Policy C28 of the Adopted Cherwell Local Plan.</p> <p>64. That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-</p> <p>(a) details of the proposed tree and shrub planting including their species, number, sizes, positions and planting densities (where appropriate), together</p>
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with grass seeded/turfed areas,

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

(c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps including the final surfacing there of.

(d) details of SUDs features including proposals for lining features to retain water

(e) details of any proposed changes in levels

(f) details of the design and construction of bridges within areas of open space

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

Reason: RC 10A

65. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of a building(s) within a phase or on the completion of the ground works within the river corridor, and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason RC10A

66. SC3.10

67. Details of the rainwater harvesting for the allotment sites shall be submitted to and approved in writing by the Local Planning Authority prior to the
Reason: To reduce the use of water to achieve the requirements of Planning Policy Statement 1: Eco Towns

68. Prior to first occupation of any residential property a scheme to enable each new resident to choose a fruit tree for their garden or to be provided elsewhere on the site shall be submitted to and approved in writing by the LPA. The scheme shall thereafter be implemented in accordance with the agreed details.

Reason: To mitigate the impact of the development and provide biodiversity gain in accordance with Planning Policy Statement 9: Biodiversity and Planning Policy Statement 1:Eco Towns and the Sustainability Statement accompanying the application.

69. Details of the laying out and management of the allotments shall be submitted

to and approved in writing by the Local Planning Authority prior to the occupation of any dwellings. The allotments shall thereafter be provided and managed in accordance with the approved scheme.

Reason: to ensure the delivery and management of allotments for local people in accordance with draft Cherwell District Council draft Core Strategy Policy I4 and Planning Policy Statement 1:Eco Towns

Ecology

70. Prior to the commencement of construction on each field the site shall be checked by a suitably qualified ecologist to ensure that there is no presence of protected species that have moved on to the site since previous surveys have taken place and could be harmed by the development. Should protected species be found details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. The development shall not commence in each existing field until the field has been confirmed to be clear of protected species.

Reason: To mitigate the impact of the development in accordance with Planning Policy Statement 9: Biodiversity and Planning Policy Statement 1:Eco Towns and the Sustainability Statement accompanying the application.

71. Prior to work commencing details of a scheme for the location of bat, bird, Owl and invertebrate boxes in each phase of development will be submitted to and approved in writing by the Local Planning Authority. Prior to work commencing on any phase the location of the bat, bird, owl and invertebrate boxes shall be submitted to and approved in writing by the local planning authority. The bat, bird, owl and invertebrate boxes shall be installed in accordance with the approved scheme and prior to the occupation of any building on which they are agreed to be located.

Reason: To mitigate the impact of the development and provide biodiversity gain in accordance with Planning Policy Statement 9: Biodiversity and Planning Policy Statement 1:Eco Towns

72. An Ecological Construction Method Statement shall be submitted to the local planning authority and approved in writing prior to work commencing. The method statement shall address potential impacts of development on bio diversity to ensure no net loss and ensure the net gain identified is delivered. The approved Ecological Construction Method Statement shall thereafter be implemented in accordance with the approved details.

Reason: to protect bio diversity of the site and the delivery of bio diversity gain in accordance with Planning Policy Statement: Eco Towns

73. No development approved by this permission shall begin until details of pedestrian and cycle watercourse crossings have been submitted to, and approved in writing by, the local planning authority. The approved design shall be implemented as agreed.

Reason:Plan ref. 7152 UA001881-02 shows where footpaths/cycle paths are intended to cross the watercourses on site. The bridges will need to be designed so as to avoid increased flood risk and erosion.

74. No lighting shall be provide within the stream corridor, except that necessary across the road bridges, and no external lighting shall be provided immediately adjacent that creates light overspill to the stream corridor, unless it has first been submitted to and approved in writing by the Local Planning Authority.

Reason: to maintain a dark corridor for bats and protect the bio diversity of the stream corridor in accordance with NRM5 of the South East Plan and Planning Policy Statement: Eco Towns

75. No development approved by this permission shall begin until a scheme for the provision and management of the compensatory habitat pond complex as shown on plan ref. 8001 UA001881 04 has been submitted to and agreed in writing by the local planning authority and implemented as approved. Thereafter the development shall be implemented in accordance with the approved scheme prior to the completion of phase 1.

Reason: no detailed design proposal has been submitted for the pond complex.

76. The translocation of hedgerows shall take place outside of the bird breeding season and prior to any work commencing on the translocation of hedgerows they shall be checked by an ecologist for the presence of hedgehogs and reptiles. Should these species be present they shall be removed in accordance with the mitigation set out in the environmental statement.

Reason: To mitigate the impact of the development in accordance with Planning Policy Statement 9: Biodiversity and Planning Policy Statement 1:Eco Towns and the Sustainability Statement accompanying the application.

Waste

77. A Site Waste Management Plan, which shall demonstrate how zero construction waste will be sent to landfill, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction.

Reason: To ensure no waste is sent to landfill to meet the requirements of the Planning Policy Statement 1:Eco Towns

Other

78. Details of an assessment of the rated level of noise emitted from the energy centre against background noise levels measured 3.5m from the front façade of plot 359, demonstrating that rated level of noise from the energy centre is at least 5dB below background noise levels, when measured in accordance with BS4142 1997, shall be submitted to the local planning authority and approved in writing prior to work commencing on the construction of any building on the site. The energy centre shall thereafter be built with any acoustic measures outlined in the report and necessary to achieve the stipulated noise level. Reason RC84

79. Within 6 months of the implementation of the planning permission an Employment Implementation Plan to deliver the employment identified in the Employment Strategy shall be produced and submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be

implemented.

Reason: To ensure the creation of employment to achieve the requirements of Planning Policy Statement 1: Eco Towns

80. Details of the marketing of properties on the site including details of how they will be marketed to encourage home working and to promote sustainable transport shall be submitted to and approved in writing by the Local Planning Authority prior to the sale of properties on any phase. The marketing with regard to home working and sustainable transport shall thereafter be in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To support the creation of a low carbon community to achieve the requirements of Planning Policy Statement 1: Eco Towns

Construction Standards for Non Residential

81. Reserved matters for the non residential buildings shall closely follow the design approach for the local centre outlined at pages 48-50 of the design and access statement.

Reason: To ensure the delivery of high quality development in accordance with the requirements of PPS 1 and Cherwell Local Plan policies C28 and C30.

82. All non residential buildings shall be constructed to BREEAM EXCELLENT.

Reason: To support the creation of a low carbon community to achieve the requirements of Planning Policy Statement 1: Eco Towns

83. Details of the provision of highspeed broadband for the proposed offices, eco business centre and community hall shall be submitted to and approved in writing by the LPA prior to the commencement of construction.

Reason: To support the creation of a low carbon community to achieve the requirements of Planning Policy Statement 1: Eco Towns

84. Details of the cycle parking and facilities such as lockers and showers to facilitate cycling shall be submitted with each Reserved Matter submission relating to a building.

Reason: To support the delivery of modal shift to achieve the requirements of Planning Policy Statement 1: Eco Towns

85. Details of the cycle parking and facilities such as lockers and showers to facilitate cycling shall be submitted with each Reserved Matter submission relating to a building.

Reason: To support the delivery of modal shift to achieve the requirements of Planning Policy Statement 1: Eco Towns

86. Details of the cycle parking and facilities such as lockers and showers to facilitate cycling shall be submitted with each Reserved Matter submission relating to a building.

Reason: To support the delivery of modal shift to achieve the requirements of Planning Policy Statement 1: Eco Towns

87. All buildings shall be constructed with rainwater harvesting.
Reason: To support reduction in water use and to achieve the requirements of Planning Policy Statement 1: Eco Towns

Restriction of Use

88. The maximum size of any one retail premises shall be 400m² and all other retail units shall be a maximum size of 150m². The retail units shall not be amalgamated.

Reason: To ensure the scheme serves the needs of the local residents but does not compete with the Town Centre and to comply with South East Plan policy BE1, Cherwell Local Plan Policy C28.

89. The Eco Business centre shall be used for B1 purposes only and no other use within the Town & Country Planning Use Classes Order.

Reason: RC49A

Drainage

90. Surface water shall be dealt with through the use of sustainable urban drainage techniques in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To ensure satisfactory treatment of surface water and to achieve the requirements of Planning Policy Statement 1: Eco Towns and comply with the advice in PPS25.

Informatives

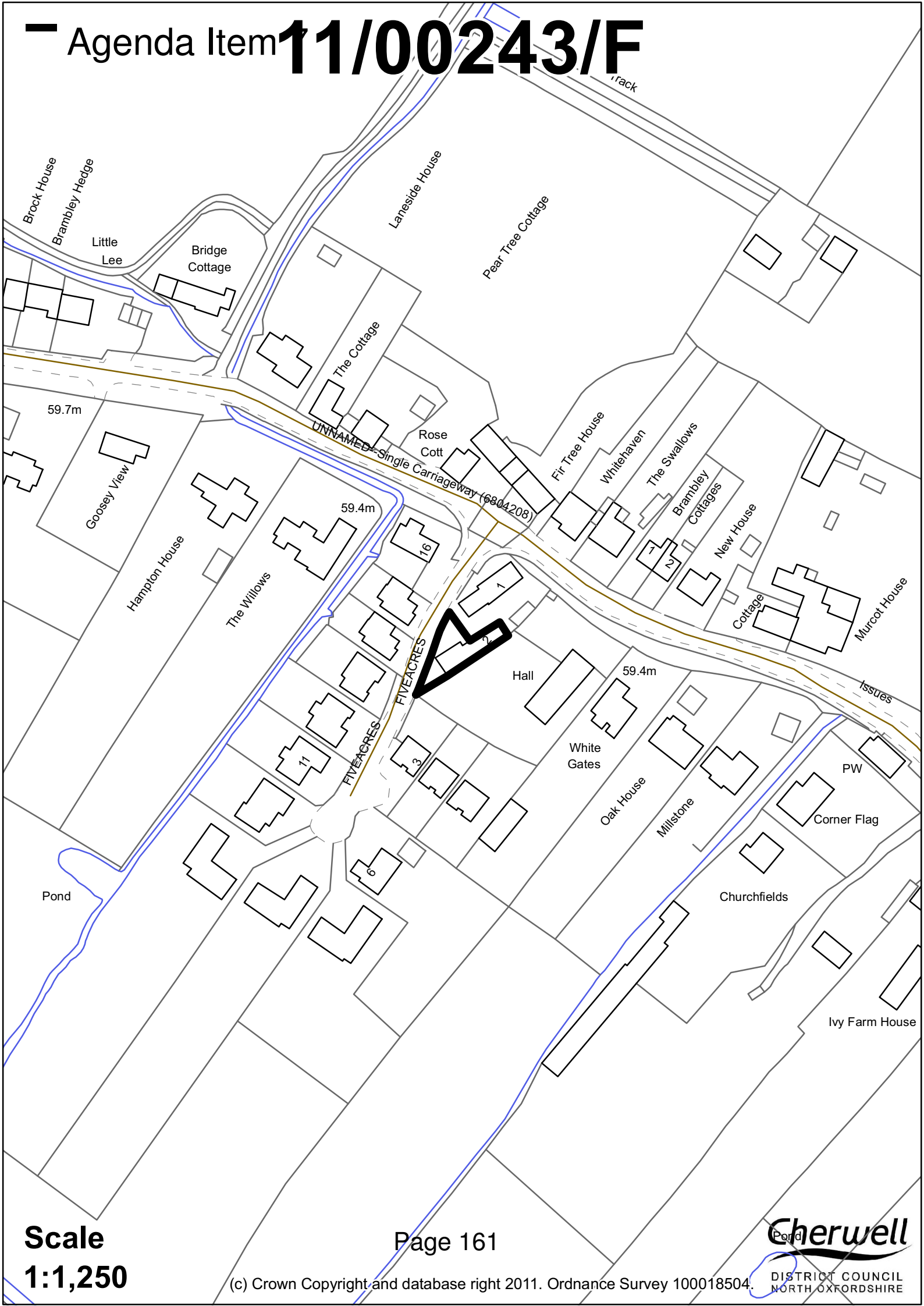
Thames Water will aim to provide customers with minimum pressure of 10m head (approx 1bar) and a flow rate of 9/liters per minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.

1. The construction or alteration of any culverting or dam or weir like structure on a watercourse, such as those on this site, requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Environment Agency resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings.
2. Flood risk modelling undertaken by a third party has been used in support of this application and the Environment Agency has applied a risk based approach to assessment of this model. The Environment Agency has not undertaken a full assessment of the fitness for purpose of the modelling and can accept no liability for any errors or inadequacies in the model.
3. Investigations by OCC's Land & Highway Records Team shows the majority of the South Entrance Works can be accommodated (again very tight) within

	<p>land classed as public highway i.e. highway boundary is up to the historic hedge line along the eastern side of the B4100 (including the ditch). This boundary was established from previous highway improvements. However there is a large section of land/ditch where there is no record of the land being classed as public highway land i.e. land is in ownership/control of a third party. For the works to take place this section of the works needs the agreement of the third party/landowner so the works can be dedicated as public highway.</p> <p>4. Please note the field/farm access within the North Entrance Works serves a 3rd party and their agreement is required/must be secured for the access closure to go ahead. It is likely require a replacement access will be required at the developer's expense – which must meet the appropriate standards and an appropriate new location.</p> <p>5. The North Entrance Works can be accommodated within land classed as public highway i.e. highway boundary is up to the fence/stone wall boundary along the eastern side of the B4100. However these works will mean the removal of the hedge-line/vegetation along this section of the B4100. It is acknowledged the land available for the North Entrance Works is very tight and it is likely the boundary stone wall in the vicinity of the dwelling known as the Lodge will be affected – any associated damage associated with these works is the responsibility of the developer.</p> <p>Summary of Reason for Grant of Permission</p> <p>The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. Although contrary to the Cherwell Local Plan the development is in accordance the South East Plan 2009, policies H1 and CO1, Supplement to PPS 1:Eco Towns and the emerging draft Core Strategy policy NWB1 and would provide a sustainable form of development. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions set out above.</p>

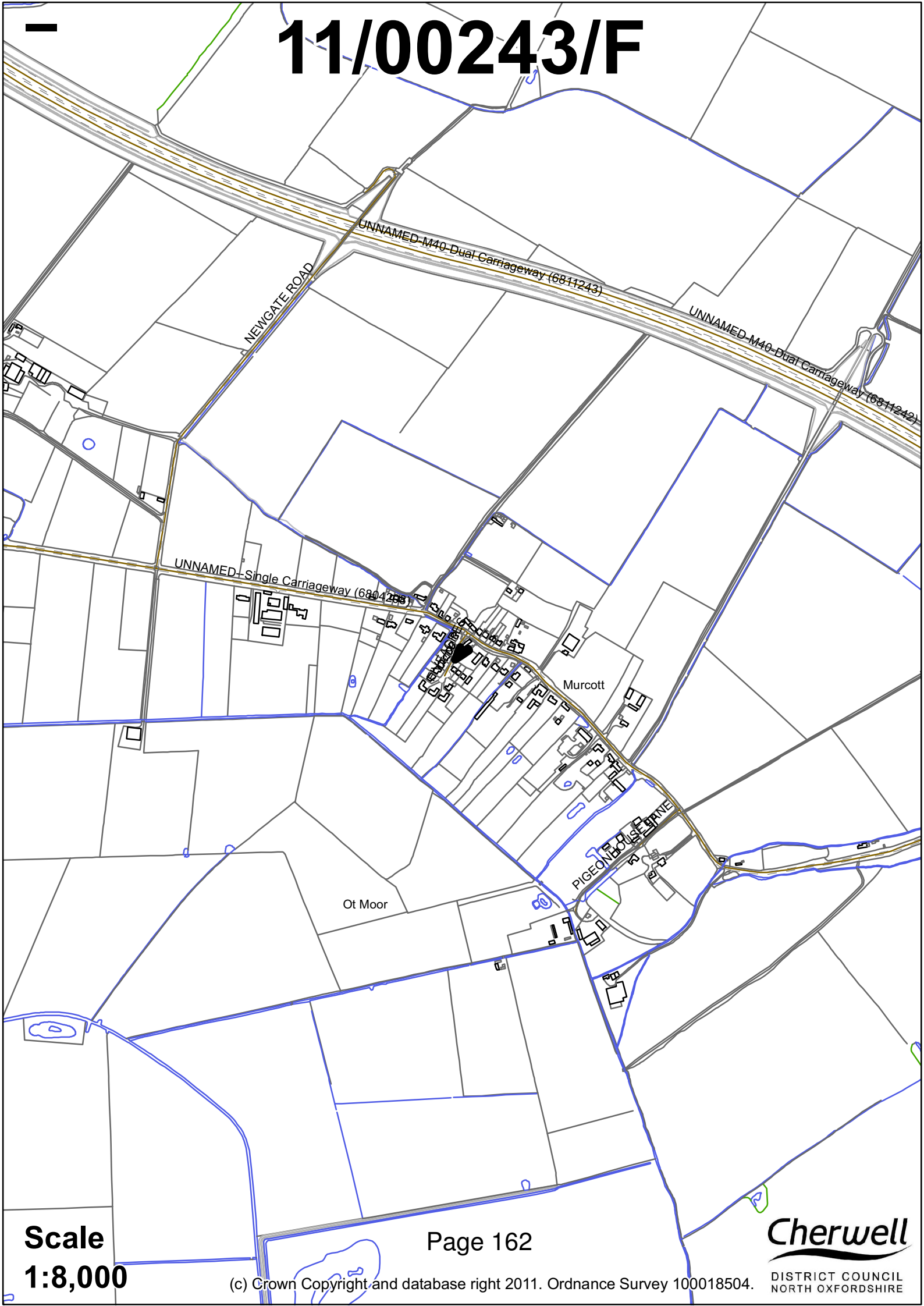
CONTACT OFFICER: Jenny Barker	TELEPHONE NO: 01295 221828
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Agenda Item 11/00243/F



Scale
1:1,250

11/00243/F



Scale
1:8,000

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Application No: 11/00243/F	Ward: Otmoor	Date Valid: 16 February 2011
Applicant:	Mr. R Brown	
Site Address:	Select France, 2 Fiveacres, Murcott, Kidlington, Oxfordshire, OX5 2RP	

Proposal: Erection of 1 No. detached cottage – re-submission of 10/01311/F

1. Site Description and Proposal

1.1 The site is situated within the Fiveacres housing development within the village of Murcott. A single storey building is currently on site, which has been used for commercial purposes in the past. Surrounding the site are residential properties, including 1 Fiveacres to the north, which is a listed building. To the south east is the village hall and playground. The site is within the Oxford Green Belt but is outside of a conservation area.

1.2 This application seeks planning permission to demolish the existing single storey building on the site and erect 1 detached cottage. The cottage would be positioned against the rear wall of the site, and on a similar angle to the cottage at 1 Fiveacres. The proposed cottage would be two storeys, but with a ridge height of only 6.3m. Off road parking would be provided at the front of the property. The property would be constructed from local natural stone, a natural slate roof and timber windows and doors.

1.3 The most relevant planning history is application 10/01311/F which was dealt with by Officers under delegated powers, for the erection of 1 No. detached cottage. This was refused in October 2010 for the following reason:

The proposal, due to its siting, height and positioning of windows serving habitable rooms to the front of the proposed dwelling, will have a seriously detrimental effect on the occupiers of the opposite properties 14 and 15 Fiveacres, by reason of its overall domination, over bearing impact, loss of privacy and light at present currently enjoyed by these occupiers. The development is therefore contrary to PPS1: Delivering Sustainable Development, PPS3: Housing, saved Policy C30 of the adopted Cherwell Local Plan and Policy D6 of the non statutory Cherwell Local Plan 2011.

Eleven dwellings were approved at Fiveacres under application CHS.710/90. A further three dwellings directly opposite the site were approved at Fiveacres under application 07/01345/F.

1.4 The application is being presented to committee for determination at the request of the Local Ward Member.

2. Application Publicity

2.1 The application has been advertised by way of a site notice and press notice. The final date for comment was 8 April 2011.

- 2.2 13 letters of objection have been received raising the following points (some from the same individuals):
- Increase density of Fiveacres to levels above that of a rural village and of many urban areas
 - Comments on the consultation process and that neighbours have not been directly consulted
 - Proposal will overlook village hall and green restricting the light, which will also be taken away from neighbouring properties, one of which is listed
 - No pavements in the area and the road is narrow, another property would result in on road parking compromising safety of pedestrians and other road users. This will also compromise residents safety
 - Difficulty with accessing parking currently
 - Is there sufficient room for a further property? Seems to be squeezed into a small plot
 - Site is unsuitable for a dwelling house being too small and awkwardly shaped
 - Murcott does not need development crammed in, which is not in keeping with the village
 - Height of house will overshadow property opposite
 - Currently views are possible over towards the village hall. The proposal will make it similar to a modern town estate
 - Children use park facilities on a regular basis and groups use the village hall. Two storey property would block sunshine from the playing area and ruin the enjoyment of the children
 - Parish green/ playing area is an integral area of the community, many people come to use it and it should be preserved for generations to come
 - Conflict between users of the park and the residents of the new house
 - Imposing on the village green and will create a sense of insecurity
 - Currently use part of this area to park car to keep it off the road
 - Noise and physical development will be detrimental. Construction of proposal will cause major obstructions and could be dangerous if emergency access is needed. Detrimental damage to the character building proven by the development opposite
 - Detrimental effect on value and setting of the close for all properties
 - Windows of bedroom in number 1 will look directly into the garden of the property
 - Redesign is not considered to overcome previous refusal reason
 - Proposal will directly overlook the rear of 1 Fiveacres, Council unlikely to enforce obscure glazing and opening windows cannot be stopped
 - Plan does not indicate close proximity of neighbouring properties opposite being less than 10m from the front of number 15 and will be detrimental to their privacy. They are marked as only an approximate position on the plans
 - Proposal will overshadow properties opposite
 - Impact on the setting of the listed building by overshadowing it, and spoiling the appearance of the area. Detrimental impact on the setting of the listed building
 - Impact on value of nearby properties
 - Contrary to planning policies relating to sustainable development and good design
 - The 'small gap' is not suitable for development and is not in keeping with the street scene or character. Village is characterized by a mix of house types and designs, but with space around them and soft landscaping, which defines the

- character of the village. Proposal will a significantly detrimental impact
- Bats have been seen in the area
- Poor design, no respect for existing dwellings in this area of the village
- Proposal will have a worse impact on the character of Murcott
- Shadowing effect on number 1 Fiveacres
- Against the Council's view to support sustainable development, the village has no shop, no school, limited bus services so reliance will be on the private car. Will it be built to code level 4 or 5? Does no meet lifetime homes standards
- Minor changes between previously refused application and current proposal. Due to window positions at the front of the house, the loss of privacy is likely to be worse than the previously refused proposal. Illogical to approve this when the previous proposal was refused
- Village Hall committee firmly object, substantial area of boundary will be incorporated into side wall of new house, unacceptable as it will change the nature of the hall facility, dominate the green, cast a shadow. Affect the way children are able to use the space as balls may be kicked against the rear wall of the house. Possibility that windows may be proposed in the wall facing the play area, which will create tensions between the residents and users of the field.

2 letters of support have been received:

- Individual lives opposite Fiveacres and would be happy to see the application approved
- No objections, children will continue to use the park as they always have done. Fiveacres is a densely populated space and to add one more to this area will make little difference

3. Consultations

- 3.1 **Fencott and Murcott Parish Council:** Object on the grounds that the re-sited position due to it being taller than surrounding properties (intended height omitted from the plans), would still have an imposing impact on houses on the opposite side of the road and that it would have an inappropriately dominating presence overlooking the village hall and children's playground
- 3.2 **OCC Highways:** No Objection subject to conditions
- 3.3 **OCC Archaeology:** Unlikely to be any impact, planning note could be used
- 3.4 **CDC Design and Conservation:** To the current application, comment that the design for the cottage is based on the traditional cottage, with a contemporary overlay. The design would be aesthetically better and give the front elevation a focal point if the front door were relocated onto the front so that it is seen directly from the highway.
To the previous application, comments were received stating that the proposal is to remove a number of unsightly, dilapidated, modern single storey buildings and to replace them with a traditional looking vernacular style cottage. It was considered that the proposal positively enhanced the setting of the listed building and providing the site is tidied up on the rear boundary would also contribute to the general ambience of the village.
- 3.5 **CDC Ecology:** Survey submitted is sufficient is scope and depth and no other

ecological impacts are likely to arise

4. Relevant Planning Policies

- 4.1 PPS1: Planning for Sustainable Development
PPG2: Green Belts
PPS5: Planning for the Historic Environment
PPS9: Biodiversity and Ecological Conservation
- 4.2 The South East Plan: Policies CO4, BE1, BE6
- 4.3 Adopted Cherwell Local Plan: Policies GB1, C2, C28, C30

5. Appraisal

- 5.1 The key points to be considered are:
 - Principle of the development in the Green Belt and taking into account the history of the site
 - Visual amenity
 - Impact on the setting of the listed building
 - Neighbour amenity
 - Highway safety
 - Other issues
- 5.2 Principle of the development

As the site is situated within the Oxford Green Belt, the assessment in terms of the principle of the development must be made in accordance with Green Belt policy. Development is restricted in the Green Belt unless it falls within a category of development deemed to be appropriate. If development is not within this category, it is considered to be inappropriate and there is a presumption against inappropriate development, which should not be approved except in very special circumstances which outweigh any harm caused. The most important attribute of Green Belts is their openness and this must not be harmed by development. Furthermore the visual amenities of the Green Belt are important and should not be injured by development.
- 5.3 PPG2 sets out the categories of development which are appropriate development within the Green Belt. Limited infilling within existing villages, is identified as appropriate development. This is reflected within Policy GB1 of the adopted Cherwell Local Plan, which states that infilling within settlements in the Green Belt may be permitted providing it does not conflict with the purposes of the Green Belt or its open and rural character. Infilling is defined within this policy as the development of a small gap in an otherwise continuous built up frontage suitable for the erection of one or two dwellings. PPG2 also suggests that the Local Plan should include policies to ensure that any infill does not have an adverse effect on the character of the village concerned.
- 5.4 It is considered that this site constitutes infill development as it is contained within the village and forms a small gap in a built up part of the village. Furthermore, due to the proposed dwelling being within the village, there is unlikely to be any significant impact upon the openness of the Green Belt. The impact of the proposal

on the visual amenities of the area and the Green Belt will be discussed below.

In terms of the planning history, Members will see that an application was refused in 2009 for a similar development. However the refusal reason related to the impact upon the residential amenity of neighbouring properties only and the officer's report demonstrates that it was considered the proposal was acceptable in principle. As such, the refusal of the previous application does not necessarily mean the current application is unacceptable if the previous issues can be overcome (which will be discussed below).

5.5 As such, it is the view of the SDPHE that the proposal is acceptable in principle. The detail of the scheme and its overall impact will now be discussed.

5.6 Visual amenity

The site is in a sensitive position being close to the listed building, and is amongst several modern dwellings including the three opposite. The dwelling itself is traditional in appearance and proportions and will be constructed from natural materials. Murcott is characterized by a mixture of properties including some large dwellings which are spaciouly spaced, but also small cottages. The proposed dwelling is fairly small, on a relatively small site, which may reduce some of the open feeling in this area. However it is a modest addition to the site, being smaller than the adjacent listed building, and it is not considered that the size is so significantly different that it would cause harm to the street scene or that the change would be detrimental to the wider area.

5.7 The dwelling being on the same angle as the listed building helps the proposed dwelling to sit comfortably on the site and being set back from the site frontage ensures that it does not over dominate the street scene from Fiveacres.

5.8 The fenestration has been designed to overcome the impact upon neighbouring amenity, which will be discussed below, however this form is not considered to cause harm to visual amenity. The Conservation Officer has commented on the position of the front door, which is appreciated, however the position on the side is not considered so detrimental to visual amenity that the proposal could be resisted on these grounds.

5.9 The proposal is considered to be sympathetic to the context of the development, will sit comfortably in the street scene, is appropriate in design for this area and the use of traditional local building materials is proposed. As such, it is considered that the proposal causes limited harm to visual amenity and the proposal complies with Policy C28 of the adopted Cherwell Local Plan.

5.10 Setting of the listed building

Due to the proximity of the site to the listed building at 1 Fiveacres, the impact of the proposal on its setting must be considered. PPS5: Planning for the Historic Environment requires this assessment to be made and states that Local Planning Authorities must consider the significance of the heritage asset and the value that it holds for this and future generations. Local Planning Authorities should also take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. This should include scale, height, massing, alignment, materials and use. Specifically in relation to the setting of a heritage asset, Local Planning Authorities should treat favourably applications that preserve those elements of the setting that make a positive

contribution to or better reveal the significance of the asset.

- 5.11 The proposed development is set back from the road frontage, is fairly traditional in design, form and the materials to be used and as such is sympathetic to the setting of the adjacent listed building. It is the view of the SDPHE that it is unlikely the proposal will have a serious impact upon the setting of the listed building, will not harm its significance and will not detract from the importance of the listed building. As such, it is considered that the proposal complies with the provisions of PPS5: Planning for the Historic Environment.
- 5.12 Comments from the Conservation Officer have been received, just suggesting that the door be moved to the front elevation, which are addressed above, however comments were also received with respect to the previous application. The view was that that proposal (which was to remove a number of unsightly, dilapidated, modern single storey buildings and replace them with a traditional looking vernacular style cottage) positively enhanced the setting of the listed building and providing the site was also tidied up on the rear boundary wall will contribute to the general ambiance of the village. These comments are agreed with and it is considered that they are also relevant to the current application.
- 5.13 Due to the condition and modern nature of the buildings on site, they are not considered to be curtilage listed buildings and therefore no Listed Building Consent is necessary for their removal.
- 5.14 Residential amenity of neighbouring properties
Given that the previous refusal reason related directly to the impact this development may have on the residential amenity of neighbouring properties, particularly those opposite, it is important that this issue is given consideration as to whether the refusal reason has been overcome.
- 5.15 The proposed dwelling is now set back on the site, and at an angle to the road and parallel to the rear boundary wall, this means that the dwelling is set as far away as possible from the neighbouring properties opposite and due to the angle, means that the proposal is not directly opposite to the properties on the other side of the road. The distance between the proposal and those opposite and the angle the property is now positioned at, is considered to help to overcome the impact by over dominance and loss of light that would have been caused by the previous proposal, and any impact caused would not be so serious that the proposal could be refused on these grounds and then sustained at appeal.
- 5.16 The proposed dwelling has also been designed with its fenestration to remove any windows at first floor to the front or rear elevations, other than roof lights, which would be positioned with the bottom of them at least 1.5m from the floor level in the room in which they serve (the front ones would be 1.65m from the floor level). This level means that there is very unlikely to be any direct overlooking at first floor level and so in terms of the neighbouring properties on the opposite side of the road in Fiveacres, the impact caused by loss of privacy to these properties is considered to be to an acceptable level. The windows at ground floor on the front elevation are not considered to cause such harm, particularly given the distances involved and the angles meaning that the windows are not directly opposite each other. It is appreciated that the perception of overlooking is also important, however due to the above assessment; it is not considered that the harm caused to the neighbouring

properties opposite would be so serious to cause harm that could be a reason to refuse the application on these grounds.

- 5.17 A further window is proposed on each of the gable ends of the proposed dwelling, both of which serve a bedroom and which are shown to be openable escape windows, with the window in the north east elevation being obscurely glazed and the window in the south west elevation being clear glazed. The window in the south west elevation is in such a position that it will face down the street of Fiveacres and as such, there is very unlikely to be any impact upon residential amenity from this window. The window shown on the north east elevation is however more of a concern, particularly due to the fact that it opens and there would then be the possibility of over looking to the house and garden of 1 Fiveacres. This window was originally proposed to form a means of escape, however having spoken to the Building Control department, there is an alternative in that fire doors and a protective staircase could be used, which would still result in the property complying with the Building Regulations. As such, and given that there could be still the perception of being overlooked, a condition has been recommended to ensure that the window on the north east gable elevation is not installed. This would ensure that there is no undue impact upon the residential amenity of the occupiers of 1 Fiveacres. A door would still be in this elevation, but given there is some existing boundary treatment, and the fact that it is at ground floor level only, the impact from this door would be minimal.
- 5.18 Given the above assessment, it is considered that the proposal has overcome the previous concerns that were held in relation to the impact upon residential amenity and that the proposal is acceptable. As such, the proposal is considered to comply with policy C30 of the adopted Cherwell Local Plan.
- 5.19 Highway safety
The proposal forms a two bed cottage and two off-road parking spaces are proposed. The Local Highway Authority has assessed the application and raises no objections subject to the imposition of a condition, which has been recommended. The proposal is therefore considered to be acceptable in highway safety terms. The concerns from the neighbouring properties in relation to this matter are appreciated, however given the view of the Highway Authority, it is not considered that the proposal would have such an impact the proposal could be resisted on these grounds.
- 5.20 Ecology
Concern was expressed by a neighbouring property that there may be bats in the building to be demolished.
- 5.21 PPS9: Biodiversity and Geological Conservation places a duty upon local planning authorities to ensure that a protected species survey be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. PPS9 states that "It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

- 5.22 Paragraph. 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that, “local planning authorities should consult Natural England before granting planning permission” and paragraph 99 goes onto advise that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”
Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity” and;
Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.
- 5.23 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:
- 1) is the development needed for **public health or public safety** or **other imperative reasons of overriding public interest including those of a social or economic nature** (development).
 - 2) Is there any **satisfactory alternative**?
 - 3) Is there **adequate mitigation** being provided to maintain the favourable conservation status of the population of the species?
- 5.24 Therefore where planning permission is required and protected species are found to be present at the site or surrounding area, Regulation 9(5) of Conservation Regulations 2010 provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local planning authority that the 3 strict derogation tests can be met prior to the determination of the application. Following the consultation with Natural England and the Council’s Ecologist advice given (or using their standing advice) must therefore be duly considered and recommendations followed, prior to the determination of the application.
- 5.25 In respect of planning applications and the Council discharging of its legal duties, case law has shown that:

- 1) if it is clear/perhaps very likely that **Natural England will not grant a licence** then the Council should refuse planning permission
- 2) if it is likely that **Natural England will grant the licence** then the Council may grant planning permission
- 3) if it is **unclear/uncertain** whether Natural England will grant a licence then the Council must refuse planning permission (Morge has clarified Woolley)

[R (Morge) v Hampshire County Council – June 2010 Court of Appeal case]
[R (Woolley) v Cheshire East Borough Council – May 2009 High Court case]

- 5.26 As such, an ecological survey has been carried out and submitted. The survey conducted found no evidence of bats within the building and recommended that no further surveys or mitigation measures were necessary. The Council's Ecologist has reviewed the survey and considers that the survey is sufficient and that the methodology is fine and it is agreed that there is low potential for bats and that no further surveys are required. It is considered that the applicant should be made aware of the protected species legislation and what to do should any evidence be found during construction works. It is also noted that there are no other ecological impacts likely to arise from the proposals.
- 5.27 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered and there are no protected species on site, which are likely to be affected. The proposal therefore accords with PPS9 and Policy C2 of the adopted Cherwell Local Plan.
- 5.28 Other matters
 The comments of the County Archaeologist are noted and a planning note has been recommended. The comments of third parties and the Parish Council are noted and have either been addressed above or will be considered now.
- 5.29 Several neighbouring properties have commented on the fact that they were not directly consulted, but that it appeared they had been on the Council's website. This application was registered around the time the Council stopped consulting neighbouring properties directly, but in this case, a list of neighbours was produced. The proposal has been advertised correctly however, both by a site notice and in the Local press.
- 5.30 There have been a number of concerns raised about the impact of the development on the village playground, just to the rear of the site and the possible future implications this may bring and the impact by loss of light, over dominance and the possible impact by kicking of balls against the rear wall of the house. Whilst the concerns are appreciated, there are no planning policies which would directly protect a play area from this type of development and although policies relating to protecting the wider environment and the character of the area are in place, the overall impact caused is not considered to be so serious that the proposal could be refused on these grounds. The proposal will not stop the play ground from being used, it represents only a relatively small part of the boundary with the play ground, there are no windows proposed in the rear elevation overlooking the play ground (and permitted development rights for these have been removed) and due to the

orientation, loss of light and overshadowing would only occur later in the evening and only affect a small area of the play ground. Furthermore, the residents of the dwelling would know the situation with the play ground. This impact however is considered not a reason to refuse a planning application.

5.31 The arguments relating to sustainability are noted, however given this proposal is for one additional dwelling, in a green belt village where infill development is acceptable, this argument is not considered to be so strong, the proposal could be resisted on these grounds.

5.32 Loss of property value is not a planning matter. Furthermore, issues of construction are not a matter an application could be refused on.

5.33 Conclusion

As has been demonstrated, the proposal is considered to cause limited harm and is considered to comply with the above mentioned policies. The proposal is therefore recommended for approval, subject to the following conditions

6. Recommendation

Approval; subject to the following conditions:

1. 1.4A (RC2) [Full permission: Duration limit (3 years)]
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: application forms, design and access statement and drawing number BRO/11/01 B
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 PPS1: Delivering Sustainable Development
3. 2.3DD (RC5B) [Natural stone – Limestone – (Not weathered)] insert 'dwelling and rear boundary wall'
4. 2.2BB (RC4A) [Samples of roofing materials] insert 'slate' 'dwelling'
5. 5.5BB (RC5B) [Painted timber windows]
6. 2.10A (RC7A) [Floor levels] insert 'dwelling'
7. 2.13AA (RC8A) [Demolition of Buildings – before commencement of the development]
8. 4.13CD (RC13BB) [Parking and manoeuvring area retained]
9. Notwithstanding the approved plans, the first floor window in the north east elevation of the dwelling shall not be installed. (RC6A)
10. The development hereby permitted shall be carried out in accordance with the recommendations set out Bat Survey report by Cotswold Wildlife Surveys dated 13 May 2011 unless otherwise agreed in writing by the Local Planning Authority. (RC85A)
11. 6.2AA (RC32A) [Residential – No extensions]
12. 6.3A (RC333) [Residential – No new windows]

Planning notes

X1 – Ecology

O1 – Archaeology

S1 – Post permission changes

T1 – Third party interests

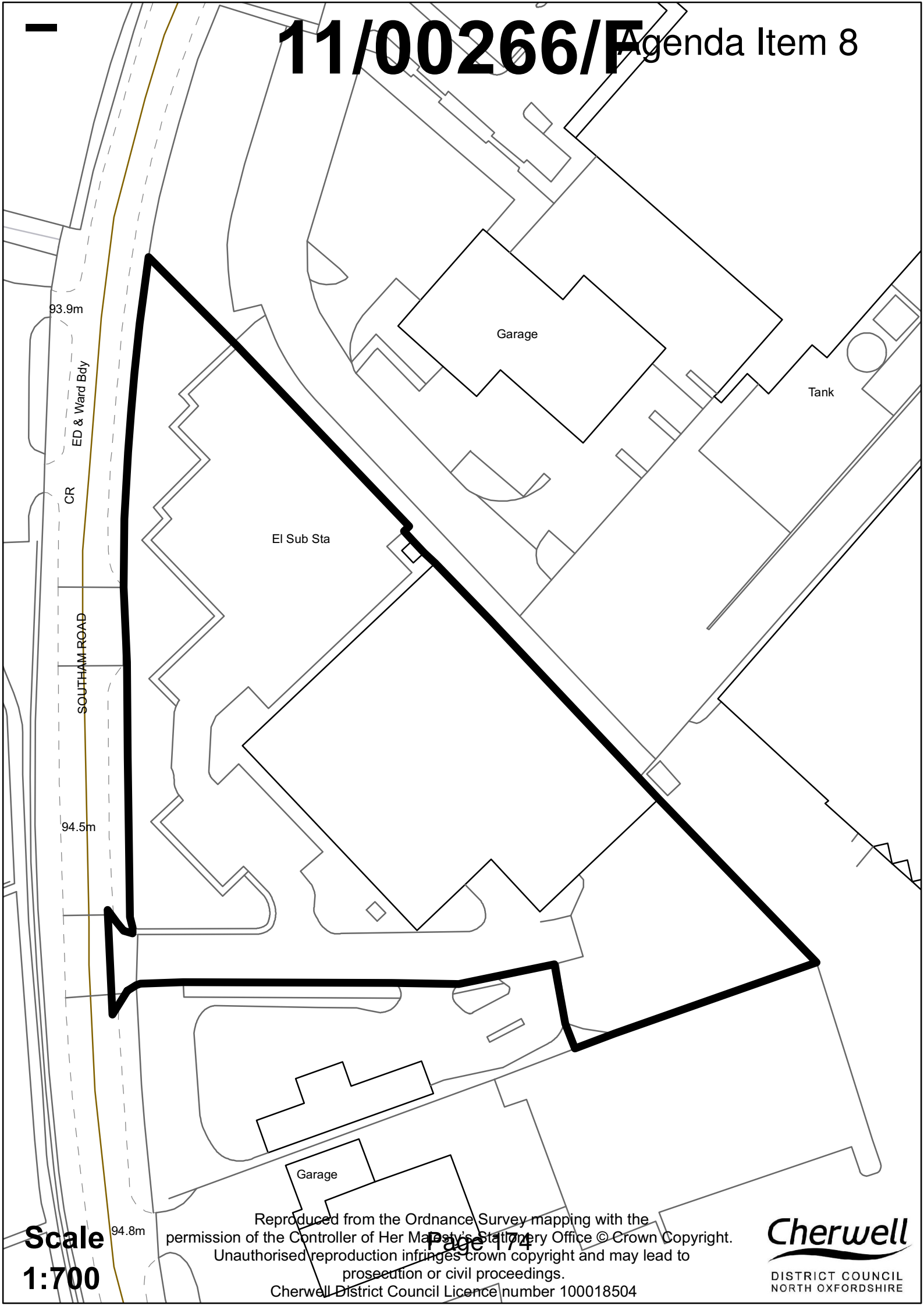
U1 – Construction sites
ZZ – Unsuspected contamination

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

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of the site and surrounding area and preserves the significance of the parallel listed building. The proposal has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. The proposal is also considered to be appropriate development in the Green Belt and will not harm its openness or visual amenities. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPG2: Green Belts, PPS5: Planning for the Historic Environment, PPS9: Biodiversity and Ecological Conservation, Policies CO4, BE1 and BE6 of The South East Plan and Policies C2, C28, C30 and GB1 of the adopted Cherwell Local Plan. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted.

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Scale
1:700

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

11/00266/F



Scale
1:10,000

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CHERWELL DISTRICT COUNCIL
OXFORDSHIRE

Application No: 11/00266/F	Ward: Banbury Grimsbury and Castle	Date Valid: 22 February 2011
Applicant:	Colin Knott and Jon Cookson Joint Fixed Charge Receivers	
Site Address:	Unit 1 Adj Topps Tiles, Southam Road, Banbury	

Proposal: Alternations to existing building comprising external alterations at ground floor level: including installation of new shop front and entrance feature (front elevation) and new fire escape door (rear elevation); internal alterations: including installation of mezzanine floor, 3 no. fire escape staircases, 1 no. feature customer staircase and new customer lift and consequential reconfiguration of car parking

1. Site Description and Proposal

- 1.1 The property is located on the east side of Southam Road within a mixed commercial area. Adjacent occupiers include retailers of DIY products and car showrooms. The site is located in an out of centre location in an area that has developed as a location for the retail of 'bulky' goods.
- 1.2 Planning permission is sought for alterations to the building as set out above.

2. Application Publicity

- 2.1 The application has been advertised by way of a press notice and site notice. The final date for comment was 31 March 2011.
- 2.2 No letters of representation have been received.

3. Consultations

- 3.1 **Banbury Town Council:** no objections
- 3.2 **Head of Planning and Affordable Housing Policy:** provides detailed consideration of the application concluding that whilst the proposal would make use of a long term, vacant unit, the information submitted does not demonstrate that the proposal would not adversely affect the viability and vitality of the town centre.
- 3.3 **County Highways Liaison Officer:** raises no objections stating that appropriate access, levels of parking provision and associated manoeuvring areas would be provided/remain. A contribution is required towards the Local Transport Strategy given the increased vehicular movements that would result from the increase in floorspace.
- 3.4 **Head of Safer Communities:** If it is proposed that the signage to the building be illuminated then prior approval of the lighting levels and method of illumination will be required.

- 3.5 **Thames Water:** raises no objections in relation to the water or sewerage infrastructure

4. Relevant Planning Policies

- 4.1 Planning Policy Statement 1: Delivering Sustainable Development
- 4.2 Planning Policy Statement 4: Planning for Sustainable Economic Growth
- 4.3 Planning Policy Guidance 13: Transport
- 4.4 South East Plan
Policy TC2: New Development and Re-development in Town Centres
- 4.5 Adopted Cherwell Local Plan (1996): No relevant saved policies
- 4.6 Non-Statutory Cherwell Local Plan
Policy S1: Sequential Approach
Policy S2: Maintenance of a Compact Central Shopping Area

5. Appraisal

- 5.1 Members will recall that this application was deferred at the Committee Meeting on 19 May this year as since the publication of that committee report the applicant provided further information, in relation to which SDPHE considered that further assessment was required. To assist with this assessment, SDPHE sought the views of CBRE (CB Richard Ellis) which accounts for the delay in re-reporting this application to committee. The views and conclusions from CBR are referred to throughout the report.

5.2 Main Planning Considerations

- 5.2.1 The main issues to consider in the determination of this application are as follows:
- Planning History
 - Principle of out of Town Retail
 - Sequential Test
 - Impact Assessment
 - Transport, Highways and Sustainability
 - Visual Amenity

Each of these matters are considered in turn below.

5.3 Planning History

- 5.3.1 00/01478/OUT: Demolition of existing building and erection of a leisure facility (Outline) (as amended by plans received on 02.02.01) – REFUSED on the following grounds:

The proposed development, by reason of its location, is considered to be contrary to Policy TC4 of the Oxfordshire Structure Plan 2011, Policy S1 of the Cherwell Local plan 2011 Deposit Draft and the guidance given in Planning Policy Guidance

Note 6 in that the considerations of the sequential test have not been fully satisfied and that the strategy within the emerging development plan requiring major retail and commercial leisure developments to be sited in suitable town centre locations as first preference would be harmed by the proposal. Furthermore, the proposal would not contribute to the enhancement of the vitality and viability of the town centre and could prejudice the viability of commercial leisure proposals in the town centre, where opportunities exist for such development consistent with the Development Plan and PPG6.

- 5.3.2 01/01358/OUT: Demolition of existing building and erection of non-food bulky goods retail unit including alterations to existing vehicular and pedestrian access to the highway (as amended by plans received 16.09.02) – APPROVED with the following condition

Condition 6: That the retail use hereby permitted shall be limited to building materials, DIY home and garden improvement products, hardware, self assembly and pre-assembled furniture, household furnishings, floor coverings, motor accessories, electrical goods and office supplies and for no other purpose whatsoever notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), other than the ancillary sale of sweets or food consumption on the premises, providing the area given over to the sale of such items does not exceed 10% of the floor area of the unit.

Reason - In order to minimise the impact on the vitality and viability of the retail outlets in Banbury Town Centre.

- 5.3.3 02/02659/REM: Reserved matters application ref.: 01/01358/OUT for erection of non-food bulky goods retail unit (as amended by plans and letter received on 16.01.03) - APPROVED
- 5.3.4 07/01129/F: Section 73 application to vary condition 6 of permission 01/01358/OUT to allow food retail (as amended by revised plan received 27.07.07) – REFUSED on the following grounds and DISMISSED AT APPEAL

1 a) The Local Planning Authority considers that the proposal being in an out-of-centre location is contrary to Policy TC1 of the Oxfordshire Structure Plan 2016 and is also contrary to Policy TC2 of the Oxfordshire Structure Plan and the requirements of PPS6 – Planning for Town Centres as the proposal is in an out-of-centre location where the applicant has not demonstrated that a quantitative or qualitative need exists for the development nor that all sequentially preferable sites in the town centre or edge-of-centre have been thoroughly assessed as being unavailable, unsuitable or not viable before considering the proposed out-of-centre location.

b) In addition, the Local Planning Authority is concerned that the proposal, if approved, would be detrimental to the vitality and viability of the town centre insofar as it could have an adverse effect upon investment in the future provision of convenience floor space in the town centre and could impact upon existing food retailers in the town centre, which would potentially reduce the range of shops and services provided in the centre, to the disadvantage of less mobile social groups leading to increased social exclusion.

c) Furthermore, the Local Planning Authority considers that the proposal would promote increased use of the private car that runs contrary to the objectives of PPS1 and PPG13 and would increase the risk of social exclusion of less mobile groups because the site is in an out-of-centre location that is not accessible by a choice of means of transport, including public transport, and is principally accessible by private car, with limited opportunities to reduce car journeys or undertake linked trips.

d) Finally, the Local Planning Authority has concluded that there are no material considerations sufficient to outweigh the development plan and policy conflicts identified in this reason for refusal.

2. In the absence of a satisfactory unilateral undertaking or any other form of s106 legal agreement the Local Planning Authority is not satisfied that the transport infrastructure required to serve the proposed development will be provided, which would be contrary to Policies G3 and T8 of the Oxfordshire Structure Plan.

5.3.5 Summary of Inspector's reasons for Refusal

- Accessibility
 - Location not well served other than private car
 - Well beyond convenient walking distance from town centre
 - Close to little existing housing
 - Unattractive to pedestrians/cyclists
 - No evidence of buses stopping
 - Would not facilitate multi-purpose journeys
 - Linkages between the sale of bulky goods and food is limited
 - Existing arrangement discourages linked trips
 - No s106/Unilateral Undertaking
- Need and Impact
 - Would exacerbate deficiency of Town Centre convenience stores
 - Would exacerbate leakage of convenience expenditure
 - Would jeopardise trading performance of town centre stores
 - Evidence wholly unconvincing
 - Existing stores vulnerable
 - Convenience sector of town centre is lower than average
 - Under representation of convenience outlets in the town centre
 - Fails crucial PPS6 tests

5.3.6 07/02409/F: Section 73 application to vary condition 6 of permission 01/01358/OUT to allow food retail (resubmission of 07/01129/F) – REFUSED for the same reason as 07/01129/F

5.3.7 Summary of Planning History

Based on the above planning history for the site, it can be concluded that the Council considers the site to be appropriate for a non-food bulky goods retail unit, subject to a restriction over the range of goods sold.

5.3.8 Together with food shopping, the site has not been considered appropriate for leisure uses. The reasons for refusal of the applications referred to above include inconclusive sequential testing, the impact upon the vitality and viability of the town centre, the impact upon future town centre proposals, increased use of the private vehicle and the social exclusion of the less mobile.

5.3.9 Whilst the current proposal is not for leisure or food retail shopping, consideration must be given to these general themes when considering the proposal for the sale of a range of non-bulky goods. These matters are explored throughout the assessment of the application below.

5.4 Principle of Development

5.4.1 Amongst other alterations which are assessed under Other Matters at para 5.7 below, the proposal seeks to construct a mezzanine floor within the existing unit measuring 1,006sqm (72% increase over the current floorspace).

5.4.2 Due to its date of adoption, PPS4 needs to be given considerable weight alongside the Council's adopted development plan, and as such the proposal is considered against those policies which relate to town centre use development proposed in an out of town centre location which are not in accordance with an up to date development plan. PPS4 policies require thorough sequential and impact assessments to be carried out in relation to any such proposal submitted.

5.4.3 A sequential assessment must make a thorough assessment of all possible town centre sites, taking into account their availability, suitability and viability. Where it is demonstrated that no town centre sites are available, preference must be given to edge of town centre locations that have good pedestrian links to the town centre and potential occupiers must demonstrate flexibility with regard to scale, format, car parking and disaggregation.

5.4.4 An impact assessment must take into account impact upon a) private investment in a centre or centres within the same catchment, b) town centre vitality and viability, c) allocated sites being developed in accordance with the development plan, d) in centre trade/turnover and trade in the wider area, e) the extent to which the proposal is of an appropriate scale if located in or on the edge of a town centre and f) locally important impacts on the town centre.

5.4.5 The agent for the application has provided a retail assessment which provides critical analysis against the relevant policies within PPS4 in order to make an assessment as to whether the application could be considered to be acceptable or not in principle.

5.5 **Sequential Assessment**

5.5.1 Assessment of town centre sites (taking into consideration availability, suitability and viability)

5.5.2 At the time of publishing the previous committee report for the meeting on 19 May, only ten sites had been considered and therefore the Council was not satisfied that all sequentially preferable sites in Banbury had been assessed.

5.5.3 Since the submission of the application, the agent has provided a further sequential test which gives consideration to eight further sites in addition to those that were originally assessed.

- 5.5.4 The applicant identifies three requirements for the proposed store which include sufficient floorspace, adjacent surface level car parking and appropriate external servicing and delivery areas. The assessment concludes that no sites have been identified that are suitable and available which would viably accommodate such development.
- 5.5.5 SDPHE is satisfied that this is the correct conclusion, a view which is supported by CBRE. In reaching this conclusion, Dunelm has demonstrated an appropriate level of flexibility as set out below.
- 5.5.6 Demonstration of flexibility (scale, format, car parking and disaggregation)
- 5.5.7 In terms of scale, and in consultation with CBRE, SDPHE recognises the fact that even with the proposed mezzanine floor (which is being considered under the parallel application) the proposed store would be operating over a floorspace that is around 33% smaller than a standard sized Dunelm store and therefore flexibility has been demonstrated.
- 5.5.8 With regard to format it is appreciated that Dunelm is willing to operate over two floors and that in addition to this, the ancillary café that would normally be provided in association within a Dunelm store has been omitted from the scheme, which demonstrates flexibility.
- 5.5.9 Referring to car parking, as set out in CBRE's report, there is some doubt that Dunelm sells a significant range of bulky goods as in reality, many of the goods are small scale items. As such it is difficult to agree that a substantial amount of adjacent parking is required particularly as CBRE points out, Dunelm offers a home delivery service. In this respect therefore insufficient flexibility has been demonstrated.
- 5.5.10 Lastly, in terms of disaggregation and based on all information submitted by the agent, CBRE also indicates that it would be unreasonable to expect Dunelm to disaggregate different elements of their store (to a town centre location for example) and as such SDPHE does not consider that flexibility needs to be demonstrated in this respect.
- 5.5.11 Taking each of the factors of flexibility into consideration and recognising the requirements of the store, SDPHE, in consultation with CBRE is satisfied that an appropriate level of flexibility has been demonstrated
- 5.5.12 Conclusions on Sequential Testing
For the reasons given above, SDPHE considers that a thorough assessment has been made of all sequentially preferable sites within Banbury and it has been concluded that there are none immediately available which would suit Dunelm's requirements. Furthermore, Dunelm has demonstrated flexibility in terms of scale, format, parking and disaggregation. The key issue for further assessment therefore is impact.
- 5.6 **Impact Assessment**
- 5.6.1 Impact of the proposal on existing, committed and planned public and private investment in a centre or centers in the catchment area of the proposal

- 5.6.2 The retail assessment states that there are no proposed town centre development schemes. This is not accepted. The Council is active in considering the future of a number of edge of town centre sites, at least some of which may accommodate some element of retail, namely Bolton Road, the former Spiceball site and Canalside. No reference has been made by the applicant in terms of the impact of the proposal upon these future sites, however they recognise that the Bolton Road site that it is unlikely to come forward for development in the near future and therefore any commitment on this site would not be impacted upon by this proposal. On a smaller scale, there are a number of recent permissions for retail development including sites at Calthorpe House, the warehouse adj 12 Marlborough Road, Pepper Alley and 5 Butchers Row. No consideration has been given to the impact of the proposal upon these commitments which CBRE considers to be necessary in order to assess impact. Further evidence is required to demonstrate that the proposals in isolation or together will have no impact on these committed uses.
- 5.6.3 Given the above assessment it is SDPHE's view that in the absence of any evidence to the contrary, the approval of an out of centre retail unit could not be considered to have no impact upon the committed retail uses. If further out of centre retailing is permitted this will diminish the opportunities to undertake more appropriate edge of centre development by diverting that demand to inappropriate locations. With no verification in relation to this matter SDPHE is not satisfied that public and private investment would not be impacted upon by the proposal..
- 5.6.4 Impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison convenience retail offer
- 5.6.5 The applicant's reference to the Bolton Road site (Draft Core Strategy allocation) is noted, however PPS4 requires assessment in relation to town centre vitality and viability giving consideration to consumer choice and the range and quality of the comparison and convenience retail offer. It is reasonable therefore to give consideration to the existing town centre circumstances rather than those that have not yet been allocated. Banbury town centre accommodates a range of retail units which offer good provision of comparison goods retailers targeted mainly at the middle/market class (CBRE 2010 Retail Update). Giving consideration to Dunelm's range of products, it is considered that there is the potential for a level of overlap that could negatively affect the vitality and viability of the town centre. Retailers such as Cargo Homestore, Debenhams, British Home Stores, Fashion Fabrics, Laura Ashley and Robert Dyas (together with other smaller one off retailers), all sell the products that Dunelm wish to sell from the proposed site in addition to those that can already be lawfully sold (fabric, household goods, homewares, soft and hard household furnishings and decorative products).
- 5.6.6 The submitted Retail Assessment accepts that as a result of Dunelm occupying the unit in question there may be some overlap with goods sold in the town centre, however it goes on to state that the degree of overlap would be minimal. The assessment provides no evidence to support this statement and CBRE considers that this is insufficient to conclude that the proposal will have no adverse impact on the comparison stores mentioned above.

- 5.6.7 Given the observations and conclusions drawn, SDPHE considers that the proposal does not demonstrate that there would not be an unacceptable impact upon the vitality and viability of the town centre.
- 5.6.8 The impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan
- 5.6.9 The statement in the Retail Assessment on this issue is noted. The draft allocation of the Bolton Road site is not yet adopted and there are no other allocated retail sites within Banbury Town Centre.
- 5.6.10 In the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure and capacity in the catchment area up to five years from the time the application is made, and where applicable on the rural economy
- 5.6.11 The submitted Retail Assessment claims that, based on the CBRE 2010 Retail Update, there is capacity (or quantitative need) for additional retail floorspace, however in reviewing the applicant's assessment of impact, it is CBRE's view that this assessment is very brief stating that it is not sufficient simply to conclude that there will be 'very little prospect of a harmful impact in the town centre' without supplying any quantitative analysis of the likely trade draw to evidence this.
- 5.6.12 There are a number of stores in the town centre which may be impacted upon by this proposal due to the fact that a wide range of goods would be sold from the unit. And whilst CBRE suggests that this may mean that the impact is dispersed across the town centre, clear evidence is required to demonstrate this.
- 5.6.13 Based on the advice received from CBRE, SDPHE considers that an analysis of the likely trade draw as a result of the proposal is necessary. As this has not been carried out to date, SDPHE is not convinced that the proposal to increase the footprint of the building by 1,006sqm would not have a harmful impact upon in centre trade and turnover.
- 5.6.14 If located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres
- 5.6.15 It is considered that as the site is beyond the edge of the town centre this element of EC16 does not apply to the consideration of the proposal.
- 5.6.16 Any locally important impacts on centres
- 5.6.17 It is not considered that the proposal would give rise to any locally important impacts on the existing town centre over and above those set out at 5.6.4-5.6.7 and 5.6.10-5.6.15
- 5.7 **OTHER MATTERS**
- 5.7.1 Highway Safety
- 5.7.2 As set out above, the Local Highway Authority raises no objections to the creation

of additional floorspace within the building commenting that an appropriate access, level of parking provision and associated manoeuvring areas would be provided/remain and stating that the submitted staff travel plan is appropriate and provides reasonable and practical objectives and measures in the interests of reducing single occupancy car trips (recommended to be secured via condition).

- 5.7.3 In addition to the above comments, SDPHE is advised that the increase in floor space would attract a greater number of trips to and from the site and it can be expected that most of these trips would be made by car and furthermore the proposal is likely to increase the number of deliveries and associated vehicles. The Local Highway Authority considers that the small increase in traffic, which is foreseen, would be unlikely to have any measurable impact upon any specific part of the local network; however, a local transport strategy is in place to tackle congestion and promote sustainable transport services and infrastructure.
- 5.7.4 The Local Highway Authority seeks financial contributions towards the strategy in proportion to peak hour trip generation. Currently, a contribution of £2,100 is requested per additional average peak hour trip, therefore a contribution of £9,450 at price base Baxter Jan 2011 is required. The financial obligations can be met via a Unilateral Undertaking.
- 5.7.5 Based on the above assessment of the proposal in highway safety terms and subject to the receipt of the required financial contributions towards the local transport strategy and a condition relating to the travel plan, SDPHE considers that the proposal complies with PPG13. It should be noted however that in relation to the Travel plan, it would be unreasonable to tie this via condition to Dunhelm. Instead a more standard approach to securing a Travel plan via condition should be taken.
- 5.7.6 Design and Visual Amenity
- 5.7.7 The alterations to the external appearance of the building would be relatively minor, involving a new shop front opening, centrally positioned on the north west facing elevation (rather than being positioned to the far west of this elevation), and a new fire escape opening on the south east elevation. The arrangement of the existing parking provision would be reconfigured to allow for the repositioning of the shop entrance. The proposed alterations would be visually appropriate given the context of the area and the reconfiguration of the shop frontage would create a visual focal point for the entrance to the building. SDPHE therefore considers that the proposal would be appropriate in design and visual amenity terms in accordance with PPS1: Delivering Sustainable Development and Policy BE1 of the South East Plan.
- 5.8 Conclusion
- 5.8.1 It is concluded that Dunelm has demonstrated that there are no current sequentially preferable sites to accommodate the retail floorspace that is sought, however SDPHE is not convinced that the floorspace extension would not cause harm to the vitality and viability of the Town Centre by way of impacting upon existing convenience retailers and resulting in trade draw from the town centre. For these reasons, the application does not comply with PPS4 and therefore the application is recommended for refusal.

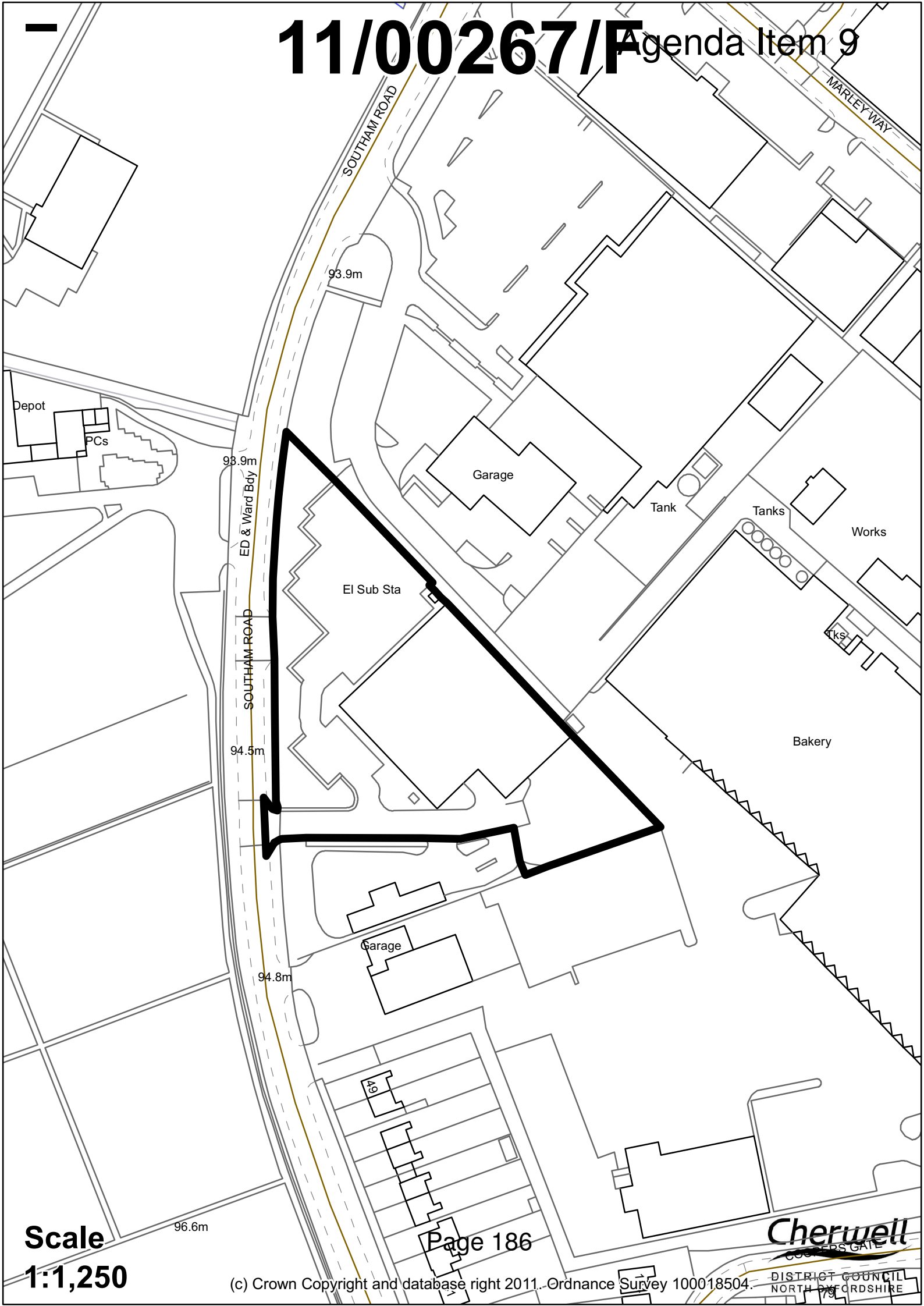
6. Recommendation

Refusal for the following reason:

The Council considers that the application for alterations to the existing building which includes the insertion of a mezzanine floor measuring 1,006sqm is unacceptable as no sound evidence has been provided which demonstrates that the proposal would not have an unacceptable impact upon the committed and planned investment in the town centre or that it would not result in unacceptable trade draw from the town centre. For these reasons, it is considered that the proposal would be detrimental to the future vitality and viability of the town centre and therefore the application is considered to be contrary to PPS4: Planning for Sustainable Economic Growth, Policy TC2 of the South East Plan and Policies S1 and S2 of the non-statutory Cherwell Local Plan.

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11/00267/F



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Page 1 of 2

Application No: 11/00267/F	Ward: Banbury Grimsbury and Castle	Date Valid: 22 February 2011
Applicant:	Colin Knott and Jon Cookson Joint Fixed Charge Receivers	
Site Address:	Unit 1 Adj Topps Tiles, Southam Road, Banbury	

Proposal: Variation of condition no 6 of 01/01358/OUT

1. Site Description and Proposal

- 1.1 The property is located on the east side of Southam Road within a mixed commercial area. Adjacent occupiers include retailers of DIY products and car showrooms. The site is located in an out of centre location in an area that has developed as a location for the retail of 'bulky' goods.
- 1.2 Planning permission is sought for the variation of condition no. 6 of outline planning application 01/01358/OUT (which restricts the sale of certain goods from the premises) to allow an increased range of goods to be sold from the unit.

2. Application Publicity

- 2.1 The application has been advertised by way of a press notice and site notice. The final date for comment was 31 March 2011.
- 2.2 No letters of representation have been received.

3. Consultations

- 3.1 **Banbury Town Council:** no objections providing still limited with no general food sales
- 3.2 **Head of Planning and Affordable Housing Policy:** provides detailed consideration of the application concluding that whilst the proposal would make use of a long term, vacant unit, the information submitted does not demonstrate that the proposal would not adversely affect the viability and vitality of the town centre.
- 3.3 **County Highways Liaison Officer:** raises no objections stating that the proposal would not generate any increased level of traffic or parking demand that would have a significant impact upon on the local highway network.

4. Relevant Planning Policies

- 4.1 Planning Policy Statement 1: Delivering Sustainable Development
- 4.2 Planning Policy Statement 4: Planning for Sustainable Economic Growth
- 4.3 Planning Policy Guidance 13: Transport

- 4.4 South East Plan
Policy TC2: New Development and Re-development in Town Centres
- 4.5 Adopted Cherwell Local Plan (1996): No relevant saved policies
- 4.6 Non-Statutory Cherwell Local Plan
Policy S1: Sequential Approach
Policy S2: Maintenance of a Compact Central Shopping Area

5. Appraisal

- 5.1 Members will recall that this application was deferred at the Committee Meeting on 19 May this year as since the publication of that committee report the applicant provided further information, in relation to which SDPHE considered that further assessment was required. To assist with this assessment, SDPHE sought the views of CBRE (CB Richard Ellis) which accounts for the delay in re-reporting this application to committee. The views and conclusions from CBR are referred to throughout the report.

5.2 Main Planning Considerations

- 5.2.1 The main issues to consider in the determination of this application are as follows:
 - Planning History
 - Variation of condition
 - Transport, Highways and SustainabilityEach of these matters are considered in turn below.

5.3 Planning History

- 5.3.1 See parallel report (11/00266/F)

5.4 Variation of Condition

- 5.4.1 The proposal seeks to vary condition 6 of 01/01358/OUT which is set out in paragraph 5.3.2 of the parallel report. The condition was imposed with the view to restricting the range of non-bulky goods that could be sold from the unit in order to protect the vitality and viability of Banbury's Town Centre.
- 5.4.2 This application has been submitted so that the unit can be used by Dunelm which is a homeware and soft furnishings store. Given the range of products that this retailer sells, permission is sought to vary the condition so that a wider range of items can be lawfully sold from the site in addition to those products referred to within the condition. The additional wording that Dunelm wishes to add to the condition is 'fabric, household goods, homewares, soft and hard household furnishings and decorative products'. A parallel application seeks to extend the floor area by way of constructing a mezzanine floor measuring 1,006sqm (see 11/00266/F), but the proposal to vary the condition can only be considered under this application in relation to the current floor space (1,394sqm).

- 5.4.3 At the time of publishing the previous Committee report for this application at the meeting on 19 May 2011, SDPHE was not convinced by the submitted details that the application would not have an unacceptable impact upon the vitality and viability of the town centre. And at that time, the restrictive condition was interpreted as allowing only bulky goods to be sold from the unit.
- 5.4.4 However since that time further consideration has been given to the precise wording of the existing condition, and whilst most of the items listed do indeed refer to bulky goods (such as building materials, DIY products, floor coverings, hardware and furniture), the terms household furnishings, motor accessories, electrical goods and office supplies in fact cover wide product ranges that are not necessarily 'bulky goods'.
- 5.4.5 Furthermore, Dunelm has submitted further supporting information about their product range and SDPHE has sought specialist advice from CBRE (CB Richard Ellis) a company that prepared the 2010 retail study update for the District as part of the LDF evidence base.
- 5.4.6 The additional information supplied by Dunelm claimed that the store could sell 85% of its current product range if the company were to occupy the building. It is stated that there is uncertainty about the remaining 15% which is what the application seeks to clarify.
- 5.4.7 In support of this CBRE agrees that Dunelm could almost certainly sell at least 85% of its product range under the current condition and, with a liberal interpretation, perhaps more. In CBRE's view the main products that would be excluded are those relating to crafts and hobbies and non-durable kitchen equipment. In an appendix of the submitted Retail Assessment, these items would amount to 6.1% of the sales floorspace which in this case would be 146.4sqm.
- 5.4.8 The fact that the impact assessment in relation to the parallel application is not considered to be sufficient should be borne in mind in relation to this proposal to vary the restrictive condition, however SDPHE considers that it is appropriate to conclude that the level of impact arising from 146.4sqm would be so small that it could be argued that it would be insignificant.
- 5.4.9 However, as CBRE has referred specifically to two product areas that are not covered by the original condition, it is considered that rather than adding the words 'fabric, household goods, homewares, soft and hard household furnishings and decorative products' to the original condition, that the words 'crafts and hobbies products and non-durable household goods' (rather than specifically kitchen goods) should be added to the condition instead. This would restrict the occupation of the unit by a standard retailer in the future should Dunelm vacate the unit.
- 5.5 Conclusion in Relation to Variation of Condition
- 5.5.1 As the wording of the condition is not as robust as it may have initially been planned to be and given the conclusions drawn by CBRE, SDPHE considers that the Council would not be in a strong position to recommend refusal for the variation of the condition as the difference in the product range that could be sold from the unit if approval is granted would be so minor that it may even be argued that the impact is non-material. However, it is considered necessary to amend the wording for the variation of the condition. Therefore and for the avoidance of doubt the

varied condition would read:

*That the retail use hereby permitted shall be limited to building materials, DIY home and garden improvement products, hardware, self assembly and pre-assembled furniture, household furnishings, **craft and hobbies products, non-durable household goods**, floor coverings, motor accessories, electrical goods and office supplies and for no other purpose whatsoever notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), other than the ancillary sale of sweets or food consumption on the premises, providing the area given over to the sale of such items does not exceed 10% of the floor area of the unit.*

[NB: **bold** indicates additional wording]

5.6 OTHER MATTERS

5.6.1 Transport Impact/Highway Safety/Sustainability

5.6.2 The Local Highway Authority raises no objections to the proposal to vary the existing planning condition relating to the site, stating that it would not generate any increased level of traffic or parking demand that would have a significant impact upon on the local highway network. The Local Highway Authority continues by stating that the application site is poorly served by alternatives to the private motor car; however there is some opportunity for linked trips and neighbouring uses are broadly similar to that proposed. Also, it is consider that the proposed use would not significantly alter the nature of goods sold, ie 'bulky' and such items would be inconvenient to transport around town centres, especially by public transport.

5.6.3 SDPHE notes the conclusions drawn in terms of the impact of the proposal upon the level of traffic generated by the proposal although the fact that the site is poorly served by alternatives to the private motor vehicle must be taken into consideration. It is also contested that the proposed use is broadly similar to neighbouring uses. Whilst Dunelm does sell an element of bulky goods, as referred to above the main focus is on home textiles which does not compare to the likes of Homebase and B&Q. To that end, the nature of goods sold from the site would not necessarily all be bulky in conflict with the Local Highway Authority's conclusions and therefore the inconvenience experienced with transporting such goods around the town centre must be questioned.

5.6.4 Visual Amenity

5.6.5 No physical alterations are proposed in relation to this particular proposal. As such the application to vary the condition would have no impact upon visual amenity, complying with general design principles as set out in PPS1: Delivering Sustainable Development.

5.7 Conclusion

5.7.1 SDPHE accepts that the variation of condition 6 of 01/01358/OUT, subject to the revised wording as set out above, would represent a minor increase in retail activity that would be so small when compared to the activity that would lawfully take place within the unit, that its impact on the vitality and viability of the town centre could be absorbed without causing harm. As such the application is recommended for

approval for the reason stated and subject to the conditions below.

6. Recommendation

Approval; subject to the following conditions

1. Time Limit (RC1)
2. That the retail use of the unit shall be limited to building materials, DIY home and garden improvement products, hardware, self assembly and pre-assembled furniture, household furnishings, craft and hobbies products, non-durable household goods, floor coverings, motor accessories, electrical goods and office supplies and for no other purpose whatsoever notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, other than the ancillary sale of sweets or food consumption on the premises, providing the area given over to the sale of such items does not exceed 10% of the floor area of the unit.

Reason: In order to minimise the impact on the vitality and viability of the retail outlets in Banbury Town Centre and to comply with PPS4: Delivering Sustainable Economic Development and Policy EC2 of the South East Plan.

3. The retail unit hereby permitted shall not be subdivided to enable any single unit to comprise less than 465 square meters (5,000sq.ft) gross floorspace.

Reason: In order to minimise the impact on the vitality and viability of the retail outlets in Banbury Town Centre and to comply with PPS4: Delivering Sustainable Economic Development and Policy EC2 of the South East Plan.

4. That no goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express permission of the Local Planning Authority

Reason: (RC50).

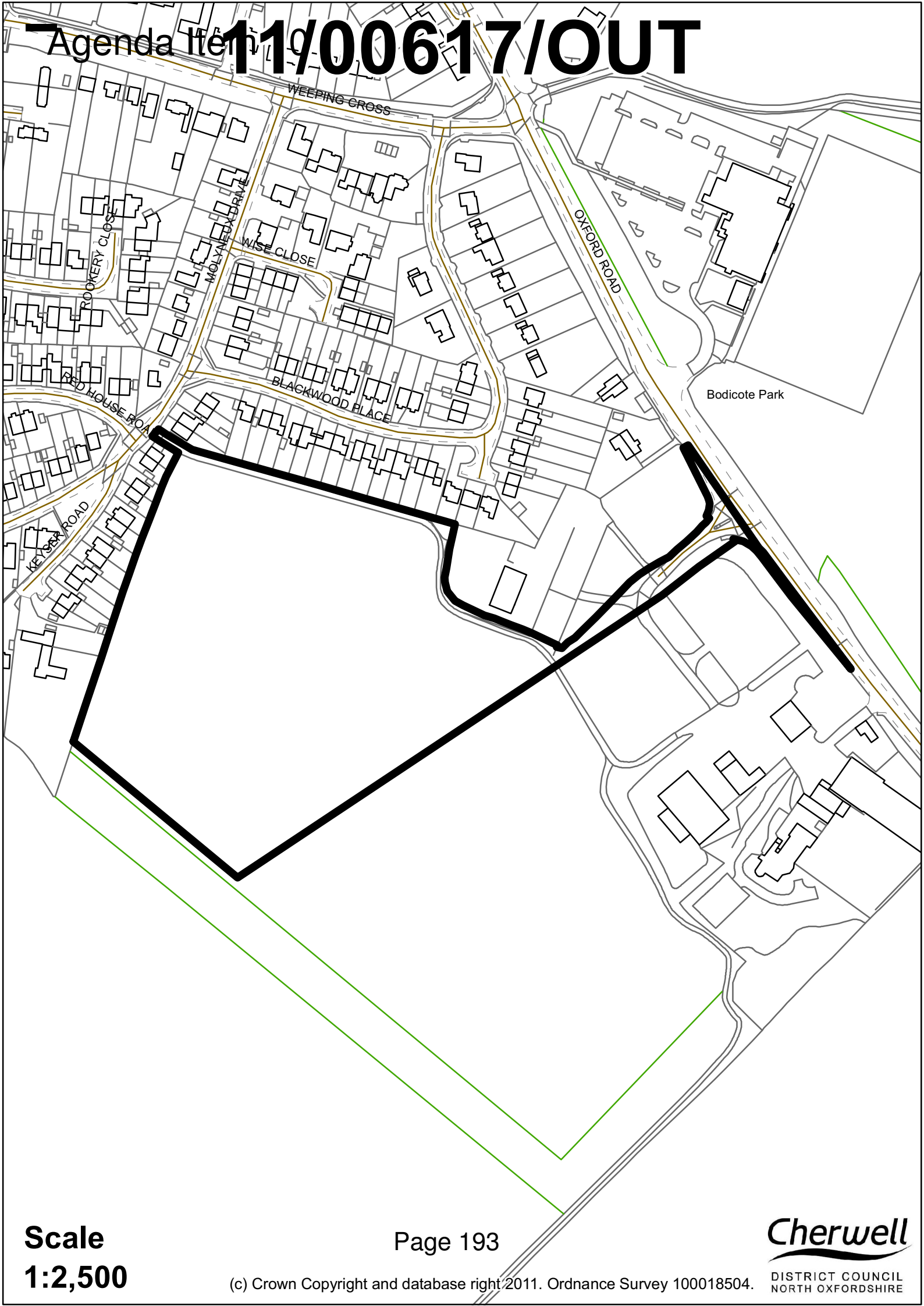
SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan, unless material considerations indicated otherwise. Incorporating and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposed development is considered to be acceptable in principle as it would not cause harm to the vitality and viability of Banbury Town Centre and would not give rise to any unacceptable transport or visual impact. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPS4: Delivering Sustainable Economic Development, PPG13: Transport, Policies CC1, TC2, T1 and T4 of the South East Plan 2009 and Policies S1 and S2 of the non-statutory Cherwell Local Plan. For the reasons given and having regard to all other matters raised including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

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Agenda Item 11/00617/OUT



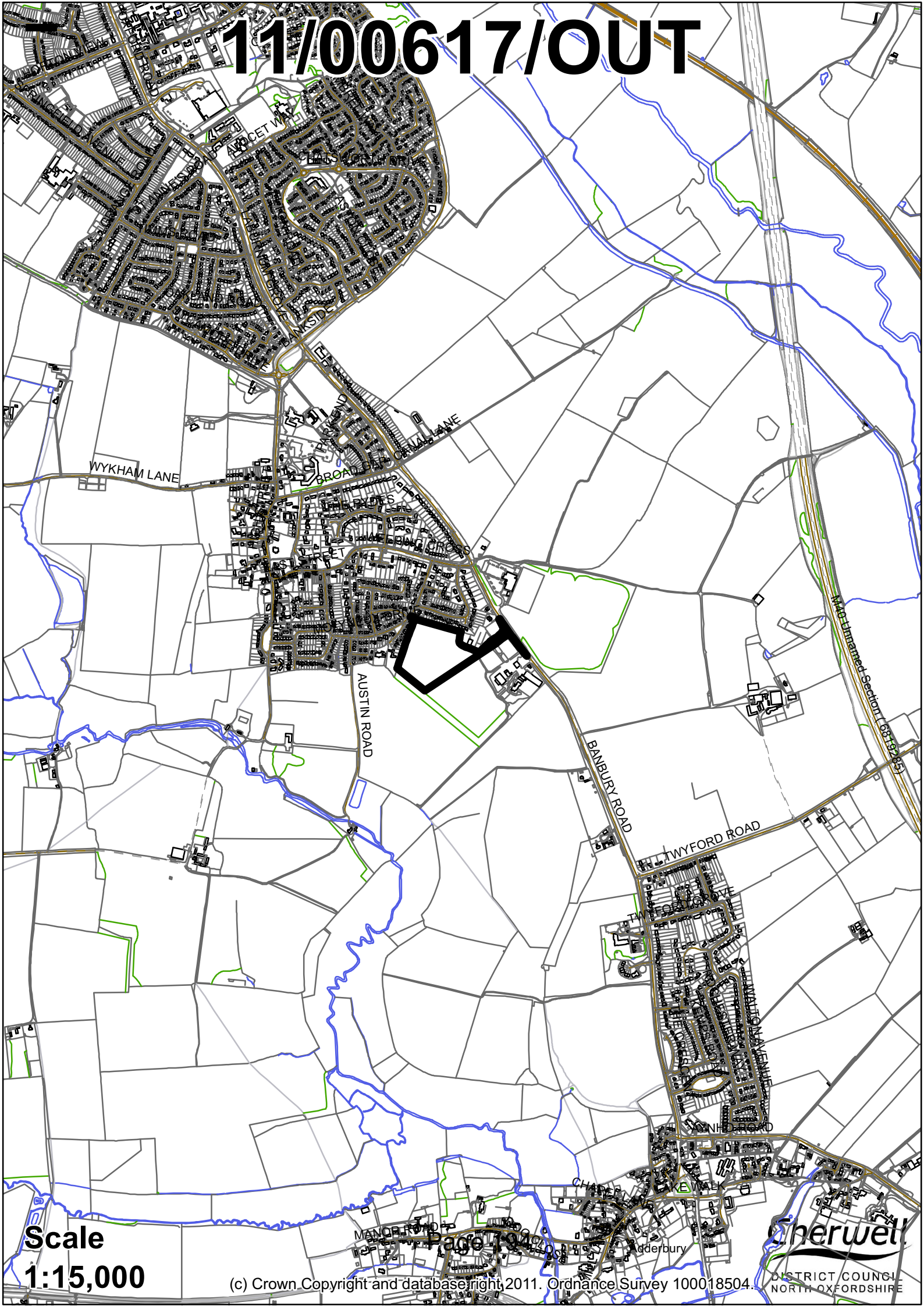
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

11/00617/OUT



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DISTRICT COUNCIL
NORTH OXFORDSHIRE

Application No: 11/00617/OUT	Ward: Bloxham and Bodicote	Date Valid: 13/04/11
Applicant:	Banner Homes Ltd.	
Site Address:	Land South of Blackwood Place and Molyneux Drive and North West of Cotefield Farm, Oxford Road, Bodicote	

Proposal: Outline application for residential development of 82 No. dwellings

1. Site Description and Proposal

- 1.1 This application is for outline consent for 82 residential units of accommodation. The application was submitted for 80 dwellings but this has been amended to 82 in order to meet affordable housing requirements. The majority of the properties are proposed to be dwellings but 8 units are proposed as flats. As this is an outline application all matters are reserved with the exception of the access. The access is intended to be taken from the existing access off Oxford Road and enter the site to the south west of the garden centre.
- 1.2 The site itself consists of agricultural land of approximately 3.77 hectares. It is bounded by Blackwood Place on the northern boundary, Keyser Road on the western boundary, an open agricultural field to the south and the existing garden centre to the east. In the north western corner of the site is an agricultural access onto Molyneux Drive. It is intended that this be used for pedestrian access into Bodicote village.
- 1.3 The site rises in height from the south to a ridge that runs on a north east to south west alignment. This results in the site being elevated in comparison with the buildings that make up Cotefield Farm, but it sits either level with or lower than the adjacent houses which bound the site.
- 1.4 Whilst this application is in outline only an indicative plan has been submitted along with indicative elevations, Planning Supporting Statement, Design and Access Statement, Transport Statement, Landscape Assessment, Phase 1 Habitat Survey, Flood Risk Assessment, Phase 1 Environmental Risk Assessment, Affordable Housing Statement, a Tree Survey and Hedgerow Evaluation and an archaeological evaluation.
- 1.5 Planning History
There are two applications of significance to this site and proposal.
10/00588/OUT – Outline application for residential development of 86 No. dwellings – withdrawn prior to determination but following the publication of the Committee agenda in which it was recommended for refusal for the following reasons;

1. *The proposal represents development beyond the built up limits of the settlement and will cause harm to the character and appearance of the countryside. Notwithstanding the Council's short term inability to demonstrate that it has the 5 year supply of housing land required by PPS 3 Housing, the development of this site cannot be justified on the basis of a temporary land supply deficiency alone, a development of this scale is inappropriate at this time given the existing lack of provision of village facilities and because of the landscape impact of the proposal. As such the proposed development is contrary to the saved policies H13, H18, C7*

and C13 of the adopted Cherwell Local Plan, policy EN34 of the Non-Statutory Cherwell Local Plan, policy BE1 of the South east Plan and Planning Policy Statement 3 Housing.

2. *The Transport Statement does not sufficiently demonstrate that the access to the A4260 is adequate to serve the development without causing harm to highway safety, contrary to guidance contained in PPG13.*
3. *In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development, including affordable housing, open space/play space, off-site playing pitches,, education facilities, library facilities, and transport measures will be provided, which would be contrary to Policy CC7 of the South East Plan, Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.*
4. *In the absence of a satisfactory archaeological field evaluation, the Local Planning Authority is not convinced that the proposed development can be undertaken without resulting in the loss of archaeological deposits which would be contrary to Policy EN47 of the Non-Statutory Cherwell Local Plan 2011 and Policy BE6 of the South East Plan 2009 and guidance contained within PPS5.*

05/02180/OUT – Outline application for residential development – Refused for the following reasons;

1. *The proposed development would be contrary to Policies H13 and H18 of the adopted Cherwell Local Plan, Policies H15 and H19 of the Non-Statutory Cherwell Local Plan 2011 and Policies G1, G2, G5 and H1 of the Oxfordshire Structure Plan 2016 which seek to guide residential development to allocated sites or sites within the existing built-up limits of settlements. In this case the site is not allocated for development in either the adopted or Non-Statutory Local Plan but lies outside the existing built-up limits of the settlement. It is therefore classed as countryside where its development would constitute an unjustified and undesirable intrusion into the countryside surrounding the village of Bodicote, which would be contrary to the policies intended to protect the character and appearance of the countryside. Furthermore, it is considered that the release of this large rural, greenfield site against Council policy would prejudice future assessments and decisions on the Council's Core Strategy and Banbury and North Cherwell Site Allocations Development Plan Document, as part of the Local Development Framework, about the most sustainable means of meeting the Council's housing requirements, as set out in the Oxfordshire Structure Plan 2016.*
2. *The proposed development would be contrary to Policy C13 of the adopted Cherwell Local Plan, Policy EN34 of the Non-Statutory Cherwell Local Plan 2011 and Policy EN1 of the Oxfordshire Structure Plan 2016. The site is situated within an Area of High Landscape Value and the location and scale of the proposed development would have an adverse visual impact upon the rural character and landscape value of this locality, increasing the outward spread of the village and intruding into the unspoilt countryside surrounding the settlement.*
3. *In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development, including affordable housing, open space/play space, off-site playing pitches, off-site indoor sports facilities, education facilities, library facilities, fire infrastructure and transport measures will be provided, which would be contrary to Policy G3 of the Oxfordshire Structure Plan 2016, Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.*
4. *In the absence of a satisfactory archaeological field evaluation, the Local Planning Authority is not convinced that the proposed development can be undertaken*

without resulting in the loss of archaeological deposits which would be contrary to Policy C26 of the adopted Cherwell Local Plan, Policy EN47 of the Non-Statutory Cherwell Local Plan 2011 and Policy EN6 of the Oxfordshire Structure Plan 2016.

5. *In the absence of an accompanying Transport Assessment, the suitability of the site in terms of a sustainable impact on the adjacent highway network and the adequacy of the site access cannot be assessed. The Local Planning Authority therefore is not convinced that the proposed development can be undertaken without detriment to highway safety, which would be contrary to Policies TR2 and TR3 of the adopted Cherwell Local Plan, Policies TR2, TR3 and TR5 of the Non-Statutory Cherwell Local Plan 2011 and Policies T1 and T8 of the Oxfordshire Structure Plan 2016. An appeal was submitted but subsequently withdrawn.*

An appeal was submitted in relation to application no. 05/02180/F but was subsequently withdrawn.

2. Application Publicity

- 2.1 The application was advertised by way of a site notice and press notice. Site notices were located at the vehicular entrance to the site, Blackwood Place, the agricultural access on Molyneux Drive and by the Public Rights of Way on Austin Road. The final date for comment was 19 May 2011. However correspondence received after this date but prior to determination has been taken into consideration.
- 2.2 65 letters of objection have been received from neighbouring residents. In some instances two letters have been received from one household and a number of responses appear to be based on a standard letter. The main reasons for objecting are summarised below;
- Destruction of natural beauty of area and loss of countryside which cannot be replaced
 - Loss of light from the rear of properties due to proximity of houses and new planting
 - Loss of privacy to adjoining properties
 - Loss of views, vistas and landmarks from private houses and village, including views of steeple of Adderbury Church
 - Impact on footpaths and bridleways
 - Loss of agricultural land which produces food crops
 - Character of the copse will change
 - Bodicote is already having to cope with new build at Bodicote/Bankside and has been developed to its capacity, plus proposed transfer of football club to the rugby club
 - Unfinished development in Weeping Cross, is there a need for further housing?
 - Will the affordable housing truly be affordable
 - Future merging of settlements
 - Impact of higher traffic movements on Oxford Road and smaller roads through village
 - Problems with access exacerbated by existing uses utilising the access
 - Not sustainable as cars would be needed to reach employment and other facilities
 - Potential for traffic to use the northern access which is wide enough to accommodate emergency vehicles
 - Development not within a community, it's on the edge

- Increased demand on school places and insufficient capacity
- Impact on wildlife that currently exist on site
- Intrusion into landscape will take away character of area. Study commissioned by CDC in 1995 stated that the land immediately south of Bodicote is an area 'where landscape character is still reasonably strong and worthy of conservation'.
- The site is not allocated in any Policy document
- Site lies beyond the built up limits of the settlement.
- Departure from local plan
- Incorrect statements in Planning Statement and Transport Statement
- Allocated or brown field sites should be used first
- The application is contrary to Policy H13, H18
- Increase noise and light pollution
- Higher density than Bodicote, with smaller plots, out of keeping with adjoining street scene
- Parking provision and estimated cars per household has been underestimated
- Gardens will be too small to result in pleasant environment
- Drainage into reservoir and Sor Brook is concerning as the area does flood in times of heavy rainfall
- Drainage system for waste water is old and inadequate
- The garden centre tea room will be affected as customers will not want to sit and view a building site
- Local facilities will not be able to cope, especially the school which is already at capacity and NHS services.
- Two storey homes are proposed to the rear of bungalows
- Lack of public consultation prior to the application being submitted
- development would set a precedent
- The houses are not needed as there are already a number of vacant properties in and around Banbury and Bodicote
- Consideration has not been given to The Red House and Cotefield House, two of the most important houses in Bodicote
- No link through to Bodicote therefore not sustainable
- Effect on home run business and holiday accommodation business
- Reduction in house values

3. Consultations

The consultation responses are summarised below, the full versions can be found on the council's website.

3.1 **Bodicote Parish Council** has strong objections to the proposal, these are summarised below;

- The land is not allocated for development within any adopted, Non-Statutory or draft core strategy
- The proposal conflicts with Policies H13, H18 of the adopted Local Plan and
- Insufficient parking provision and an underestimation of the number of cars in each household
- Although the development contains some form of affordable housing it is not considered that 3 bedroom dwellings are affordable
- Insufficient capacity in local school

- Existing traffic problems will be exacerbated and it is not clear how the traffic assessment has concluded that there will be no additional problems
- The site is not sustainable in terms of access to jobs, shopping, leisure facilities and services.
- The flooding issues have not been fully explored as downstream conditions are unknown
- The proposal will not enhance the southern edge of Bodicote and the Landscape Assessment argument is spurious
- More work is required in relation to Archaeology and ecology
- Do not believe that this development is needed for housing land supply and do not consider it can be delivered quickly
- Development will cause harm to topography and character of landscape, contrary to Policy C7
- Due to densities and small gardens the development is out of keeping with the adjoining street scene and looks more like a holiday village
- Will cause noise and light pollution to neighbouring properties
- Approval of this scheme will set a precedent

3.2 The comments of **Council's Head of Planning Policy and Economic Development** have been amended to take account of the decisions received in relation to the appeals at Chesterton and Adderbury and are summarised as follows;

- Bodicote is one of the District's most sustainable villages in terms of the presence of local facilities, including a regular bus service, and in view of its proximity to a large urban area. It is a category 1 village therefore it is a reasonable location in which to consider accommodating limited development in the interests of meeting the needs of rural communities, particularly the need for affordable housing.
- The application's proposal for 40% affordable housing is higher than the Council's current requirement of 30% and is in line with the requirement of South East Plan Policy HE3.
- The 2010 Annual Monitoring Report notes that the Council remains on track to meet Housing Strategy target of at least 600 dwellings from 2005 to 2011.
- Adopted and Non-statutory plans both resist development beyond the built up limits of settlements
- Council's Draft Core Strategy carries little weight but sets out proposed directions for growth. The proposed development is unlikely to prejudice the continued preparation of the Core Strategy. Although site lies outside the built-up limits Bodicote is one of the districts most sustainable villages and has been identified as a village at which it would be sustainable to accommodate some additional housing. The scale of development proposed in this application is also in keeping with the draft policies for rural areas. Careful consideration should be given to detailed issues.
- PPS3 requires a flexible supply of land for housing by, amongst other things, maintaining a five-year rolling supply of deliverable (available, suitable and achievable) housing land. LPAs are required to monitor the supply of deliverable sites on an annual basis, linked to the Annual Monitoring Report review process.
- Housing delivery projections from the 2010 AMR (as amended in February 2011 and updated in June 2011) show a 5.2 year supply of deliverable sites for the five year period 2011-2016. On this basis, it is considered that there

is not a housing supply justification for the proposed development ahead of the site's examination through the Local Development Framework.

- 3.3 The **Council's Urban Design Officer** has made the following comments;
- The changes to the approach to street design is welcome
 - Scheme could benefit from further landscaping or even home zone approach
 - The formality of the arrangement of dwellings that leads the eye into the central open space has been lost
 - Indicative layout demonstrates that the number of dwellings can be accommodated satisfactorily on site
 - Access isn't traditional approach to extension of village and makes integration difficult
 - Access is overdesigned and should be integrated more into the immediate landscape
- 3.4 The **Council's Landscape Planning Officer** has not commented in detail about the wider landscape impact of this proposal but endorses the assessment made at paragraphs 5.4.2 and 5.4.3 and has also made some specific comments in summary;
- Layout has been improved by relocating garages
 - Landscaping should not be provided in private gardens
 - LAPs and LEAPs are still not shown on plan but there appears to be sufficient space to provide them, as well as public open space
- 3.5 **Oxfordshire Country Council as Strategic Planning Authority** has no comments to make as the development falls below the threshold that requires a strategic response.
- 3.6 **Oxfordshire County Council as Local Highway Authority** has made the following comments;
- The proposed access is appropriate in terms of visibility and geometry.
 - During peak times parts of the local highway network are subject to delay due to increased demand; the proposal will add to these pressures but it is not considered that the proposal would have a significant impact, with trip generation being significantly less than expected daily fluctuation on the existing network
 - site relatively sustainable in transport terms
 - provision of a travel plan to further encourage use of sustainable modes of transport recommended
 - Appropriate cycle storage should be provided for all units
 - detailed layout of the development should be designed in accordance with the guidance of Manual for Streets
 - Appropriate provision must be made for parking, not only in terms of number but in terms of size, convenience and location
 - Appropriate levels (in terms of numbers) of parking spaces are quoted by the supporting documentation
- 3.7 **Oxfordshire County Council's Developer Funding Officer** has made the following comments;
- Expected that development will result in increase of population of Bodicote by

239 people including at least 11 pensioners. There is likely to be about 67 young people aged 4-17 years old, 51% of those will firstly attend primary school, 48% will be pupils of secondary school age, or VI form students; the rest will attend separate schools for those with special educational needs.

- OCC wishes to secure legal agreement for appropriate financial contributions to mitigate the effects of this development if implemented
- As the primary school is at 98% capacity and not suitable for expansion contributions would help provide improvements at nearby schools and cover the cost of transporting pupils to these schools, which runs counter to County Council's aims of providing education at the heart of the community.
- Other standard County Council contributions have been requested

3.8 **The Council's Strategic Housing Officer** states that she is happy with the affordable housing proposal. Current applicant numbers with a local connection to Bodicote is 51. However due to its proximity to Banbury the scheme will also be relevant to Banbury applicants, who form a major part of the numbers on the overall waiting list with very few new properties coming forward in Banbury currently.

3.9 The **Council's Ecologist** has commented that the submitted phase 1 report highlights the need for further ecological information in order to assess the impacts that this proposal is likely to have on species on site. Further work is also required in relation to biodiversity enhancements.

Following the submission of further information the ecologist is satisfied that further survey work is not required in relation to the potential for great crested newts. However further clarification is still required in relation to the potential for the removal of trees and hedges and the impact this may have on bats.

3.10 **Oxfordshire County Council's Archaeologist** has studied the submitted archaeological report and suggests that further archaeological recording would be required prior to development therefore appropriate conditions are suggested.

3.11 **The County Council as the Lead Flood Authority and SUDs Adoption Body** has commented that they are ready to move forward and adopt non highway SUDs but at this current time no fees for this can be charged.

3.12 **The Environment Agency** raises no objections but states that without planning conditions the development poses an unacceptable risk to the environment and there would then be an objection.

3.13 **Thames Water** makes the following comments;

- Inability of the existing waste water infrastructure to accommodate the needs of the application. However this can be resolved by the inclusion of a planning condition.
- With regard to the surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer.
- The existing water supply infrastructure has insufficient capacity to meet the additional demands of the development. However this can be overcome by a planning condition.

- 3.14 **Natural England** has made the following comments (in summary)
- Ecological survey highlights need for further species specific ecological surveys – these should be submitted before determination of the application
 - More consideration should be given to biodiversity enhancements
- 3.15 **The Council’s Anti-Social Behaviour Manager** has no observations or objections.
- 3.16 **The Council’s Arboriculturalist** has conducted a desktop assessment of the site and land adjoining the site. Whilst no objections are raised in principle it has been suggested that further surveys be submitted.

4. Relevant Planning Policies

4.1 South East Plan 2009

- SP3 – Prime focus for development on urban areas
- CC7 – Infrastructure and implementation
- BE1 – Management for an Urban Renaissance
- BE5 – Plan positively to meet the defined local needs of rural communities for small scale affordable housing, business and services
- H2 - LPAs will work in partnership to allocate and manage a land supply to deliver both the district housing provision and the sub-regional/regional provision
- H3 – Requires substantial increase in the amount of affordable housing
- H4 – Type and size of new housing
- T1 – Manage and invest
- S3 – Education and skills

4.2 Adopted Cherwell Local Plan

- H5 – Affordable housing
- H13 – Category 1 Villages
- H18 – New dwellings in the countryside
- TR1 – Provision of highways improvements or additional public transport
- R12 – Provision of public open space
- C7 – Topography and character of landscape
- C8 – Resist sporadic development in open countryside
- C13 – Areas of high landscape value
- C28 – Standards of layout, design and external appearance
- C30 – Character of built environment

4.3 Non-Statutory Cherwell Local Plan

- H1a – Availability and suitability of previously developed sites
- H4 – Types/variety of housing
- H15 – Category 1 Villages
- H19 – New dwellings in the countryside
- EN30 – Sporadic development in the countryside
- EN34 – Conserve and enhance the character and appearance of the landscape
- D3 – Local distinctiveness
- R6 – New or extended sporting and recreation facilities
- R8 - Provision of children’s play space

- R9 – Provision of amenity open space

4.4 **Draft Core Strategy**

(Regulation 25, consultation document therefore carries little weight)

- RA2 – Distribution of housing in the rural areas

4.5 **PPS 3 – Housing**

PPG13 – Transport

PPS5 – Planning for the Historic Environment

5. Appraisal

5.1 Context

As referred to above the application is a resubmission of a similar application which was withdrawn this time last year. The application was withdrawn by the applicants following the publication of a committee agenda within which it recommended the application for refusal on several grounds. The applicants set out what they believe to be the main changes in the submission compared to their previous submission;

- Shift northwards of south east facing boundary
- A reduction in the total number of dwellings from 86 to 82
- Reinforcement of the landscaping proposals to south east facing boundary and near the site entrance
- Increase in separation distance between the proposed development and properties on village edge
- Increase in number of affordable dwellings from 30 to 32 dwellings (40%)

5.2 Main Planning Considerations

The main issues to consider in the determination of this application are as follows –

- Planning Policies
- Housing delivery and need
- Landscape and historic impact
- Design and neighbouring amenities
- Highway Impact
- Other material considerations

Each of the above points will be considered in turn.

5.2 Planning Policy

5.2.1 The adopted Cherwell Local Plan contains no specific allocation for the application site. It is therefore defined as countryside (i.e. previously undeveloped land) where there is a presumption against general residential development on unallocated sites without any special justification.

5.2.2 Policy H13 of the adopted Local Plan states that new residential development within Category 1 settlements, such as Bodicote, is restricted to infilling, minor development within the built up area of the settlement and the conversion of existing buildings; subject to other policies in the Local Plan.

5.2.3 Policy H18 of the adopted Local Plan states that new dwellings beyond the built up limits of settlements will only be permitted where they are essential for agricultural or other existing undertakings.

- 5.2.4 Although the site is bounded by development on three sides it requires building on agricultural land and is considered to lie beyond the existing built limits of Bodicote and in an area of open countryside. The built up limits of the village in this case are the rear boundaries of the properties within Blackwood Place and Keyser Road. Although the development will be adjacent to the garden centre and will barely extend beyond its most southerly point this too is considered to be beyond the built up limits of the settlement therefore strengthening the argument that the application site is beyond the built up limits of the settlement and not within it.
- 5.2.5 The proposed location of the development does not comply with the Local Plan definition of infilling, nor is the site within the built up area of the settlement and the development is therefore contrary to Policies H13 and H18 of the adopted Cherwell Local Plan.
- 5.2.6 The application site has no specific allocation in the Non-Statutory Local Plan and is therefore defined as open countryside.
- 5.2.7 Policy H19 states that permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when it is essential for agriculture or other existing undertakings, or to provide a small, low-cost, affordable housing exception site to meet a specific and identified local housing need that cannot be satisfied elsewhere. Policy H15 of the same plan identifies Bodicote as a Category 1 village and states that new residential development will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the village and conversions.
- 5.2.8 The proposal is contrary to Policies H15 and H19 of the Non-Statutory Local Plan for similar reasons to those outlined above in relation to the adopted Cherwell Local Plan.
- 5.2.9 At this time Regional Strategies, despite the intended abolition, are still part of the development plan. It is therefore relevant to consider policies set out in the South East Plan.
- 5.2.10 One of the key policies in the South East Plan relevant to this case is Policy SP3 which states that the prime focus for development should be urban areas in order to foster accessibility to employment, housing, retail and other services and avoid unnecessary travel. Local Authorities policies should seek to concentrate development within or adjacent to urban areas and seek to achieve at least 60% of all new development on previously developed land. Bodicote is not considered to be an urban area and as the application site comprises green field land it would not contribute to achieving the brown field target. Based on these facts policy SP3 is not complied with.
- 5.3 Housing Delivery and Need
- 5.3.1 When this proposal was first submitted in an earlier application in April 2010 the Council had acknowledged that it wasn't able to demonstrate a 5 year housing land supply. However, the updated Annual Monitoring Report demonstrates that it has more than a 5 year rolling housing land supply. However the applicants do not agree with this position and consider there is substantially less than a five year supply as a result of the Council being over optimistic in the delivery of housing

sites and the inclusion of extra care units in its calculations.

5.3.2 The Council has recently received appeal decisions for residential schemes at Chesterton and Adderbury that support the current housing land supply position. The Inspector discusses in some detail a few of the major sites and their potential for development in accordance with the timescales set out in the Annual Monitoring Report and the appropriateness of the inclusion of extra care units. On the specific matters of housing land supply concludes that, even if the Council's projections are slightly over optimistic that, with a projected supply of 5.7 years for the current 2011/12 period, and a supply of 5.6 years for the following period, there is unlikely to be a material shortfall in housing land supply at the current time, and the proposals could not be justified on this basis. In preparation for a Public Inquiry relating to an application at Talisman Road in Bicester the Council once again updated its housing figures the result of which led to the current supply figure of 5.2 years for the period 2011-2016. This is a reduction from that presented to the Inspector in relation to the sites at Adderbury and Chesterton but still demonstrates that there is adequate housing land supply. On this basis there is no case for considering this application favourably against paragraph 71 of PPS3.

5.3.3 Bodicote has consistently been allocated as one of the District's most sustainable villages capable of accommodating further housing development. Facilities in Bodicote include; nursery, primary school, 2 food shops (1 is a farm shop), 3 pubs, recreation area, village/community hall(s), Post Office and a regular bus service to Banbury. It continues to be allocated as such in the Draft Core Strategy. However in the Draft Core Strategy it is one of four villages within the same category that are expected to accommodate up to 350 dwellings between them up to 2026. The Delivery Development Plan Document will set out the precise level of development for each village and will make land allocations to meet the target. Therefore whilst in general terms Bodicote is a preferred location for the allocation and provision of land for housing, this site has not been considered on a strategic basis and its development would be premature in advance of the production of the Delivery Development Plan document in which other sites may be considered more favourably. As there is no allocation for the development of the application site and there is a five year housing land supply for the district. The proposal does not comply with key development plan policies the fact that Bodicote is one of the District's most sustainable villages is not sufficient to justify the development of this site.

5.3.4 The development proposes to provide 40% affordable housing resulting in 32 units of affordable housing. The Council's Housing department is happy with the proposal in relation to the provision of affordable units and guidance was provided in relation to the preferred breakdown of tenures of the units subject to consent being granted. There are currently 51 people with a local connection to Bodicote on the housing waiting list. However due to its proximity to Banbury the scheme would also be relevant to Banbury applicants who form a major part of numbers on the overall waiting list, with very few new properties coming forward in Banbury currently. Therefore the proposal, if approved would contribute significantly to the provision of affordable homes and complies with policies H3 and H4 of the non-statutory Cherwell Local Plan and could to an extent comply with policy BE5 of the same document.

5.4 Landscape and historic impact

- 5.4.1 The site lies within the Ironstone Downs Area of High Landscape Value where policies C13 and C28 of the adopted Cherwell Local Plan seek to conserve and enhance the environment and require development to be sympathetic to the character of the area. Policy EN34 of the Non-Statutory Local Plan also seeks to conserve and enhance the environment.
- 5.4.2 As indicated earlier the site lies beyond the built-up limits of the village in an area of open countryside. As a result of the triangular shape of the site it is physically contained on its two northern boundaries by existing residential properties. The south western boundary is made up of a substantial existing tree planting belt which quite successfully screens the site from prominent views from the footpaths and bridleways to the south east. Since the previous application the proposed landscaping along the south/south easterly boundary has been increased to help soften the views of the proposed development from the Oxford Road. The site is set back from the main Oxford Road by approximately 145 metres which in itself reduces the prominence of the site when travelling along the road.
- 5.4.3 Given the location and scale of the proposed development it would clearly encroach into the open countryside. The adjacent housing on Keyser Road, Blackwood Place and Molyneux Drive currently defines the extent of the built up development with open countryside beyond. Notwithstanding the presence of the garden centre to the east and Cotefield Farm to the south the rural character of arable fields and planted areas contrasts with the housing which backs onto the site. Although the site is enclosed to an extent by existing development and landscaping and the surrounding topography limits views from some directions the proposal would extend built development into the countryside. Even with the existing and proposed landscaping there would be some visual impact. That impact would have an urbanising effect on the rural landscape that abuts this part of the village. It is clear that the proposal is contrary to policies restricting development in the open countryside but in terms of measuring the level of harm caused to the character, appearance and topography of the landscape the matter is more subjective. The Council has resisted development on this site in the past for reasons of landscape and visual impact, particularly in relation to its prominence in the Sor Brook Valley. However since the 2005 application was refused the landscaping belt has substantially increased in height and density and does go some way to limit significant adverse visual impact.
- 5.4.4 There are no listed buildings in close proximity to the site and the Bodicote Conservation Area will not be seen in relation the site therefore there will be no adverse impact on the setting of listed buildings and the character and appearance of the Conservation Area will be preserved.
- 5.5 Design and Neighbouring amenities
- 5.5.1 The submission suggests that the developable area of the site is 3.4 hectares. The reduction in the number of units results in a density of approximately 24 dwellings per hectare, 1 dwelling per hectare less than the previously proposed scheme. This density is likely to be greater than that found on adjoining sites but is less than the minimum of 30 dwellings per hectare which was recommended in PPS3 Housing prior to its revision in June 2010. The revised PPS3 has removed reference to a specific density and replaced it with the following statement;
- 5.5.2 'Local Planning Authorities may wish to set out a range of densities across the plan

area rather than one broad density range.'

- 5.5.3 As the Council has not yet set its own densities it seems appropriate that where the principle of development is acceptable the density should reflect the surrounding development whilst making efficient use of the land. If the principle of development on this site is considered acceptable it is thought that the proposed density is appropriate as in the majority of cases the gardens are of an appropriate size and the provision of an average of 2.4 spaces per dwelling there is likely to be adequate parking.
- 5.5.4 In terms of design and layout, although still indicative, the proposal provides an improved interface with its surroundings compared to what exists currently. At present the existing built form which meets the countryside is of rear facing elevations and enclosed gardens on a straight and harsh building line. The proposed layout shows frontages along the southern boundary, although screened to a certain extent to soften the views of the building line. In plan view the layout is not reflective of the character and layout of surrounding streets but some good design principles have been applied and the layout has resulted from the constraints of the shape of the site.
- 5.5.5 The proposed development would be relatively detached from the rest of Bodicote as the road link is from the Oxford Road and the only additional footpath link is in the north western corner of the site. This means that the development is poorly connected to the rest of the village and as such integration may be difficult. A strategic assessment of potential sites, necessary as part of the production of a Delivery Development Plan Document, may reveal that there are other sites that are better connected to the rest of the village.
- 5.5.6 The properties which share a boundary with the site currently enjoy an attractive open aspect, privacy and pleasant amenities as a consequence of adjoining open countryside. This would be significantly altered by the residential development of the site, although substantial landscaping and careful design and siting help to mitigate the impact of the development upon neighbouring properties. The indicative layout has altered slightly since the submission in 2010 with garden lengths being increased along the site boundary and garages being moved out of rear gardens and in many cases attached to properties. Two properties have also been removed from the northern corner off the site reducing the potential impact on neighbouring residents. In most cases the 2-storey elements of the proposed properties are set at least 15m off the boundary, 4m greater than previously. The minimum distance between a back elevation of existing properties and a back elevation of the new properties is 25 metres. This complies with the Council's informal space standards. Many of the adjoining properties are dormer bungalows which are generally smaller in scale in relation to the proposed 2 storey properties proposed on the application site, however given the distances between the original and proposed properties it is not considered that the new properties will be over bearing. Nevertheless this is an outline application and whilst the objections of the neighbours, relating to adverse neighbour impact, are noted and understood the main consideration at this stage is the acceptability of the principle of the proposal. The full effect on residential properties would need to be considered at the reserved matters stage, if outline consent were granted. This would require careful consideration to be given to house types, heights, proximity to boundaries and overlooking. However the indicative plan does indicate that 82 properties could be

located on the site without demonstrable harm being caused to neighbouring amenities.

5.6 Highway Impact

5.6.1 The Local Highway Authority had objected to the previous scheme in the absence of a satisfactory Transport Assessment to enable the full assessment of the proposal. The current application has been submitted with a full and accepted Transport Assessment and the Highway Authority considers that whilst the development would add to the pressures of delays on parts of the local highway network it is considered that the impact will not be significant as the trip generation resulting from the proposal is less than expected daily fluctuation on the existing network.

5.6.2 The indicative layout shows the provision of 194 spaces which equates to 2.4 spaces per unit. This is likely to be sufficient parking and the local highway authority have not objected to the quantity of spaces but have highlighted the fact that garages are not always utilised for parking so therefore it is important to ensure they are of an adequate size and prevented from being converted to additional living accommodation in the future.

5.6.3 Further points relating to the detail of the scheme were raised by the Local Highway Authority in their response relating to the proposal but these do not result in an objection to the scheme, simply matters which will need addressing in any future reserved matters application.

5.7 Other Material Considerations

5.7.1 The proposed development would generate a need for infrastructure and other contributions that need to be secured through a planning obligation, to enable the development to proceed. At the time of drafting the report commencement of the agreement had not commenced. However a development of this scale and nature would require contributions to the provision, improvement or maintenance of the following;

- Affordable housing
- Outdoor off site sports facilities
- Off site community facilities
- On site play space and public open space
- Surface water drainage systems
- Highways and public transport contributions (although the figures have not yet been provided by the County Council)
- Public art
- County Council Education contributions, including funding towards primary school transport
- County Council Library contributions
- County Council Day Centre for the Elderly contributions
- County Council waste recycling contributions
- County Council Museum Resource
- District Council refuse bin contributions
- District and County Council administration/monitoring fee

5.7.2 Despite not commencing with the drafting of a legal agreement the application has been submitted with draft heads of terms which covers many of the items referred

to above. Currently the proposal does not comply with Policy CC7 of the South East Plan as the scheme fails to secure the necessary infrastructure provision.

- 5.7.3 When a similar application was being assessed last year the County Council in their strategic response stated that the development was likely to result in unsustainable travel patterns as it was likely that primary school students would have to travel to schools outside of Bodicote. This would occur because the County Council indicate that Bishop Loveday School has insufficient capacity, and is not capable of further expansion. The above education contribution would therefore be used to expand capacity at the receiving schools. The County Council stated that if the district was minded to permit the development contributions should be sought to improve transport infrastructure and primary school transport costs. The contribution towards primary school travel costs aims to provide money towards communal modes of transport, which is more sustainable than if students were to be transported individually by private car. The circumstances have not changed since the previous application and the County Council are making a similar request in respect of requiring funds towards education transport. When the application was recommended for refusal in 2010 (prior to its withdrawal) the lack of village facilities formed part of a refusal reason. In order to seek to address this the applicants have submitted a statement that refers to the admissions policy for Bishops Loveday School, which as a voluntary aided Church of England school does not base its admissions on the criteria set by Oxfordshire County Council. The applicant's interpretation of the criteria is that children with a normal home address in the Ecclesiastical Parish of St John the Baptist, Bodicote are given priority. Therefore the applicants are of the view that the timing of the development, if approved, and the gradual increase in demand for primary school places it would give rise to, will enable the gradual absorption of children from the development to take place without problems of oversubscription. In light of this information, assuming the applicants willingness to contribute to school transportation and the fact that Bodicote is considered to be one of the district's most sustainable villages it would seem unreasonable to continue to use the lack of provision village services as a reason for refusal. However the current lack of a draft S106 is still a relevant consideration.
- 5.7.4 In terms of archaeological impact, the lack of an adequate assessment in relation to the previous application led to a reason for refusal. However since the earlier application an archaeological evaluation has been carried out and the County Archaeologist has concluded that further archaeological recording would be required prior to development but this does not result in an objection and is no longer a reason to recommend refusal of the application as it can be controlled through appropriate conditions. The development therefore complies with PPS5 in respect on archaeology and its impact on the historic environment.
- 5.7.5 The application has been assessed in relation to its impact on ecology, in particular the potential for great crested newts in a pond/reservoir located four to five hundred metres to the south of the site. Given the characteristic of the pond, having steep sides and a fish population within it, it is unlikely to provide an environment which supports great crested newts. In this respect the Council's ecologist is satisfied that there will be no significant harm as a result of this development. It is unlikely that bats will be affected as a result of the proposal as no hedgerows are proposed for removal.

- 5.7.6 In relation to trees, the comments of the Council's arboriculturalist were only received during the drafting of this report and given the likely recommendation it was considered unnecessary to delay the determination of the application for the submission of additional land and tree surveys. Given the application is in outline only and there is only one tree within the site and the others are on the boundary it is considered that in the event of an approval further surveys can be submitted with the reserved matters application when full layout plans would be submitted and considered.
- 5.7.7 In their submission the applicants refer to the Ministerial Statement dated 23 March 2011 in which it states that "*Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy*". Whilst a further letter of 31 March 2011 from DCLG's Chief Planner to chief planning officers states that the Ministerial Statement is "*capable of being regarded as a material consideration*" and the applicant's place a lot of weight on this it is not considered that in this instance it is sufficient to outweigh the relevant local and national planning policies and guidance.
- 5.7.8 Further to the original submission a letter received in the department on 18 July 2011 from the agents sets out additional reasons why they consider further consideration should be given to this planning application. The letter can be summarised as follows;
- Recent appeal decisions noted but issues of housing land supply are best examined in inquiry conditions
 - There is a more generous supply of land for housing in Bicester and Central Oxfordshire than in the District as a whole. It follows that land supply in Banbury and North Cherwell is less generous.
 - Cumulative completions are far short of the cumulative requirement.
 - The development provides a significant number of affordable units which smaller or windfall sites do not provide.
 - The Advisory Group's draft national Planning Policy Framework refers to a requirement of a five year supply plus an allowance of 20% - tantamount to a 6 year supply
 - Housing land supply requirements should not be district wide but assessed based on the subdivision of the district.
 - Consequence of focusing on land supply only at District level is that much needed housing development in and around Banbury is being held back
- 5.7.9 In response to this letter the Council's Planning Policy team have provided some clarification and is summarised below;
- The Council's view is that the PPS3 5 year supply requirement is a District (local authority) requirement and whilst the Inspector for Talisman Road referred to sub regions the Council and the appellant were of the view that the 5 year requirement was a district requirement. Unless the Council receives a definitive view to the contrary this will remain the case. This view was supported by the Chesterton and Adderbury appeal decisions which were based on district wide calculations.
 - It is accepted that there will be a greater supply of housing in Bicester in the coming years but it is considered that there will be sufficient housing land in Banbury and North Cherwell area ahead of new Core Strategy allocations.

- The completions for the north of the district are on track, ahead of the Bankside urban extension and new LDF sites. Completions for Banbury and North Cherwell were 1561 at 31/3/10 and 1749 at 31/3/11 (188 completions in 2010/11) compared to an annualised figure of 1750 (for 2006-2011).
- The Council is of the view that there is reasonable expected provision of affordable housing ahead of new LDF allocations.
- For the period 2006 to 2011 (the start of the South East Plan period) the affordable housing contribution has been 23% - a good level of supply in advance of large scale delivery on permitted major sites which will be seen over the coming years.
- It is not yet Government policy to require a 5 year supply plus an allowance of 20% (only draft for consultation)
- The proposed site is at Bodicote not Banbury.

5.8 Conclusion

5.8.1 The application is for development beyond the built up limits of Bodicote in the open countryside. As such the application is contrary to both the Adopted and Non Statutory Local Plan policies. This scheme would provide 82 new dwellings, 40% of which would be affordable which would contribute to the provision of affordable housing for people on the housing list with local connections and as such the proposal complies with affordable housing policies. Whilst the Council was in a period when it could not demonstrate a 5 year supply of housing land it had to consider applications for housing development more favourably subject to other considerations. However housing figures have been amended following the approval or refusal of applications and the Council can now demonstrate that there is more than a 5 year supply in housing land. This view is supported by recent appeal decisions which have been referred to in the report.

5.8.2 Development on this site has previously been refused or recommended for refusal and since the assessment of previous applications some of the reasons for refusal have been overcome or the circumstances have changed. For example it has been demonstrated that there is little potential for impact on archaeology, the local highway authority do not object to the proposal and the landscaping around the site has increased resulting in better screening of the site. However the principle of the development can still not be supported as the site is outside the built up limits of Bodicote, in the open countryside and is therefore contrary to policy and there are currently no justifiable reasons to set this policy aside. It is therefore recommended that this application be refused for the reasons set out below.

6. Recommendation

Refusal for the following reasons;

1. The proposed development would be contrary to Policies H13 and H18 of the adopted Cherwell Local Plan, Policies H15 and H19 of the Non-Statutory Cherwell Local Plan 2011 which seek to guide residential development to allocated sites or sites within the existing built-up limits of settlements. In this case the site is not allocated for development in either the adopted or Non-Statutory Local Plan but lies outside the existing built-up limits of the settlement. It is therefore classed as countryside where its development would constitute an unjustified and undesirable

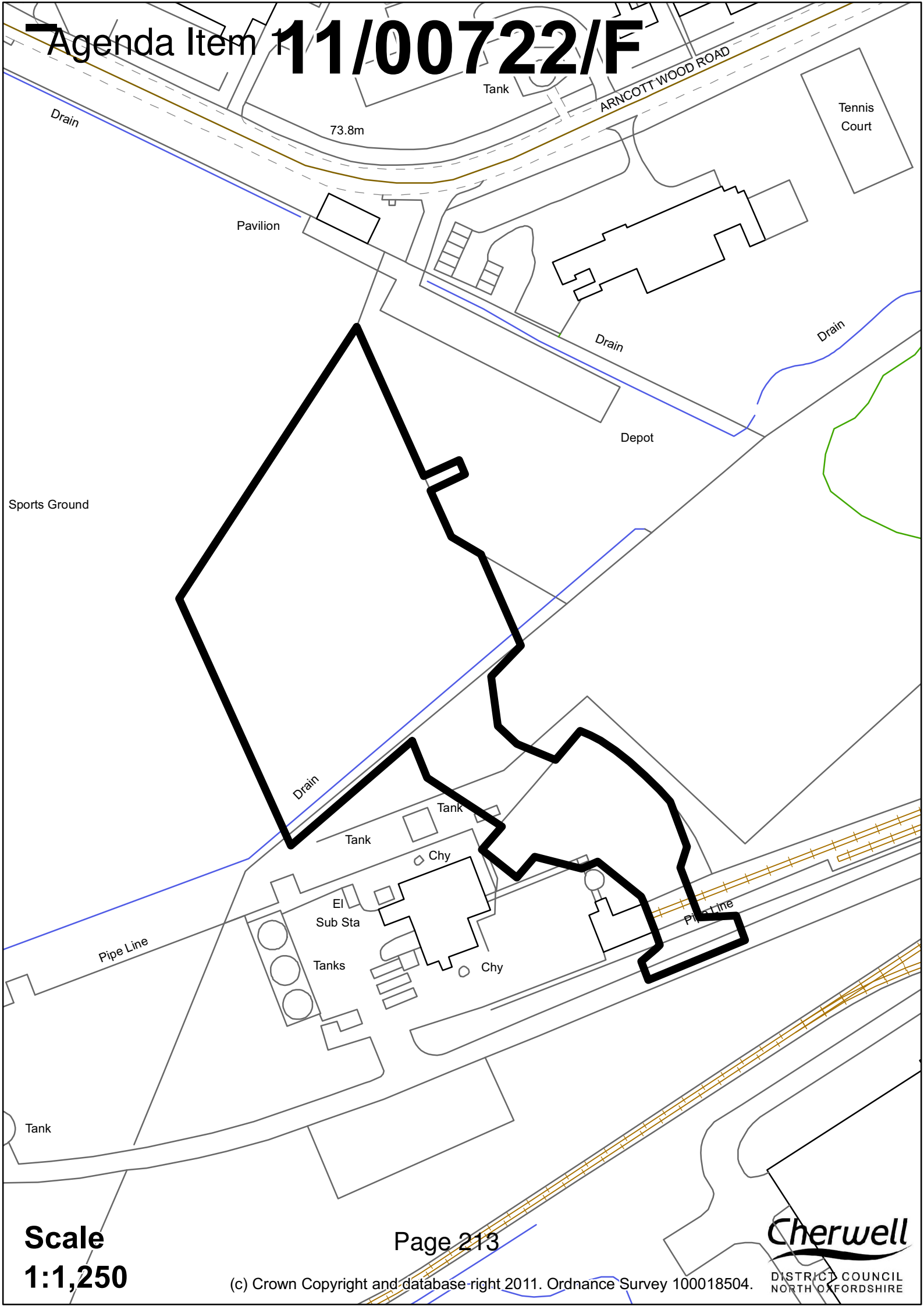
intrusion into the countryside surrounding the village of Bodicote, which would be contrary to the policies intended to protect the character and appearance of the countryside. Furthermore the development would increase the outward spread of the village intruding into the unspoilt countryside surrounding the property, neither preserving nor enhancing the Area of High Landscape Value, contrary to Policy C13 of the adopted Cherwell Local Plan and Policy EN34 of the Non-Statutory Cherwell Local Plan.

2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development, including affordable housing, open space/play space, off-site playing pitches, education facilities, library facilities, fire infrastructure and transport measures will be provided, which would be contrary to Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.

CONTACT OFFICER: Caroline Roche

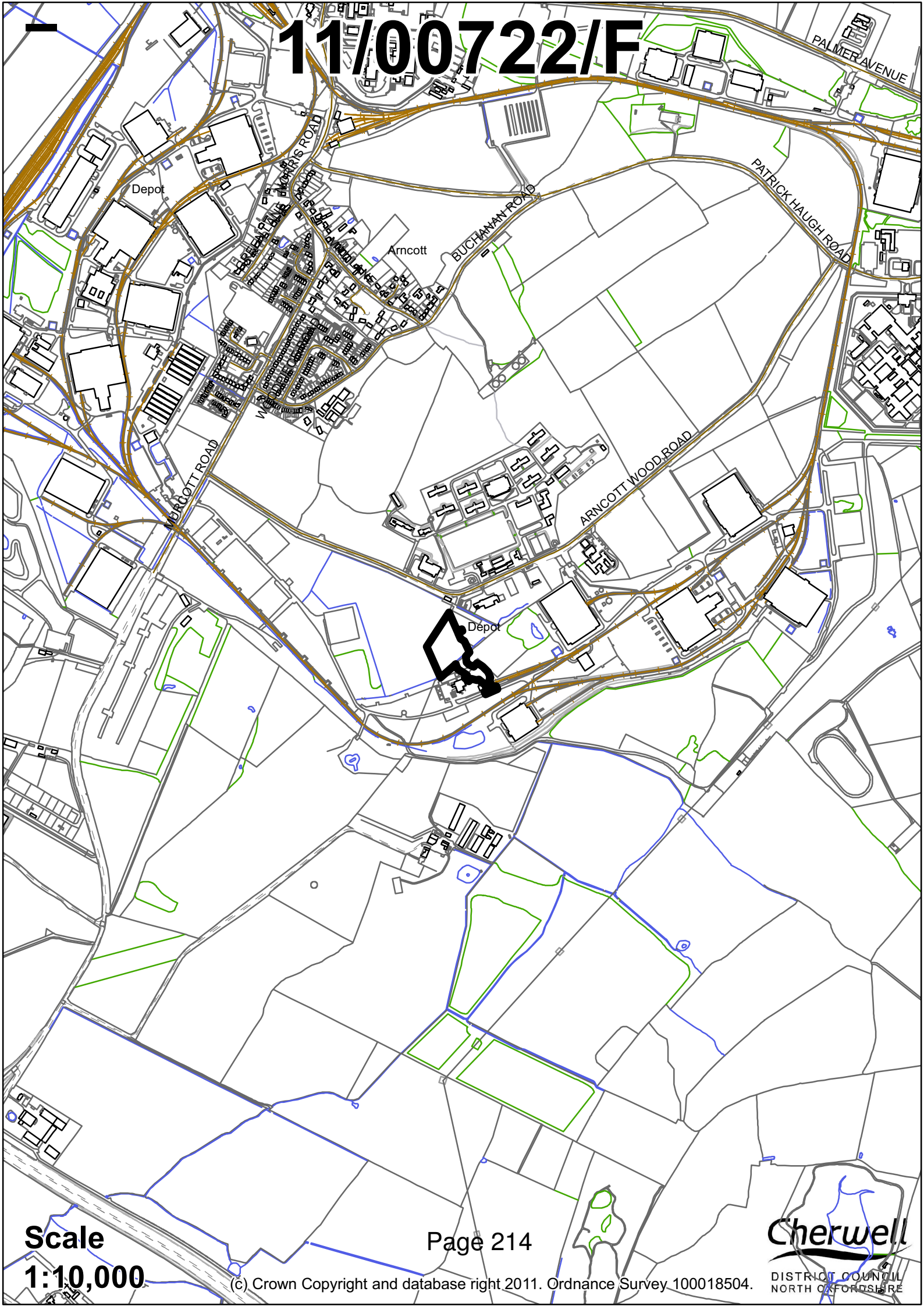
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Application No: 11/00722/F	Ward: Launton	Date Valid: 19/05/11
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Applicant: Carillion – Mr David Creasy c/o agent

Site Address: St Georges Barracks, Arncott Wood Road, Arncott, Bicester

Proposal: 3 Storey Single Living Accommodation (SLA) building (BC1220) with associated service road and hard and soft landscaping.

1. Site Description and Proposal

1.1 Site

St George's Barracks forms the principal development within Bicester Garrison and was built mainly in the 1940s. The buildings which form The Barracks are dispersed across the southern slope of Arncott Hill below an area of woodland. A network of tarmac roads and a military railway (most of which is presently disused) link it with key locations around the Arncott Hill and Graven Hill sites.

1.2 To the south of the barracks is 'B-site' which includes some larger warehouse type buildings and isolated areas of hardstanding. Some buildings are used for training purposes and others are let for warehousing and other civilian uses. There are a number of new buildings and facilities approved as part of the existing planning consent 07/01667/F currently under construction.

1.3 The site of the proposed SLA block is located close to the base of Arncott Hill on gently rising ground to the south of Arncott Wood Road (the principal access route) and just to the north of B site. The site occupies the eastern end of an existing informal playing field associated with the barracks and is characterised by closely mown amenity grassland.

1.4 The site lies to the south west of the main group of buildings of St George's Barracks close to the existing officer's mess (BC0027) which is a uniform 3 storey functional, campus style building built of red/brown facing brick, flat roofs and evenly spaced and sized window and door units on each elevation. The extension to this building and the new accommodation block (BC1001) approved under 07/01667/F are currently under construction.

1.5 Security fencing forms the eastern and southern boundaries of the site with open grassland leading to the north and west and dense scrub and woodland forming the outer boundary of the playing field. An existing ditch leads around the east and southern edges of the site beyond the fencing which is currently being re-trenched in connection with the existing construction works.

1.6 The site is unconstrained in terms of formal historic or environmental designations. There are no public rights of way across the site but some pass near to the southern and northern boundaries.

1.7 Proposal

This application seeks consent for the development of a new Single Living Accommodation (SLA) block to provide additional facilities for Junior Officers to stay within St George's Barracks for land based individual training and courses.

- 1.8 The building is proposed to be 3 storeys in height and similar in style and functionality to the existing blocks in the vicinity and under construction. The facility would provide a total of 117 individual bed sitting rooms arranged equally in three separate wings eventually a T-shaped modular building each with a shallow pitched roof. Each wing would be constructed in phases to provide for the training needs of the Royal School of Military Engineering (RSME).
- 1.9 Phase 1 is the block nearest to the existing buildings and would provide for 40 bedsits. Depending on the requirements of the military, Phases 2 and 3 would be constructed around 5 years later. Phase 1 is proposed to have a footprint size of 616 sqm with the complete building totalling 1566.7 sqm. The gross internal floorspace of Phase 1 is proposed to be 1752 sqm and the entire building 4452.6 sqm. Each of the wings are proposed to have near identical internal layouts with each individual bedsit having an ensuite and wc facilities including provision for disabled users. Supporting kitchen, laundry and storage facilities are also provided.
- 1.10 Access is proposed in part along the existing temporary access track. There is a requirement to remove three trees which may be necessary to accommodate the site access extension. Access for the Junior officers will be predominantly by coach which sets down at the approved access road north west of BC0027A.
- 1.11 The application also proposes hard and soft landscaping which includes additional tree planting to soften and screen the buildings appearance from Arncott Wood Road. Also external signage, lighting and new security fencing is proposed.
- 1.12 **Relevant Planning History**
Bicester Garrison lies within both Cherwell DC and Aylesbury Vale DC. Planning permission was granted by Cherwell DC in November 2007 for new build, build, alterations and demolitions of existing military training buildings and ground based facilities, including a new accommodation block, Officers Mess facilities and ancillary operational and staff parking on parts of St Georges Barracks, B-Site, Besterman and Piddington fields, Bicester Garrison, Arncott, Oxfordshire (Reference 07/01667/F). Many of the conditions relating to this have now been discharged. The whole of the site affected by this proposal falls within Cherwell DC.

2. Application Publicity

- 2.1 The application has been advertised by site notice and press notice. The final date for comment was 24 June 2011. No consultation responses have been received representing third party interests.

3. Consultations

- 3.1 Whilst all the responses to the consultation exercise are detailed on the core file, available electronically via our website, a summary of the submissions received is provided below:

- 3.2 Parish Council: Comments awaited.
- 3.3 Environment Agency: No objection subject to a planning note to ensure compliance with the Land Drainage and Water Resources Acts.
- 3.4 Oxfordshire County Council (Highways): No objection subject to condition to ensure a Travel Plan in line with the County's Travel Choices Team including a monitoring fee secured via a Unilateral Undertaking.
- 3.5 Oxfordshire County Council (Drainage): No objection subject to conditions relating to design details, calculations, soakage tests and details of who is responsible for ongoing maintenance.
- 3.6 Oxfordshire County Council (Archaeology): No objection subject to a planning note to ensure that the County are advised if finds occur.
- 3.7 Oxfordshire County Council (Developer Funding Officer): A section 106 agreement is sought to secure funding for library and monitoring.
- 3.8 CDC Ecologist: No objection subject to conditions relating to ensuring ecological enhancements are implemented.
- 3.9 CDC Landscape: No objection but would like the tree species to be more mature than indicated.
- 3.10 CDC Arboriculturalist: No objection subject to conditions.
- 3.11 CDC Environmental Protection Officer: Formal comments awaited.
- 3.12 Thames Water – No objection. No build over agreement is required.

4. Policy Considerations

- | | |
|-------------------------------|---|
| National Policy Guidance | <ul style="list-style-type: none"> • PPS1 - Delivering Sustainable Development • Supplement to PPS1 – Planning & Climate Change • PPS5 – Planning for the Historic Environment • PPS7 – Sustainable Development in Rural Areas • PPS9 – Biodiversity & Geological Conservation • PPG13 – Transport • PPS23: Planning and Pollution Control. |
| South East Plan 2009 Policies | <ul style="list-style-type: none"> • Cross Cutting – CC1, CC4 & CC6 – Sustainable Development & Sustainable Communities, Design & Construction and Character of the Environment • Transport - T1 & T4 – management, investment and parking • Countryside & Landscape Management - C4 - Landscape and countryside management • Management of the Built Environment - BE1 & BE6 - Management for an urban renaissance and of the historic environment • Natural Resource Management – NRM1, NRM4, NRM10 and NRM11 – Sustainable water resources & groundwater quality, |

Flood risk management, Noise and Development design for energy efficiency and renewable energy

Adopted Cherwell Local Plan 1996 saved policies

- C7 – Landscape conservation
- C9 – Compatibility of development with rural location
- C28 – Design, layout etc standards
- ENV1 – Pollution Control
- ENV12 – Contaminated Land

Non-Statutory Cherwell Local Plan 2011

- Transport & Development policies TR1, TR3, TR5, TR9 & TR11
- Conserving & Enhancing the Environment policies EN1, EN15, EN17, EN25, EN34 & EN47
- Urban Design & The Built Environment policies D1, D3, D9,

Cherwell Local Development Framework (LDF) Draft Core Strategy 2010

The draft document went through the first round of public consultation in the Spring of 2010. The second draft is due out for public consultation in the next few weeks. It indicates the strategy that the Council is putting forward and contains a series of key objectives and a number of policies highlighting a focus of growth in and around Bicester with limited growth in the rural areas towards larger and more sustainable villages thereby protecting open countryside areas. Policies seek to mitigate and adapt to climate change and ensure sustainable construction methods including SuDs.

- SD1 – Mitigating and Adapting to Climate Change
- SD5 – Sustainable Construction
- SD6 – Sustainable Drainage Systems
- SD8 – Protection and Enhancement of Biodiversity & the Natural Environment
- SD11 – Local Landscape Protection & Enhancement
- SD13 – The Built Environment

5. Appraisal

5.1 Introduction

There is no specific policy guidance relating to the on site requirements of the MOD in the district or on this site at Arncott. The development is constrained by the functional needs for the applicant to be on the MOD site to provide facilities for officers training at the site during their time there. The development needs to be flexible to adapt and cater for future training requirements as they evolve over time in response to changing service demands upon the armed forces. To this end, the development is proposed in phases. Phase 1 would comprise 40 bedrooms and perhaps 5 years later phases 2 and 3 would be developed to provide an additional 77 bedsits. All will be for single officers (not married quarters).

5.2 It is considered that the principle issues to address relate to layout, scale & design, landscape impact, highway safety, effect on the cultural heritage of the area and ecology.

5.3 Siting, layout, scale and design

Before settling on the siting for the building as proposed, other sites have been considered but dismissed for reasons described in the submission and this siting

offered the fewest disadvantages in terms of ecology, tree loss and ground conditions generally. The siting proposed is considered to have a sound relationship to other built forms and uses within the site in terms of limiting the impact on the landscape setting and minimising disturbance by providing shared access routes. There are on site opportunities to mitigate the visual impact of the development through landscape screening.

- 5.4 The building is proposed to be laid out in a T shape, once finally complete. The development of phase 1 allows for extensions to enable the 2 remaining wings to be added later. The curtilage is proposed to be laid to lawn with supplementary planting and hard landscaping with pathways linking to the existing buildings. Phase 1 can function independently for a number of years before progressing phases 2 and 3.
- 5.5 It is apparent that the design of the building has been influenced by the previously approved extension to the officer's mess (BC0027A) and the accommodation block (BC1001) which are characterised by a uniformity of a 3 storey brick built functional style. Some breaks in the visual appearance can be achieved by the use of different brick colours and window arrangements but essentially in seeking to achieve a building which needs to serve a specific purpose such an arrangement is accepted.
- 5.6 Impact on the character and appearance of the rural landscape
The site is within the countryside and its present character and appearance is greatly valued. PPS7 advises that the countryside be protected for its own sake and current policies in the local plan (Policies C7 and C8) seek to retain tight control over all development proposals in the countryside. This site is, however, only visible from the public domain of Arcott Wood Road which is owned by the MoD but public access is normally not restricted. Furthermore, the chosen site is considered not to be visually prominent due to its low lying position at the base of Arcott Hill and the existing boundary vegetation to the south and west and the existing Barracks to the east.
- 5.7 In consultation with the landscape officer, having assessed the impact of the development from key viewpoints towards the site the overall impact on the landscape setting is not so great provided a landscaping scheme to further soften the development can be agreed. The landscape proposal as submitted is considered acceptable as a balance needs to be struck between ensuring an appropriate level of screening and softening against the military constraints and requirements to ensure that there would be no increase in the vulnerability of the building to terrorist attack. The planting scheme as submitted is designed to allow clear visibility to and from areas accessible to the public to deter an attack.
- 5.8 Ecology
The application is supported by an extended Phase 1 Habitat Survey which was carried out in April this year. It supplements other works undertaken as part of the 2007 consent and further surveys of identified European Protected Species as well as other birds and reptiles. The Council's ecologist is satisfied that the recommendations in the submission are appropriate and the ecological enhancements will be beneficial in this location and in line with government guidance in PPS9. These are recommended as conditions of the granting of planning permission.

5.9 Effect on the Heritage Assets

PPS5 advises on how applications, that would affect heritage assets, should be considered. It should be noted that the overarching aim is that the 'historic environment and its heritage assets should be conserved'. A key objective is 'to contribute to our knowledge and understanding of our past'. In this case, there are no Scheduled Ancient Monuments, Historic Parks & Gardens, no Conservation Areas or Listed Buildings. The Desk Based Assessment submitted with the application revealed that whilst there are some historic archaeological remains within the wider study area, none are within the proposed development area. A watching brief is recommended and agreed with the applicant.

5.10 Highway Safety

The Barracks is accessed by car predominantly from the A41 to/from the north west in the direction of Bicester and through the villages of Ambrosden and Lower and Upper Arncott. Public transport is available to the site by bus and to Bicester by rail. The applicants have previously recognised a need to contribute towards traffic calming and improvements which has been provided under the 2007 consent. However, they make the case, through the Framework Travel Plan which accompanies the application, that any there would only be a minimal further impact which would not justify further junction improvements.

5.11 The County Council, as highway authority, is satisfied that the application represents a safe and sustainable development, subject to standard conditions. However, the view is also held that the submitted Travel Plan is not considered to be as full and detailed as expected so it is further recommended that a Travel Plan for this development is conditioned and the required monitoring fee (£900) can be secured via a Unilateral Undertaking. The applicant has confirmed agreement to this request.

5.12 Other matters

During the course of the application, comments were received from the Developer Funding Team at Oxfordshire County Council. The latest position held by them is that contributions should be made towards libraries because it has been found that students use County libraries as well as their own facilities and similar results were found at Sheltered Housing. In house facilities are helpful but do not fully mitigate the impact and this has been accepted at West Oxfordshire and the Vale of White Horse. However, the proposed barracks are to provide specialist army training for single living accommodation for Officers and soldiers, not students which is considered not to be an appropriate comparable. The Officers and soldiers are unlikely to travel outside the garrison to the public libraries given the facilities provided on site. It is for these reasons that it is recommended that contributions for this need should not be sought from the applicant.

6. Recommendation

Approval, subject to:

- a) the applicant providing a unilateral undertaking relating to the monitoring fee to secure the recommendations of the agreed Travel Plan, and
- b) the following conditions:
 1. SC1.4 (RC2)
 2. Except where otherwise stipulated by conditions attached to this permission, the

development shall be carried out strictly in accordance with the following plans and documents listed below:

Planning, Design and Access Statement dated May 2011 by Atkins, and dwg nos.

ATK/DR/LS/BC/1002/0001

ATK/DR/LS/BC/1002/0002

ATK/DR/CI/BC/1002/9501

CBS-DR-AR-MO-BC1002-101-10 Rev 02

CBS-DR-AR-MO-BC1002-101-20 Rev 03

CBS-DR-AR-MO-BC1002-101-30 Rev 03

CBS-DR-AR-MO-BC1002-120-00 Rev 04

CBS-DR-AR-MO-BC1002-120-01 Rev 03

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within PPS 1.

3. That the landscaping scheme shall be carried out strictly in accordance with drawing numbers FIGURE LS BC1002 01, 02 and 03, unless otherwise agreed in writing by the Local Planning Authority. (RC10A)
4. SC3.1A (RC10A)
5. That before the development is first occupied the access track shall be constructed, surfaced, laid and marked out, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (RC14AA)
6. Full design details of the drainage (SuDs) including calculations and soakage tests shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. (RC67AA)
7. The development hereby permitted shall be carried out in accordance with the recommendations made under Chapter 5 'Coordination, Implementation & Monitoring' of the Framework Travel Plan Report by Atkins dated May 2011 and the details of the Final Travel Plan to be formulated and agreed in consultation with the County Council unless otherwise agreed in writing by the Local Planning Authority. (RC13BB)
8. The development hereby permitted shall be carried out in accordance with the recommendations set out in Extended Phase 1 Habitat Survey by Thomson Ecology dated April 2011 unless otherwise agreed in writing by the Local Planning Authority. (RC85A)
9. An archaeological watching brief shall be undertaken to monitor intrusive groundworks associated with the accommodation block's foundations and associated services and access roads.
Reason - In the interests of archaeological investigation or recording and to comply with Government advice in PPS5: Planning for the Historic Environment and Policy BE6 of the South East Plan 2009.
10. The development hereby permitted shall be carried out in accordance with the recommendations and specifications set out in the Arboricultural Method Statement (AMS) and/or the Tree Protection Plan (TPP) submitted by Atkins dated 01/03/2011 unless otherwise agreed in writing by the Local Planning Authority.
Reason - To ensure that no proposed operations impair the health of any retained trees in the interests of the visual amenity of the area, and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.
11. No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and should include details of:

a) induction and personnel awareness of arboricultural matters,

- b) identification of individual responsibilities and key personnel,
- c) timing and methods of scheduled arboricultural site monitoring, record keeping, and the subsequent submission of information to the LPA.
- d) procedures for dealing with variations and incidents.

The Local Planning Authority may require the scheme of supervision to be administered by a qualified arboriculturist approved by the Local Planning Authority but instructed by the applicant.

Reason - To ensure that no proposed operations impair the health of any retained trees in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

12. The development hereby permitted shall be used as single living accommodation for military training purposes only and shall not be used for any residential purpose, temporary or permanent.

Reason – For the avoidance of doubt and because the Local Planning Authority would not accept new dwellings on this site due to the open countryside location and to comply with Central Government Guidance in PPS7.

13. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

14. If a potential risk from contamination is identified as a result of the work carried out under condition 13, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason – as condition 13.

15. If contamination is found by undertaking the work carried out under condition 14, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason – as condition 13.

16. If remedial works have been identified in condition 15, the remedial works shall be

carried out in accordance with the scheme approved under condition 15. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.

Reason – as condition 13.

Planning Note:

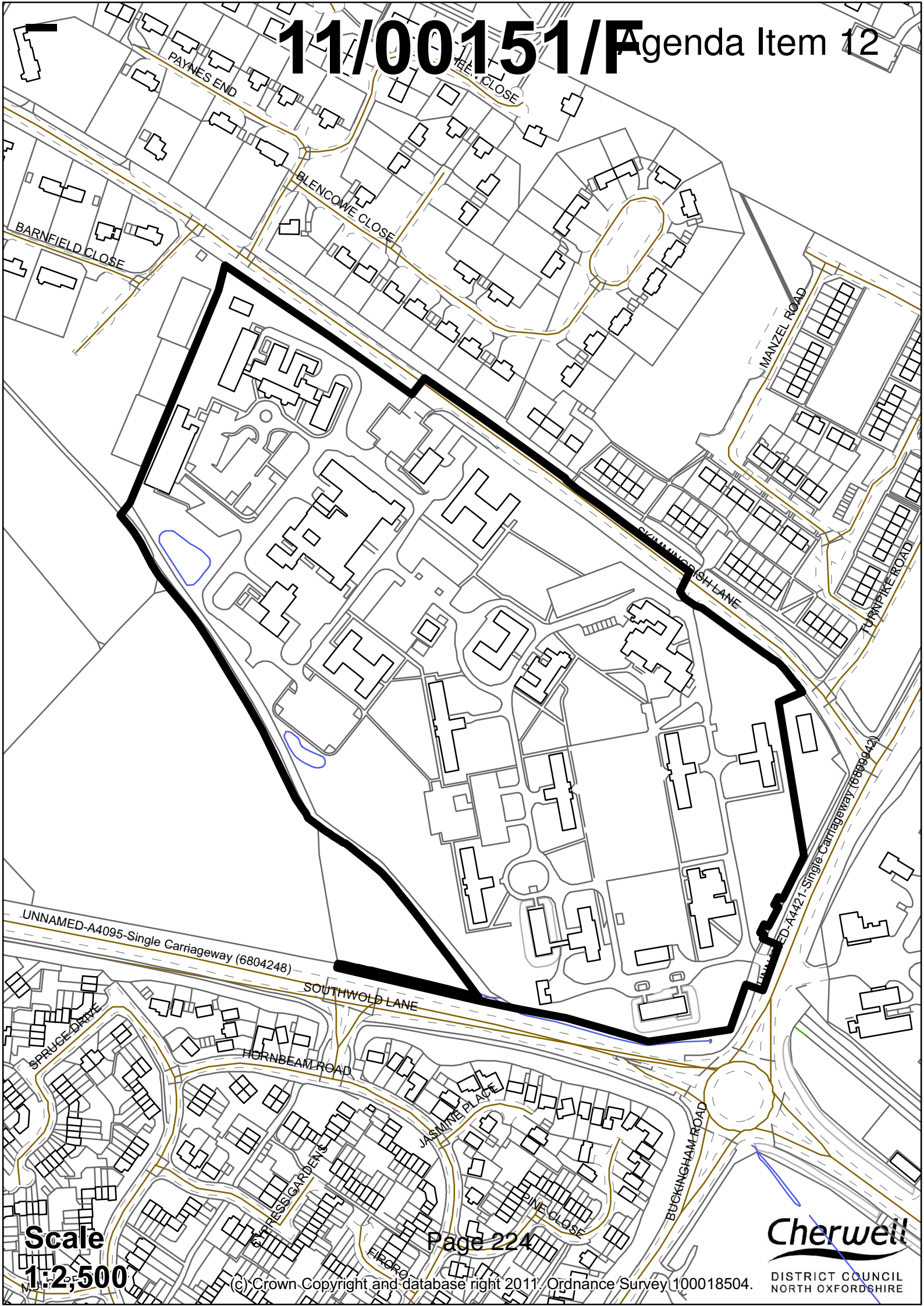
1. Attention is drawn to the legal agreement in the form of a Unilateral Undertaking which has been made pursuant to Section 106 of the Town and Country Planning Act 1990.
2. The applicant is advised that the erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.

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

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits being of a layout, scale and design appropriate in its context. It will not cause harm to the visual amenities of the wider rural landscape, acknowledged archaeological interests, highway safety or ecology. The proposal, therefore, complies with government guidance contained in PPS1 (Delivering Sustainable Development), PPS5 (Planning for the Historic Environment), PPS7 (Sustainable Development in Rural Areas), PPS9 (Biodiversity & Geological Conservation) and PPG13 (Transport), PPS23 (Planning and Pollution Control), Policies CC1, CC4, CC6, T1, T4, C4, C6, BE1, BE6 and NRM1 of the South East Plan 2009 and Policies C7, C9, C28, ENV1 and ENV12 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

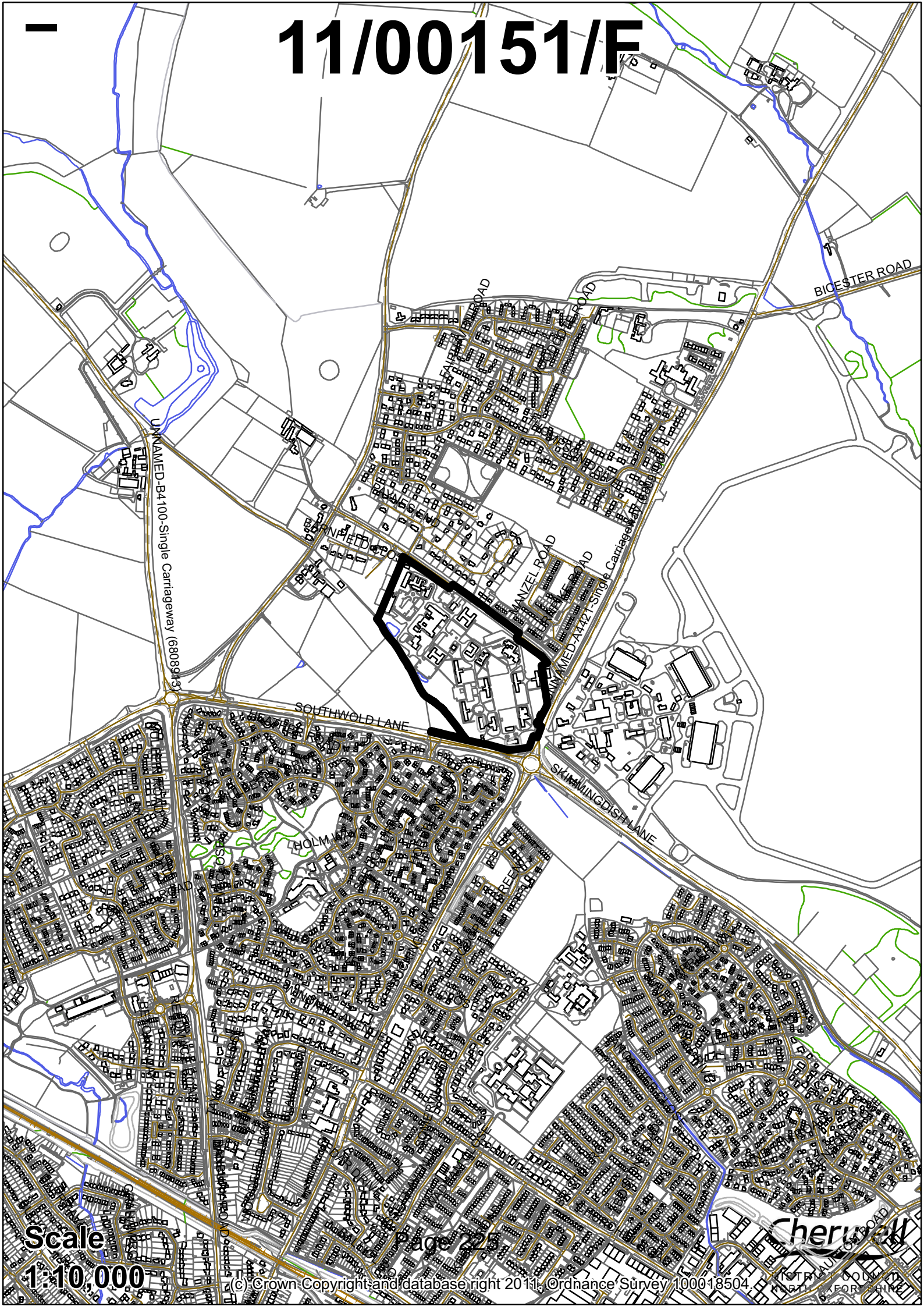
CONTACT OFFICER: Rebecca Horley

TELEPHONE NO: 01295 221837



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Cherwell
CITY OF OXFORD

Application No: 11/00151/F	Ward: Caversfield	Date Valid: 22/02/2011
Applicant:	City and Country Bicester Ltd	
Site Address:	Former DLO Caversfield, Skimmingdish Lane, Caversfield	

Proposal: Change of use and conversion of buildings to form 160 new dwellings, construction of 27 new dwellings, change of use of lodge building (building 19) to a shop/café, change of use to B8 storage (building 50 only), two new accesses to Skimmingdish Lane, car parking, landscaping and all ancillary development

1. Site Description and Proposal

- 1.1 The site was formally part of RAF Bicester and is located to the south of Caversfield and north of Bicester and consists of what is referred to as the domestic site. The domestic site has close historic links to the technical site and airfield which are located on the west side of Buckingham Road.
- 1.2 The site is a significant part of the Conservation Area, designated in 2002 and contains many listed buildings. The site includes buildings such as Officer's mess and quarters, barrack blocks, ration stores, decontamination chambers and central heating stations.
- 1.3 The RAF first used the site in 1918 but no buildings were retained from this time. However some buildings do date back to the 1920's and 30's. The site has been described by English Heritage as comprising the best preserved and most strongly representative of the bomber stations built as part of Sir Hugh Trenchard's 1920's Home Defence Expansion Scheme.
- 1.4 This application seeks consent for the change of use and conversion of the existing buildings on site. The majority of the buildings are proposed to be converted to residential properties, ranging in size and variety as a result of the nature of the original buildings. Building 19, the Old Lodge Building is proposed to be converted to a shop or café whilst building 50, the intact decontamination chamber is proposed to be used as storage.
- 1.5 The proposed conversions amount to 160 units. The scheme also includes proposals for 27 new units of residential accommodation. The application also includes alterations to the existing access points and landscaping including changing much of the hard standing to green open space.
- 1.6 There are three existing access points to the site. The access from Queens Avenue, opposite the entrance to the Technical site has not been used for some time and is proposed to be used as a pedestrian access point. A closed access point north of Building 32 is proposed to be relocated to the north west of Building 32 whilst the existing main access to the north west of Building 19 is proposed to be relocated to the north west of Building 25.
- 1.7 It is worth noting that the works for whole or partial demolition of buildings within the Conservation Area are covered by a Conservation Area Consent application (11/00152/CAC), works to the listed buildings are covered in 11/00153/LB and

11/00806/LB and a further application for additional new build is also being considered (11/00805/F).

2. Application Publicity

- 2.1 The application was advertised by way of a site notice, press notice and neighbour notification letters. The final date for comment was 25 March 2011. The application was advertised as a departure from the development plan, a major development and having the potential to affect the Conservation Area and the setting of Listed buildings. Although advertised as a departure the development is not such that it requires referral to the Secretary of State.
- 2.2 10 letters/emails of representation have been received from third parties including a letter from the Director of the local resident's committee and the Bicester and Ploughley District CPRE. Opinions are mixed but with a general level of support for the principle of the scheme but with some concerns, which are summarised below (see electronic application file for full comments):
- Method of street lighting
 - Who will be responsible for the maintenance of the grass areas, roads, drains
 - Effect on existing water and sewerage system
 - Requirement for and effects of relocated access points
 - Effects of traffic along Skimmingdish Lane and accessing Southwold Lane and Queens Avenue during the rush hour
 - Affect of additional cars parking on Skimmingdish Lane
 - Pedestrian and cyclist safety, especially crossing to get to the bus stop
 - The removal of trees and the cutting back of hedges and the effect it will have on the environment and privacy
 - Impact on ecology, including birds and bats
 - Will there be an increase in number of buses into Bicester and will residents be encouraged to use the bus rather than travel by car
 - Additional houses should not be crammed into the site
 - Bicester does not need more affordable housing
 - The area does not need an additional shop
 - 44% of the properties are 1 bed properties – too many
 - Additional noise
 - Imaginative scheme and excellent use of historic area which should open the site for easier access and better landscaping
 - 30% social housing element is not appropriate for what is essentially redevelopment and re-use of existing and important historic buildings.
 - Potential for increase trespassing and criminal behaviour over the private estate
 - Effects on local residents during the construction phases
 - Ability for non-residents to use the proposed shop
 - Ensure the shop does not become another Tesco
 - Devaluation of people, town and district
 - ATC parking on Skimmingdish Lane already causes problems
- 2.3 The Air Cadets on behalf of the staff and civilian committee of 2507 (Bicester) Squadron ATC have made the following comments with regard to the application.
- The entrance close to the Squadron is proposed to be removed and the car

- parcs in front of building 33 have been turned into grass areas.
- Appreciate that building is outside red line site and don't wish to object to overall proposals they would have negative impact on continuing to provide services and activities for local young people and families.
 - Consideration should be given to ensuring access and parking needs.
 - If access to the site is restricted then there may be implications of traffic parking on Buckingham Road or Skimmingdish Lane as cadets are transported to and from the site.
 - Activities of cadets may affect residents of building 33. For example parading until 2145 2 or three times a week and noise from band practice.
 - Comments are made so as to try avoid future conflict with residents and to preserve Squadron's viability.

3. Consultations

- 3.1 A summary of the consultation responses is set out below (see electronic file for full details)
- 3.2 **Caversfield Parish Council** did not respond directly in relation to this application but has expressed its support following the submission of the second application.
- 3.3 **Bicester Town Council** welcomes the development of this site but has significant concerns that there is no provision on site for affordable housing. The town council understands the concept being put forward by the developer but would urge the planning authority either to seek appropriate affordable units on site or a financial contribution to provide affordable housing elsewhere in Bicester.
- 3.4 The Council's **Head of Planning Policy** comments can be summarised as follows
- Employment Issues
- employment could be suitable future use of site although residential use, specialist living accommodation, hotel/hostel or educational establishment might also be appropriate
 - site is not allocated for employment development and the proposal for residential redevelopment would not lead to a loss of employment (B1/B2/B8) land since current use is Sui Generis (military).

Principle of Residential Development:

Within the Settlement - Conversion

- site located within parish of Caversfield, a Category 3 settlement within the Adopted and Non-Statutory Local Plans. [It is noted that the proposals include a new shop and café, to serve residents of the proposed development and the wider area, which may improve the sustainability of the settlement very slightly].
- If site considered to be located within the settlement of Caversfield Policy H15 of the Adopted Local Plan applies. Within Category 3 settlements, development restricted to conversion of non residential buildings in accordance with policy H21.
- H21 sets out that conversions to residential use will be favourably considered unless conversion would be detrimental to the special character and interest of a building of historical significance.
- The Planning Brief (a material consideration) identifies that conversion of the buildings on the domestic site to residential use would be suitable (as could other uses).

Within the Settlement – New Build

- proposal includes 27 new build dwellings, which does not comply with H15. The justification provided for the new build is to help finance the refurbishment of the many listed buildings within the site.
- The introduction of new build does not comply with the Planning Brief, which concludes that there is no scope for new building on the domestic site given the need to protect the character and setting of the Conservation Area and the numerous listed buildings on site.

Housing Mix

- The proposals appear to contrast with the housing mix recommended in draft Core Strategy Policy H6

Affordable Housing

- The proposals do not include any affordable housing provision. The Planning, Design & Access Statement (para 2.25) states that affordable housing provision is not viable because the overriding priority must be finding an economic reuse of the listed buildings and the overall enhancement of the Conservation Area. The development currently does not comply with policies regarding affordable housing provision.

Sustainability Policies

- South East Plan NRM11 requires 10% of the energy on developments of 10 dwellings or more to be supplied from decentralised and renewable or low carbon sources, unless this is not feasible or viable. The South East Plan particularly encourages district heating and combined heat and power (CHP). There is an existing district heating system on site already and the potential to integrate this into the development could have been investigated in order to demonstrate compliance with this policy as well as South East Plan policies CC2 - 4.
- Given that the application site adjoins the town boundary of Bicester, the proposals need to be considered with regard to the Council's 'Eco Bicester – One Shared Vision' document which sets out the aims, aspirations and ambitions for the town of Bicester as it develops in the long term. The Vision focuses on four key themes, one of which is environmental sustainability. It seeks to ensure that new buildings are designed and built to the highest environmental standards in terms of energy efficiency and sustainable construction techniques. The Vision is not a detailed planning guidance document, but it was adopted by the Council as an important influence on policy and decision making in the town and surrounding areas.

Open Space

- Proposals appear to include informal open space and amenity space (the central square, orchard square, arboretum, maintaining existing wooded areas) but not, for example, more formal Local Areas for Play (LAP) in line with the policy requirement.

Conclusion

Based on the information currently presented, the proposals are considered to be contrary to a number of development plan policies regarding affordable housing, renewable energy and open space provision, and regarding residential development within Category 3 settlements. There are also concerns over a lack of compliance with the Planning Brief in a number of areas.

- 3.5 The **Local Highway Authority** has stated that the access arrangements are acceptable, and the submitted Transport Assessment has demonstrated there is unlikely to be an impact on the local highway network from the proposed

development. A review of the accident data for the area has been carried out, which found a few had occurred; looking at the information provided the incidents involved were down to driver error rather than the characteristics of the highway network. A review of the public transport, pedestrian and cycle accessibility was undertaken as well as consideration to the proposed site's parking levels and current local and government policy guidance. A s106 agreement will be required to secure the Public Transport Subsidy and the £4,000 for the amendment to the speed limit as well as the off site works.

Taking the above into account it is the opinion of the LHA that recommending refusal on highway safety grounds would not be appropriate or sustainable at appeal; therefore it is recommended conditions are imposed on an approval.

- 3.6 The Council's **Design and Conservation Team Leader** comments have been incorporated into the main body of the report.
- 3.7 **English Heritage** commented in relation to the Listed Building application but the comments are also relevant to this application;
- The proposed conversion of the existing buildings to residential use is reasonably sympathetic to the historic fabric but there is scope for some refinement
 - Content with the proposed new buildings in 'the meadow', south and west terrace and the old and new lodges
 - Main contentious issue is proposal to create new block on site of the lost building 39.
 - Note suggestion that extra building is required to ensure the viability of the scheme
 - RAF Bicester Planning Brief makes it clear that CDC does not consider there is scope for new development
 - Not putting building 50 to a beneficial use does reduce the value of the existing buildings but this should be outweighed by the non-contentious elements of the new build
 - Development of building 39 can only be accepted if it is demonstrated not to harm the character of the conservation area and setting of listed buildings
- 3.8 The Council's **Landscape Architect** in relation to the provision of play and open space has a number of concerns about the type, location and future maintenance of the proposals.
- 3.9 The Council's **Strategic Housing Officer** has stated that the proposal triggers a policy requirement of 30% affordable housing. The applicants are stating that the scheme is not viable and cannot sustain a contribution towards affordable provision. Housing services would not be able to support such an application without a full check on the viability position.
- 3.10 The Council's **Ecologist** raised initial concerns that the ecological surveys did not go far enough in assessing the potential impact the conversion of the buildings would have on the bats. Further survey work was submitted which concludes by proposing appropriate mitigation strategies for those building where bats were found. Mitigation strategies should also be put in place for other buildings that have to potential to support bats.

- 3.11 The Council's **Arboricultural officer** has stated that generally the submitted report is a thorough and comprehensive document which provides good advice regarding arboricultural protective measures, engineering solutions with regard to identified areas of 'no-dig' and site logistics and monitoring procedures. No arboricultural objections are raised subject to the inclusion of conditions.
- 3.12 The Council's **Head of Building Control and Engineering Services** is satisfied with the surface water disposal strategy and positively supports the proposal to make the minor watercourse a feature of the development.

There is concern however that the FRA does not consider whether there is any risk of flooding from the watercourse and this should be assessed.

- 3.13 The Council's **Head of Anti-Social Behaviour** raised concerns about the noise impact resulting from the main roads to the south and east of the site and recommended a noise survey be carried out. A noise report was submitted which whilst the outcomes don't completely comply with guidance in PPG24 was sufficient to recommend conditions.
- 3.14 The County **as Strategic Planning Authority** has stated that it is concerned to the reference to there being no provision of affordable housing or other financial contributions and therefore objects to the application.
- 3.15 The **County Council's Developer Funding Officer** has set out that a development of this nature triggers the requirement of funding towards education, elderly, adult and youth centres, library and stock, museum resource and waste recycling. The financial contributions should be subject of a legal agreement before any approval is granted. The contributions identified are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning incorporation of this development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal. It is considered that they are reasonable and that they should ensure that this proposal is not subsidised by the community, except where sufficient capacity in infrastructure already exists which can absorb the expected impact of this proposed development.
- 3.16 The County **Archaeologist** raises no objections but asks to be notified should finds occur during the construction phase.
- 3.17 **Thames Water** has not commented on this application.
- 3.18 **The Environment Agency** originally objected to the application in the absence of a satisfactory flood risk assessment. However the FRA reference 020/2011/3 ADDENDUM FRA gives confidence that surface water flood risk can be sufficiently managed within the proposed development, to the standards set out in PPS25. The EA are therefore able to withdraw their objection on surface water flood risk grounds to this planning application subject to conditions.
- 3.19 The **Council's Recreation and Health Improvement Manager** has stated that the development would trigger the requirement for a contribution towards off site outdoor sports provision.

4. Relevant Planning Policies and documents

4.1 Central Government Guidance

Planning Policy Statement (PPS) 1 – Delivering Sustainable Development
Planning Policy Statement (PPS) 3 – Housing
Planning Policy Statement (PPS) 5 – Planning for the Historic Environment
Planning Policy Statement (PPS) 9 – Biodiversity and Geological Conservation
Planning Policy Guidance (PPG) 13 – Transport
Planning Policy Guidance (PPG) 24 – Planning and noise
Planning Policy Statement (PPS) 25 – Development and Flood Risk

4.2 South East Plan Policies

CC1 - Sustainable Development
CC7 - Infrastructure and Implementation
H3 - Affordable housing
H5 - Housing design and density
NRM5 - Conservation and Improvement of Biodiversity
NRM10 – Noise
BE1 – Management for an urban renaissance
BE6 - Management of the Historic Environment

4.3 Adopted Cherwell Local Plan

H5 – Affordable Housing
H15 - Category 3 settlements
H21 – Conversions of buildings within settlements
S28 - Small shops serving a local need
TR1 – Transportation funding
C21 – Re-use of an unused listed building
C23 – Retaining features which make positive contribution to Conservation Area
C28 - Standards of layout, design and external appearance
C30 - Design of new residential development
ENV1 – Detrimental levels of noise

4.4 Non Statutory Cherwell Local Plan

H7 – Affordable housing (where viable)
H17 – Category 3 villages
S25 – Small shops to serve local needs
TR4 – Transport mitigation measures
EN7 – Development sensitive to noise
EN22 - Nature Conservation
EN23 - Ecological surveys
EN42 - Listed building change of use
EN44 - Listed Building Setting
EN46 – Enabling development – in exceptional circumstances possible to set aside other policies
EN49a – RAF Bicester Conservation Area (Technical site and airfield only)
D1 – Urban design objectives
D3 - Local distinctiveness
D6 - Design Control

4.5 Enabling Development and the conservation of significant places (English Heritage)

4.6 RAF Bicester Planning Brief

This document was drawn up following extensive discussions with English Heritage and Defence Estates prior to the sale of the site and was jointly agreed. This document does not form part of the Development Plan but was subject to stakeholder involvement and has been endorsed by the Council's Executive and so has some weight as a material consideration in the determination of planning applications on the land. The document sets out;

- A range of appropriate land uses, including residential
- The potential for demolition and concludes that the recent ballistics firing range and the building used by the Air Cadets which are modern structures, could preserve and enhance the conservation area through their demolition.
- The potential for new development and concludes, having given consideration to the rebuilding of the former Building 39 and new development south west of Building 29 and 42, that there was no scope for new development.
- There was no scope for enabling development as defined by English Heritage
- Management and repair guidelines that were initially drawn up by English Heritage and Defence Estates for the Domestic Site when it was still in military use.

4.7 RAF Bicester Conservation Area Appraisal (October 2008)

This document predates the Defence Estates decision to sell the Domestic site but sets out broad management strategies for the enhancement and management of buildings and also the management and protection of green open spaces.

5. Appraisal

5.1 Main Planning Considerations

5.1.1 The main issues to consider in the determination of this application are as follows

- Principle of development and compliance with local policy
- The Case for New Build
- Viability assessment
- Heritage impact
- Layout/Design
- Visual Amenity/Landscape Impact
- Residential Amenity
- Highway Impact
- Ecology/Trees
- Other issues
- Infrastructure provision and S106
- Response to third party comments

Each of the above points will be considered in turn.

5.2 Principle of development and compliance with local policy

5.2.1 The domestic site, the subject of this application, is within the parish of Caversfield and as such is considered to be part of Caversfield itself. Therefore Policy H15 (category 3 settlements) is considered to apply. This policy is complied with in relation to the conversion of the existing buildings. However the policy does not allow new dwellings unless there is an essential need for

agriculture or other existing undertaking. The proposal includes plans for 27 new residential units and no such agricultural requirement exists in this case. Therefore the proposal does not comply with this policy and is a departure from the development plan.

5.2.2 Policy H21 of the adopted Cherwell Local Plan also supports the principle of conversion of buildings within settlements providing the residential use is not detrimental to the special character and interest of the buildings. Policy C21 also supports proposals for the reuse of unused listed buildings providing the use is compatible with the historic character and architectural integrity and setting. The policy goes on to say that other policies may be set aside in order to secure the retention and reuse of such buildings.

5.2.3 Based on the above it is clear that the principle of conversion is supported whilst the new build does not comply with local policy.

5.3 The Case For New Build

5.3.1 The site is within a conservation area and has a large proportion of listed buildings and as whole it is a significant heritage asset. The applicant's have argued the new build elements of the scheme are necessary as the conversion of the buildings on their own would not produce a viable scheme.

5.3.2 The policy on enabling development applies to development which is contrary to planning policy therefore it is considered applicable in this instance.

5.3.3 The policy produced by English Heritage sets out that;

5.3.4 Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a. It would not materially harm the heritage values of the place or its setting
- b. It avoids detrimental fragmentation of management of the place
- c. It will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose
- d. It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid
- e. Sufficient subsidy is not available from any other source
- f. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests
- g. The public benefit of securing the future of the significant place through such enabling development decisively outweighs the dis-benefits of breaching other public policies.

5.3.5 Whilst the applicants have not put forward a case for enabling development they have sought to demonstrate that the proposals comply with the requirements set out above. In respect of points a, b, c, e and g it is considered that the guidance is generally complied with (some of these points will be addressed in more detail throughout the report).

5.3.6 In relation to point d. the Council in its planning brief for the site stated that there was no case for enabling development, likely resulting from the view that all the

buildings were in a reasonable condition and not in need of substantial rebuild or repair and that the cost of a scheme for reuse should be reflected in the purchase price of the site.

5.3.7 The applicants have provided a detailed costs breakdown to justify new development on the site. The individual costs appear high in places and in relation to the purchase price it is acknowledged that the applicants did recently purchase the site. In light of concerns about the applicant's viability the Council has appointed an independent consultant to review the viability (see below).

5.3.8 Point f relates to the amount of development and it being demonstrated that only that which is required to secure its future is permitted and that its form minimises harm to other public interests. This is best assessed through the consideration of the viability of the scheme.

5.4 Viability Assessment

5.4.1 In order to assess the viability of the scheme the applicants submitted a viability report which has been considered and appraised by an independent Consultant appointed by the Council. The Council's consultant was able to conclude in relation to the first application that the scheme, even with 27 new build units of accommodation was not viable. This affects the applicant's ability to provide the usual provision of affordable housing and infrastructure contributions but this matter will be discussed in more detail at the end of the report.

5.4.2 It would seem unlikely that the applicants would implement a scheme that was not going to be viable and this was acknowledged during the consideration of this application and in order to address this issue a second application was submitted proposing further new build.

5.4.3 As the initial scheme was considered not to be viable it follows that consideration should be given to the second application which put forward further new build proposals with the aim of producing a viable scheme. The conclusions from the Council's consultant in relation to the viability of the second scheme set out that only a proportion of the additional new build is required to increase the Residual Land Value sufficiently to make it viable. The Council's Consultant suggests that 8 additional units of accommodation in the second application could make the scheme viable. As with any viability appraisal there are a range of variable figures which can be disputed between the parties and the applicants may consider that more than 8 units are required to improve the viability. This conclusion takes no account of the purchase price paid for the land. However having established that in principle the site requires a degree of new build to make the conversion and retention of the listed buildings viable it is then necessary to consider the impact that the proposals have on the historic asset. The following section will only deal with the conversions and elements of new build proposed in the first application (11/00151/F). The additional new build proposed in the second application will be covered in a separate report (11/00805/F).

5.5 Heritage impact

5.5.1 Elements of Policy BE1 of the South East Plan which 'promote and support design solutions relevant to context and which build upon local character and distinctiveness and sense of place, including the sensitive reuse of redundant or under-used historic buildings', are complied with. The detail and impact of the

conversions are considered more thoroughly in the reports relating to the listed building applications (11/00153/LB & 11/00806/LB) but in general the treatment of the conversions is considered to be sympathetic to the historic fabric of the buildings and their setting.

- 5.5.2 Whilst the principle of conversion can be supported the justification for new build needs to be more carefully considered. The applicants have consistently set out that conversion alone would not be sufficient to result in a viable scheme. This is suggested to be as a result of the high conversion costs and the physical constraints of converting listed buildings. In an attempt to make the scheme viable elements of new build have been proposed, as set out in the original submission for this application (11/00151/F). With the exception the replacement of building 39 and a new lodge building close to the access the new build elements were not considered contentious as they largely preserve or enhance the setting of listed buildings and the character and appearance of the Conservation Area. In order to reach the view that the majority of the scheme for new build was non-contentious each element has been considered against policies established to help preserve historic buildings and their surroundings.
- 5.5.3 PPS5 requires that LPAs should take account of
- The significance of the asset and value it holds for future generations
 - Sustaining and enhancing the significance of the heritage asset
 - The positive contribution that the heritage asset makes to the establishment and maintenance of sustainable communities
 - The development making a positive contribution to the character and local distinctiveness of the local environment.
- 5.5.4 Where development would affect the setting of a heritage asset LPAs should treat favourably applications that preserve those elements of the setting that make a positive contribution or better reveal the significance of the asset. Where development does not do this LPAs should weigh any harm against the wider benefits. Potential benefits are listed in the PPS5 Practice Guide as;
- Sustaining or enhancing the significance of the heritage asset
 - Reducing or removing risks to the heritage asset
 - Securing optimal viable use
 - Positive contribution to economic vitality and sustainable communities
 - Having a design appropriate to context
 - Better revealing the significance and enhancing enjoyment of the place
- 5.5.5 Paragraph 80 of the guide state that a successful scheme will be one where the design has taken account of
- The significance of the assets and the contribution of their setting
 - General character and distinctiveness of buildings, spaces, public realm and landscape
 - Style, construction, materials, detailing, decoration and period of buildings and spaces
 - Green landscaping
 - Current and historic uses and urban grain
- 5.5.6 It is considered that the demolition of Building 2 (the firing range) and its replacement with new development that meets the above PPS5 design criteria,

together with the creation of an enhanced landscape treatment of the space, could in principle enhance the to-be-established character of the conservation area and the setting of the listed buildings, Buildings 16 and 20. The case for the second terrace on the south side of the square is less convincing and could only be justified if it was considered to reduce or remove risks to the heritage asset, help secure the optimal viable use or make a positive contribution to economic vitality and sustainable communities subject to having a design appropriate to context. It is considered that the outcome of the viability appraisal has demonstrated that this terrace helps to improve the viability of the scheme and this is one of the least sensitive areas of the site, capable of accommodating appropriately designed new build without having a significant detrimental effect on the listed buildings.

- 5.5.7 It is considered that the Meadow Villas have been carefully designed to complement the established character of the conservation area. As modern interventions of potentially high design quality they could justify such intervention in the conservation area. The buildings are placed to respond to the existing footprints, designed to be extensions of the southern wings of Building 23 and contain Building 22. The applicants contend that these buildings enhance the setting of the listed buildings. This view is not entirely agreed but it is fair to say that the setting is likely to be preserved as a result of these buildings.
- 5.5.8 The bungalows proposed to the west of the Old Lodge (Building 19) are to be positioned on what is currently an expanse of hard standing used as a car park. They are inward looking and single storey and as such do not compromise the primacy of the historic buildings, nor do they set up any new competing spaces. They make a neutral contribution in themselves, which is a favourable design response. However, in infilling an otherwise negative space, and on account of their high quality architecture, they make a positive contribution to the conservation area.
- 5.5.9 The applicant's believe that the original proposed location for the new lodge building is justified to create a 'landmark building' at the entrance to the site and an entrance without a building to elegantly mark it would be wrong. Pre-application plans had also indicated that it would have served as the shop/café. These uses have now been accommodated in Building 19 which is a preferable location giving emphasis to the main entrance. Officers have consistently had difficulty supporting this proposal as there is no historic precedent for a building in this location and the design of the building appears to be a contemporary re-interpretation of the guardhouse model, but this could serve to undermine the real main entrance. However, as the building is considered to contribute to the improved viability of the scheme it has been agreed that the relocation of the building to the opposite side of the entrance helps to overcome some of the concerns raised. The applicants are not entirely comfortable about the revised position but are willing to accept the suggestion to minimise areas of potential dispute.
- 5.5.10 The acceptability of the replacement of Building 39 has also been the subject of debate. The Planning Brief for the site dealt with this potential and states '*...officers concluded that the effective 'reconstruction' of building 39 would in effect need to be just that and this would be difficult to achieve as it is believed that the original building was a temporary structure. It would be important to*

ensure that the resultant building was not a pastiche copy of other buildings, which would undermine the coherence and quality of the historic buildings.'

- 5.5.11 The applicant's recognise that this Neo-Georgian area of the site and the open area to the west of buildings 29 and 42 are more sensitive and therefore will be more open to potential harm from inappropriate development. Yet it is claimed that the new building would enhance the setting of the adjacent listed building and complement the grain of the site west of the parade ground. They go on to argue that a 'large gap' opened up on the site when the alleged single storey timber structure was demolished and that replacing it with a replica of building 33 would enhance the area. However building 33 currently stands alone as an outer building, on the periphery of the site, as with other single storey buildings, and interacts only with building 35. The replication of building 33 in the proposed location will crowd out buildings 29 and 42, leaving little more than a footpath between the buildings. It will turn the campus environment, where pavilion buildings sit in shared open landscape, into a linear street like space, which is contrary to the pattern book spatial relationship of the established Trenchard layout seen in these historic military sites across the country. A building in this location would also interfere with views into and out of the most sensitive part of the site.
- 5.5.12 Whilst officers have continually discouraged the creation of a new building on the site of Building 39 it is acknowledged that new build structures are required to improve the viability of the scheme. When assessing the justifications for and the potential impact of a building in this location it is acknowledged that there is some historic precedent and the harm would be less here than in some other locations around the site. Allowing this building is seen as somewhat of a compromise but favourable over some of the other suggestions put forward in the second application.
- 5.5.13 Whilst a case for Enabling Development has not been put forward by the applicants as they consider the proposal complies with relevant policies the Council is taking a different view given that the new build does not comply with Local Plan Policies. Given that local plan policies are not complied with it is considered that the only possible justification for the new build elements, notwithstanding the harm or otherwise they may cause, is the contribution they make towards achieving a viable scheme to help secure the future retention and reuse of the historic buildings on this sensitive site. It is considered that the elements of new build proposed in this first application comply with guidance in PPS5 and can be considered enabling development. Having discussed the individual elements of new build it is possible to conclude that the proposals for new build do not cause substantial harm to the heritage asset and as such are acceptable.
- 5.5.14 It is considered that this scheme largely complies with Policy BE6 of the South East Plan as it seeks to protect, conserve and in some examples enhances the historic environment. In relation to the conversions it also makes sensitive use of historic assets by bringing redundant buildings into an appropriate use.
- 5.6 Layout/Design
- 5.6.1 In response to the general masterplan it is considered that the following comments summarise officers views on the proposal;

- The proposed alterations to the access road have historically proven precedent and will enhance the character and appearance of the conservation area
- The reduction in the amount of tarmacadam will have a positive effect
- The creation of three internal landscaped squares is an alteration to the established character, but the general approach is appropriate to the proposed context. There is a general change in character from an open campus landscape of grass and fairly randomly located trees to a more intimate landscape with formal tree planting which in places creates an avenue effect particularly around the parade ground and parking areas either side. This change in character is appropriate to the change of use.

5.6.2 On the whole the new buildings are each considered to have been designed appropriately to fit in with their surroundings and have a minimal impact on the layout of the site and its historic significance.

5.6.3 With a change of use to residential from the previous Ministry of Defence use it is inevitable that there will be some change in character and the introduction of some domestic paraphernalia is to be expected. However the Planning Brief seeks to preserve the campus character through a restriction on the demarcation, privatisation and personalisation of the external space. In general this approach has been followed and where concerns were raised about private terraces adding to the domestication of the site amendments have been made.

5.6.4 Car parking is largely accommodated close to the dwellings reducing the existing large areas of hard standing. There are some examples where parking spaces are located some distance from front doors, meaning that these entry points may not be very active. However on the whole the parking is appropriately arranged for the nature of the site.

5.6.5 Based on the submitted number of new dwellings and the conversion of the existing buildings the density of the development will be approximately 20 dwellings per hectare significantly lower than the 40 dwellings per hectare recommended in Policy H5 of the South East Plan. Taken literally the application does not comply with this policy however it is considered that if the recommended density was sought it has the potential to adversely affect the campus layout of the site, the character and appearance of the Conservation Area and the setting of listed buildings.

5.7 Visual Amenity/Landscape Impact

5.7.1 In relation to the treatment of the landscape the following points are considered to be relevant;

- The retention and enhancement of the woodland around the periphery and the development of the meadow area and swales are an appropriate landscape design response to the site.
- The creation of three internal landscaped squares is an alteration to the established character, but the general approach is appropriate to the proposed context. There is a general change in character from an open campus landscape of grass and fairly randomly located trees to a more intimate landscape with formal tree planting which in places creates an avenue effect particularly around the parade ground and parking areas

either side. This change in character is appropriate to the change of use.

- The parade ground will undergo the greatest change in character from tarmacadam to grass and, providing that it is maintained in a closely mown regime this proposal is considered acceptable
- The location and design of bin storage areas have been submitted and in terms of their visual impact they are considered appropriate

5.7.2 The site is currently closed to the public but elements of it are open to public views. There will be some change to the character and appearance of the site from the public perspective but it is not considered that any harm will be caused to public visual amenity. In fact the site, whilst proposed to be privately maintained, will become accessible to the public. In general terms the harsh appearance of the ceased military use will be softened by the change of use to residential but without compromising the history of the site.

5.8 Residential Amenity

5.8.1 The proposed physical development, both the conversions and new build, are unlikely to have any adverse impact on the existing residents of Caversfield in relation to overbearing or loss of privacy. The site shares no boundaries with existing residential properties. Therefore any potential impact is likely to be between the newly created properties or the wider impacts of developing the site for residential purposes.

5.8.2 The new build dwellings have been designed to minimise the impact between other proposed new build properties and the existing buildings to protect residential amenity. However the conversions, given the existing layout of some of the buildings, are slightly more difficult to ensure that there is no adverse neighbour impact. In most cases overlooking between converted units has been limited through alterations to the internal layout, the use of frosting to existing windows or by ensuring windows serving habitable rooms are opposite windows serving non-habitable rooms. Private residential amenity is no less important in the case of conversions but compromises can be made where it involves the conversion of listed buildings which require special consideration to limit internal alterations and external extensions and where an entirely new development is being created and new residents are likely to have the opportunity to consider the potential implications of purchasing such units.

5.8.3 In most new residential development proposals the provision of private amenity space is a relevant consideration. Given the nature and historic importance of this site the personalisation and subdivision of space has been discouraged. In general it is only the new build properties which have private gardens whilst the residents of the converted properties will have to utilise the communal spaces. This is not considered to be detrimental to the residential amenity of the new residents as the proposals include a large proportion of communal open space which has been designed to a high standard.

5.8.4 A small number of residents of Caversfield have raised concerns that they may argue have the potential to affect their residential amenities. However concerns tend to relate to issues of parking spilling out onto surrounding roads, light pollution, noise and disturbance and an increase in youths in the area resulting

from the proposed shop. These issues are covered elsewhere in the report and have either been addressed by the applicant or are issues which the planning system cannot control.

5.9 Noise

5.9.1 The site shares two of its boundaries with major roads, the A4421 to the east and the Bicester ring road to the south. With reference to PPG 24 Annex 1 Paragraph 1 advises that '*planning permission should not normally be granted*' for residential development on land that falls in to Noise Exposure Category C. The applicants have carried out a noise survey and an extract from the specialist noise report shows part of Building 44/45 within Category C. The Council's Anti-Social Behaviour Manager considers that in this case an exception can be made. The affected building is not listed therefore the conversion works can more easily include measures to protect the property against noise. Furthermore the noise survey was conducted without any sound proof barrier along the boundary. This is something that the applicants are considering in order to reduce the noise disturbance to from the road. If a barrier is to be installed it would need to be appropriately designed taking into consideration the character of the site but it is considered that conditions can appropriately control potential noise impacts and the proposal can comply with Policy NRM10 of the South East Plan, Policy ENV1 of the adopted Local Plan and guidance contained within PPG24.

5.10 Highway Impact

5.10.1 The comments of the local highway authority are summarised at section 3.5. However in general terms they are satisfied with the proposals for the amended access points, having studied the submitted transport assessment they are satisfied that the number of traffic movements is likely to be less than when the site was used for MOD purposes and the parking provision exceeds the County Council standards. The local highway authority have however raised concerns that the site is not in the most sustainable location, being in Caversfield and the outside edge of Bicester therefore as a result many trips will be by car. In order to lessen this potential impact the applicants have included a high proportion of cycle parking spaces and intend to make new residents aware of the availability of public transport.

5.10.2 It is understood that the roads within the site are not going to be adopted. However the highway authority is satisfied with the layout of the residential roads.

5.11 Ecology/Trees

5.11.1 The site currently benefits from a significant number of trees and hedges and buildings all of which are potentially capable of supporting bats. Surveys have been carried out and the Council's Ecologist, subject to some minor points of clarification are satisfied that mitigation strategies are adequate to protect existing roosts and any further roosts found during the works to convert the buildings and the works proposed to the trees.

5.11.2 The proposed works to the trees has been justified and the Council's Arboriculturalist is satisfied that the works will not be detrimental to any trees of particular amenity value.

5.12 Other Issues

5.12.1 There are a number of other issues that have been considered during the

assessment of the application and also as a result of issues raised during a Members briefing which took place on 14 July 2011. Such issues are covered below, including responses from the applicants, City and Country (C&C);

5.12.2 How will car parking associated with the Guided Tours of Building 50 and Heritage Open Days be managed?

As the site will be a residential development, it would be unfair to residents to allow unrestricted parking on the site and it is also recognised that it is important to minimise the impact on existing residents. Bomber Command Heritage has offered to assist with the running of any guided tours, or Heritage Open Days utilising their experience and “manpower”. The following measures are proposed:

- As part of any promotion for Open Days we would seek to promote sustainable forms of transport such as the use of public transport, cycling or walking, especially as the site is well located on the edge of Bicester and within walking distance of many homes.
- City and Country do however recognise that some degree of car travel is inevitable and they will therefore seek to minimise any disruption to existing residents by working with the MOD to allow parking on the Technical Site for these events.
- Depending on demand, a shuttle bus service between the site and the town centre car parks, via Bicester North train station could also be arranged.
- Supervised pedestrian crossing of Buckingham Road will be provided by Bomber Command and access to the site gained from the historic entrance, opposite the Technical site, which is being retained as pedestrian access.
- Parking for Disabled Badge Holders could be provided on site utilising the visitors’ parking spaces on these days.

5.12.3 What are the timescales for delivery of the proposals and is there scope for use of local suppliers?

Time is of the essence when preserving heritage assets because as each day goes by the deterioration of the asset increases and therefore the costs of restoration grow. City and Country’s intention is therefore to start on site within a month of achieving planning and listed building approval. It is their policy to utilise suitable local suppliers, contractors and direct labour wherever possible. C&C do this because it is economical and efficient as labour and suppliers will make allowances for travel time and costs but also local suppliers and labour will be able to supply a more responsive service. It will only be the most senior management that will be from City & Country’s existing out of area staff and this is important to ensure that our exacting standards in terms of quality are maintained. C&C believe that as recognised by the various guidance from English Heritage that this project will positively contribute to the local economy at a critical time in the economic cycle.

5.12.4 The proposals look very exclusive and aimed at the elite not the local market. Is this true?

Whilst it is C&C's aim to produce a high quality and award winning development that everyone can be proud of, it is not and never has been the intention to exclude sectors of the market. This is more relevant in the current economic climate than ever. C&C's proposals are specifically designed to reach the widest possible target audience, whilst acknowledging the inherent constraints of converting historic buildings in a sympathetic manner. In order to demonstrate the wide range of product available C&C have set out the currently anticipated prices.

1 bedroom apartments from £135,000

1 bedroom houses from £150,000

2 bedroom apartments and houses from £185,000

3 bedroom apartments and houses from £245,000

4 bedroom houses from £400,000

5.12.5 Will the site be open to the public and is there a danger the site could create an antagonistic relationship between residents and existing neighbours?

It has never been C&C intention to create a gated development, excluding the existing residents of Caversfield. The site, whilst being central to the community in Caversfield has been closed to the public for all its working life and C&C are proud to be part of the proposal to reverse this situation.

When in a special environment it is the natural reaction to respect it and look after it. C&C believe that the community of Caversfield will do the same. C&C state that they have had no such antagonism between new and neighbouring residents on any of their other schemes and they are confident that this site will be no different.

5.12.6 Could the green areas be available for football/tennis?

One of the key features of the site is the open campus feel with large areas of landscaping providing the sympathetic setting for the listed buildings. C&C's aspiration is for the local community to enjoy this important site and the landscape proposals are designed to significantly enhance the biodiversity of what is currently a species poor, bland environment. To introduce modern sports structures (football goals, tennis court hard-standing and fencing) that by their very nature would need to be in exposed parts of the site, would detrimentally affect the setting of the listed buildings and have a negative impact on sales values. This would only serve therefore to make it more difficult to enhance the setting and place more pressure on the viability of the scheme.

As a response to providing on site play equipment whilst still retaining the essence of the open campus feel, C&C have agreed to design and construct a "trim trail" around the perimeter of the site, which will be available for everyone of all ages to use.

5.12.7 What will the Service Charges/Management Fee be on site?

Whilst the direct issue is not considered to be a material consideration it is relevant to consider how such a site is going to be maintained when none of the open spaces are to be transferred to the District or Parish Council for future maintenance. C&C have provided the following response. C&C have asked their current Management Company to estimate the annual service charges and whilst these are preliminary figures they do compare with the scale of management fees at other City & Country developments. The service charges include buildings insurance, external redecoration, cleaning and maintenance of the communal

areas and windows, landscape maintenance and a sinking fund for future unforeseen expenditure. This ensures that the properties are maintained to a consistently high standard and also reduces other household expenditure ensuring that ownership on this site would compare favourably with other more standard ownership arrangements. It is clear from these figures that whilst these charges would not be excessive they also serve a very important purpose in providing the guaranteed income stream to fund the long term maintenance of the heritage assets.

1 bed homes from £750 pa
2 bed homes from £1,350 pa
3 bed homes from £1,750 pa
4 bed homes range from £2,750 pa

5.12.8 Could the decontamination bunker (building 50) be used as a village hall?

The decontamination bunker is the most highly prized heritage asset on the site, with one of the best preserved internal layouts in existence. For this reason, C&C have agreed to preserve the building in its current state and open it up for guided tours and Heritage Open Days. C&C therefore believe that it would be inappropriate to designate the building as a Village Hall, which implies activities that could be incompatible with the preservation of this important heritage asset. However, C&C certainly see the merit in allowing the building to be used as a meeting venue for residents, local interest groups or the parish council.

5.12.9 Concern was raised that the ATC would lose ‘their’ parade ground

City & Country genuinely recognise the important part that the ATC plays in the life of the community of Caversfield and from the outset they have actively engaged with the ATC. C&C have an excellent relationship with the ATC and knowing the difficulties they face due to the growth in their numbers they have been allowing them the use of building 33 free of charge since they purchased the site in 2010. This arrangement will continue until they need to begin works to convert building 33 or Health & Safety considerations dictate otherwise. C&C have also agreed with the ATC that in light of the Parade Ground being included in Phase 1 of the proposals, they will work with them to provide alternative areas on site for them to rehearse and parade for as long as practical. With regard to the ATC’s aspirations to move to an alternative location we are working actively with them to assist with finding a longer term solution.

5.13 Infrastructure provision and S106

5.13.1 Planning obligations must be;

- Necessary to make the development acceptable;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

5.13.2 In relation to this application the following contributions have been requested;

- Affordable housing
- Replacement bus stop on Skimmingdish Lane
- Pedestrian improvements along Skimmingdish Lane
- Contribution towards the reduction in speed limit along the A4421
- Traffic calming along Skimmingdish Lane
- Public transport subsidy

- Travel Plan
- County Council contributions amounting to £559,924 which includes a range of education contributions as well as library, museum and waste recycling requests.
- On site play areas
- Contribution towards off site outdoor sports facilities
- Public Art
- Refuse bins

- 5.13.3 The applicant has put forward a case for not providing the standard section 106 contributions based on the scheme not being sufficiently viable to make such contributions possible. Viability has been discussed earlier in the report in relation to justifying the proposed new build but the assessment carried out by the Council's independent consultant is also relevant in the consideration of the applicant's ability to contribute to the provision of affordable housing and infrastructure.
- 5.13.4 The applicants have consistently set out that the scheme is not sufficiently viable to provide an affordable housing provision, either on site or through off site contributions. In this respect the proposal does not comply with Policy H3 of the South East Plan. Policy H5 of the adopted Cherwell Local plan also requires developers to provide an element of affordable housing in substantial new residential development schemes. However this requirement is only necessary where it is economically viable.
- 5.13.5 The Council's Consultant has been asked to specifically comment on the effect that the provision of affordable housing would have on the viability of the scheme. The conclusions of the viability assessment on this original application show that the scheme is not viable. The effect of allowing some of the development on the second application makes the scheme only marginally viable without contributing to any form of planning gain. Requiring affordable housing provision would significantly reduce the gross development value. Costs may rise as a result of providing affordable housing and viability would be adversely affected unless large amounts of grant or subsidy were made available.
- 5.13.6 The same conclusions can be reached in relation to the other contributions, the scheme is only marginally viable without contributing to infrastructure provision. Therefore to require the contributions would render the scheme unviable and put the potential to implement the scheme at risk.
- 5.13.7 It has been demonstrated that the scheme isn't sufficiently viable to provide all the requested transportation infrastructure contributions. In the event of this scheme being approved and implemented the applicants will provide a replacement bus stop and the agree traffic calming measures along Skimmingdish Lane. However there will be no contributions towards the reduction in speed limit along the A4221, public transport or a travel plan. Therefore the proposal does not fully comply with Policy TR1 of the adopted Cherwell Local Plan.
- 5.13.8 The unique nature of the site and the limited amount of new build means that there is a significant amount of open space retained which exceeds the overall requirement set out in Policy R12 of the adopted Local Plan. However what it

does not provide is the standard requirement for children's play space. The precise locations and nature of play space is yet to be agreed but it is recognised that the nature of the site should be preserved and it is not appropriate to encourage the types of local areas of play that are often found on modern housing developments. Indicative proposals have been submitted for a 'trim trail' around the perimeter of the site. In the event of an approval the applicant's will be required, by condition, to submit a full play strategy proposal for approval. Whilst the development does not directly comply with the Council's requirements a suitable alternative can be agreed.

- 5.13.9 The proposal does not comply with Policy CC7 of the South East Plan which requires a programme of delivery for additional infrastructure where new development creates a need for additional provision. However, having regard to the second application it is possible to say that if all the new development was considered acceptable it could potentially improve viability resulting in some section 106 contributions but it is considered that by allowing all the development originally proposed on the second application it would adversely affect the historic asset.
- 5.13.10 On 23 March 2011 a Ministerial Statement, Planning for Growth, was published. In its covering letter to Chief Planning Officers it was made clear that the Statement was capable of being a material consideration. The Statement emphasises the need to rebuild Britain's economy and points out that 'the planning system has a key role to play by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible'. It goes on to set out that 'when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development' and amongst other considerations 'ensure that they do not impose unnecessary burdens on development. One element that can be negotiated to help development proceed is section 106 obligations. The Statement also states that 'benefits to the economy should, where relevant, be an important consideration when other development-related consents are being determined, including heritage, environmental, energy and transport consents'.
- 5.13.11 Whilst the scheme does not provide the usual section 106 contributions this negative point needs to be weighed against the benefits the scheme can bring to both the economy and the retention and preservation of the heritage asset.
- 5.13.12 The scheme, as well as securing the long term future of the listed buildings and site as whole includes the provision of a small shop and café in Building 19, the old guard building as well as retaining building 50 in its current intact condition to be made available for heritage open days. The shop, being located on the edge of the site it will be accessible to future residents of the site and also to those existing residents in Caversfield. Policy S28 of the adopted Cherwell Plan encourages the favourable consideration of such proposals where it is required to serve local needs. The applicants have held public events where a number of existing residents suggested that some form local facility would be beneficial as currently residents have to travel into Bicester where the nearest shops are. Not only will this provide a local facility but it will also improve the sustainability of the village of Caversfield.

5.14 Response to Third Party Representations

5.14.1 The applicant has been very proactive in responding to the comments and concerns of the local residents. Letters of correspondence from the applicants to residents can be viewed on the public access system but some of the responses are summarised below.

- The size of the units largely reflects and is a result of the constraints of the buildings and the need to convert them in a sensitive manner
- The transport assessment actually shows that there are likely to be less traffic movements from a residential scheme than when the site was used by the MOD.
- The number of parking spaces is in line with Oxfordshire County Council's standards. A significant number of cycle parking spaces are also proposed
- The access points correspond with historic access points
- Proposed to replace existing lighting with low level bollard lighting – reducing the light pollution
- The majority of the trees along Skimmingdish Lane will remain in place, with the exception of a few trees of low ecological value that make little contribution to the site and are in such condition that sound arboricultural management requires their removal.
- The hedge along Skimmingdish Lane will be retained at 2m in height and improved whilst the chainmesh and barbed wire fence removed
- Provision of a shop/café is a result of residents feedback who commented of a lack of facilities within walking distance. Its location on edge of development means it can easily serve existing and future residents. City and Country will not permit a fast food establishment to use the premises.
- Residents will be required to pay management fee to contribute towards future maintenance of the site
- The viability of the scheme means there is no requirement for affordable housing on the site.
- Site will remain at a lower density than other modern developments
- Green space will increase by 10%
-

6.1 Conclusion

6.1.2 This application scheme demonstrates that the applicants have produced a high quality and sympathetic proposal for the conversion of the existing buildings which requires an element of new build to improve the schemes viability. It has been demonstrated that the new build can be justified in terms of enabling development and it has limited impact on the setting of the listed buildings and the significance of the site as a whole. However regard should be had to the second application for further new build as this application alone would not result in a viable scheme. It is disappointing that the combined schemes (11/00151/F and 11/00805/F) do not result in a proposal that is sufficiently viable to contribute to the provision of affordable housing or other section 106 contributions. However there is a balance to be reached as allowing a significant amount of further new development (over and above what has been considered in 11/00805/F) may increase the opportunity for infrastructure provision but is likely to have a severe impact on the heritage asset that the applications are seeking to preserve.

6.1.3 This site is unique within the district as a result of its history and in order to secure its long term retention it needs to be brought into a suitable use. It is considered

that residential would be the optimum use and that City and Country produce a high quality product. It is unlikely that there are any more viable uses that the site could be put to. Therefore on this occasion and based on the considerations above, it is considered justified and appropriate to compromise on the provision of affordable housing and other contributions in order to secure the long term future of the buildings and the site.

<p>7. Recommendation</p> <p>Approval subject to;</p> <p>a) 11/00805/F also being approved</p> <p>b) A legal agreement to;</p> <p style="padding-left: 20px;">a. Ensure that one scheme is not Implemented without the other (11/00151/F and 11/00806/F)</p> <p style="padding-left: 20px;">b. Set out a phasing scheme for development</p> <p style="padding-left: 20px;">c. Secure a maintenance scheme for the landscaping and upkeep of the buildings</p> <p>c) Officer's and applicant's agreeing list of plan numbers</p> <p>d) The following conditions</p>
<p>1) SC 1.4A Full Permission: Duration Limit (3 Years) (RC2)</p> <p>2) SC 2.0A Details of Materials and External Finishes (RC4A) (new build development)</p> <p>3) SC 2.2AA Samples of Walling Materials (RC4A) (new build development)</p> <p>4) SC 2.2BB Samples of Roofing Materials (RC4A) (new build development)</p> <p>5) SC 3.0A Submit Landscaping Scheme (RC10A)</p> <p>6) SC 3.1A Carry Out Landscaping Scheme and Replacements (RC10A)</p> <p>7) That the development hereby permitted shall be carried out in accordance with the recommendations and specifications set out in the Arboricultural Method Statement (AMS) and/or the Tree Protection Plan (TPP) submitted by Hayden's Arboricultural Consultants dated 19th October 2010 unless otherwise agreed in writing by the Local Planning Authority. (RC85A)</p> <p>8) SC 3.3AA Scheme to be submitted to protect retained trees (RC72A) (a-h)</p> <p>9) SC 3.4AA Retain Existing Hedgerow/Tree Boundary (with access) (RC11A) (North and east boundary – height of 2m)</p> <p>10) SC 3.5AA Notice of Tree Works and Major Operations (RC73A)</p> <p>11) SC 3.6A Reinforce Hedge (RC11A) (north and east boundary)</p> <p>12) SC 3.11AA Prohibited Activities (RC73A)</p> <p>13) SC 3.12A Restriction on Service Trenches Close to Trees (RC59A)</p> <p>14) SC 3.14A Site supervision (RC73A)</p> <p>15) SC 3.16 Details of services (RC58B)</p> <p>16) SC 3.7AA Submit Boundary Enclosure Details (More than one dwelling) (RC12AA)</p> <p>17) SC 4.0AB Access, Specification Proposed (...m or as plan) (RC13BB)</p> <p>18) Prior to the first use of the proposed accesses onto Skimmingdish Lane vision splays measuring 2.4 metres x 43 metres shall be provided to each side of the access. These vision splays shall not be obstructed by any object, structure, planting or other material. (RC13BB)</p> <p>19) That, before the proposed access is first used, the existing access onto Skimmingdish Lane shall be permanently stopped up by means of reinstatement of the highway verge, full face kerbing and any planting to the approval of the Local Planning Authority and in accordance with the highway authority's specifications and shall not be used by any vehicular traffic whatsoever. (RC13B)</p> <p>20) That before the proposed development is first occupied the internal pedestrian and cycle route and access/entrance onto the footway/cycleway along the A4421 is to be</p>

formed and laid in accordance with details to be submitted to and approved by the Local Planning Authority and constructed strictly in accordance with the Highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13B)

- 21) SC 4.13CD Parking and Manoeuvring Area Retained (RC13BB)
- 22) SC 4.14BC Plan of Car Parking Provision (Unspecified number of spaces) (RC15AA)
- 23) SC 4.14CC Cycle Parking (RC66A)
- 24) SC 6.1AA Residential – Open Fronts (Retail open character) (RC30A)
- 25) SC 6.2AA Residential – No Extensions (RC32A)
- 26) SC 6.3A Residential – No New Windows (RC33)
- 27) SC 9.4A Carry out mitigation in ecological report (RC85A)
- 28) Prior to the commencement of development a scheme for play provision shall be submitted to and approved by the Local Planning Authority and shall be implemented in accordance with a timescale also agreed in writing with the LPA
- 29) Prior to the commencement of development the applicant shall submit to the Local Planning Authority for approval details of a scheme of acoustic insulation to the SE and SW facades of building 44/45 such that an internal noise level of 35 dB(A) can be achieved with windows closed. Additional silenced mechanical ventilation will also be required to the same rooms. The approved scheme of sound insulation shall be installed and fully operational prior to the first occupation of the dwellings.
- 30) For those dwellings falling within areas of the site identified as falling within Noise Exposure Category B the applicant shall submit to the LPA for approval details of a scheme of acoustic insulation such that an internal noise level of 35 dB(A) can be achieved with windows closed. The approved scheme of sound insulation shall be installed and fully operational prior to the first occupation of the dwellings.
- 31) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by GH Bullard and Associates, dated February 2011, reference 020/2011/3 ADDENDUM FRA and the following mitigation measures detailed within the FRA:
 1. Surface water discharge rates shall be disposed of via infiltration, in accordance with Section 2 of the FRA.
 2. The surface water drainage system shall include the use of ponds and soakaways, in accordance with Section 2 of the FRA.

Reasons: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to improve and protect water quality, and improve habitat and amenity.
- 32) No development approved by this planning permission shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details.
 - The scheme shall also include details of the future maintenance of the system
 - Run off from the road and car parking area could result in elevated levels of contaminants (particularly hydrocarbons), which may pose a risk to controlled waters. We require details confirming that surface water drainage from high risk areas are isolated and do not enter infiltration systems.
 - The scheme shall be designed to include the protection of groundwater quality

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the system. Areas of contamination may also be present at this site. Infiltration drainage

must not be located in contaminated areas.

33) No development approved by this planning permission shall take place (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: Previous activities on the site may have resulted in contamination. The site is located on a secondary aquifer (Cornbrash Limestone), there are also surface water drains marked in the close vicinity of the site, these could be controlled water receptor. A phased investigation would be required to determine the extent of any contamination present and to what extent it pose a risk to controlled waters. Any risk identified would need to be adequately resolved, this is may include site remediation.

7. Prior to occupation of any part of the permitted development , a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that contamination at the site is remediated to ensure that it site does not pose a threat to controlled waters.

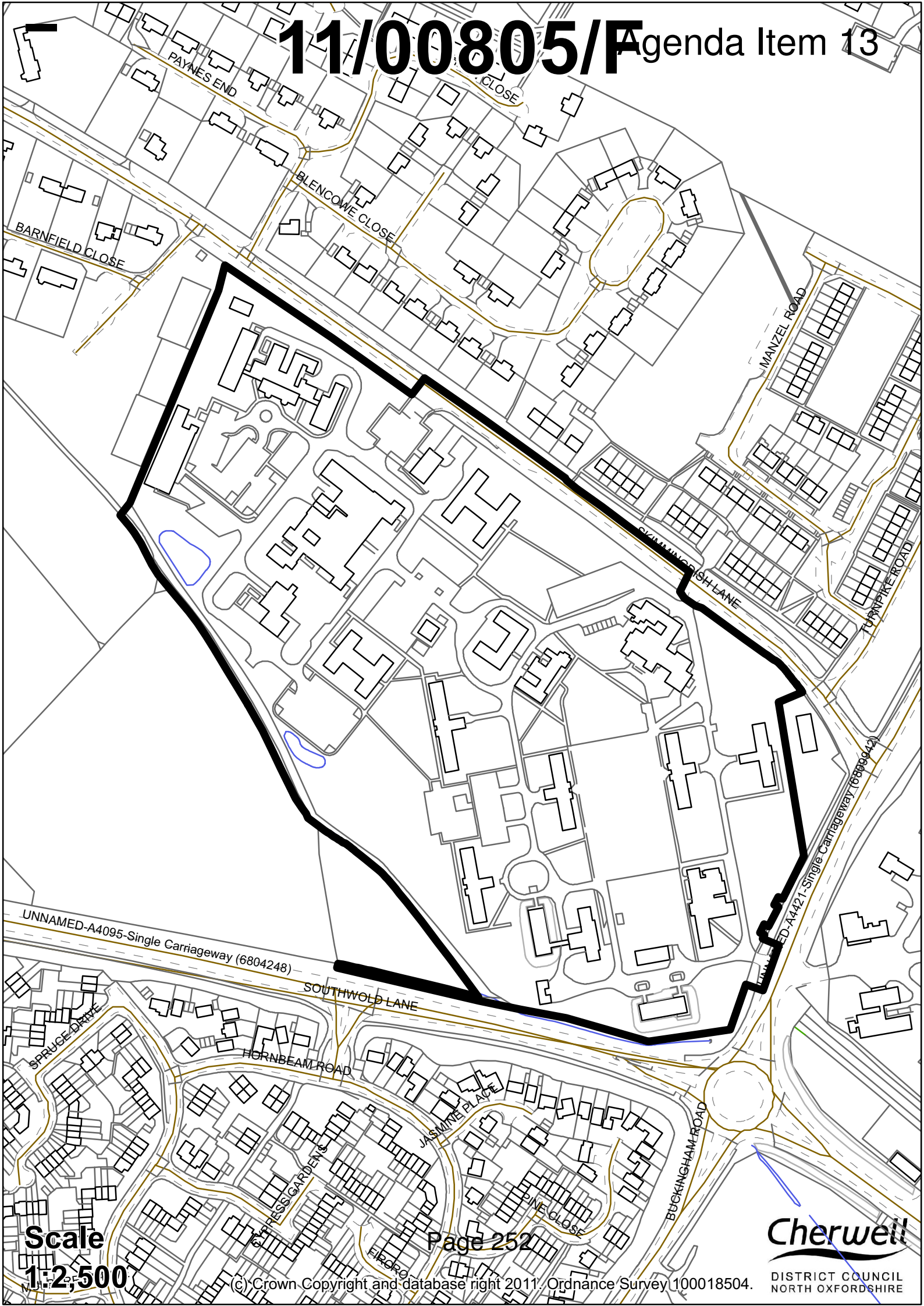
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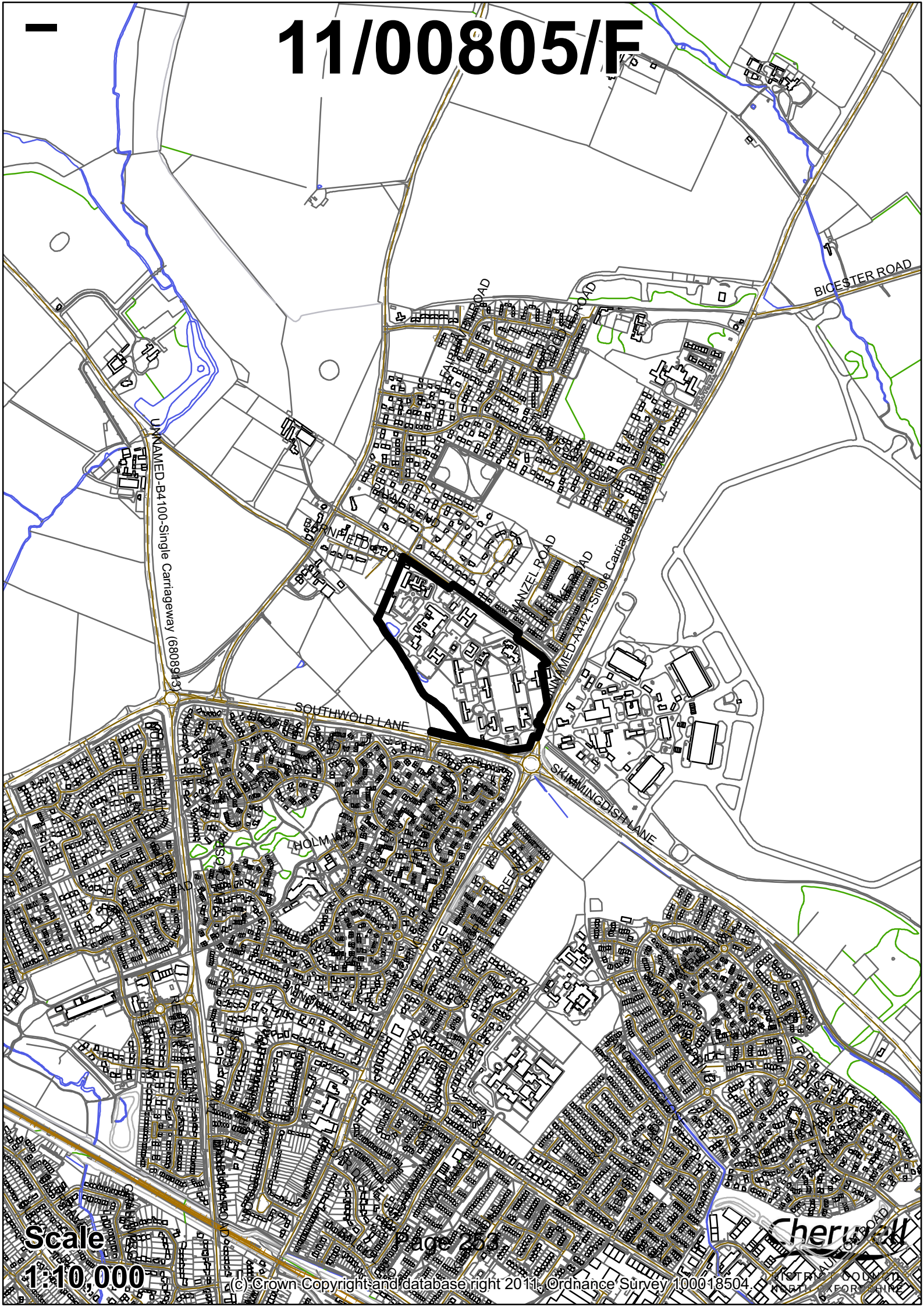
CONTACT OFFICER: Caroline Roche

TELEPHONE NO: 01295 221816



Scale
1:2,500

11/00805/F



Scale
1:10,000

Application No: 11/00805/F	Ward: Caversfield	Date Valid: 26/05/2011
Applicant:	City and Country Bicester Ltd	
Site Address:	Former DLO Caversfield, Skimmingdish Lane, Caversfield	

Proposal: **Erection of 8 dwellings in addition to application 11/00151/F and associated works.**

1. Site Description and Proposal

- 1.1 The site was formally part of RAF Bicester and is located to the south of Caversfield and north of Bicester and consists of what is referred to as the domestic site. The domestic site has close historic links to the technical site and airfield which are located on the west side of Buckingham Road.
- 1.2 The site is a significant part of the Conservation Area, designated in 2002 and contains many listed buildings. The site includes buildings such as Officer's mess and quarters, barrack blocks, ration stores, decontamination chambers and central heating stations.
- 1.3 The RAF first used the site in 1918 but no buildings were retained from this time. However some buildings do date back to the 1920's and 30's. The site has been described by English Heritage as comprising the best preserved and most strongly representative of the bomber stations built as part of Sir Hugh Trenchard's 1920's Home Defence Expansion Scheme.
- 1.4 This application seeks consent for an additional 8 units of residential accommodation, in addition to those being considered in application 11/00151/F. The original submission of this application was for an additional 19 units of accommodation however the scheme has been amended to overcome concerns relating to the impact the buildings would have on the setting of the listed buildings and the campus layout of the site.
- 1.5 The proposals include 2 new units to be attached to building 22, 2 additional units on the western terrace, and 4 units referred to as squash court houses, to the north of building 16.
- 1.6 The conversions of the existing buildings to 160 units and the construction of 27 new units of residential accommodation are covering in application 11/00151/F which also includes alterations to the existing access points and landscaping including changing much of the hard standing to green open space.
- 1.7 It is worth noting that the works for whole or partial demolition of buildings within the Conservation Area are covered by a Conservation Area Consent application (11/00152/CAC), works to the listed buildings are covered in 11/00153/LB and 11/00806/LB.

2. Application Publicity

- 2.1 The application was advertised by way of a site notice and press notice. The final date for comment was 14 July 2011. The application was advertised as a departure

from the development plan, a major development and having the potential to affect the Conservation Area and the setting of Listed buildings. Although advertised as a departure the development is not such that it requires referral to the Secretary of State.

2.2 5 letters/emails of representation have been received from third parties including a letter from the Chairman of the local resident's committee and the Bicester and Ploughley District CPRE. There is a general level of support for the principle of the scheme but with some concerns which are expressed below and in the Parish's comments (see electronic application file for full comments):

- Full support for the scheme
- Proposals for shop and café will benefit the community
- Appearance of the site will be improved
- Retention of buildings important to family because of connections to the site
- Support proposals for trim trail
- Support proposal for traffic calming
- Concerns as originally expressed in the first application
- Shop is not welcome as there are already facilities in walking distance
- The additional residents will increase traffic movements

3. Consultations

3.1 A summary of the consultation responses is set out below (see electronic file for full details)

3.2 **Caversfield Parish Council** wishes to raise no objections to the proposal but appreciate the need for the developers to be able to make the development pay. However question the need for further affordable housing. The Parish Council would be glad to see work start soon to avoid further deterioration of buildings and rising costs and considers that the development will greatly enhance the local environment and benefit the whole village.

Some residents concerns include;

- Possible increased light pollution
- Loss of trees (although new planting is noted)
- Loss of habitat for wildlife
- Need for bat survey
- Ensure adequate parking
- Ensure adequacy on sewage systems
- Alterations to access roads.

3.3 **Bicester Town Council** has not commented on this application but in relation to the first application made the following comments;

It welcomes the development of this site but has significant concerns that there is no provision on site for affordable housing. The town council understands the concept being put forward by the developer but would urge the planning authority either to seek appropriate affordable units on site or a financial contribution to provide affordable housing elsewhere in Bicester.

3.4 The Council's **Head of Planning Policy** has referred to the comments made previously in relation to 11/00151/F and states that the now proposed housing mix still appears to contrast with the housing mix recommended in Draft Core Strategy

Policy H6.

- 3.5 The **Local Highway Authority** has stated that the original Transport Assessment is robust enough to cover the additional new build. However the revised plans do not show the improved access arrangement and the off site works that had been agreed in relation to the first application. Furthermore further clarification should be provided on the allocation of spaces. A recommendation of refusal on highway grounds would not be sustainable and conditions are suggested.
- 3.6 The Council's **Design and Conservation Team Leader** comments have been incorporated into the main body of the report.
- 3.7 **English Heritage** has not commented directly in relation to this application but throughout negotiations fully endorsed the comments of the Council's Design and Conservation Officer.
- 3.8 The Council's **Strategic Housing Officer** has not commented on the application but the increase in the number of units would add to the requirement for affordable housing provision.
- 3.9 The Council's **Ecologist** does not foresee any significant ecological impacts as a result of the proposals for the addition of new buildings on the site.
- 3.10 The County as **Strategic Planning Authority** has no comments to make on the proposal.
- 3.11 The **County Council's Developer Funding Officer** has set out that a development of this nature triggers the requirement of funding towards education, elderly, adult and youth centres, library and stock, museum resource and waste recycling. The financial contributions should be subject of a legal agreement before any approval is granted. The contributions identified are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning incorporation of this development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal. It is considered that they are reasonable and that they should ensure that this proposal is not subsidised by the community, except where sufficient capacity in infrastructure already exists which can absorb the expected impact of this proposed development.
- 3.12 The County **Archaeologist** raises no objections but asks to be notified should finds occur during the construction phase.
- 3.13 **Thames Water** has not commented on this application.
- 3.14 **The Environment Agency** raises no objections subject to conditions.
- 3.15 The **Council's Recreation and Health Improvement Manager** has stated that the development would trigger the requirement for a contribution towards off site outdoor sports provision.

4. Relevant Planning Policies and documents

- 4.1 Central Government Guidance

Planning Policy Statement (PPS) 1 – Delivering Sustainable Development
Planning Policy Statement (PPS) 3 – Housing
Planning Policy Statement (PPS) 5 – Planning for the Historic Environment
Planning Policy Statement (PPS) 9 – Biodiversity and Geological Conservation
Planning Policy Guidance (PPG) 13 – Transport
Planning Policy Statement (PPS) 25 – Development and Flood Risk

4.2 South East Plan Policies

CC1 - Sustainable Development
CC7 - Infrastructure and Implementation
H3 - Affordable housing
H5 - Housing design and density
NRM5 - Conservation and Improvement of Biodiversity
BE1 – Management for an urban renaissance
BE6 - Management of the Historic Environment

4.3 Adopted Cherwell Local Plan

H5 – Affordable Housing
H15 - Category 3 settlements
TR1 – Transportation funding
C28 - Standards of layout, design and external appearance
C30 - Design of new residential development

4.4 Non Statutory Cherwell Local Plan

H7 – Affordable housing (where viable)
H17 – Category 3 villages
TR4 – Transport mitigation measures
EN22 - Nature Conservation
EN23 - Ecological surveys
EN44 - Listed Building Setting
EN46 – Enabling development – in exceptional circumstances possible to set aside other policies
EN49a – RAF Bicester Conservation Area (Technical site and airfield only)
D1 – Urban design objectives
D3 - Local distinctiveness
D6 - Design Control

4.5 Enabling Development and the conservation of significant places (English Heritage)

4.6 RAF Bicester Planning Brief

This document was drawn up following extensive discussions with English Heritage and Defence Estates prior to the sale of the site and was jointly agreed. This document does not form part of the Development Plan but was subject to stakeholder involvement and has been endorsed by the Council's Executive and so has some weight as a material consideration in the determination of planning applications on the land. The document sets out;

- A range of appropriate land uses, including residential
- The potential for demolition and concludes that the recent ballistics firing range and the building used by the Air Cadets which are modern structures, could preserve and enhance the conservation area through their demolition.
- The potential for new development and concludes, having given consideration to the rebuilding of the former Building 39 and new

development south west of Building 29 and 42, that there was no scope for new development.

- There was no scope for enabling development as defined by English Heritage
- Management and repair guidelines that were initially drawn up by English Heritage and Defence Estates for the Domestic Site when it was still in military use.

4.7 RAF Bicester Conservation Area Appraisal (October 2008)

This document predates the Defence Estates decision to sell the Domestic site but sets out broad management strategies for the enhancement and management of buildings and also the management and protection of green open spaces.

5. Appraisal

5.1 Main Planning Considerations

5.1.1 The main issues to consider in the determination of this application are as follows –

- Principle of development and compliance with local policy
- The Case for New Build
- Viability assessment
- Heritage impact
- Layout/Design
- Visual Amenity/Landscape Impact
- Residential Amenity
- Highway Impact
- Ecology/Trees
- Other issues
- Infrastructure provision and S106
- Response to third party comments

Each of the above points will be considered in turn.

5.3 Principle of development and compliance with local policy

5.3.1 In the consideration of 11/00151/F it was concluded that proposals for new buildings within the site were not supported by local plan policy H15. The same applies in relation to this proposal for 8 additional units.

5.3.2 The Case For New Build

As with the original application the new build proposals in this application have to be justified in relation to Enabling Development. The case for enabling development is set out in the report for 11/00151/F. In order to assess if the proposals are the minimum required to secure the future of the site the viability needs to be addressed.

5.3.3 Viability Assessment

In order to assess the viability of the scheme the applicants submitted a viability report which has been considered and appraised by an independent Consultant appointed by the Council. The Council's consultant was able to conclude in relation to the first application that the scheme, even with 27 new units of accommodation was not viable.

It would seem unlikely that the applicants would implement a scheme that was not going to be viable and this was acknowledged during the consideration of the first application and in order to address this issue a second application was submitted proposing further new build.

5.3.4 The original submission for this second application included up to 19 new dwellings, above that which was proposed in the first application. The conclusions from the Council's consultant in relation to the viability of this second scheme set out that only a proportion of the additional new build is required to increase the Residual Land Value sufficiently to make it viable. The Council's Consultant suggests that 8 additional units of accommodation could make the scheme viable. As with any viability appraisal there are a range of variable figures which can be disputed between the parties and the applicants may consider that more than 8 units are required to improve the viability. However having established that in principle the site requires a degree of new build to make the conversion and retention of the listed buildings viable it is then necessary to consider the impact that the proposals have on the historic asset. The following section will only deal with the elements of new build proposed in this application. Some reference will be made to buildings that have been removed from the scheme.

5.4 Heritage impact

5.4.1 In order to reach a view on the acceptability of the new build each element has been considered against policies established to help preserve historic buildings and their surroundings.

5.4.2 PPS5 requires that LPAs should take account of

- The significance of the asset and value it holds for future generations
- Sustaining and enhancing the significance of the heritage asset
- The positive contribution that the heritage asset makes to the establishment and maintenance of sustainable communities
- The development making a positive contribution to the character and local distinctiveness of the local environment.

5.4.3 Where development would affect the setting of a heritage asset LPAs should treat favourably applications that preserve those elements of the setting that make a positive contribution or better reveal the significance of the asset. Where development does not do this LPAs should weigh any harm against the wider benefits. Potential benefits are listed in the PPS5 Practice Guide as;

- Sustaining or enhancing the significance of the heritage asset
- Reducing or removing risks to the heritage asset
- Securing optimal viable use
- Positive contribution to economic vitality and sustainable communities
- Having a design appropriate to context
- Better revealing the significance and enhancing enjoyment of the place

5.4.4 Paragraph 80 of the guide state that a successful scheme will be one where the design has taken account of

- The significance of the assets and the contribution of their setting
- General character and distinctiveness of buildings, spaces, public realm and landscape
- Style, construction, materials, detailing, decoration and period of buildings

- and spaces
- Green landscaping
- Current and historic uses and urban grain

5.4.5 **O Orchard Square terraces**

The proposal is to add 2 dwellings to the length of the western terrace and to set the southern terrace back to enable this. The western terrace was considered to enhance the conservation area on account of replacing building 2. There will be some loss of the open view to the south and the current proposal will reduce the gap between the two new terraces from 8m to 4 m. However, with the principle of the southern terrace being agreed via the first application, this amendment will not have a material effect over and above the effect of the first application.

5.4.6 **Building 22**

The proposal is to extend the proposed conversion by infilling within the retained walls to create two additional dwellings. It is not considered that the special significance of the listed building would be harmed by the original conversion proposal and the proposed revision is similarly sympathetic, sitting entirely within retained walls therefore no objections are raised as a result of the amendment.

5.4.7 **P Old Guard House**

The concept of the three new dwellings replicating Building 19 in the original application was supported. However, the proposed inclusion of two additional units to their north is less successful. It presents a solid wall to the northern boundary of the site, pushes development almost up to the boundary, virtually fills the space and harms the campus character. These proposals could not be supported on the basis of the harm they cause to the layout of the site and have been removed from the submission.

5.4.8 **R Squash Court Houses**

The principle of additional development in this location could be supported as this is very much a back land area of the site and is of no particular significance. However, the proposed design was far from being a “modern interpretation of the squash courts” as claimed, comprising very standard semi detached houses with standard pitched roofs, exposing their rear gardens to the site boundary and this is not acceptable. The design would need to be a bespoke solution that responded to the context of the site in terms of its scale and massing, possibly pavilion buildings with hipped roofs to respect those adjacent. The applicants are aware of this concern and are amending the design to try and overcome the concerns raised.

5.4.9 **S Meadow Terrace**

The principle of the Meadow Villas was supported as a potentially high quality, passive, inward looking intervention that responded to the established footprint of buildings and the open campus character on the edge of the site, however it was stated that a less high quality design response or one less appropriate to context would not be supported. The revised proposal for a terrace of 6 highly glazed dwellings is a significant change: it provides a length of built frontage at the back of the roadway effectively creating a linear street, which runs counter to the campus layout, and it introduces rear gardens to views into the site. At two storeys high and located at the back of the roadway, the terrace will be higher than most of the boiler house and crowd out the building, which was traditionally on the edge of the site, and harm its setting. The change from villas to terrace was not supported

therefore the applicants removed them from the proposal and reverted back to the original meadow villa proposals put forward in application 11/00151/F.

5.4.10 N Meadow Villas

The location of the two villas originally proposed has been amended in response to our earlier comments and this was welcomed. However, the addition of one more villa, effectively creating a double banked development, starts to undermine the open campus character. This addition was not supported and as with the development proposals the scheme has reverted back to the original proposal.

5.4.11 Q New Lodge development

The argument made in the original application for the new lodge was not convincing and the proposal has now changed from a single pavilion building to a terrace of rather standard houses. Again this presents an urbanising effect to the site boundary, exposing rear gardens to Skimmingdish Lane and has a negative effect at the entrance to the site where it presents rear and side elevations. The design of the terrace is a replica of buildings proposed elsewhere, with the addition of a colonnade on the south eastern gable. This does not sit comfortably on this very standard terrace, appearing as an unconvincing afterthought. The proposal runs counter to the original justification given for a gatehouse building here. This proposal causes significant harm to the established character in this location and cannot be supported. However the principle of the single lodge building was supported in light of the need to provide additional units to improve viability but its position has been relocated to one which the Council's Design and Conservation Team are more comfortable with.

5.4.12 Whilst a case for Enabling Development has not been put forward by the applicants as they consider the proposal complies with relevant policies the Council is taking a different view given that the new build does not comply with Local Plan Policies. Given that local plan policies are not complied with it is considered that the only possible justification for the new build elements, notwithstanding the harm or otherwise they may cause, is the contribution they make towards achieving a viable scheme to help secure the future retention and reuse of the historic buildings on this sensitive site. It is considered that whilst some of the rationale behind the design of the buildings is lacking, the elements of new build proposed in this application comply with guidance in PPS5 given that the benefits of allowing the new build (in the retention of the existing heritage asset) may outweigh the harm caused to the same asset that is being protected. The development can be considered enabling development. Having discussed the individual elements of new build it is possible to conclude that the revised proposals for new build do not cause substantial harm to the heritage asset and as such are acceptable.

5.5 Layout/Design

Layout and design are covered in greater detail in the report for 11/00151/F and it is considered that the proposals in this application do not cause any additional harm or materially alter the general layout of the campus designed site.

5.6 Visual Amenity/Landscape Impact and residential amenity

As with the layout and design section above these areas of consideration have been discussed in relation to 11/00151/F and are not considered to be materially altered by the addition of the 8 units proposed in this application.

- 5.7 Noise
The new buildings are located outside of the most noise affected areas therefore noise does not need to be considered in any detail for this application.
- 5.8 Highway Impact
The comments of the local highway authority are summarised at section 3.5 but have not materially altered as the result of additional units being proposed as the transport assessment was carried out based on a worst case scenario to take account of a maximum number of 200 units being accommodated on the site. The proposals only amount in a total of 195, therefore below the figure that was assessed.
- 5.9 Ecology/Trees
- 5.9.1 The proposals are unlikely to effect the ecology on the site as it only deals with new build proposals. However conditions will be put in place relating to mitigation strategies.
- 5.9.2 The only trees to be affected by the new proposals are trees in the location of the extended west terrace and a group of 4 horse chestnuts on the site of the squash court houses. However works will be kept to a minimum and where necessary removal will be mitigated by replacement trees being planted.
- 5.10 Other Issues
These are covered in the report for application 11/00151/F
- 5.11 Infrastructure provision and S106
- 5.11.1 Planning obligations must be;
- Necessary to make the development acceptable;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development
- 5.11.2 The increase in unit numbers would increase the requested contributions towards the following;
- Affordable housing
 - Replacement bus stop on Skimmingdish Lane
 - Pedestrian improvements along Skimmingdish Lane
 - Contribution towards the reduction in speed limit along the A4421
 - Traffic calming along Skimmingdish Lane
 - Public transport subsidy
 - Travel Plan
 - County Council contributions amounting to £559,924 which includes a range of education contributions as well as library, museum and waste recycling requests.
 - On site play areas
 - Contribution towards off site outdoor sports facilities
 - Public Art
 - Refuse bins
- 5.11.3 However as discussed in the report for 11/00151/F the applicant has put forward a case for not providing the standard section 106 contributions based on the scheme not being sufficiently viable to make such contributions possible. Viability has been

discussed earlier in the report in relation to justifying the proposed new build but the assessment carried out by the Council's independent consultant is also relevant in the consideration of the applicant's ability to contribute to the provision of affordable housing and infrastructure.

- 5.11.4 The applicants have consistently set out that the scheme is not sufficiently viable to provide an affordable housing provision, either on site or through off site contributions. In this respect the proposal does not comply with Policy H3 of the South East Plan. Policy H5 of the adopted Cherwell Local plan also requires developers to provide an element of affordable housing in substantial new residential development schemes. However this requirement is only necessary where it is economically viable.
- 5.11.5 The Council's Consultant has been asked to specifically comment on the effect that the provision of affordable housing would have on the viability of the scheme. The conclusions of the viability assessment on this original application show that the scheme is not viable. The effect of allowing some of the development on the second application makes the scheme only marginally viable without contributing to any form of planning gain. Requiring affordable housing provision would significantly reduce the gross development value. Costs may rise as a result of providing affordable housing and viability would be adversely affected unless large amounts of grant or subsidy were made available.
- 5.11.6 The same conclusions can be reached in relation to the other contributions, the scheme is only marginally viable without contributing to infrastructure provision. Therefore to require the contributions would render the scheme unviable and put the potential to implement the scheme at risk.
- 5.11.7 The proposal does not comply with Policy CC7 of the South East Plan which requires a programme of delivery for additional infrastructure where new development creates a need for additional provision. However, with particular reference to this application it is possible to say that if all 19 additional dwellings, as first proposed on this second application, were considered acceptable it could potentially improve viability resulting in some section 106 contributions but this would be at the cost of the heritage asset that the development is seeking to preserve. Substantial harm is likely to result if all 19 units were permitted.
- 5.11.8 On 23 March 2011 a Ministerial Statement, Planning for Growth, was published. In its covering letter to Chief Planning Officers it was made clear that the Statement was capable of being a material consideration. The Statement emphasises the need to rebuild Britain's economy and points out that 'the planning system has a key role to play by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible'. It goes on to set out that 'when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development' and amongst other considerations 'ensure that they do not impose unnecessary burdens on development. One element that can be negotiated to help development proceed is section 106 obligations. The Statement also states that 'benefits to the economy should, where relevant, be an important consideration when other development-related consents are being determined, including heritage, environmental, energy and transport consents'.

5.11.9 Whilst the scheme does not provide the usual section 106 contributions this negative point needs to be weighed against the benefits the scheme can bring to both the economy and the retention and preservation of the heritage asset.

6.1 Conclusion

6.1.1 The first application scheme demonstrates that the applicants have produced a high quality and sympathetic proposal for the conversion of the existing buildings which requires an element of new build to improve the schemes viability. It has been demonstrated that the new build can be justified in terms of enabling development and it has limited impact on the setting of the listed buildings and the significance of the site as a whole. Both applications when considered together do result in a marginally viable scheme in the view of the Council's Consultant. It is disappointing that the combined schemes (11/00151/F and 11/00805/F) do not result in a proposal that is sufficiently viable to contribute to the provision of affordable housing or other section 106 contributions. However there is a balance to be reached as allowing a significant amount of further new development may increase the opportunity for infrastructure provision but is likely to have a severe impact on the heritage asset that the applications are seeking to preserve.

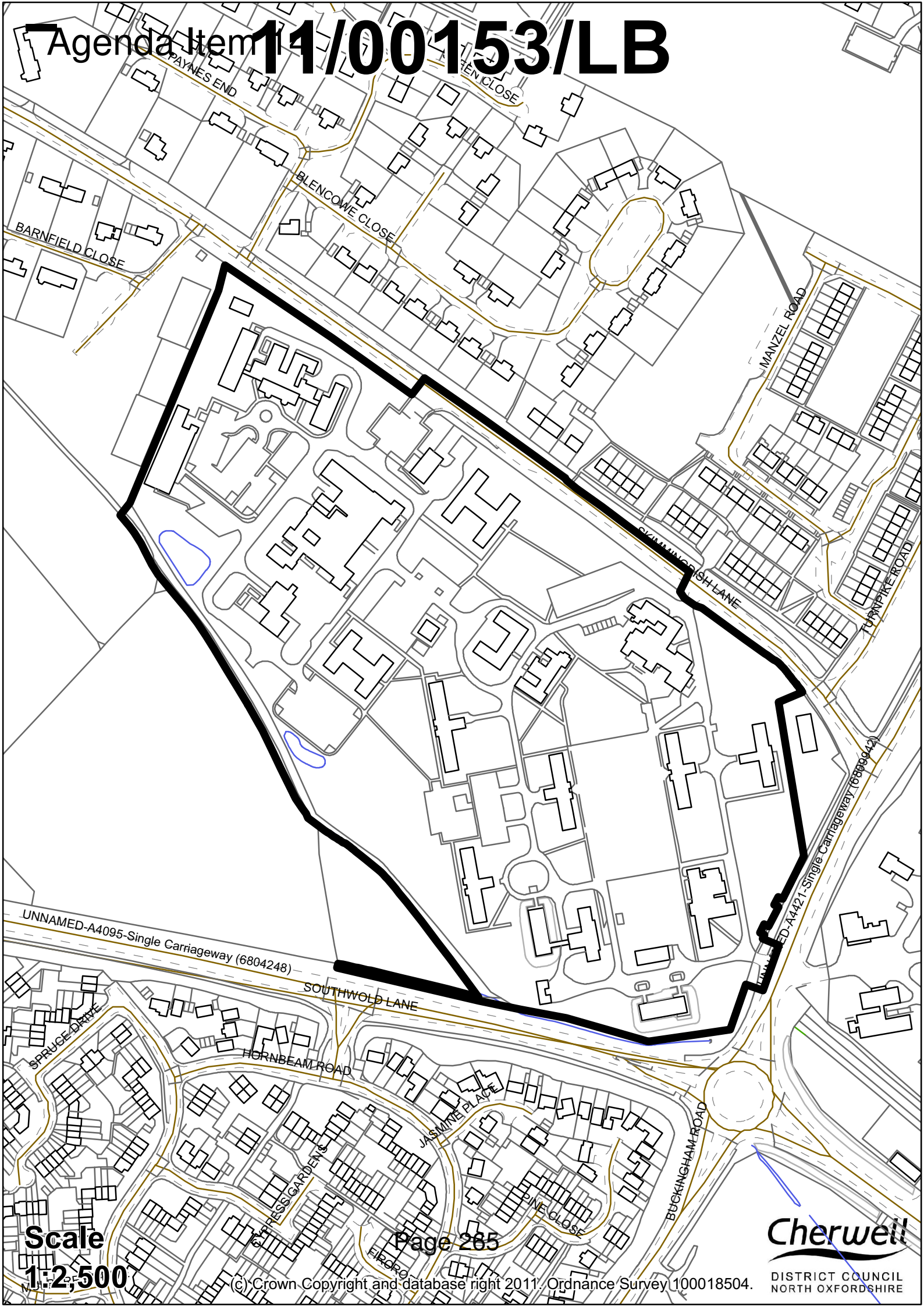
6.1.2 This site is unique within the district as a result of its history and in order to secure its long term retention it needs to be brought into a suitable use. It is considered that residential would be the optimum use and that City and Country produce a high quality product. It is unlikely that there are any more viable uses that the site could be put to. Therefore on this occasion and based on the considerations above, it is considered justified and appropriate to compromise on the provision of affordable housing and other contributions in order to secure the long term future of the buildings and the site.

6. Recommendation
Approval subject to; a) 11/00151/F also being approved b) A legal agreement to; i) Ensure that one scheme is not Implemented without the other (11/00151/F and 11/00806/F) ii) Set out a phasing scheme for development iii) Secure a maintenance scheme for the landscaping and upkeep of the buildings c) Officer's and applicant's agreeing list of plan numbers d) The following conditions
As appropriate from 11/00151/F

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Agenda Item 14/00153/LB



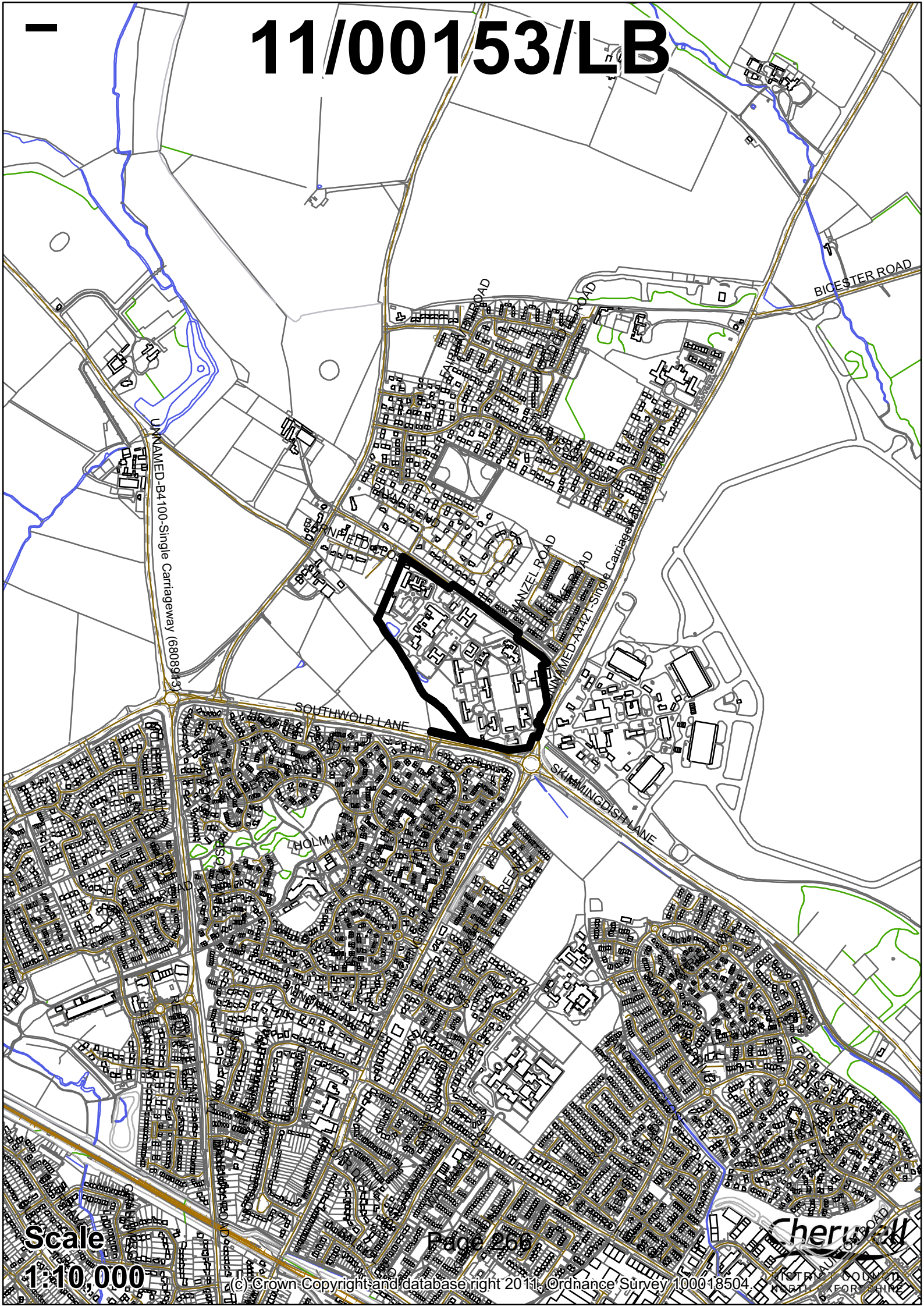
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

11/00153/LB



UNNAMED-B4100-Single Carriageway (6808913)

SOUTHWOLD LANE

SKINNINGDISH LANE

BICESTER ROAD

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Cherwell
CITY OF OXFORD

Application No: 11/00153/LB	Ward: Caversfield	Date Valid: 03/02/2011
Applicant:	City and Country Bicester Ltd	
Site Address:	Former DLO Caversfield, Skimmingdish Lane, Caversfield	

Proposal: Refurbishment and alterations to listed buildings, including some partial internal and external demolition in association with their conversion to residential use and use of building 50 for storage purposes

1. Site Description and Proposal

- 1.1 The site was formally part of RAF Bicester and is located to the south of Caversfield and north of Bicester and consists of what is referred to as the domestic site. The domestic site has close historic links to the technical site and airfield which are located on the west side of Buckingham Road.
- 1.2 The site is a significant part of the Conservation Area and contains many listed buildings. The site includes buildings such as Officer's mess and quarters, barrack blocks, ration stores, decontamination chambers and central heating stations.
- 1.3 The RAF first used the site in 1918 but no buildings were retained from this time. However some buildings do date back to the 1920's and 30's. The site has been described by English Heritage as comprising the best preserved and most strongly representative of the bomber stations built as part of Sir Hugh Trenchard's 1920's Home Defence Expansion Scheme.
- 1.4 This application deals with the works to all of the listed buildings on the site required in order to convert the majority of them into residential accommodation. Building 50 (a decontamination chamber) is the only listed building not being converted to form residential accommodation but instead it is proposed to be used for storage in association with the residential use of the site. The nature of the work differs for each building but in general terms it includes the demolition of modern external accretions, removal of modern partitions, insertion of new partitions, the creation of a small number of new openings and general repairs to the fabric of the buildings including walls, staircases, windows and doors.

2. Application Publicity

- 2.1 The application was advertised by way of a site notice and press notice. The final date for comment was 25 March 2011.
- 2.2 No letters of objection have been received from neighbouring residents in relation to this Listed Building Application.

3. Consultations

- 3.1 A summary of the consultation responses is set out below (see electronic file for full details)
- 3.2 **Caversfield Parish Council** has not commented specifically on this application but has expressed general support for the scheme as a whole.

- 3.3 **Bicester Town Council** welcomes the retention of the listed buildings in their original state.
- 3.4 **English Heritage** commented on the proposal prior to any amendments being made, some of the concerns have been addressed but their response in relation to the listed building work is summarised below;
- Did not wish to comment in detail but offer following general observations
 - Proposed conversion of existing buildings to residential use is reasonably sympathetic to the historic fabric
 - Creation of some extra doorways by dropping the cills of windows are necessary in order to achieve workable plans these should be kept to minimum and away from principle elevations
 - Recommended that application be determined in accordance with national and local policy guidance and on basis of Council's own expert conservation advice.

- 3.5 The **Council's Conservation Team** provided detailed comments on the work proposed to each building. These comments will be expressed in Section 5 but the summary of the response is that;
'Although there is a general trend toward building-led conversion and the majority of the alterations are minor and sympathetic to the listed buildings, there are some areas where the proposal could be improved to better protect the historic assets'.

Since these comments were received amendments to the proposal have been made which largely overcame the concerns expressed.

- 3.6 **The Ancient Monuments Society** wished to defer to English Heritage who appear to have a detailed knowledge of the site and its history.

4. Relevant Planning Policies

- 4.1 Central Government Guidance
Planning Policy Statement (PPS) 5 – Planning for the Historic Environment
- 4.2 South East Plan Policies
BE6 Management of the Historic Environment
- 4.3 Adopted Cherwell Local Plan
C18 Applications for Listed building consent
- 4.4 Non Statutory Cherwell Local Plan
EN39 Preservation of listed buildings

5. Appraisal

- 5.1 Main Considerations
The main issues to consider in the determination of this application are as follows –
- Impact on the listed building
 - Implications of approving this application in isolation from the other applications.

Given the number of buildings covered by this application each building will be considered individually and referenced by its allocated number as it would have

been when the site was operational.

5.2 Building 16 – Officers’ mess and quarters

- 5.2.1 Constructed in 1926 with later additions, this building is of a unique design pre-dating the later standard RAF design. Its location at the edge of the site served to distinguish the higher rank while maintaining the dispersed layout of the buildings. The internal layout has not been greatly altered over the years, except with the installation of laboratories and upgrading of fire doors, windows and internal decoration. The upper floors in particular retain their original layout, although the majority of decorative features have been removed.
- 5.2.2 The proposals include minimal alterations to the historic fabric, as the creation of the laboratories eradicated some of the historic features on the ground floor. The proposed removal of the chimneys and external stairs would have an improving effect as it would return the building to an appearance closer to that of the original.
- 5.2.3 Amendments have been made to elevation 5 of this building to reinstate a single width door where in the past a non-traditional double door had been inserted. This addresses comments by the Council’s Conservation Officer.

5.4 Building 20 – Dining Room and Institute

- 5.4.1 Constructed in the third development phase in 1939 in preparation for World War II, the NAFFI is easily the largest building on site. The east elevation overlooks the square and would have been an impressive building to see when entering the site beyond building 19. The main elevation is identical to the one at RAF Upper Heyford and is of a standard military design with Art-Deco motifs, string coursing, rendered main entrances and a rendered plinth. The west elevation has the appearance of being ‘at the back’ due to its lack of regularity, although two low glazed lanterns give a degree of prominence. A central walkway through the rear elevation meets up with the main block providing access for deliveries to the kitchen area. Elements of original tiling and joinery exist, but the majority has been covered or removed for modern materials. The large dining area is still striking with its high ceiling but this has been reduced with the installation of modern ceiling tiles.
- 5.4.2 The proposals include the retention of the Art-Deco staircases, although it is proposed that they are to give access to relatively few properties, which seems to be a wasted opportunity. The modern plant on the roof is proposed to be removed, which would greatly enhance the external appearance from a distance, as would the upgrading of the windows and the proposed removal of the single storey modern plant extensions. The proposed removal of the concrete ramps is encouraging, as this would add weight to an already impressive front elevation.
- 5.4.3 Most of the original internal walls are being retained and utilised in the creation of 33 residential units. A large number of further internal walls are being inserted.
- 5.4.4 The proposal has been amended to overcome concerns about some inappropriate fenestration and to remove unsympathetic and unjustified roof lantern extensions. As a result of these changes some of the proposed internal layout has also been amended.

5.5 Building 22 – Central Heating Plant

- 5.5.1 Constructed in the third development phase in 1939 in preparation for World War II, this building has possibly the widest impact off-site, with its tall ventilation tower being visible from the south. Its decoration is minimal, being an entirely functional building, and part of its special interest comes from the high proportion of masonry to openings, particularly on the eastern and southern elevations. The north elevation contains a large opening. The rear (west) elevation is partly obscured by a single storey extension and brick enclosing wall which housed oil tanks and a yard for deliveries. The original layout remains, although some areas of this open space have been covered over with flat roofs. The interior contains a double height space filled with modern plant machinery.
- 5.5.2 The conversion of this building into a four bedroom house proposes to retain the double height ceiling, which is encouraging. The proposed retention of the existing boundary walls also maintains the ground plan of the building. At present the rear enclosure is only accessible from the rear (south) and a terrace is proposed for the top of the new single storey extension (acceptable due to it being mainly hidden by the raising of the wall above this extension), together with a large private garden and parking area.
- 5.5.3 The proposal submitted as part of this application and in relation to the first full planning application (11/00151/F) has been amended to remove unnecessary breaks in the external walls and a terrace which was proposed externally to the private enclosed garden. Furthermore a subsequent application has been submitted which seeks full and listed building consent for the creation of two additional single storey dwellings within the yard wall. In the event of both schemes being considered acceptable the applicants will have the option to build either scheme.
- 5.6 Building 23 – Type H Barrack Block
- 5.6.1 Constructed in the third development phase in 1939 in preparation for World War II, the two storey building lies between the central heating plant and building 29. Originally used as a dormitory, it has since been subdivided for offices in the central area. Four large rooms remain in the protruding sections. The symmetrical style seen across the site continues with added Art-Deco features such as the main entrance rendered pillars and hood, and the elegant staircases. In some areas, additional mouldings survive.
- 5.6.2 The proposed re-use of existing entrances has reduced the need to create additional ones, which reduces the exterior impact of conversion, as would the proposed use of the staircases as central axis for the building. This appears to be an encouraging building-bed proposal for conversion.
- 5.7 Building 25 – Type H Barrack Block
- 5.7.1 Constructed in the third development phase in 1939 in preparation for World War II, the two storey building is similar in form, style and decoration to building 23 and stands facing the guard house (19), with extended wings to the north and south.
- 5.7.2 The proposed subdivision is more noticeable due to these extended wings, as the four large rooms also remain in the protruding sections. The proposed re-use of existing entrances has reduced the need to create additional ones, which would reduce the exterior impact of conversion, as would the use of the staircases as central axis for the building. The subdivision of the wings is unfortunate but is a

consequence of conversion to residential and not considered to be so detrimental as to warrant a recommendation of refusal.

5.8 Building 29 – Type E Barrack Block

5.8.1 Constructed during the second building phase in the 1930s, it follows the plan of buildings 35 and 36, their main elevations looking away from the parade ground towards the west and open countryside, from which direction it is visible. This main elevation is very plain, with an uninterrupted pitched and hipped slate roof and regular fenestration, the main door is in a more simple style to that of 35 and 36. There is a significant lack of doors, requiring the use of external fire escapes at either end, and the protruding wing to the east is subservient, with a lower ridge height and smaller fenestration, reflecting its status as the wash rooms. Internally the north and south wings are open, retaining their dormitory character.

5.8.2 The building is proposed to be divided up into 10 dwellings, six of which are to be accessed from the central staircase. The removal of the external staircases is an enhancement to the building as they are no longer needed as primary fire escapes. The use of fully glazed doors to replicate the existing windows does produce an odd appearance, although the alternative would be to use 'proper' doors, which would increase the domestic nature of the elevation. For this reason, the 'window doors' are acceptable on this and other similar buildings.

5.8.3 The Historic Impact Assessment (pg. 18) states that 'some of the internal proportions will continue to be legible', yet this is difficult to appreciate as both the ground and first floors are being completely subdivided to create additional properties. It is unlikely that these buildings would ever be read as former dormitories except externally.

5.8.4 Plans have been amended to show a more appropriate use of existing openings, reducing the need to alter more prominent openings.

5.9 Building 31 – Sergeants' Mess

5.9.1 Constructed in 1926 as part of the original airfield, the E-block differs from the grander officers' mess to the north in plan form, although noticeable similarities include the heavy external corncicing and pitched slate roof. The exterior style of form and fenestration is simpler, reflecting rank.

5.9.2 The proposal includes the removal of a flat roofed single storey modern extension without replacement. There is no provision for the creation of any additional openings. The provision of terraces in the courtyards should be resisted to prevent personalisation of outside space. The main thoroughfare which bends to the west of the parade ground is directly adjacent to these proposed terraces, making them visible from the public domain.

5.10 Building 32 – Airmen's Institute

5.10.1 Constructed in 1926 as part of the original airfield, this building originally functioned as a NAFFI. The building is of a similar style to the other late 1920s buildings, replicating the simple form and fenestration. The interior has an interesting barrel vaulted ceiling on the first floor. Unusually for the site, this building retains a higher proportion of original or historic features, such as ceramic bricks and bronze handles to the Crittall windows.

- 5.10.2 The uPVC conservatory at the front of the building is proposed to be removed and the original openings restored. This would greatly improve the southern elevation of the building. The kitchen extension is proposed to be removed and rebuilt in a sympathetic style with a pitched roof. There is an issue here in the loss of the sight of a blocked first floor window. However, this replacement is acceptable provided that the detailing is of sufficient quality, for example the new windows should replicate those on the same elevation.
- 5.10.3 As with other buildings the applicants have taken on board concerns expressed by the Conservation Officer and amended the plans. These principally dealt with replacement fenestration where inappropriate double doors were being replaced with similar size windows and doors rather than reflecting the historic character and appearance of the building.
- 5.11 Building 33 – Type E Barrack Block
- 5.11.1 Constructed during the second building phase in the 1930s (datestone 1934 in the door surround), the single storey building is simple but elegant in exterior decoration, the eastern elevation being the ‘front’, due to its more fine construction, facing the technical site. Its symmetrical appearance is its most striking feature. The main elevation is proposed to be untouched, retaining its integrity and historic appearance. The less symmetrical western façade is proposed to be rationalised with matching entrances at either end. There has been some attempt to preserve the axial arrangement in this building and also the spatial characteristics of the former dormitories through open-plan living/kitchen areas.
- 5.11.2 Initial concerns expressed by the Conservation Officer have been addressed through the submission of amended plans.
- 5.12 Building 35 – Type E Barrack Block
- 5.12.1 Constructed in 1926 as part of the original airfield, together with building 36, this building flanks the parade ground. The symmetrical elevations of the building are its most significant features, with flanking turrets either side of the main entrance, and with its almost identical counterpart, building 36, is a key building defining this important historic space.
- 5.12.2 The proposals retain the external appearance facing the parade ground, and add full height glazed doors to the rear as additional entrances. Replica fenestration is also proposed to be added where unsympathetic modern windows had been fitted.
- 5.12.3 The comments regarding the subdivision of the wings are the same as for building 29.
- 5.13 Building 36 – Type E Barrack Block
- 5.13.1 Constructed in 1926 as part of the original airfield, this building flanks the parade ground with building 35. Again the symmetrical nature of the elevations is a key feature of its significance.
- 5.13.2 Similar alterations are proposed to be made to upgrade fenestration and provide additional rear entrances. The comments regarding the subdivision of the wings are the same as for buildings 29 and 35.
- 5.14 Building 42 – Type E Barrack Block

- 5.14.1 Constructed during the second building phase in the 1930s, it replicates building 29, following the plan of buildings 35 and 36. Unlike building 29, two chimneys have been constructed above the entrance turrets, although the same simple form and lack of entrances remain.
- 5.14.2 The building is proposed to be subdivided in the same fashion as building 29, and therefore the same comments regarding to the proposed insertion of a number of doors and the principle of the subdivision apply.
- 5.15 Building 43 – Station Sick Quarters and Mess
- 5.15.1 Constructed in the third development phase in 1939 in preparation for World War II, the structure stands at ground level, with a tall grass embankment on all sides giving it an ‘underground’ feel. The majority of this building has already been stripped out, leaving almost nothing of its original internal arrangement. The significance of the building has already been eroded by the removal of the internal partitions, and therefore the retention of the grass embankment is essential to preserve its unique character.
- 5.15.2 This is proposed to be one of the most unusual conversions on the site. The proposed method of cutting through the roof to provide day light, is generally acceptable in terms of not creating holes in the embankment. However concern was expressed by the Conservation Officer with regard to the method of conversion. However additional survey work has been carried out and initial objections have been addressed.
- 5.15.3 Details of damp-proofing will need to be provided to ensure that suitable materials are used, as damp has already set in within this structure. The proposed use of the main entrance as the front door is encouraging, as this reinstates its importance.
- 5.16 Building 46 – Station Sick Quarters and Mess
- 5.16.1 Constructed in 1926 as part of the original airfield, the single storey structure has four large chimneys and a simple form with unusual sash windows, the bottom of which open inwards rather than sliding upwards. The siren system is still in place, and the rear doors are recessed to allow close ambulance access. The building is linked to the decontamination building (43) by a narrow flat roofed corridor leading southwest.
- 5.16.2 It is proposed that the exterior accretions such as the modern extractor fans are to be removed, which would improve the overall appearance. The proposed conversion appears to be suitable.
- 5.17 Building 47 – Ration and Adjutant Store
- 5.17.1 Constructed in 1926 as part of the original airfield, this building is probably the most simple in terms of exterior decoration. It is almost identical to one at RAF Upper Heyford, although better preserved. The rafter feet project in a different fashion to the other buildings and the roof is notable for a projecting portico over the north eastern end of the building. Internally the building is clearly divided into four cells by brick partitions, each of which has an external entrance, used to store supplies.
- 5.17.2 The exterior is not proposed to be altered greatly, although the double doors on the east are proposed to be changed for a full height window. This building is proposed to be divided into three units, inevitably resulting in what the Historic Impact

Assessment (p.21) calls a 'disturbance of legibility of original plan form' although the historic fabric survives. As form is integral to legibility, it appears that this building would be better preserved as two units rather than three.

Whilst three units have been retained the internal arrangements of the building have been amended to take account of the concerns of the Conservation Officer.

5.18 Building 48 – Dining Room and Cookhouse

5.18.1 Constructed in 1926 as part of the original airfield, the south eastern elevation of this building relates to the newly proposed pedestrian access onto the A4421. Originally the building was the pedestrian connection between the domestic and technical sites. The main elevation of the building faces the southern end of the parade ground; the western façade appears symmetrical, while the eastern side reveals two different L-shaped wings joined by modern infill. The regular order of the western elevation echoes the elevations of buildings 36 and 35, and the lack of order to the eastern side means that that elevation feels at present to be the rear of the building.

5.18.2 The existing modern infill between the wings is proposed to be removed and the windows restored. The majority of entrances are proposed to be on the 'rear' of the building, which could undermine the importance of the main elevation, but reduces the unacceptable impact of several front doors overlooking the parade ground.

5.18.3 Reorganisation of the interior living space since the original submission has overcome the need for new pathways and new doors to units 5 and 7 which were having an adverse impact on the importance of the south eastern elevation. Furthermore detrimental terraces have been removed.

5.19 Building 50 – Decontamination Centre

5.19.1 Constructed in the third development phase in 1939 in preparation for World War II, the building was designed for its function, and the internal layout shows the clear flow of arrival and decontamination for sick airmen (entrance at the east, exit at the west). The most complete and therefore most sensitive building on site, building 50 is proposed to be left in tact with restorative works conducive to ensuring its longevity. As a part of the site's heritage, it is proposed to be opened to the public as part of open days and for special interest groups. However, for the remainder of the time it is proposed to be used as bicycle storage. This form of use will require the insertion of bike racks, the quantity of would depend on demand. However the nature of such an addition would not affect the fabric or layout of the building.

5.20 Implications of approving this application in isolation from the other applications

5.20.1 Whilst the granting of listed building consent does not permit the use of the buildings for residential purposes it is advised that regard be had to the full applications which seek consent for the change of use of the buildings. It should be noted that in approving this application in isolation and in the event of the full application being refused the physical alterations to the buildings could be implemented resulting in buildings being capable of residential use but not benefiting from consent for such use.

5.21 Conclusion

5.21.1 In general terms it is considered that the proposals for conversion have been well thought out and respect the historic fabric and special interest of the listed buildings. The applicants have listened to the concerns of the planning and

conservation officers and amended the plans accordingly. Whilst there are elements of the scheme that result in the subdivision of dormitory spaces this is a result of having to find an appropriate alternative use for the buildings, residential probably being the most appropriate use. Based on the above assessment it is considered that the proposals for listed building consent comply with guidance contained within PPS5 and policies BE6 of the South East Plan and C18 of the adopted Cherwell Local Plan.

6. Recommendation

Approval subject to the following conditions;

1. SC1.5A Listed Building: Duration Limit (3 years) (RC3)
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
3. That any replacement, repairs and making good of external walls and roofs shall be constructed in accordance with a detailed schedule and specification of materials and finishes which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved. Samples of materials shall be provided if requested.
Reason - To ensure the completed development is compatible with the listed building and to comply with Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.
4. SC 5.7C Making Good in Materials to Match (RC27AA)
5. SC 5.1AB Safeguard Existing Buildings (RC24AA)
6. SC 5.2AB Hand Demolition and Safeguard Existing Buildings (RC24AA)
7. SC 5.4A Protect Existing Architectural Features (RC26A)
8. SC 5.3AA Demolition of Buildings (RC25A)
9. SC 5.3C No Other Works Except as Plans (RC27AA)
10. SC 5.13AB Building Recording (RC63AA)
11. That all new or replacement windows, doors and openings shall be in accordance with details to no less than 1:10 (including cross section, plan, elevation, glazing and colour/finish) which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved. (RC79A)
12. SC 5.16B Details of damp proof course (RC27AA)
13. SC 5.5AB Submit New Design Details (RC27AA) – flooring, ceiling, wall treatments
14. SC 5.5AB Submit New Design Details (RC27AA) – staircases, the method of breaking through the first floor slab and fixing details
15. The use of cement is not permitted unless for the purposes of repairing similar or otherwise agreed in writing by the Local Planning Authority. (RC27AA)
16. The use of modern plaster is not permitted unless for the purposes of replacing or repairing similar or on approved partition walls or otherwise agreed in writing by the Local Planning Authority. (RC27AA)
17. SC 5.5AB Submit New Design Details (RC27AA) – any new external steps, ramps and handrails
18. SC 5.5AB Submit New Design Details (RC27AA) – external access gates

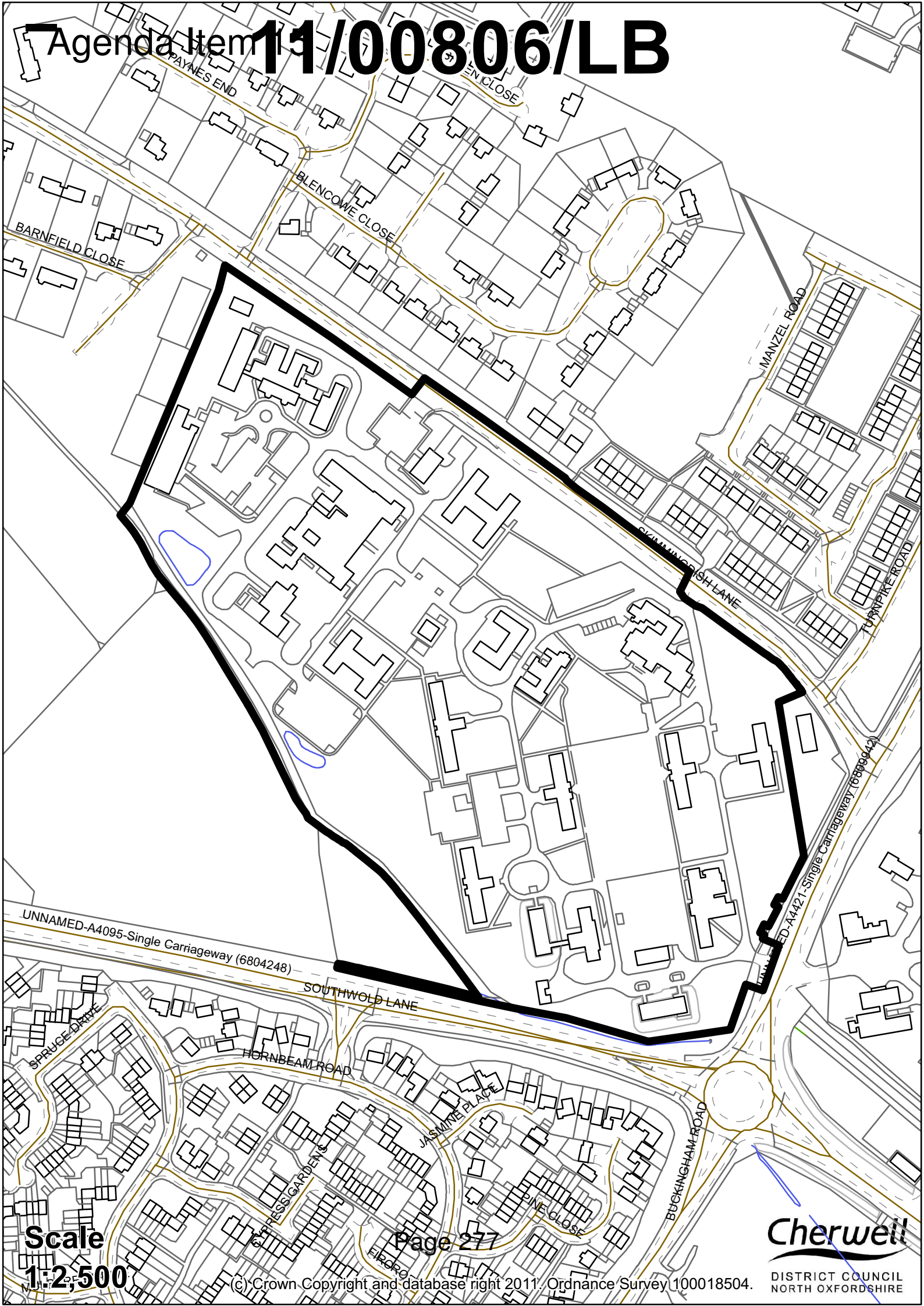
SUMMARY OF REASONS FOR THE GRANT OF LISTED BUILDING CONSENT AND

RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, Government advice contained within PPS5 and the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its merits as the proposal preserves the character and appearance of the listed building. As such the proposal is in accordance with Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and listed building consent granted subject to appropriate conditions, as set out above.

CONTACT OFFICER: Caroline Roche**TELEPHONE NO: 01295 221816**

Agenda Item 11/00806/LB



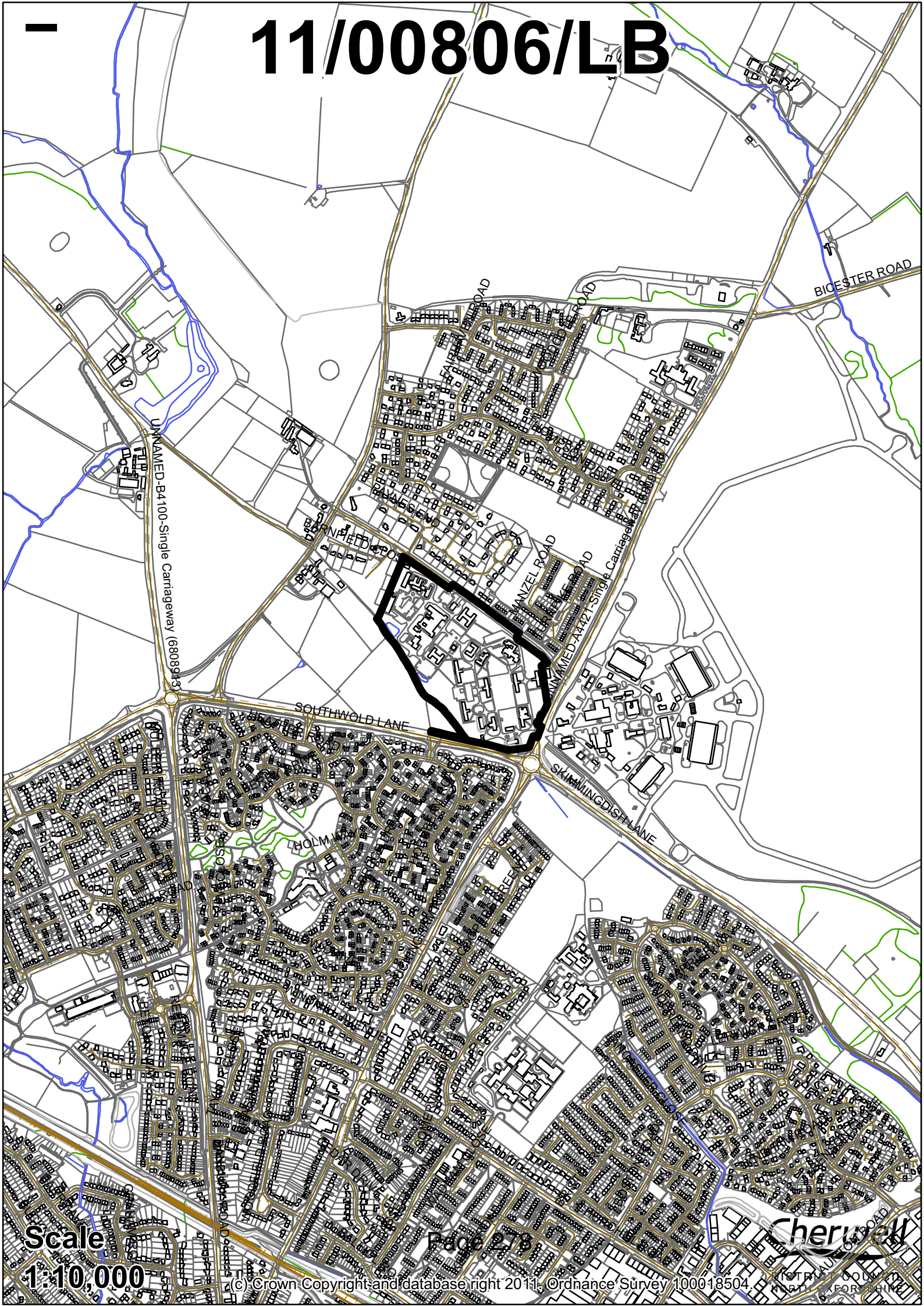
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

11/00806/LB



UNNAMED-B4100-Single Carriageway (6808913)

BICESTER ROAD

SOUTHWOLD LANE

SKINNINGDISH LANE

Scale
1:10,000

Page 2 of 2

Cherwell
CITY OF OXFORD

Application No: 11/00806/LB	Ward: Caversfield	Date Valid: 26/5/2011
Applicant:	City and Country Bicester Ltd	
Site Address:	Former DLO Caversfield, Skimmingdish Lane, Caversfield	

Proposal: Alterations to building 22 to provide 3 dwellings

1. Site Description and Proposal

- 1.1 The site was formally part of RAF Bicester and is located to the south of Caversfield and north of Bicester and consists of what is referred to as the domestic site. The domestic site has close historic links to the technical site and airfield which are located on the west side of Buckingham Road.
- 1.2 The site is a significant part of the Conservation Area and contains many listed buildings. The site includes buildings such as Officer's mess and quarters, barrack blocks, ration stores, decontamination chambers and central heating stations.
- 1.3 The RAF first used the site in 1918 but no buildings were retained from this time. However some buildings do date back to the 1920's and 30's. The site has been described by English Heritage as comprising the best preserved and most strongly representative of the bomber stations built as part of Sir Hugh Trenchard's 1920's Home Defence Expansion Scheme.
- 1.4 This application deals only with works to building 22, the central heating plant building, a listed building. Works to convert it into one single dwelling are covered in 11/00153/LB, along with all the other listed building proposals for the site. This application seeks listed building consent for alternative works to convert the main element of the building into one dwelling and construct two additional single storey dwellings within the original walls of the external and covered fuel storage yard.

2. Application Publicity

- 2.1 The application was advertised by way of a site notice and press notice. The final date for comment was 14 July 2011.
- 2.2 No letters of objection have been received from neighbouring residents specifically in relation to this application.

3. Consultations

- 3.1 A summary of consultation responses is set out below (see electronic file for full details)
- 3.2 **Caversfield Parish Council** has not commented directly on this application but has expressed general support for the scheme.
- 3.3 **Bicester Town Council** has not commented on this application.
- 3.4 **English Heritage** did not want to comment in detail in relation to this application but state that it supports the concept of conversion of this building to residential use, the proposed internal arrangements and the proposal to remove and replace the later

buildings in the boiler house yard.

- 3.5 The Council's **Conservation Team** does not consider that the special significance of the listed building would be harmed by the original conversion proposal and the proposed revision is similarly sympathetic, sitting entirely within the retained walls. No objections are raised to the principle of the proposal. Detailed comments were provided relating to the treatment of the building and suggested conditions.

4. Relevant Planning Policies

- 4.1 Central Government Guidance
Planning Policy Statement (PPS) 5 – Planning for the Historic Environment
- 4.2 South East Plan Policies
BE6 Management of the Historic Environment
- 4.3 Adopted Cherwell Local Plan
C18 Applications for listed building consent
- 4.4 Non Statutory Cherwell Local Plan
EN39 Preservation of listed buildings

5. Appraisal

- 5.1 Main Considerations
- 5.1.1 The main issues to consider in the determination of this application are as follows –
- Impact on the listed building
 - Implications of approving this application in isolation from the other applications.

Each of the above points will be considered in turn.

- 5.2 Impact on listed building
- 5.2.1 The main element of this building consists of the boiler room which measures 14 metres wide by 11 metres long and has a flat roof with an 8 metre high parapet wall. There is a water tower attached to the building which is 18 metres tall. Attached to the building is a yard area enclosed by 2.5 metre high brick walls. Elements of the yard have been enclosed and doubled in height to provide additional storage space associated with the boiler house. The more modern elements tend to have shallow pitched corrugated metal roofs.
- 5.2.2 The planning application proposal (11/00805/F) seeks to convert the main element of the building into one residential unit and create two further dwellings within the walls of the yard. In terms of listed building consent the main alterations involve the removal of the covered areas within the yard, alterations to the yard wall including changes to the south western section of the wall, partial demolition and partial rebuild of walls internal to the courtyard, minor alterations to some openings and the construction of new walls to create two new dwellings and separate gardens.
- 5.2.3 The main element of the building is sympathetically converted into a four bedroom property with the living accommodation and three bedrooms at ground floor and a

galleried master suite and library/study at first floor. The water tower is currently inaccessible but the scheme includes the construction of a spiral staircase and insertion of viewing platforms within the tower. The staircase provides access to the tower and also serves as a secondary access to the first floor accommodation. Whilst there is no particular use allocated to the water tower, due to its size and original function it will be a significant feature of the property and by allowing access to it as part of the residential property it will assist with future maintenance of it. Existing openings are retained and remodelled and there are limited new interventions by way of windows and doors.

- 5.2.4 The yard wall is largely going to be retained but past interventions along the south western elevation of the wall will be rectified by a replacement wall with only three openings to provide access to the new gardens.
- 5.2.5 Either side of the boiler house, within the yard walls new dwellings are proposed. These will utilise existing walls along two sides of the proposed properties. However the walls will be heightened by 0.7 metres to provide additional head room within the living accommodation. Flat sedum roofs are proposed as well as flat roof lights. The properties are proposed to be single storey structures that with the exception of the 0.7 metre increase in height and two new openings to form entrance doors will not materially alter the appearance of the building and structure. Natural light will be obtained from the substantial glass frontages that are proposed. However these elevations will not be visible as they are contained within the enclosed yard.
- 5.2.6 In general terms the alterations to the building are sympathetic and do not alter features of particular historic interest. The elements being removed are unsympathetic additions that occurred as a result of the nature of the use of the building when it was in military use. Their removal brings the structure back more in line with its original appearance.
- 5.2.7 Whilst the alterations required to convert the building into residential use may appear significant the proposals are sympathetic to the main features of historic interest, those generally being the main structure, water tower, the external yard walls and existing openings. The principle of the conversion to residential use will be covered more thoroughly in the full planning applications but in terms of the long term preservation of the listed building this form of use, whilst unusual, appears to be appropriate.
- 5.3 Implications of approving this application in isolation from the other applications
- 5.3.1 Whilst the detail of the proposal for listed building consent is considered appropriate it is recommended that this application is considered in conjunction with the full planning application (11/00805/F). If the application was approved in isolation from the full application the physical works to the building could be implemented resulting in buildings capable of being used as residential accommodation, without actually benefiting from a change of use consent. This may be detrimental in the event of full planning permission being refused and there being no long term plan for the reuse of the buildings.
- 5.4 Conclusion
As a result of the above assessment it is considered that the proposed works to the listed building are sympathetic to the historic fabric and features of the building and

therefore the proposal complies with guidance set out in PPS5 and policies BE6 of the South East Plan, C18 of the adopted Cherwell Local Plan and EN34 of the Non-Statutory Cherwell Local Plan. Furthermore, it is considered that by developing within the existing walls the campus layout is retained and the proposal contributes to the overall scheme to secure the future of the whole site. It is therefore recommended that this application be approved subject to the conditions set out below.

6. Recommendation

Approval, subject to the following conditions;

1. SC1.5A Listed Building: Duration Limit (3 years) (RC3)
2. Plans condition
3. That the external walls and roofs of the new dwellings shall be constructed in accordance with a detailed schedule and specification of materials and finishes which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.
Reason - To ensure the completed development is compatible with the listed building and to comply with Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.
4. SC 5.7C Making Good in Materials to Match (RC27AA)
5. SC 5.1AB Safeguard Existing Buildings (RC24AA)
6. SC 5.2AB Hand Demolition and Safeguard Existing Buildings (RC24AA)
7. SC 5.3AA Demolition of Buildings (RC25A)
8. SC 5.3C No Other Works Except as Plans (RC27AA)
9. SC 5.13AB Building Recording (RC63AA)
10. That all new or replacement windows, doors and openings in the original building and new structures shall be in accordance with details to no less than 1:10 (including cross section, plan, elevation, glazing and colour/finish) which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved. (RC79A)
11. SC 5.16B Details of damp proof course (RC27AA)
12. SC 5.5AB Submit New Design Details (RC27AA) – flooring, ceiling, wall treatments
13. The use of cement in the retained building is not permitted unless for the purposes of repairing similar or otherwise agreed in writing by the Local Planning Authority. (RC27AA)
14. The use of modern plaster in the retained building is not permitted unless for the purposes of replacing or repairing similar or on approved partition walls or otherwise agreed in writing by the Local Planning Authority. (RC27AA)

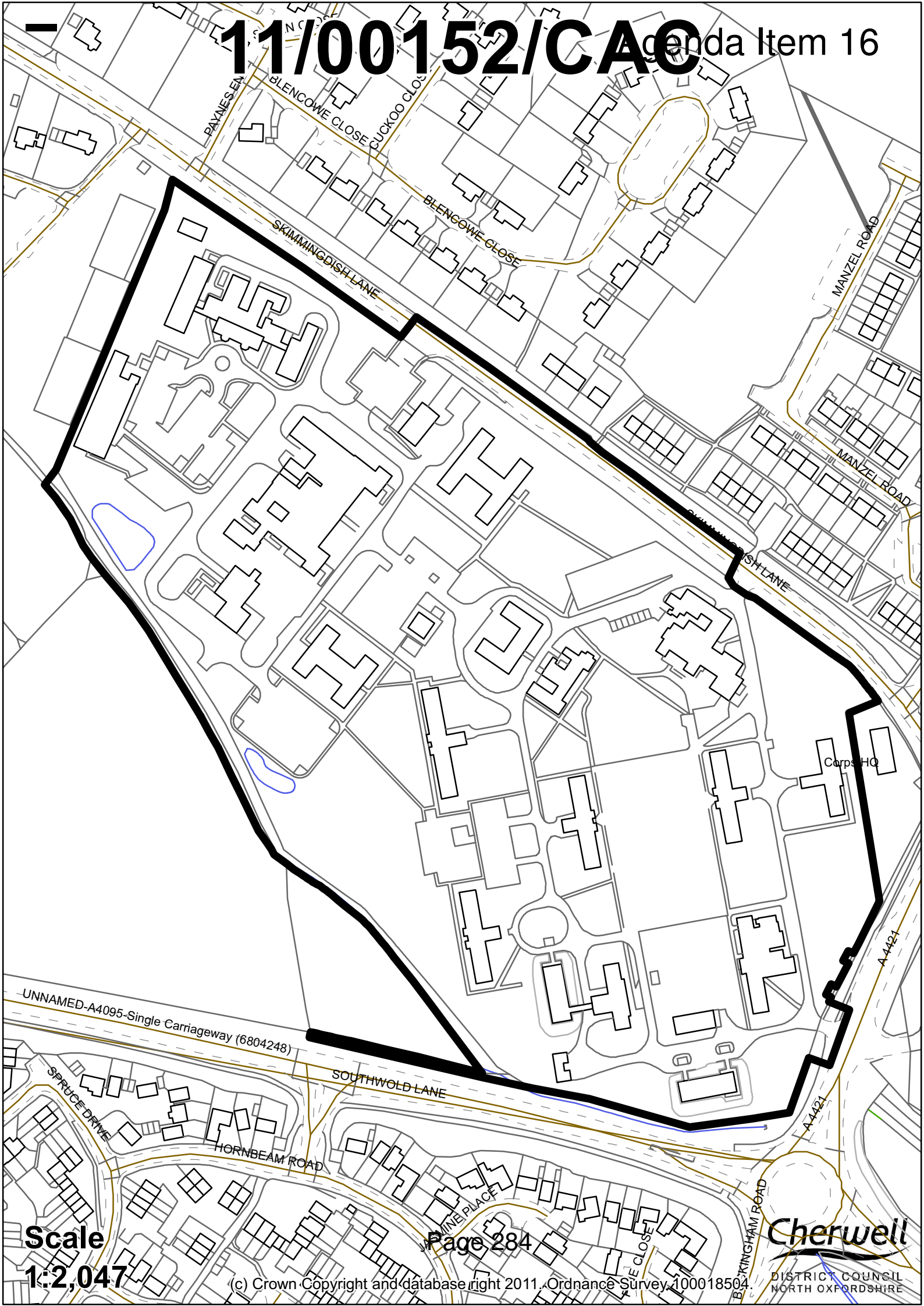
SUMMARY OF REASONS FOR THE GRANT OF LISTED BUILDING CONSENT AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, Government advice contained within PPS5 and the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its merits as the proposal preserves the character and appearance of the listed building. As such the proposal is in accordance with Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters

raised, the Council considers that the application should be approved and listed building consent granted subject to appropriate conditions, as set out above.

CONTACT OFFICER: Caroline Roche

TELEPHONE NO: 01295 221816

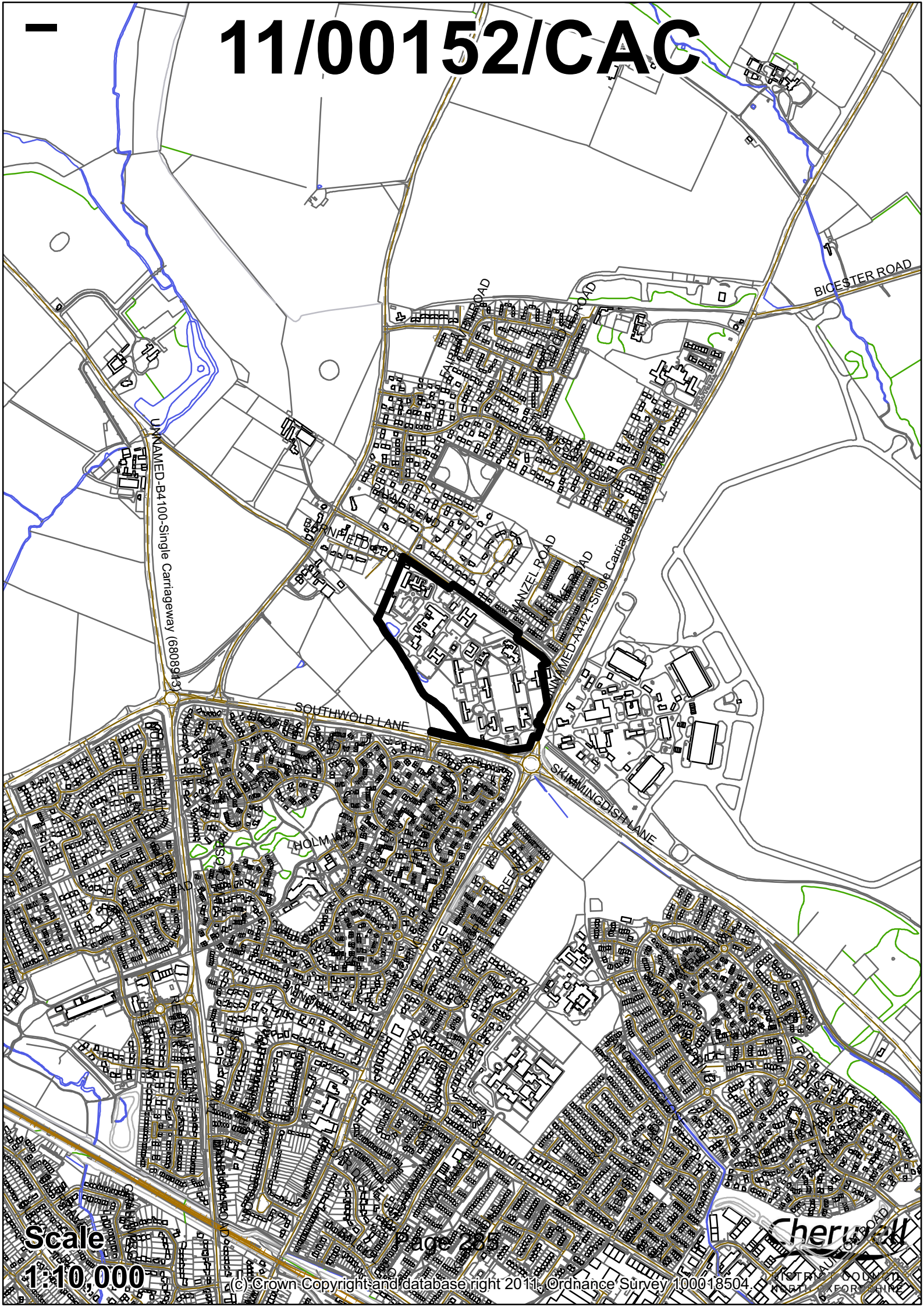


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Cherwell

11/00152/CAC



UNNAMED-B4100-Single Carriageway (6808913)

BICESTER ROAD

SOUTHWOLD LANE

SKINNINGDISH LANE

Scale
1:10,000

Page 20

Cherwell
CITY OF OXFORD

Application No: 11/00152/CAC	Ward: Caversfield	Date Valid: 04/03/2011
Applicant:	City and Country Bicester Ltd	
Site Address:	Former DLO Caversfield, Skimmingdish Lane, Caversfield	

Proposal: Demolition of building 2 (shooting range), removal of roof on building 19 (guard room), removal of accretion on building 28 (mess), partial demolition of building 44/45 (mortuary and ambulance garage) and demolition of garages.

1. Site Description and Proposal

- 1.1 The site was formally part of RAF Bicester and is located to the south of Caversfield and north of Bicester and consists of what is referred to as the domestic site. The domestic site has close historic links to the technical site and airfield which are located on the west side of Buckingham Road.
- 1.2 The site is a significant part of the Conservation Area and contains many listed buildings. The site includes buildings such as Officer's mess and quarters, barrack blocks, ration stores, decontamination chambers and central heating stations.
- 1.3 The RAF first used the site in 1918 but no buildings were retained from this time. However some buildings do date back to the 1920's and 30's. The site has been described by English Heritage as comprising the best preserved and most strongly representative of the bomber stations built as part of Sir Hugh Trenchard's 1920's Home Defence Expansion Scheme.
- 1.4 This application deals only with work to non-listed buildings which require Conservation Area consent for whole or partial demolition. Although all the buildings on the site are within the Conservation Area partial demolition of listed buildings is not covered in this application as the need for listed building consent overrides the need for conservation area consent. The proposals are as set out above and further consideration to each element is given in the assessment at section 5.

2. Application Publicity

- 2.1 The application was advertised by way of a site notice and press notice. The final date for comment was 18 March 2011.
- 2.2 No letters of objection have been received from neighbouring properties in relation to this specific application.

3. Consultations

- 3.1 A summary of the consultation responses is set out below (see electronic file for full details)
- 3.2 **Caversfield Parish Council** has not commented specifically on this application but has expressed general support for the scheme as a whole.
- 3.3 **Bicester Town Council** raises no objections to this proposal.

- 3.4 **English Heritage** did not consider it necessary for the Council to have consulted them specifically in relation to the Conservation Area Consent application and made no comments.
- 3.5 The Council's **Conservation Team** have incorporated its response to this application within its response on the full application therefore the relevant comments have been extracted and summarised below;
- The existing Building 2 (rifle range) is a modern intervention in this historic space. At the time of writing the Planning Brief, Defence Estates advised that this building was to be retained, excluded from sale and offered to the Air cadets as new premises. Its future was not, therefore, considered as part of the future of the site in the Planning Brief, except to say that it was a building whose demolition could enhance the conservation area.
 - Building 2 is the only building on the site (except for the building currently used by the Air cadets, which is outside the application site) that is not identified as making a positive contribution to the conservation area. It is therefore considered that, in principle, the demolition of Building 2 and its replacement with new development that meets the PPS5 design criteria, together with the creation of an enhanced landscape treatment of the space, could in principle enhance the to-be-established character of the conservation area and the setting of the listed buildings, Buildings 16 and 20.
 - The reinstatement of building 19 as the entrance to the site and of its original orientation is appreciated, as is the removal of the pitched roof.
 - The removal of the later accretions is generally positive and allows a better interpretation of the site. Modern electrical plant has been sited outside the building, and this is proposed to be removed, as are the external fire escapes, and this is welcomed.
 - The proposed demolition of the garages between buildings 31 and 32 opens up the site in that area providing better interpretation of the parade ground, and this is welcomed.

4. Relevant Planning Policies

- 4.1 Central Government Guidance
Planning Policy Statement (PPS) 5 – Planning for the Historic Environment
- 4.2 South East Plan Policies
BE6 Management of the Historic Environment
- 4.3 Adopted Cherwell Local Plan
C23 Retention of buildings within the Conservation Area
- 4.4 Non Statutory Cherwell Local Plan
EN40 Retention of buildings within the Conservation Area

5. Appraisal

- 5.1 Main Planning Considerations
- 5.1.1 The main issues to consider in the determination of this application are as follows –
- Impact on the Conservation Area
 - Implications of approving this application in isolation from the other

applications.

5.2 Impact on the Conservation Area

- 5.2.1 Almost of all of the buildings on the site will be altered in some way as part of the proposed development of the site. Many buildings have been added to over the years with unsympathetic extensions forming for example stores for electric supply equipment or additional staircases for fire escapes. A large proportion of the buildings are listed and the alterations to listed buildings are dealt with through the Listed Building application. However proposals for whole or partial demolition of unlisted buildings require Conservation Area consent due to their location within the designated Conservation Area. The proposal is therefore as set out above. Each element will be considered in turn.
- 5.2.2 Building 2 is a large modern shooting range which was built in the early 2000's. It was constructed close to the north western boundary of the site. Given the functional nature of the building it does not lend itself to conversion to residential or commercial uses. The building may however have lent itself to some form of community use. However the reuse of this building does not form part of the applicant's wider development proposals. Building 2 does very little to make a positive contribution to the character and appearance of the Conservation Area. Therefore its removal is considered to at least preserve and even enhance the character and appearance of the Conservation Area. Given this judgement there is little justification for requiring its retention and reuse.
- 5.2.3 Building 19 was originally a guard house located facing onto an original access point. However over time the site has been altered and its most prominent but rear elevation now faces onto the car park at the current main entrance. The building has been altered over the years, the most obvious addition being a pitched roof. The removal of the roof helps return the building to its original appearance. The alteration is considered to preserve the character and appearance of the Conservation Area and returns the building to its original form which is positive in terms of its historic integrity.
- 5.2.4 Building 28 is an unlisted Mess building with a typical U-shaped footprint. On the southern wing in the internal courtyard there is a small external accretion with no internal link to the main building. It is likely that this is some form of electricity cabinet or store building. The removal of this element will preserve the character and appearance of the Conservation Area.
- 5.2.5 Buildings 44 and 45 are two buildings, originally used as a mortuary and ambulance building which in the past have been linked together with a covered area. The proposal is to demolish the link and rebuild a more permanent structure to create one dwelling. The link is of no historic value and its demolition does not harm the character and appearance of the adjoining buildings or the conservation area.
- 5.2.6 Located between buildings 31 and 32 is a block of garages. The structure is open fronted and constructed of brick and corrugated metal. The structure is functional and of its time but does not have any particular historic significance in terms of its architecture or use of materials. It does not currently cause particular harm to the Conservation Area but its removal is likely to result in an enhancement to the area as it will improve views into the parade ground which is one of the sites most

historically significant areas.

5.2.7 Overall the proposals for conservation area consent are unlikely to cause harm to the character and appearance of it and in many cases the proposals will enhance the area. It is therefore considered that the proposal complies with Guidance contained within PPS5 and policies BE6 of the South East Plan, C23 of the adopted Cherwell Local Plan and EN40 of the Non-Statutory Cherwell Local Plan.

5.3 Implications of approving the application in isolation

5.3.1 This application relates to the wider proposals for the rest of the site covered by the full (11/00151/F and 11/00805/F) and listed building (11/00153/LB and 11/00806/LB) applications. Hence why they have each been brought to the same committee for consideration. However as the work only involves demolition and does not directly affect the proposals covered by the listed building or planning permission this application could be determined in isolation without having a bearing on the other applications.

5.4 Conclusion

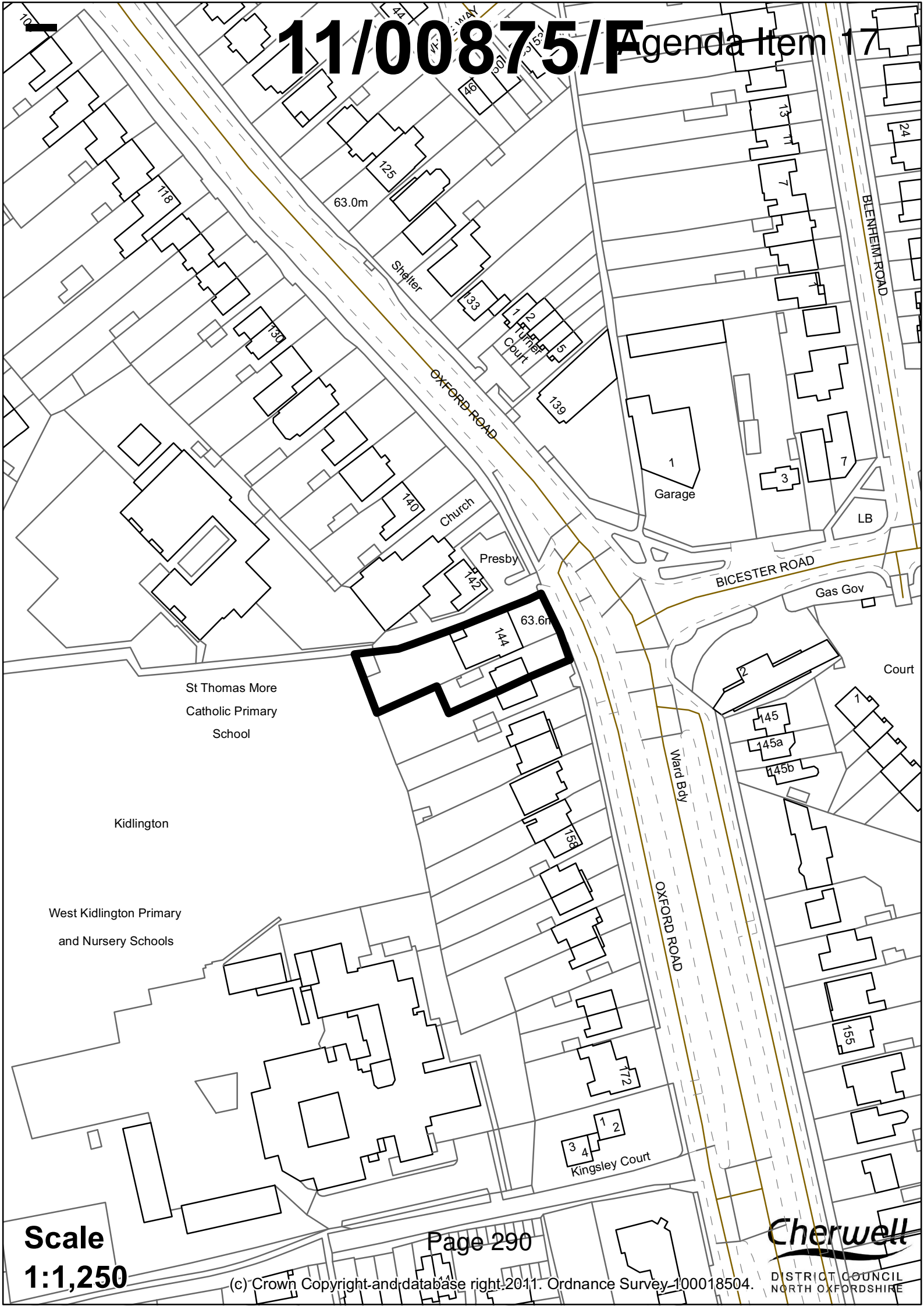
Based on the above considerations it is recommended that the application be approved subject to the conditions set out below. Given the nature of the works and the fact that an approval would not have a direct bearing on the full or listed building applications and would not be detrimental to the future of the site if carried out in isolation it is considered that it can be determined in isolation regardless of the outcome of the other applications.

6. Recommendation
Approval , subject to the following conditions
<ol style="list-style-type: none">1. SC 1.4A (RC2) Duration limit, 3 years2. SC 5.7B (RC27A - delete reference to C18 of the adopted Local Plan)
SUMMARY OF REASONS FOR THE GRANT OF CONSERVATION AREA CONSENT AND RELEVANT DEVELOPMENT PLAN POLICIES
The Council as local planning authority, has determined this application in accordance with the development plan unless material considerations indicate otherwise. The development is considered to be acceptable on its planning merits as the proposal is considered to preserve or enhance the character and appearance of the conservation area. As such the proposal is in accordance with guidance contained in PPS5, Planning for the Historic Environment, and policies BE6 of the South East Plan, C23 of the adopted Cherwell Local Plan and EN40 of the Non-Statutory Cherwell Local Plan . For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and conservation area consent granted.

CONTACT OFFICER: Caroline Roche

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11/00875/F Agenda Item 17



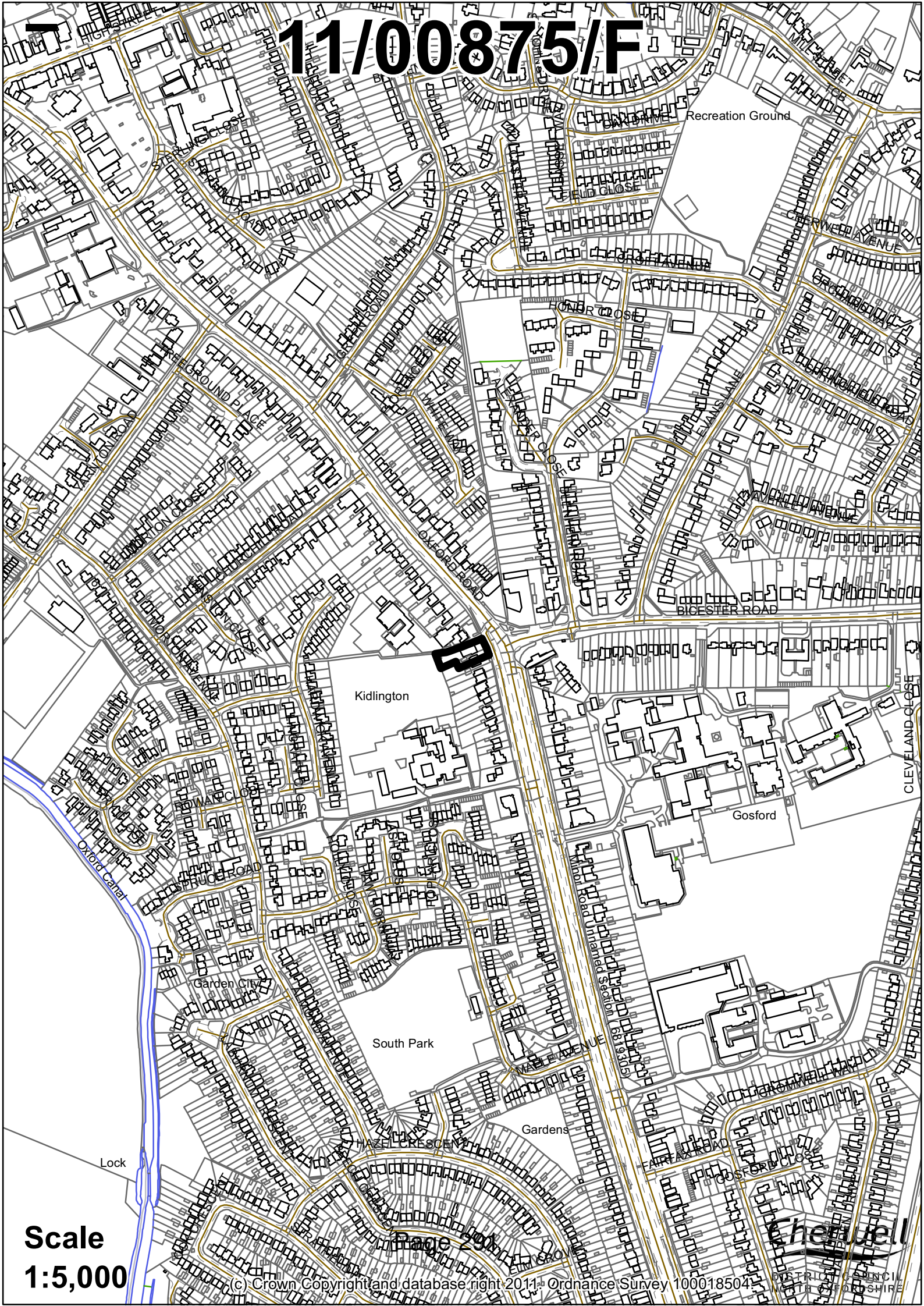
St Thomas More
Catholic Primary
School

Kidlington

West Kidlington Primary
and Nursery Schools

Scale
1:1,250

11/00875/F



Scale
1:5,000

Application 11/00875/F	No:	Ward: Kidlington South	Date Valid: 31 May 2011
Applicant:	Mr A. Soufi		
Site Address:	144 Oxford Road, Kidlington, Oxfordshire, OX5 1EA		

Proposal: Proposed demolition of existing detached building (residential and retail use) and construction of new building incorporating 3 No. retail units and 1 No. 2 storey dwelling and 5 No. flats with parking and amenity space

1. Site Description and Proposal

1.1 144 Oxford Road is a detached rendered property, with a tile roof and uPVC windows and doors, accessed via the slip road alongside the main Oxford Road. The site is currently one small shop unit, forming a newsagents and a residential property. The site is within a largely residential area, however directly to the north are the St. Thomas More Catholic Church and an access way to the St. Thomas More R C Primary School, which is to the north west of the site. To the west of the site is the playing field for the West Kidlington County Primary School.

1.2 This application seeks planning permission for the above development. The new building would be larger than existing, containing three retail units at the front, a two storey dwelling attached to the rear of it, and five flats above the shops, two on the first floor forward of the dwelling and three on the second floor. A first floor link would also be provided between the new building and the existing semi detached property at 146 Oxford Road (also within the applicant's ownership). Parking would be provided to the rear of the site and in front. The building would be constructed from facing brickwork, render and plain tiles.

1.3 At the time of writing the report, amendments to the scheme have been requested, which are:

1. to reduce the scale of the dormer windows,
2. to make the eaves of the new building the same level as the eaves of 146 Oxford Road,
3. to remove two of the four parking spaces to the front of 146 Oxford Road,
4. to check windows on the south elevation of the building in terms of their accuracy,
5. to re-arrange the internal arrangement to address windows serving habitable rooms on the north and south elevations,
6. to clarify where commercial waste would be stored and collected
7. to include some cycle storage at the front of the site

It is anticipated that amended plans will be received prior to the committee meeting and the report has been drafted on the basis that these amendments are received as the agent has indicated that these amendments will be possible.

1.4 Planning history
03/02313/F (Permitted) Erection of single storey extension to shop front
03/01523/F (Permitted) First floor rear and two storey side extensions, front porch,

shed and boundary wall

03/00508/F (Permitted) Proposed first floor rear and two storey side extension and front porch

01/02478/F (Refused) Proposed security roller shutter to front shop. Part retrospective erection of 1.9m high concrete block wall to rear. Construction of concrete shed to rear. Single storey extension to side of property.

00/01525/F (Refused) Change of use of part of ground floor to fried chicken takeaway/ restaurant

04/02155/F (Permitted) Conversion of 146 Oxford Road into two flats

- 1.5 The application is being presented to committee for determination at the request of a Local Ward Member.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice. The final date for comment was 21 July 2011.

- 2.2 Three letters of objection have been received raising the following points:

- Chair of St. Thomas More Primary School objects to the scheme on grounds of safety. Additional traffic as a result of the proposal will put the children at risk of serious injury or worse. School has a duty of care to the children. Additional traffic likely to be from deliveries of goods, additional traffic to the additional retail units and additional traffic created by the extra dwellings
- Parking in an already congested street will be a major issue
- Welfare of children should be put before the profits of developers
- Scale of the proposed re-development is out of keeping with the neighbourhood
- Visually the mass of a three storey building is too high and unsympathetic to the largely residential area
- Build is right up to the boundary wall and overlooks the Church properties next door
- Provision of car parking means a frontage with no green space
- Location is at a dangerous point for traffic given the only access is onto the slip road. Would the designated parking be adequate for the properties? Extra retail units would require additional deliveries
- What are the retail units proposed to be? Are 3 needed in this area?
- Parking – concerned about the amount of properties being either replaced or converted to flats causing more traffic and so more parking on the slip road, causing difficulties getting to other properties.
- These flats tend not to have no front gardens, having a detrimental effect on the look and feel of the area

3. Consultations

- 3.1 Kidlington Parish Council objects to the proposal on the grounds of increased traffic and parking congestion at an already congested location with a dangerous exit onto a busy main road and junction, inadequate parking for retail and an inappropriate configuration of parking, overdevelopment of the site, site is inappropriate for retail expansion and will be detrimental to the existing shopping centres in Kidlington

- 3.2 OCC Highways – No objection, subject to conditions (comments expanded upon below)
- 3.3 OCC Archaeology – unlikely to be any impact, informal note could be used
- 3.4 Thames Water advises that a build over agreement is not required
- 3.5 CDC Ecology – Unlikely to be any significant ecological implications from the demolition of the property (comments expanded upon below)

4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development
PPS3: Housing
- 4.2 The South East Plan: Policy BE1
- 4.3 Adopted Cherwell Local Plan: Policies S28, ENV1, C28 and C30

5. Appraisal

- 5.1 The key issues for consideration are:
 - Principle of the development
 - Visual amenity
 - Neighbour amenity
 - Highway safety
- 5.2 Principle of the development

As the proposal relates to both commercial and residential development, these must both be considered. In terms of the principle of the commercial units, the site is outside the main village centre, and therefore falls to be considered under policy S28 of the adopted Cherwell Local Plan. This policy states that favourable consideration will be given to proposals for small shops or extensions to existing shops required to serve local needs. The site already contains one shop unit and the proposal for the provision of three small units in this area is considered to be acceptable in principle as it will provide further retail facilities for local people within a suitable site in the settlement.
- 5.3 A condition has been recommended to ensure that the retail units are used for the purposes of Class A1 (shops), as this use is appropriate within a residential area and would mean that any other proposed use would require planning permission. The planning history indicates that a takeaway use was not considered acceptable previously, however clearly if any such proposal came forward in the future it would require separate consideration. As such, the proposal is considered to comply with policy S28 of the adopted Cherwell Local Plan.
- 5.4 In terms of the residential element of the proposal, this is to be assessed under policy H15 of the non statutory Cherwell Local Plan, which allows for infill (the development of a small gap in an otherwise built up frontage), minor development and conversions. The development of this site is considered to be minor development within the built up area of the village and therefore in broad terms

complies with policy H15. The supporting literature to this policy states that Kidlington is considered the most sustainable location for development outside of Banbury and Bicester because of the range of services and facilities it provides along with its transport links, in particular its good bus links to Oxford. This also reflects advice within PPS3. PPS3 encourages that land for housing development should be used efficiently and effectively in order to make the best use of the land. The site is currently in partial use as residential and so the replacement of the existing with more dwelling units is considered acceptable in principle.

5.5 Visual amenity

The building proposed is larger in scale than the existing building, given that accommodation is arranged over three floors. The ridge height of the proposed building is around the same as the existing semi detached property at 146 Oxford Road, but is taller than the property at 142 Oxford Road (part of St Thomas More Church).

5.6 The Oxford Road contains a variety of building types and many of the properties have been extended. The position of this property at the corner of the slip road means that it is largely in line with the properties to the south, but the properties to the north along the Oxford Road are set at an angle. It is therefore considered that the height of the proposed building is acceptable as it sits comfortably with the existing development to the south and although taller than the property to the north, will be seen from a different perspective and so would not appear unacceptable in the street scene.

5.7 Notwithstanding the fact that the proposed ridge height is the same as no. 146, because of the proposed higher eaves height, this makes the building appear much taller than neighbouring properties. Therefore the case officer has requested an amendment to the scheme that brings the eaves height the same as no. 146. The building is similar in footprint area to the existing building on site, and so the difference in height is the main difference that would have an affect on the streetscene in general.

5.8 The design of the building is considered to be acceptable and appropriate, although the originally proposed dormer windows were considered to be too heavy, and so amended plans have been sought to reduce these to be more traditional in their size and design. The link between the new building and 146 Oxford Road is considered to be acceptable as it appears as a subservient addition. The existing building is finished in white painted render and the building proposed is to be finished in facing brickwork, render and plain tiles. This is considered acceptable taking into account the existing materials that are used in this area. Samples have been requested via condition to ensure that the brick, tile and the colour of the render is acceptable. It is unfortunate that the frontage is to be taken up by parking spaces; however this is not dissimilar to the existing situation on this site and visually, will cause limited harm. The proposal is considered to comply with policy C28 of the adopted Cherwell Local Plan.

5.9 Neighbour amenity

The building is only slightly larger on its plot than the existing building; however as has been explained it is taller and due to the existing building having a hipped type roof, the proposal does result in a building which is more bulky than existing. With regard to the neighbour to the north, this consists of the Church, but also a house

connected to the Church. This property is situated on an angle to the proposed building, and is separated by an access way, which provides access to the school. Due to the distances involved, any loss of amenity by way of over dominance or loss of light is likely to be at acceptable level and would not cause such serious harm to the amenity of this property.

- 5.10 There is unlikely to be any impact to the residential amenity of 148 Oxford Road by over dominance or loss of light as this neighbour is on the opposite side of number 146. In relation to number 146 itself, this property is within the applicant's ownership and may experience some more impact than existing due to the increased bulk of the building (although the size is not significantly larger in terms of the floor space than the existing). However due to the orientation meaning the new building would be to the north of number 146, and the fact there is a gap between the two buildings, the impact caused to this neighbour by loss of light or over dominance is considered to be acceptable.
- 5.11 In terms of loss of privacy to the neighbour at 142 it is considered that there may be some impact in terms of the windows that are positioned on the side elevation of the building due to the angle that the neighbouring property is positioned at as shown on the original plans. It has been requested that the agent looks again at the plans in relation to how the internal arrangement of the units work as it appears that this issue could be overcome by a re-arrangement and could result in windows serving bathrooms in this elevation, which could be conditioned to be obscurely glazed and fixed shut.
- 5.12 On the south side elevation of the building facing towards 146 and 148 Oxford Road, one window is of concern, which serves a bedroom and again this has been raised as an issue with the agent to ensure that this window is either not in place or serves a bathroom so that it can be obscurely glazed and fixed shut. It is considered that if all windows serving habitable rooms can be contained to the front and rear elevations of the building, and any windows at the side in the first or second floors can be obscurely glazed and fixed shut (unless any opening element is more than 1.7m above the floor level of the room it serves), or face directly towards the blank gable elevation of number 142, then there is unlikely to be any significant impact by loss of privacy to any neighbouring property. Roof lights are shown; however these tend to be set at such a level that loss of privacy is unlikely.
- 5.13 In terms of the parking layout, there are currently four spaces proposed to the front of 146 Oxford Road, which are considered to be unacceptable due to only two spaces being needed for this property and so the additional two would be for users of other units within the new building, which has the potential to cause harm by reason of noise and disturbance. Notwithstanding the highways issue that may be caused by losing these two spaces, it is considered appropriate that only two spaces are provided to the front of number 146.
- 5.14 Parking spaces are also provided at the rear of the property, which is adjacent to the neighbouring property on the other side of the semi-detached property's (148) garden, as this property has an 'L' shaped garden which extends to the rear of 146 Oxford Road's garden. This neighbour has a private patio area directly to the rear of their property, a driveway alongside their property leading to a double garage at the rear and a further hard standing area within the 'L' shaped part of the garden. Given there are two patio areas and the proposed parking would be at the bottom of the

garden, it is not considered that such serious harm would be caused to the amenities of this neighbour by noise and disturbance. As such, the parking is considered to be acceptable and will cause limited harm to the residential amenity of the neighbouring properties.

- 5.15 The proposed flats and dwelling will be above the proposed shop units. The use of the shops has the potential to cause harm to the amenity of the flats if it is not carefully controlled. A condition has been recommended to ensure that the units remain as an A1 use class, which would allow uses which are appropriate within a residential area such as shops or sandwich bars, which should cause no undue impact to residential amenity. Should any other use be proposed in the future, a planning application would be required and considered at that time.
- 5.16 As such, the proposal is considered to be acceptable in terms of its impact upon the residential amenity of neighbouring properties and the proposal complies with policy C30 of the adopted Cherwell Local Plan.
- 5.17 Highway safety
The proposal is clearly intensifying the use on the site in terms of both commercial and residential uses. Parking is proposed to the rear of the site for four cars (accessed by a roadway under the link between 144 and 146) and to the front of the site, provision is made for 10 parking spaces (two are to be removed from in front of 146 because of the impact upon their amenity as described above).
- 5.18 The parking at the front of the site is a tandem arrangement and would serve both the residential and the commercial units. Officers do have some concerns over this arrangement in that tandem parking is unfortunate for commercial uses, and consider it is inevitable some parking will occur on the slip road (as it already does to a limited extent).
- 5.19 The Highway Authority has been consulted and raised no objections to the scheme subject to conditions. Officers then asked for further explanation as to why no objections were raised due to the concerns held. The Highway Authority stated that *in this area there is good access to many facilities including bus routes, footways, shops and schools. It is therefore normal to accept that the level of parking will be at the lower end of the normal assessment criteria. As such, they have accepted one space per unit for housing where appropriate. The actual area of the shops amounts of around 82m², which when allowing for some counter and storage space means that for non food retail the parking requirement is four spaces. If there is no allowance made for the counter/ storage space the requirement is for five spaces. This is very close to that provided without the need to park in tandem. Furthermore, the co-op and a veterinary practice near to the site have parking in tandem. With regard to the residential units, there appears to be two flats and one house existing, which will increase to five flats and two houses (this is not quite right as in fact there would be 1 house and 7 flats – including those existing in 146 Oxford Road), which is a difference of one house and three flats and a parking requirement of seven. This would bring the total required to eleven. The removal of the tandem element plus those to the rear would result in there being ten spaces available. It would appear possible for a further space to be provided at the rear. To put the parking for the commercial uses into further perspective, the level of facilities, although not determined as such, is quite close to the 'Type one accessibility characteristic', which would suggest an operational parking level only. The highway here is*

essentially one way with good intervisibility, traffic controls and calming. All of this leads the Officer to conclude that it would be unreasonable to recommend against this proposal and that it would not be sustainable at an appeal situation. Furthermore, the area at the front shown as parking is already used for this purpose.

5.20 Despite the error with the existing situation on site (the LHA did not consider that 146 is currently two flats, rather than one dwelling and so the calculation is out by one unit), the Highway Authority are very clear in that the parking provided is to an acceptable level and that should the application be refused on highway safety grounds, they would not be able to defend this argument at appeal. Cycle storage is also proposed to the rear. It is your Officers view therefore that the proposal is acceptable in highway safety terms. The comments of third parties in relation to this matter are noted and appreciated, however given the response of the Highway Authority, the SDPHE is satisfied that a careful consideration has been made and which demonstrates the acceptability of the scheme.

5.21 Other matters

The Council's Ecologist considers that there is unlikely to be any significant ecological implications from the demolition of the property. It is requested that the applicant and any contractors are made aware of the legislation relating to nesting birds and roosting bats. This has been compiled into a planning note along with the Ecologist's more detailed comments. The comments of the third parties are noted and have been addressed within this appraisal. The comments of the County Archaeologist and Thames Water are also noted.

5.22 The Council has adopted an SPG relating to the Sub Division of Buildings for Residential Use in February 2011, which relates to space standards and other factors that may have an impact on the street scene, such as bin storage and which is also relevant to the current proposal. The dwellings appear to be sufficient in size in terms of their internal accommodation. Bin storage is provided to the rear, although additional detail in terms of where commercial waste will be stored and collected has been requested. There is some outdoor amenity space including a patio area provided to the rear of the building and this is not shown to be specifically allocated to any unit, although would most closely relate to the dwelling. Due to the position of the site within the centre of Kidlington, where outdoor space and parks are within proximity, the provision of no specific amenity space is not considered to be unacceptable.

5.23 Conclusion

As can be seen, there are a number of concerns in terms of the impact upon neighbouring amenity, the eaves height and a number of issues to be clarified which have been raised with the agent for the application. He has verbally agreed to look into these matters and to submit amended plans prior to the committee meeting. However, should these matters be addressed, the proposal is considered to be acceptable and to comply with the above mentioned policies.

6. Recommendation
Approval; subject to the receipt of amended plans and the following conditions:
1. 1.4A (RC2) [Full permission: Duration limit (3 years)]

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: application forms, design and access statement and drawing numbers 179610:1, 179610:2, 179610:6 **[insert here amended plan numbers when received and satisfactory]**
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 PPS1: Delivering Sustainable Development
3. 2.2AA (RC4A) [Samples of walling materials] insert 'brick' 'building'
4. 2.2BB (RC4A) [Samples of roofing materials] insert 'tile' 'building'
5. 2.8A (RC4A) [Colouring: walls etc] insert 'render'
6. 2.9AA (RC6A) [Obscured glass windows] replace 'the' with 'any' (no insert in gap) 'north and south' add an 's' to 'elevation' add at end 'and shall be fixed shut unless any opening element is at least 1.7m above the floor level in the room in which it serves' **[this may be adapted depending upon the amended plans received]**
7. 2.10A (RC7A) [Floor levels] insert 'building'
8. 4.13CD (RC13BB) [Parking and manoeuvring area retained] after 'areas' insert 'and cycle areas' after 'vehicles' insert 'and bicycles'
9. 4.12AA (RC14AA) [.....Surface, laid out etc] insert 'access drive'
10. 3.7AA (RC12AA) [Submit boundary enclosure details] after 'the site' insert 'including the metal railing to the front of the site' delete after 'such means of enclosure' insert 'shall be erected prior to the first use of the building'
11. That full design details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such lighting. The lighting shall be installed in accordance with the approved details. (RC95A)
12. 6.15AA (RC40AA) [Use class (specified)] after first 'the' insert 'three retail' insert into gap 'A1'
13. No deliveries shall take place to or from the site before 08.00 hours or after 18.00 hours on any day.
Reason- To safeguard the residential amenities of existing and proposed residential properties and to comply with Policies C30 and ENV1 of the adopted Cherwell Local Plan.
14. That full design details of any proposed mechanical ventilation systems to be installed in the building shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such equipment. The equipment shall be installed in accordance with the approved details.
Reason - To ensure the satisfactory appearance of the completed development, to safeguard the amenity of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan.
15. **Any other condition required by the Drainage Authority**

Planning note

1. X1 – Biodiversity/ protected species
2. The applicant is reminded of the law protecting roosting bats and nesting birds. The presence of these cannot be ruled out within the building and so the demolition of the roof should be done carefully and methodically with roof tiles preferably removed by hand. The Ecologist has also identified that there may be an opportunity to include some provisions for wildlife such as the provision of new planting with native species or the addition of bird boxes on the new building. If any trees or shrubs are required to be removed, this should be carried out outside of the bird breeding season.

3. The applicant is reminded that there may be the requirement for Advertisement Consent for any advertisements proposed to be installed for any of the three retail units. You are advised to check whether any such consent is required before the installation of any advertisements.
4. O1 – Archaeology
5. ZZ – Unsuspected contamination
6. S1 – Post permission changes
7. T1 –Third party interests
8. U1 – Construction sites

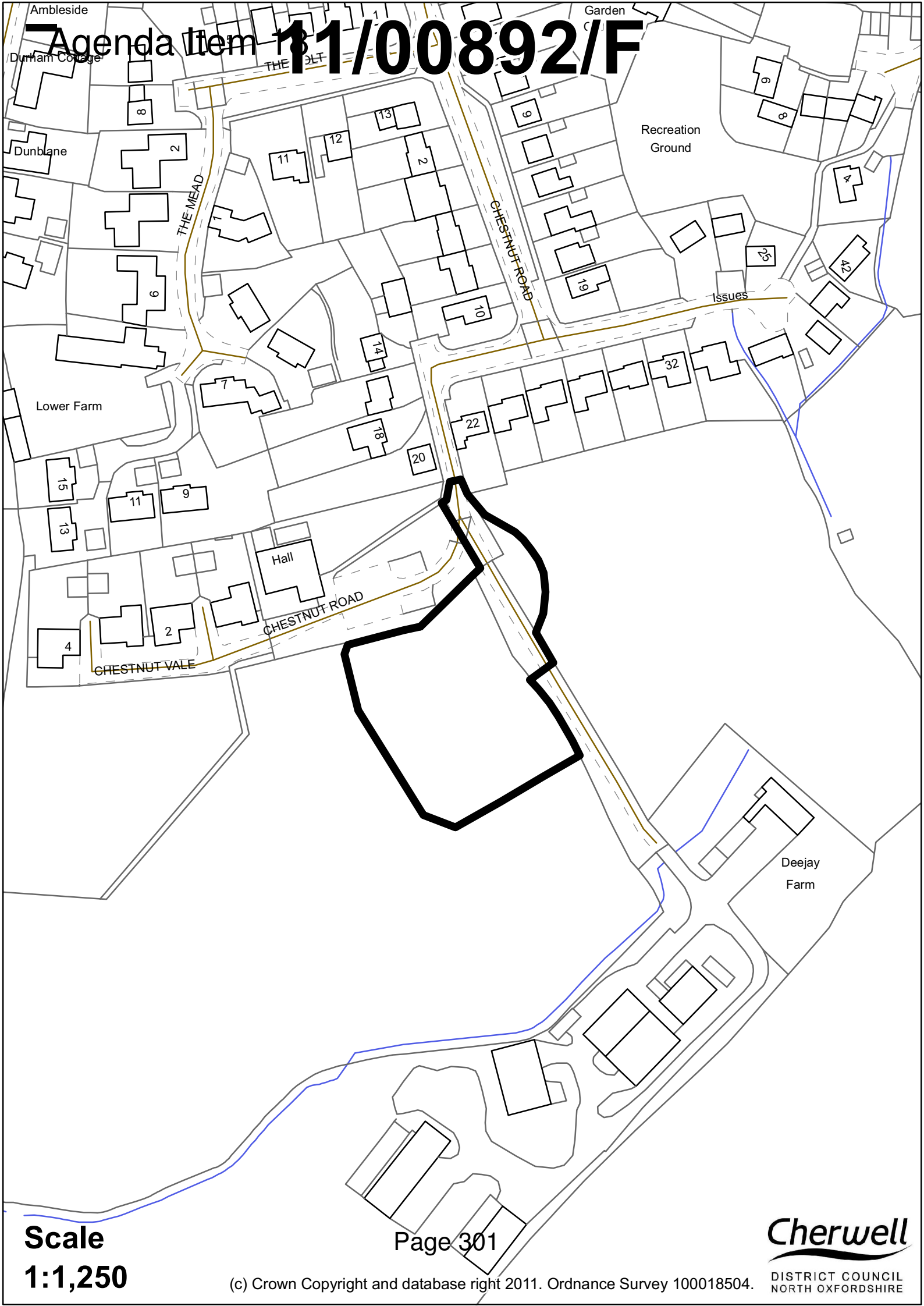
SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal is considered to be acceptable in principle and pays proper regard to the character and appearance of the site and surrounding area. The proposal also has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPS3: Housing, Policy BE1 of The South East Plan and Policies S28, ENV1, C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted.

CONTACT OFFICER: Caroline Ford

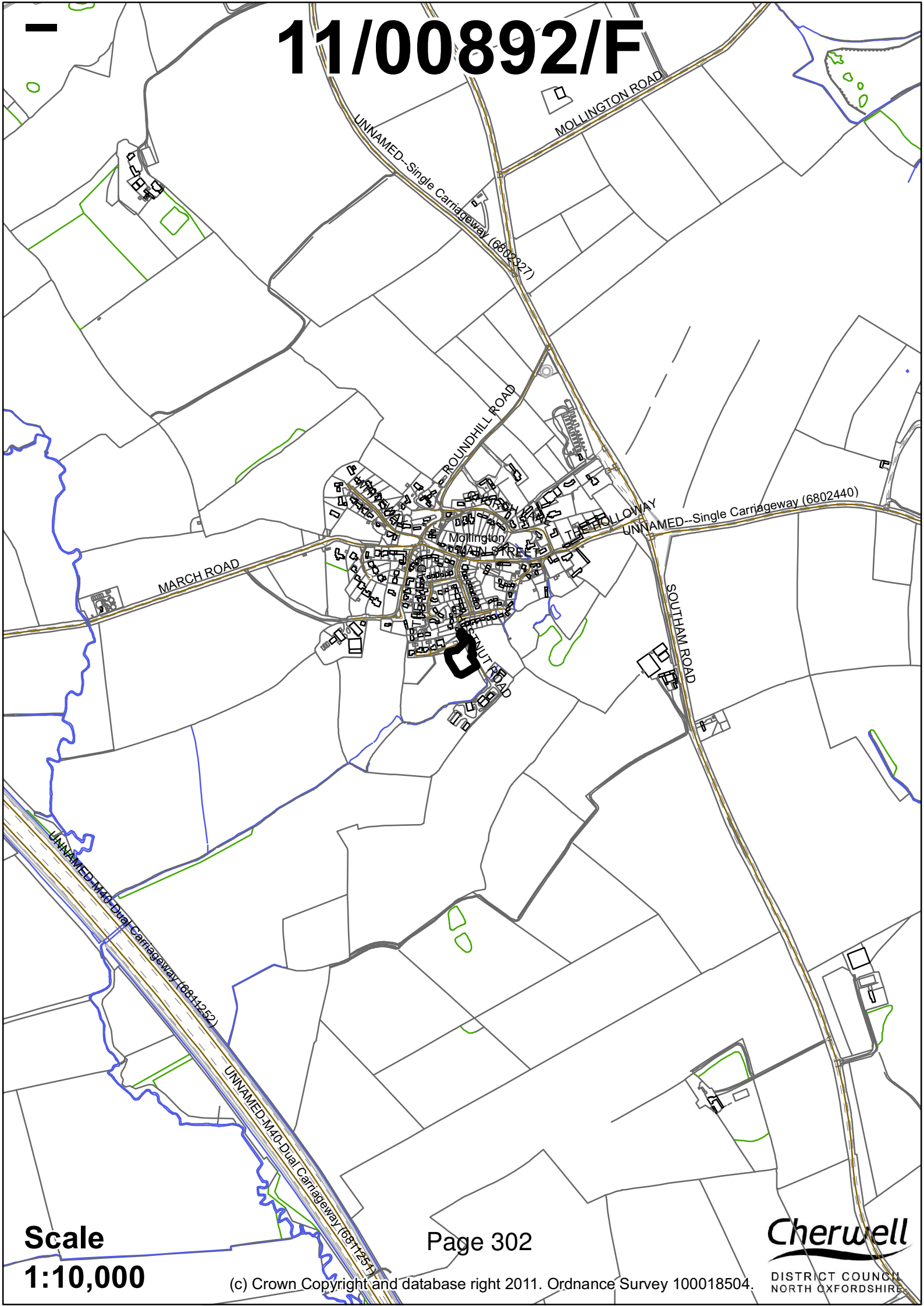
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Agenda Item 11/00892/F



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11/00892/F



Scale
1:10,000

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Application 11/00892/F	No:	Ward: Cropredy	Date Valid: 27.06.11
Applicant:	Cascade Partnership Unit 10 London Road Wrotham Kent TN15 7RU		
Site Address:	Land north of DeeJay Farm and south of Chestnut Road Mollington Oxon		

Proposal: Erection of 6no. affordable housing dwellings and associated works

1. Site Description and Proposal

- 1.1 This application refers to a site known as DeeJay Farm to the south of Chestnut Road and adjacent to the village hall in Mollington. The site measures 0.34ha.
- 1.2 The site is screened by trees and a large hedgerow boundary along the site frontage adjacent to the village hall. There is an existing play area outside the site boundary to the west and a recently built housing development of four houses lies to the south west of the site with the village hall and its associated car parking being immediately to the front of the site. Access into the site is taken from the existing access off Chestnut Road.
- 1.3 This application seeks consent to erect six semi detached dwellings comprising three 2-bedroom properties and three 3-bedroom properties. These dwellings are to be built as affordable housing.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice. The final date for comment was 27/07/11.
- 2.2 To date 43 objections have been received. In summary, the main points of these comments are as follows:
 - a. The access to the site is inadequate and dangerous to children and animals. There will be a significant increase in the volume of traffic accessing from Chestnut Road
 - b. Traffic and congestion particularly around the village hall will increase
 - c. Mollington has very limited services and limited public transport
 - d. There is a lack of housing need within the village. The housing survey showed a very minimal need for affordable housing and there is concern that they will instead be used as open market housing contrary to normal planning rules. Ultimately it has not yet been established that there is a housing need in Mollington

- e. Contrary to Parish survey
- f. The land is farmed and not vacant as stated in the design and access statement
- g. The houses will be visible in winter and not screened as is stated in the design and access statement
- h. There will be an impact on the Rights of Way across the site
- i. This is an area of high landscape value and the development will be detrimental to the landscape
- j. The application will have a detrimental impact on the wildlife on this site
- k. Affordable housing should be integrated in to the community. This application proposes to place the affordable housing on the extreme edge of the village
- l. There are no natural boundaries to the site therefore more housing could be proposed on this site
- m. Difficult to understand how the affordable housing on this scheme can restrict ownership to people with ties in the village.
- n. Inaccuracies in the application with regard to whether the land is farmed and the views of the Parish Council are not as stated. In addition there are watercourses on the site not as written in the statement.
- o. Will increase the risk of flooding
- p. The atmosphere in this part of the village will be severely impacted by placing affordable housing in a quiet area where the other properties are of a different style and size
- q. There are legal issues associated with covenants on the Chestnut Vale site which may encumber development on the application site.
- r. The actual construction of the development will have a huge impact on the village
- s. Given the size of the farm, to give up valuable farmland for development is counter to the needs to maintain viable farms in the UK

3. Consultations

- 3.1 **Local Highway Authority** – A Drainage Audit has been provided and further comments are awaited.
- 3.2 **Mollington Parish Council** – Have objected to the application.

They state: “Contrary to the statement made by the developers, Cascade, in their application statement, Mollington Parish Council is not supportive of this application.

Late last year, after a presentation made by Cascade, Mollington Parish Council delivered a questionnaire to every household in the village. Of 201 questionnaires delivered 159 were returned. This represents a 79% response and more than sufficient to be a representative sample of the views of the whole village. Residents were asked if they were in favour of the principle of Rural Exception Affordable Housing. A large majority were in favour. The second question asked was, are you

in favour of Rural Exception Affordable housing on the proposed site at Deejay Farm. The majority were against this site the main reason given was the very restricted access at the bottom of Chestnut Road. Concerns were also expressed that this could set a precedent for further development as there are no natural boundaries to this site. The results of this survey are available for inspection if required. In view of this Mollington Parish Council would expect Cherwell District Council to respect the wishes of the village and reject this application.”

- 3.3 **Thames Water** – On the basis of the information provided have no objection to this planning application. They do suggest an informative for any planning permission.
- 3.4 **Landscape Services** – Has visited the site and considers that due to it being relatively low lying, the impact on of the development will be limited to surrounding properties and views from the public footpaths in the vicinity. There is no objection in principle however the detail of the scheme is of concern.
- 3.5 **Environmental Protection Officer** – Has spoken in depth to the applicant’s agent regarding the issue of contamination on the site and following these detailed discussions Is happy to recommend the implementation of an additional planning condition.
- 3.6 **Environment Agency** – Has no comments to make
- 3.7 **Cherwell District Council’s Ecologist** – Has no objections but a number of ecological concerns to be dealt with before any permission are issued.
- 3.8 **Thames Water** – Have no objection to the application but would like an informative added to any permission
- 3.9 **Oxfordshire Playing Fields Association** – Have no objection to the application
- 3.10 **Cherwell District Council Urban Design Team Leader** - This application is for the construction of 6 affordable housing to meet local needs under the Rural Exceptions Policy. This is one of very few relatively unconstrained sites for development in or adjacent to the village and in principle I consider this to be an appropriate general location for this exceptions type of development. However I have the following objections to this particular proposal:
- the actual site boundaries identified do not relate well to existing development, being an intrusion into open countryside. A preferable alternative would have been immediately to the south of the rear of the Chestnut Road properties and outward facing, taking a similar approach to the dwellings recently constructed west of the Village hall
 - The layout and design of the housing does not adequately reflect local character: the repetitive semi detached units create a suburban appearance; the gable fronted house types are non traditional; the wide hipped dormers are not a local feature; the 4 light casements are much wider than the traditional proportion of openings and, whilst there are some rendered properties in the village, this is not a traditional treatment in North Oxfordshire villages.

I advise that this application be refused as contrary to adopted Cherwell Local Plan C27 and C28

- 3.11 **Oxfordshire County Council Footpath Officer** - The Rights of Way Statement submitted with the application shows the public rights of way as they are indicated on the Definitive Map and also the routes that are walked on the ground. The proposals themselves will not directly affect either the definitive route of the paths or the walked routes. It should be noted that a short section of the definitive route is shown to run within the field (and the application site) but this is not being affected by any of the built development.

The proposals will mean that there will be an increase in vehicular movements over the sections of the paths that run over the existing surfaced access road. Although I don't object to the application, any increase in vehicular traffic over public rights of way is of some concern. However, this access road already serves the houses in Chestnut Vale and the village hall so people using the footpaths will be aware of traffic generally. My comments are purely concerned with the public rights of way and not the suitability of the access road itself.

4. Relevant Planning Policies

4.1 Government Guidance

PPS1 – Delivering Sustainable Development
PPS 3 – Housing
PPS 7 – Sustainable Development in Rural Areas
PPG 13 - Transport

4.2 The South East Plan

BE1, BE6, T1, H1, H3, H4, H5

4.3 Adopted Cherwell Local Plan 1996

H6 ,H14, C27, C28 and C30

5. Appraisal

- 5.1 The key issues to consider are the principle of development on this site including the long term future of the site, the design of the submitted proposals, the impact of the proposals on the character and appearance of the area, the affect of the development on the public footpath, the impact that the development may have on the local ecology and landscape and the discrepancies in the application that have been raised.

5.2 Principle of the erection of six dwellings on the site

The dwellings are proposed to be affordable housing and therefore should be

considered against Policy H6 of the adopted Cherwell Local Plan and as an exception to normal planning policies within Mollington.

Planning Policy Statement 3: Housing advises that Local Planning Authorities should consider the use of a "Rural Exception Site Policy" which would enable small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint."

This application therefore stands to be considered against the requirements of Policy H6 of the Adopted Cherwell Local Plan which seeks to facilitate the provision of affordable housing in rural areas where there is an identified need.

The policy is very clear in its intentions to allow small low cost housing developments which are to "help meet a specific and identified local housing need". A Housing Needs Survey was carried out for Mollington in 2006 and a further one in 2009 both of which suggested that whilst there was a need in the village, this need was not for the large three bedroom properties that have been proposed in this application, but what was really needed were smaller one and two bedroom properties.

The development is of a sufficiently small enough scale to be considered under this policy however the question of housing need has not been accurately addressed in the proposals that are before you.

Furthermore, the policy also requires "Secure Arrangements be made to restrict the occupancy of the development to ensure that it continues to meet local needs in the long term". The supporting text for this policy (para 2.29 of the adopted Cherwell Local Plan), which is also a material consideration, explains that the Council would be looking for a legal agreement with the developer to put these restrictions in place so that there could be no confusion over the future of the dwellings once the planning permission had been issued. The applicants supporting statement does acknowledge this requirement and clearly states that a S106 Agreement **will be** entered into but to date no agreement has been received. This makes it difficult to grant planning permission in accordance with the policy given that this Council is not satisfied that the agreement can be met due to the specific housing needs not being appropriate.

Advice in PPS 3 also states that "Rural exception sites should only be used for affordable housing in perpetuity" and without the accompaniment of a Section 106 Agreement this cannot be relied upon.

The proposal is not considered to meet this policy requirement and therefore this scheme is not acceptable in principle.

5.3 Design

The proposals comprise three semi-detached properties located off a driveway which sweeps around into the site off the main Chestnut Road access. There are two parking spaces allocated to Plot 6 and one space for each of the remaining plots. There is a hedgerow boundary shown around the site with an overall boundary of a 2m close boarded fence set within this on two sides and on the area

facing into the countryside the fence is proposed behind the hedgerow making it very visible.

Policy C27 of the adopted Cherwell Local Plan states that “Development proposals in villages will be expected to respect their historic settlement pattern”. This application proposes a development of relatively large semi-detached properties located some distance from each other which give the area a very suburban feel. In addition the design of the buildings are non traditional with features that are not only unattractive in this area but not at all traditional for the village character. This is at odds with this policy.

The development is very inward looking and therefore creates a segregated development which furthermore is more intrusive into the countryside that is necessary. Whilst the recently developed properties of Chestnut Vale have been designed to front the access road and provide a street feature along from the Village Hall, this proposal has not taken any of that into account and has been designed in a very isolated fashion from the existing vernacular in the area. Furthermore, the Urban Design Officer has recommended refusal of the application as the design is not appropriate and has recommended verbally that further discussion over appropriate design be had with this Council prior to any resubmission so as to achieve the right development for the site.

The proposal is considered to be contrary to the requirements of both Policy C27 and also C28 which also seeks to protect the character of an area and to resist development which can be seen as being out of place with that area.

5.4 Public Footpath

There are two public footpaths located within the red line site plan namely 304/7 and 304/8. Whilst 304/7 is not directly affected by the development given that it begins on the entrance to the farm and then follows the field to the north of the farm, footpath 304/8 does cross into the development site before following along the frontage and disappearing south of the farm at the end of the field.

The Council's Footpath Officer has raised some concerns with the proposal as whilst the Rights of Way statement submitted does not illustrate a problem, the plans that are used in the Council do show the footpath entering the site on two points. Oxfordshire County Council Footpaths Officer has confirmed that whilst one of the footpaths will be within the development site, it is not going to be impacted on by the built development as proposed and there is no objection.

5.5 Impact on local ecology and the landscape

The ecologist has not raised an objection to the application on ecological or protected species grounds but there are a number of concerns which the application does not address.

The concerns are valid particularly with regard to the design of the scheme. The proposed close boarded fences are not only intrusive into the countryside but there is concern that they will negate much of the wildlife benefit from the site and also interfere adversely with the natural wildlife corridors that exist at the moment. Furthermore, this is a view that the Landscape Officer has also taken as they are

considered inappropriate for such a rural location.

In addition a hedgerow survey is required should a buffer of between 3m and 5m not be maintained between the buildings and the hedgerow. It is also possible that the development may require a Reptile Survey depending on how long it has been left unfarmed for.

The ecologist lists further issues which could be addressed by a planning condition should the application be approved

5.6 Conclusion

In conclusion the application is flawed on a number of issues not least with regards to the principle of development on the site. It is considered to be contrary to the requirements of National Government Guidance, the South East Plan and also policies contained within the adopted Cherwell Local Plan and as such is recommended for refusal.

6. Recommendation

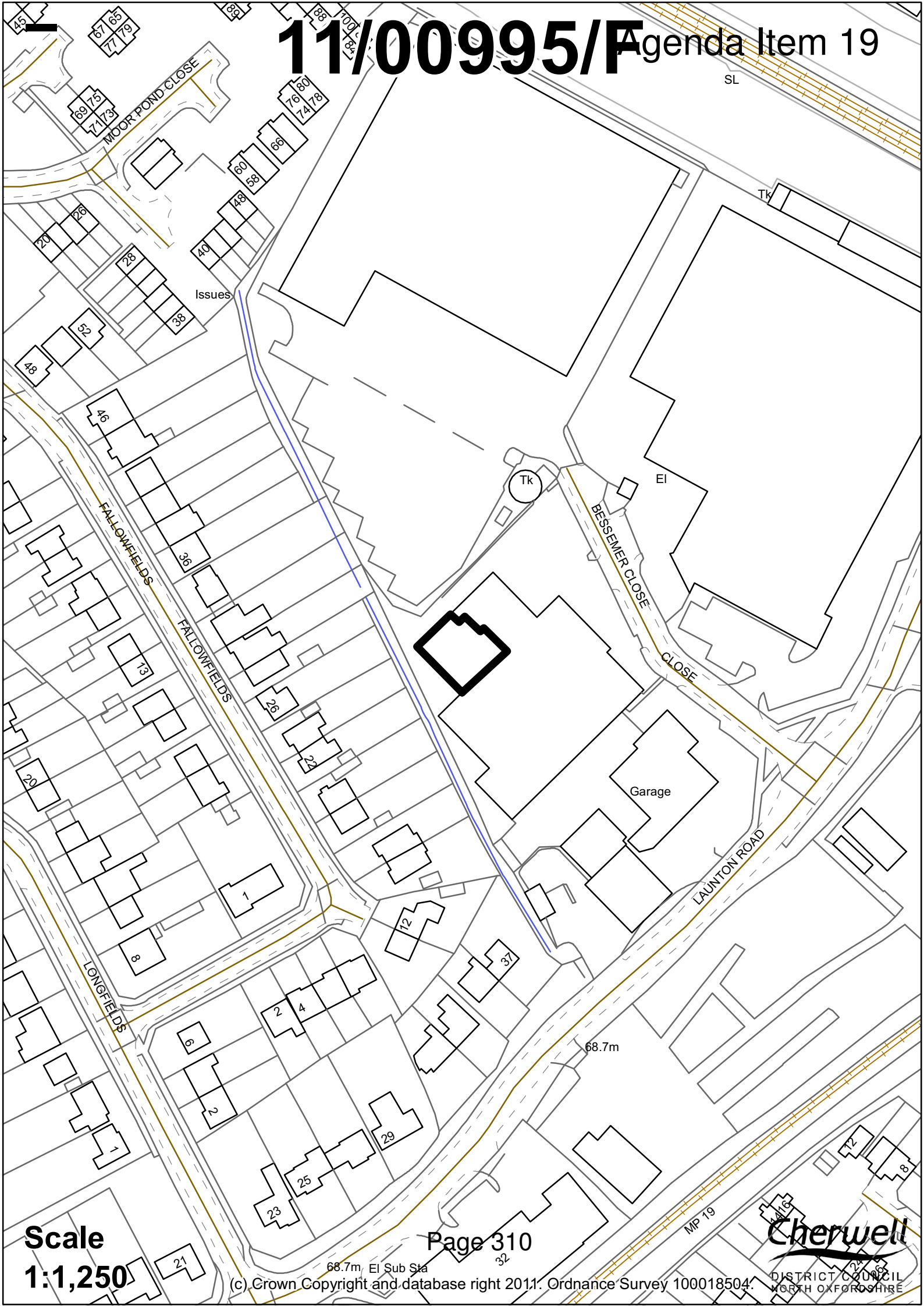
Refuse

1. The proposal constitutes built development outside the built up limits of the settlement and within the open countryside. It does not accord with the Policy H6 of the adopted Cherwell Local Plan (with regards to rural exception sites) as there has been no need established for the house types proposed and there are no secure arrangements to restrict the occupancy of the development to ensure that it would continue to meet local needs in the long term. The proposal is therefore contrary to, National Planning Guidance PPS1, PPS3 and PPG 13, Policies BE1, BE6, T1, H1, H3, H4, H5 of the South East Plan and Policies H6 and H14 of the adopted Cherwell Local Plan.
2. The proposal, by reason of its siting, design and appearance is considered to be out of keeping with the general form and character of the surrounding residential development and the development unnecessarily encroaches significantly into the open countryside contrary to established countryside protection policies contained within PPS7: Sustainable Development in Rural Areas. The application is therefore contrary to the provisions of PPS 1: Delivering Sustainable Development, Policy BE1 of the South East Plan and Policies C27, C28 and C30 of the adopted Cherwell Local Plan.

CONTACT OFFICER: Michelle Jarvis

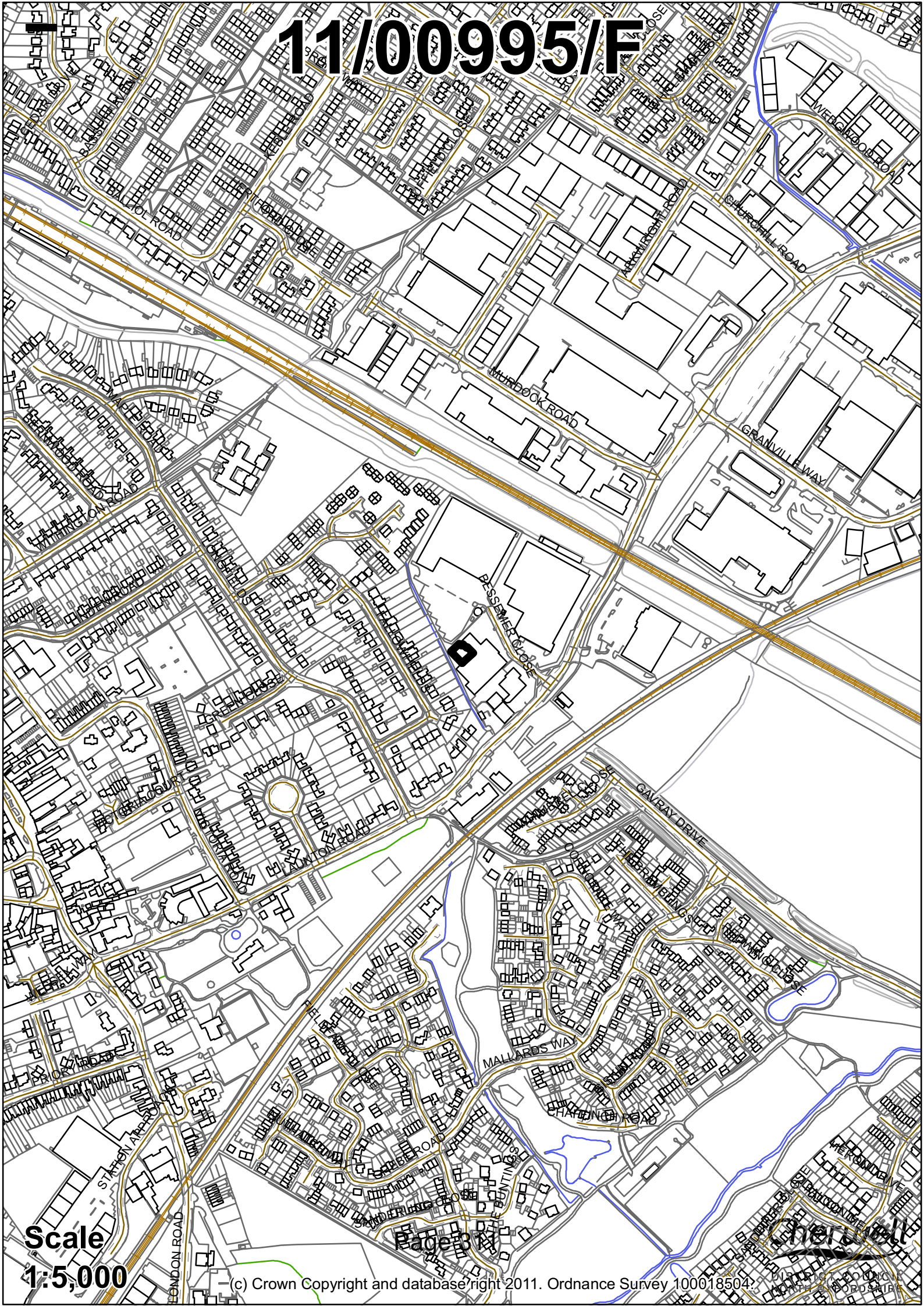
TELEPHONE NO: 01295 221826

11/00995/F Agenda Item 19



Scale
1:1,250

11/00995/F



Scale
1:5,000

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Application 11/00995/F	No:	Ward: Bicester Town	Date Valid: 23/06/11
Applicant:	Joblings Garage Ltd., Mr. Paul Jobling		
Site Address:	Unit 3A, Bessemer Close, Bicester OX26 6QE		

Proposal: Retrospective – Change of Use from B8 to B2 and installation of roller-shutter door to side elevation and drainage to rear of unit (Re-submission of 11/00482/F)

1. Site Description and Proposal

- 1.1 Bessemer Close is a cul-de-sac occupied by a range of buildings that are or were in commercial use. At the entrance to Bessemer Close is Joblings Garage and the vacant Lear Corporation building. Behind Joblings Garage is a group of three buildings of which two are occupied by Space Module (storage rental facility) and the end building forming the application site.
- 1.2 The application site is a two storey building of brick construction under a pitched roof. The site has parking to the front and side of the building. To the north of the site lies a further building currently occupied by First Line (suppliers of automotive components) and a large hard surfaced/parking area associated with the building. To the west of the application site lies residential areas with properties along the eastern side of Fallowfields backing onto the site.
- 1.3 The application seeks to change the use of the building from B8 (storage or distribution) to B2 (general industrial). The application also seeks to regularise a roller shutter door installed on the north (side) elevation and drainage tanks to the west (rear) of the building.
- 1.4 The building is currently occupied by a company called 'The Granite House' who supply granite, quartz and marble to the trade and public. The material is cut/milled at the site using diamond cutting machines and other handheld tools. The drainage tanks to the rear of the unit are connected to cutting machines which uses water to reduce dust. The water is recycled within the tanks that are graduated to allow the sludge produced by the cutting to sink within the tank and collected periodically. The tanks are all sealed units.
- 1.5 The building also has a roller shutter door installed in the north elevation to allow a fork lift to enter and exit the building. As the material used is heavy, this is the only means of vehicular access to the building. The roller shutter door has recently been replaced with an acoustic door in an attempt to reduce noise emanating from the building.

2. Application Publicity

- 2.1 The application has been advertised by way of two site notices. One was placed directly outside the site in Bessemer Close and a further notice placed in

Fallowfields on a telegraph pole opposite number 22. The final date for comment was 22nd July 2011. At the time of drafting this report 20 letters of objection have been received from individuals and couples from the 7 properties at 20 – 32 Fallowfields. The material planning considerations raised as objections are as follows:

- Forms incorrectly completed
- Planning history incomplete and incorrect
- Noise from the site as a result of the industrial process
- Silica being produced and not controlled
- Hours of work unsociable and noisy
- Human Rights

All other matters raised by objectors (such as radio being on too loud, swearing from staff, fork life beeping, talking on mobile phones, promise of consultation with neighbours by managing director before application submitted) are not material planning considerations and cannot be taken into account when considering this application.

3. Consultations

- 3.1 Bicester Town Council –objects to the change of use from B8 to B2 on the grounds of the excessive noise and air pollution, and the detrimental effect on the neighboring residential areas. They also express their disapproval at receiving retrospective applications.
- 3.2 The Local Highway Authority raises no objections to the proposal.

4. Relevant Planning Policies

- 4.1 National Policy
Planning Policy Statement 1:Delivering Sustainable Development
Planning Policy Statement 4: Planning for Sustainable Economic Growth
Planning Policy Guidance 24: Planning and Noise
- 4.2 Adopted Cherwell Local Plan 1996
C30 – Compatible with scale and character of street scene and standards of amenity and privacy.
C31 – Compatible with character of the area and does not cause unacceptable levels of nuisance or visual intrusion
ENV1 – Development that causes detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution will not normally be permitted

5. Appraisal

- 5.1 The application should be assessed in terms of its impact on the amenities of adjoining residential occupiers in terms of noise and disturbance caused as a result of the operations from the site.
- 5.2 The site lies within an established commercial area and it is accepted that B1 (light

industrial) and B8 (storage or distribution) are uses that are normally compatible adjacent to residential areas. However, B2 (general industrial) uses can cause problems with regards to noise nuisance and other impacts on residential amenity.

- 5.3 Noise: All of the letters of representation received have commented on the level of noise emanating from the site. Some of the noises referred to vary and include swearing from staff, a radio, fork lift trucks beeping, talking on mobile phones, waste being thrown into skips and doors being slammed. These specific noise matters are not material to this application and should not be considered as such. One has to accept that the use of the building for its lawful B8 use could also produce these noises and that they are out of the control of the Local Planning Authority.
- 5.4 Other noises that have been commented upon refer to those produced as a result of the use of the building to cut marble, quartz and granite at the site. These noises are considered by adjacent occupiers to be intrusive and often carry on into evenings and over weekends. The noises referred to are produced by the machines used to cut the stone, both handheld and larger bench/table top cutting machines. One objector also states that compressor motors can also be heard emanating from the site.
- 5.5 Saved policy ENV1 of the Adopted Cherwell Local Plan 1996 states that developments that are likely to cause material detrimental levels of noise will not normally be permitted. The policy states further at paragraph 10.4 that, 'The Council will seek to ensure...in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution.
- 5.6 PPG24 (Planning and Noise) also states at paragraph 10 that,
- 'Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions.'*
- 5.7 With this in mind, the Environmental Health Team were consulted on the application and commented as follows:
- 5.8 *Following the withdrawal of the previous retrospective planning application for the change of use of these premises from B8 to B2 the occupier has installed an uprated roller shutter door with a automatic open and close mechanism in an effort to reduce the amount of noise emitted from the premises. The premises being used for the machining and shaping of granite and quartz material in to kitchen work tops etc..*
- 5.9 *It was not possible to predict how the door would perform following its installation as the supplier only provided very limited acoustic data and the only effective way to assess the performance of the installation was to wait until it had been installed. The installation has now been completed and an assessment of its performance was made on 27 and 28 July 2011.*

- 5.10 *Performance was assessed in two ways. Firstly an unannounced site visit was made to the Granite House site and the noise levels produced by activities within the unit were assessed subjectively and the sound levels measured. Over a period of 1 hour attended noise measurements were taken. Over two separate 30 minute periods the average LAeq was 50dB(A). Comparing these results with similar measurements made prior to the installation of the uprated door it shows that there has been a reduction in the sound levels emitted of 5dB(A). During the course of this monitoring exercise a tonal noise was being emitted from the unit which was consistent with the operation of the granite milling equipment at the site.*
- 5.11 *The following day a similar monitoring exercise was carried out at one of the residential properties in Fallowfields. From the rear of the this dwelling it was possible to hear, above the background noise level and constant hum which experience indicates is the noise emitted from the Granite House premises. After around 10 minutes of observation I became aware of a screeching sound. This was the sound of granite or quartz being worked with a hand grinder. For the next 20 minutes a series of these sounds were heard lasting 20 - 30 seconds each. A few minutes later another grinding sound was heard at Fallowfields. This sound I recognised as the noise produced by a different hand working operation were a grinding wheel is applied to a granite work piece to shape a curve. Both sounds were clearly audible at and within the Fallowfields dwelling.*
- 5.12 *This noise was, although intermittent, judged to be unacceptable and was not evident when the previous days noise assessment was made. During the lulls in activity it was also possible to hear noise from within unit 3a. These noises included shouted human conversations and the music*
- 5.13 *Approximately 30 minutes after leaving the site I received information alleging that a screeching noise could now be heard in the roadway at Fallowfields. It was alleged that the Granite House was the source of this noise and from the description given it was I sound that I had myself heard previously.*
- 5.14 *Having considered the observations made over the two periods of attendance, although the installation of the uprated door has reduced the level of sound emitted from the building by a degree, the noise emitted from these premises remains unacceptable. The presence of the constant low level hum combines with the periods of extremely loud and distinctive noise to cause a significant impact on the occupants of the nearest dwellings.*
- 5.15 *Concern has also been expressed over the potential for the premises to emit dust containing silica. No evidence of dust emissions from the building itself have been observed during my many visits to the premises. The processes involving the machining of granite using fixed equipment are carried out wet with the water used being drained away and stored in sealed tanks at the rear of the premises. Operations involving the use of hand tools are carried out within a booth fitted with a wet extraction system. The water used in this system as with the water collected in the tanks at the rear of the premises are treated as liquid trade waste and are tankered away for disposal elsewhere.*
- 5.16 *In conclusion I would recommend that this planning application be refused on*

the grounds that the noise produced by this business is still excessive

- 5.17 From the above comments, it is clear that the proprietor of The Granite House has made attempts to reduce the noise emitted from the building with the installation of a new acoustic door. However, it is also clear that this particular installation has failed.
- 5.18 The supporting statement submitted with the application states that,

‘should the results [of the acoustic door] be found to be unsatisfactory, the Occupant will make alternative provisions including constructing a cell to house the milling equipment, enclose the cutting head of the machinery or use of replacement hand tools.’
- 5.19 None of the above alternative provisions have been included within the application and no details have been provided to assess their effectiveness. Therefore, the Environmental Health team are unable to comment on these measures and the application must therefore only be considered against the equipment that has been provided and installed i.e. the acoustic door.
- 5.20 In addition, PPG24 also states that the Council may wish to consider conditions to overcome nuisance and that it shouldn't place unjustifiable obstacles in the way of developments. However, it is clear from the assessment undertaken by Environmental Health that the noise nuisance is excessive and it is unlikely that suitable conditions would overcome the noise created as a result of the building being used for the cutting of granite and other stone material.
- 5.21 Therefore, the proposal is considered to be contrary to the provisions of the local development plan as it creates a level of noise that impacts on the amenities of adjoining residential occupiers to an unacceptable level.

Other Material Considerations

- 5.22 Forms Incorrectly Completed and Misleading – The Council has a local validation checklist for all planning applications. This check list states what must be submitted in support of an application before it will be registered as valid. The staff that check applications for validity cannot and do not know the constraints of every site and rely on the application forms to provide the correct information.
- 5.23 When the application is validated it is passed to the Case Officer who will visit the site and should it transpire that further information is required, will contact the applicant. This can be very simple matter such as indicating no trees are affected by a proposal but the site visit indicates otherwise. An objection has indicated that the application should not have been registered as valid as the forms do not contain a number of ‘pertinent and important facts and information.’
- 5.24 In order to determine an application the Case Officer has to decide whether further, relevant information would be required to properly assess the proposal. In this case, despite the protestations from an objector, the application contains all relevant information required to make such an assessment and conclude to a recommendation. However, the errors the objector refers to will be considered as follows:

- 5.25 Section 3: Drainage – The objector is stating that the description is misleading as the development consists of ‘the installation of a series of underground tanks in the rear yard for the storage of water and the filtration of silica contaminated water and storage of silica residue periodically collected by a tanker vehicle.’
- 5.26 The application forms must not be read in isolation. The application consists of application forms, a Design and Access Statement, drawings, plans and covering letters, all of which must be referred to when considering the proposal. In this instance, the Design and Access Statement submitted in support of the application clearly states that, ‘drainage works were carried out to install a recycling system passing through the granite milling saw item of machinery. No discharge being made into the existing drainage system.’ The supporting drawings also indicate the location of the drains and their use. Therefore, the application description is not misleading and correctly identifies the proposal.
- 5.27 Section 7: Waste Storage and Collection – The objector states that this has been answered in the negative yet waste from the drainage (silica residue from cutting the stone) is collected from the site and skip where silica contaminated stone is disposed of and collected should have attracted a positive answer.
- 5.28 The ‘Help Text’ for completing planning applications forms (Planning Portal - Paper Form Help Text, Sc4 V3.5 from www.planningportal.gov.uk) states the following when completing Section 7 of the 1APP forms:
- ‘Please identify what provision has been made for the storage of waste and recycling as part of the proposal, and demonstrate that these aid the collection of waste and recycling materials by the waste collection authority. The location of waste storage and recycling facilities should be clearly identified on the plans.’*
- 5.29 In answering the specific question regarding waste the applicant is correct in answering ‘No’ as the waste is not collected by the waste collection authority and is dealt with privately. However, it would have been helpful to have answered in the positive and identified the waste produced by the cutting machines, where this was stored and how it is disposed of.
- 5.30 The applicant has stated that the drainage system is cleared periodically by a contracted company that clears the drainage of waste by sucking material through a large pipe (similar to drain/cesspit clearance). The skip is emptied as and when it becomes full. It must be stressed that the contaminants alluded to by the objector do not cause a health hazard to employees or surrounding occupiers. The answer in the negative to this specific question does not indicate that the development is not acceptable nor should it be viewed that the applicant was seeking to mislead the Council.
- 5.31 Section 8: Neighbour and Community Consultation – This is clearly a matter for the applicant to decide whether this would be carried out before submitting an application.
- 5.32 Section 13: Is the proposal within 20m of a watercourse? – The objector states that a watercourse exists between the rear gardens of the properties along Fallowfields and the site and this should have been identified as part of the application. The applicant has not ticked either yes or no on the application forms.

- 5.33 The watercourse referred to by the objector is a ditch at the rear of the site. It is not a stream of water considered a stream, river or beck that would be controlled by the Environment Agency. The site is not within a Flood Zone and the ditch is not identified on the Environment Agency website as a watercourse.
- 5.34 Section 15: Existing Use – The objector is stating that the current use is declared as ‘commercial warehouse and offices’ yet the building is being used for an industrial process. The current use of the building is for B2 (general industrial) purposes. However, the application is retrospective and clearly marked so. It is clear from the application that this is the current use and it is the use being applied for. This error does not indicate that the development is not acceptable nor should it be viewed that the applicant was seeking to mislead the Council.
- 5.35 Section 17: Trade Effluent – No trade effluent is being discharged into public foul sewers. Therefore, there is no requirement to either declare trade effluent or apply for a trade effluent licence.
- 5.36 Section 21: Working Hours – The applicant has applied to work the following hours:

Mon – Fri: 0800 – 1800
Sat: 0900 – 1600 (half year)
Sun/Bank Hols: Only in exceptional circumstances.

Neighbours have stated that currently the business operates late into evenings and over weekends and bank holidays. It would be reasonable to restrict hours of operation to:

Mon – Fri: 0800 – 1800
Sat: 0900 – 1230
Sun/Bank Hols: Closed

These hours could be controlled by condition and would be enforceable should the business operate out of these hours.

- 5.37 Section 23: Industrial Processes – The objector has stated that all processes (plant, ventilation/air conditioning, forklift truck, stone milling machine, angle grinders, stone polisher, fan ventilation system and an air compressors) should be declared at the site. The application forms require the applicant to declare what type of machinery which may be installed at the site. The ‘Help Text’ for completing applications gives a list of processes where information should be given. The cutting of granite is not included within this list.
- 5.38 Section 24: Hazardous Substances – The objector has stated that silica should have been identified as a hazardous substance at the site. However, no substances identified within the Planning (Hazardous Substances) Regulations 1992 are kept at the site.
- 5.39 Planning History – The history of a particular site is material to the determination of an application. With this in mind, the Case Officer should be aware of previous attempts to secure similar permissions, appeal decisions and responses from other statutory consultees and third parties that have been made at the site.

- 5.40 The planning history for this application was logged incorrectly against the property across the road from the site (the Lear site) so when one viewed the history via the Public Access website, the wrong information was presented to the viewer. This has since been corrected. However, the previous application (11/00482/F) did show the correct information and has always been available to view.
- 5.41 The information revealed via the Public Access module goes back to 1995. Any histories before that date needs to be checked at the Council offices. Therefore, application 07/00928/F for the site, which sought to vary a condition to application CHS 459/93, would have required further investigation at the Council offices. There are therefore obvious limitations to what information one can glean from the Public Access module. However, the Case Officer is aware of the planning history of the site. Moreover, given the objections received to application 11/00482/F, neighbouring occupiers are also aware of the planning history of the property.
- 5.42 With the above in mind, the error in presenting the wrong planning history via the Public Access module would not prejudice objectors commenting on the application nor from the Council making a decision on the proposal.
- 5.43 Human Rights – The European Convention on Human Rights 1988 (ECHR) states at Article 8 that everyone has the the right to respect for private and family life. Article 8 of the ECHR establishes a right to respect for private and family life and states there ‘shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.’
- 5.44 It should be noted that the right to a private life means that one has the right to carry on their life privately, without government interference, as long as one respects the rights of other people. It does not mean that everyone has the right to a quiet, peaceful life without disturbance from noise. However, where noise does interfere with this right, the correct authority to deal with this would be Environmental Health Team through the service of an Abatement Order where it is considered expedient to do so in the public interest. An Abatement Order has been served on the premises in November 2010.
- 5.45 Conclusion – The application has been considered against adopted local plan policies and comments from statutory consultees and third parties. It is clear that the use of the building for the particular stone cutting B2 use is unacceptable as it produces noise over and above an acceptable level. As a result, the amenities of adjoining residential occupiers is being harmed and the application should be refused and the matter referred to the Legal Department to instigate formal enforcement action to cease the use of the premises for B2 purposes.

6. Recommendation

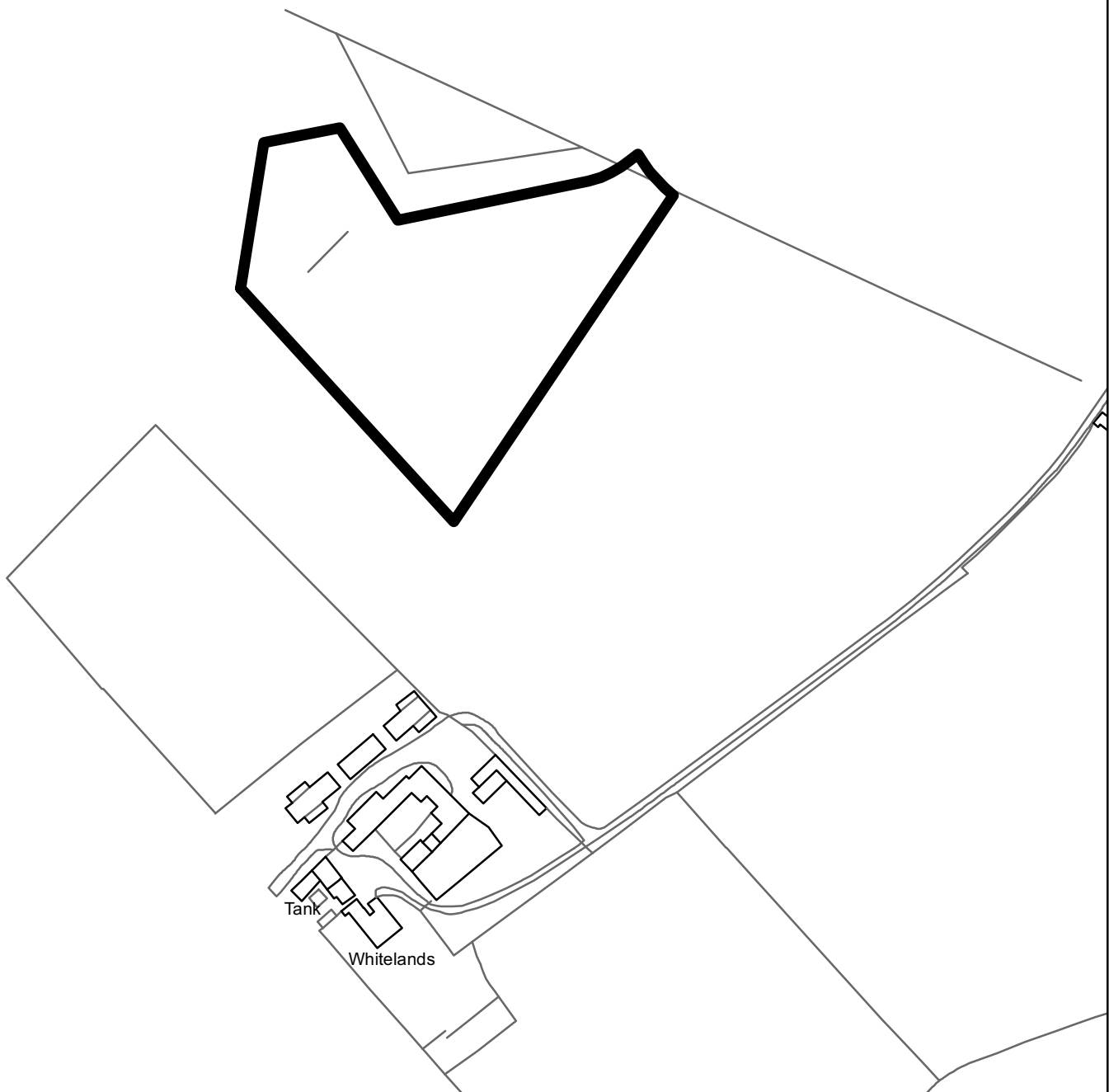
Refusal, for the following reason:

The use of the building for the B2 use being undertaken (the cutting and milling of stone material such as granite, quartz and marble) gives rise to unacceptable levels
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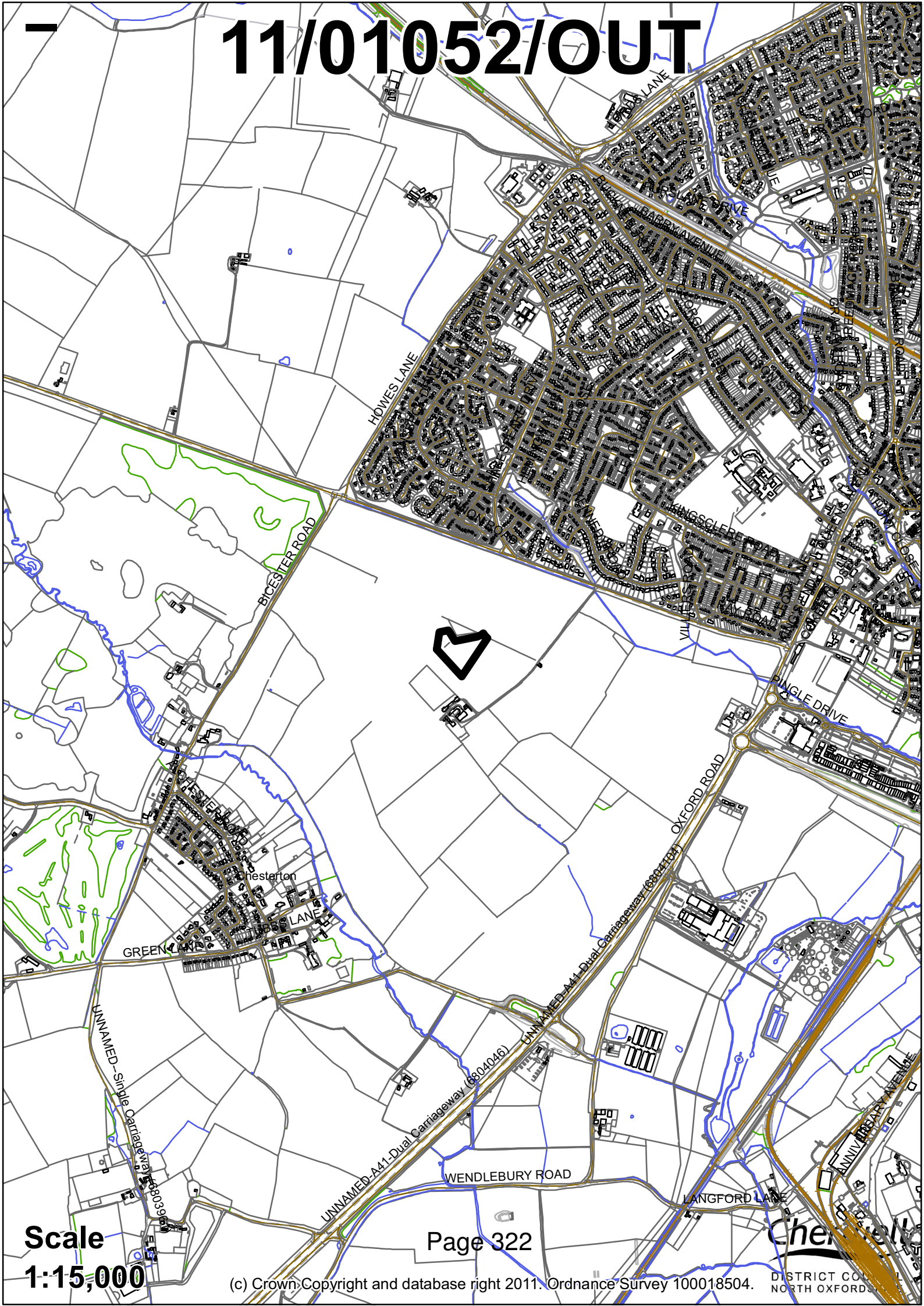
of noise to the detriment of the amenities of adjoining residential occupiers at Fallowfields. The proposal is therefore contrary to the advice contained within PPG24: Planning and Noise and policy ENV1 of the Adopted Cherwell Local Plan 1996

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11/01052/OUT



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District Council
North Oxford

Application No: 11/01052/OUT	Ward: Ambrosden and Chesterton	Date Valid: 05/07/2011

Applicant:	Countryside Properties (Bicester) Ltd
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Site Address:	Land South West of Bicester adjoining Oxford Road and Middleton Stoney Road, Bicester.
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Proposal: Outline – Construction of up to 46 dwellings with associated amenity space, car parking, access roads and public open space.

1. Site Description and Proposal

- 1.1 The application site comprises 1.4ha within the wider 116ha S.W Bicester development site which was granted consent for mixed use development including 1585 houses in 2008 under application number 06/00967/OUT. The site is roughly triangular in shape and comprises undeveloped agricultural land, although it has not been used for such purposes for some time. The application is in outline with all matters reserved.
- 1.2 The site is approximately 0.3km from the current southern boundary of Bicester, which is defined by Middleton Stoney Road. The village of Chesterton lies approximately 0.8km to the south west of the site. A triangular copse just to the north will be retained. The buildings of Whitelands Farm lie immediately to the south.
- 1.3 The Site will be accessed via the new internal main principal spine road which has now been constructed as part of the first infrastructure process. The site was originally allocated within the larger S.W. Bicester development as a reserve school site for a second primary school should it be required. This application therefore now seeks consent for the site to be developed for residential purposes and illustrative schemes submitted with the application identify that it can accommodate up to 46 units.
- 1.4 Following the granting of outline planning permission reserved matter applications have been approved for the initial infrastructure proposals to enable development to commence on the wider S.W. Bicester site. The drainage has been installed and the first section of the spine road is currently under construction. The first dwellings are also under construction.
- 1.5 This application is a resubmission of application 10/01381/OUT which was refused by the Planning Committee contrary to officer recommendations in March. An appeal has been lodged and an inquiry is set for 28th September this year.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and a notice in the local press. The expiry date for the advert period is 4th August 2011. At the time of writing the report no representations have been received as a result of the advertisements.

3. Consultations

Bicester Town Council have yet to comment.

3.1

Chesterton Parish Council have yet to comment.

OCC as highway authority raise no objections and comment as follows;

‘ The submitted Traffic Assessment which sets out the trip generation from the proposed development resulting in a minor increase in vehicular traffic is unlikely to have an adverse effect upon the operation of local junctions. A review of the accident data for the area has highlighted a few incidents over the last 5 years, but these appear to be down to driver error rather than the characteristics of the local highway network. In the light of this data it is considered that the proposed development is unlikely to increase the number of recorded accidents in the area. Having regard to the above the submitted TA is reasonable.

In terms of the layout this should accord at reserve matter stage to the standards within the approved Design Code and if it is to be adopted via a sec 38 Agreement will need to be constructed to OCC standard, and will need to demonstrate that refuse vehicles can turn within the site.

A financial contribution towards the Bicester Transport Strategy has been agreed with the applicant as too has a financial contribution towards improving the Oxford to Bicester rail service.

A Construction Management Travel plan must incorporate what has already been agreed for the Kingsmere Development.

Conditions are also recommended should consent be forthcoming.’

Thames Water advise in respect of surface water drainage that it is the responsibility of the developer to make proper provision for drainage to ground water courses or a suitable sewer and that storm flows are attenuated or regulated into the receiving public network through on or off site storage. An informative is also recommended to be attached to any grant of planning permission. In terms of waste, the proposals are acceptable on condition that this site is connected with proposals for the adjacent Whitelands Farm development. No surface water systems are to be adopted by Thames Water and any foul sewers required for adoption will require specific agreement with Thames Water.

OCC – Drainage Team advise that any new hard landscaped areas outside of the highway must be permeable or have a positive drainage system which connects to soakaways within the boundary limits of the development. Where SUDS features are to be adopted by OCC these should be designed for ease of maintenance. Full drainage design details will be required at reserve matters stage.

Environment Agency has no objections but suggests the imposition of a number of conditions

Cherwell District Council – Landscape Architect commented previously and raised no objections subject to the provision of appropriate open space and play space and that the adjacent woodland and calcareous grassland are appropriately protected and section 106 contributions in respect of open space and play provision.

Cherwell District Council - Biodiversity + Countryside Officer commented previously and have requested that considerations be given to the incorporation of bird habitat

into the development.

Cherwell District Council – Urban Design commented previously and raised no objection. The site is not covered by the character areas element of the approved Design Code for the rest of the Kingsmere Development but the accompanying Design and Access Statement draws material from the approved design code to explain and justify the proposals. It does so adequately and consistently. The illustrative layout adequately demonstrates that up to 46 units can be accommodated on the site.

OCC – Developer Funding raises no objections to the proposal subject to the applicants entering into a legal agreement with OCC and CDC in respect of appropriate contributions to mitigate the effects of this development if implemented. The sums requested incorporate at the developer's requests sums index linked to the 2nd quarter of 2010 rather than the 1st quarter of 2010.

It has been assessed by OCC that the proposed submission will increase the populations by 130 people, including 7 pensioners. The section 106 contributions requested have been based upon that assumption and are considered necessary to protect the existing levels of infrastructure for local residents.

In summary the County Council considers that the occupation of the proposed dwellings on this site will place additional strain on existing community infrastructure. In order that improvements can be made towards the anticipated growth in population as a result of this development, it therefore requests that the Planning Authority require the developer to make contributions towards County Council service infrastructure besides Highways and Transport details.

An administrations fee is also required, half of which should be paid on completion of the agreement and the remainder on the submission of reserve matters.

CDC – Head of Housing commented previously stating that 30% affordable housing provision will be required in line with current policy which equates to 13 units. The type and tenure mix is currently being considered as part of the draft legal agreement. All these properties should be dispersed throughout the whole development in clusters of no more than 5 units in one cluster.

Thames Valley Police consider that both Central Government and Local Policy justify sec 106 Contributions to mitigate the impact of the proposed development on the police service and are lawful in the context of CIL Regulation 122 and guidance in Circular 05/2005. The contribution would be used by TVP specifically towards the provision of new or enhanced police accommodation and to cover the setup costs including IT, other infrastructure & detection equipment, plus patrol cars/neighbourhood van for officers.

CDC - Head of Planning Policy and Economic Development advises that this application site is 1.4ha of agricultural land within the site of the S.W. Bicester urban extension allocated in the non statutory Cherwell Local Plan 2011 and granted outline permission 06/00967/OUT in June 2008. The dwellings would be additional to the 1585 already permitted.

Provided it has been confirmed by OCC that this second primary school site is no longer required to accommodate the permitted urban extension, there is no policy objection to the proposal in the interests of making effective & efficient use of land

within a site already approved for an urban extension.

The site is also included in the Districts 5 year land supply as a deliverable housing site. This in itself carries no policy weight but the loss of the site as a residential development could undermine the districts housing land supply provision.

4. Relevant Planning Policies

- 4.1 Policy H13 of the Non-Statutory Cherwell Local Plan identifies this site as part of the S.W. Bicester strategic urban extension as a mixed use development to include up to 1585 dwellings
- 4.2 Policy C28 of the Adopted Cherwell Local Plan seeks to exercise control over all new development to ensure standards of design are sympathetic to the character of its context.
Policy C30 relates to housing development and seeks to ensure that it is compatible with existing dwellings in the vicinity of the site.
Policy H5 seeks affordable housing provision on substantial new residential schemes where there is a need.
- 4.3 Policies CC1, CC4 and CC6 of the S.E. Plan are relevant in seeking sustainable development & high quality design.
Policy CO 3 of the South East Plan promotes Bicester as a main location for housing development.
Policy NRM4 seeks the incorporation of SUDs within all new developments.
- 4.4 PPS1 'Delivering Sustainable Development'
PPS3 'Housing'
PPS9 'Biodiversity'
PPG13 'Transport'

5. Appraisal

- 5.1 The main issues for consideration include the principle of the development, the need for a reserve school site, access and traffic, ecology, landscape impact and planning obligation.

5.2 **Principle of Development**

As previously stated, the application site was part of the original development proposed for S.W. Bicester which was granted outline planning permission in June 2008 under application number 06/00967/OUT. The site is therefore included within that allocated within Policy H13 of the non-statutory Cherwell Local Plan. This particular part of the site at that time was identified within the approved master plan, within the Planning statement accompanying the application and within the approved Design Code as the 'reserve school site'. Reference to the provision of 2 primary schools within the development is also referred to in the description of development (06/00967/OUT refers). The development of this part of the site is reliant upon the wider S.W Bicester development being progressed to provide the access network and utilities.

The proposal seeks consent for the erection of up to 46 dwellings within the limits of the above urban extension which is acceptable in principle and does not result in any further encroachment into the open countryside. The development of up to 46

dwellings on the site results in a density of approximately 33 dwellings per hectare. This accords with the range of densities across the site and this area of the development which is most appropriately located within the Avenue Character Area of the Kingsmere Development.

HDC & MD therefore considers that subject to all other material planning considerations, the proposal is acceptable in principle and accords with the policies above.

5.3 **Impact on the Adjacent Woodland and Wildlife Corridor**

The site is located just to the south of an existing small area of woodland which is to be retained and protected as part of the development of S.W. Bicester. The woodland in question is triangular in shape and stands in isolation from other groups of trees and hedges within the site, but will be enhanced by the provision of a green corridor and wildlife corridor from the Middleton Stoney road down through the site and to its south linking through with other green routes within the development. The development site is located to the south of this woodland and will not encroach upon the tree protection areas which have already been identified by a full arboricultural report already produced in conjunction with the S.W. Bicester development.

5.4 **Landscape and Visual impact**

Whilst the proposed residential development will be visible from the surrounding area it will be seen in relation to and as part of the wider S.W. Bicester development, and will therefore be bordered to the north and east by residential properties and therefore viewed against this urban extension background.

The proposed residential development is within the building parameters set out in the Environmental Statement accompanying the 2006 outline application for the S.W. Bicester development. The development of this site for residential purposes rather than as a school site is unlikely to significantly alter the overall visual impact of the development.

The copse to the north of the site has been subject to a full arboricultural survey and a tree protection plan and copse management plan have been submitted as part of the outline Section 106 requirements. This proposal will not impact and encroach into that area.

It is considered therefore that this development will be acceptable in terms of its landscape and visual impact.

5.5 **Ecology**

Full ecological surveys were undertaken in connection with the outline consent including a phase 1 habitat survey, and it is accepted that the change of use of this site from a school site to residential will not affect the conclusions of that Environmental Statement. The site does not have a high ecological value being a former arable field.

Prior to submitting this application ecologists on behalf of the applicant revisited the application site and advised that as the site had been under arable cultivation since the last survey in 2004 and is still ploughed on a biennial basis, there was little likelihood that any features of ecological interest developing with no significant boundary features within the area.

HDC & MD therefore considered that an additional ecological survey was unnecessary and that the conclusions of the Environmental Statement submitted in 2006 which found nothing of any significance in this part of the site, remain valid.

5.6 **Flood Risk**

A Flood Risk Assessment was submitted and accepted by the Environmental Agency as part of the wider S.W Bicester development. This part of the development is in Flood Zone 1 and not at risk of fluvial flooding. The drainage design strategy provides specific requirements to manage surface water on this development parcel and the detailed design for the main sewer has been approved by the Environment Agency and OCC who will adopt the systems. The Environment Agency have not raised any objections to the development proposed subject to the imposition of a number of conditions.

5.7 **Access and Traffic**

As previously stated, this part of the development is reliant on the wider South West Bicester scheme being progressed to provide the access network and utilities. Work on the wider S.W. Bicester mixed use development has commenced, the drainage has been installed and works to the main spine road and roundabout entrance on to the Middleton Stoney road commenced in August 2010. These works are now well underway with completion expected by the new year

A Traffic Assessment has been submitted as part of the application. WSP undertook a traffic assessment as part of the wider outline consented scheme in addition to the assessment made in the Environmental Statement, The 2006 assessment however made no allowance for trips associated with this part of the site due to its reserved status, and therefore the trips associated with this new residential scheme must be considered as additional trips generated into the network.

The Traffic Assessment concluded that overall, compared to the traffic movement generated by the S.W. Bicester development as a whole that the additional trips generated by this development would not be significant and therefore would not alter the conclusions of the Environmental statement submitted as part of the wider outline scheme. Oxfordshire County Council as Highway Authority does not disagree with this conclusion and made no objections to the proposal subject to the imposition of a number of conditions.

5.8 **Loss of a Second Primary School site**

Members will recall that a previous Outline application for the erection of up to 46 dwelling on this part of the development, which is otherwise known as the reserve school site, was refused in March on the basis that it was premature to release this site for housing until the density and housing mix of the S.W. Bicester development was known and therefore the need or otherwise for a second primary school at S.W. Bicester had been established.

The South-West Bicester urban extension was allocated as a strategic site within the Councils Non-Statutory Cherwell Local Plan under Policy H13. One of the requirements within that policy was to provide a primary school and land for a secondary school within the development. At that time the County Council thought that potentially 2 primary schools would be required to meet the needs of the development. The outline application as submitted in 2006 (06/00967/OUT) identified land for 2 primary schools. However, following an assessment in 2006

during the considerations of the Outline application, of the likely pupil generation and examination of the then extant and forecast capacities in local schools it was considered by OCC that to meet the needs from the 1585 homes, a single two form entry primary school (ie no second primary school on the development) was required. That meant that any residual need generated from the development would be expected to be provided for within existing schools within Bicester.

As the outline application had progressed so far at that time, the applicants made the decision not to amend the application at that time but to continue with the determination of the application. The Outline permission therefore granted in June 2008 referred to the provision of 2 number primary schools within the description of development, and the two sites are indicated within the approved master plan for the site and also within the approved Design Code landuse proposals plan. Whilst it was agreed with the applicants during the consideration of the Outline application, based on the information available at that time, that the consent for up to 1585 dwellings with the agreed density across the site, was likely to produce up to 3040 bed spaces, and therefore unlikely to generate a need for a second primary school, a clause contained within the Section 106 Agreement accompanying the Outline consent, does seek further education, contributions from the developer should that number of bed spaces be exceeded.

It is accepted that the first phases of the development granted reserve matters permission has a higher numbers of larger properties than identified in the overall mix for the site than was put forward. Reserve matters consent has been granted to two house builders on land parcels KM1, KM2 and KM6. Development has now begun on parcels KM1, KM2 and KM6. However, it is considered that it is currently too early to draw firm conclusions on the implications of this as we are expecting a variation in density and character across the site which is likely to mean that some areas will have higher numbers of smaller properties than others and vice versa.

Furthermore the site, whilst indicated as the reserve school site within the outline application documents is not required to be retained as such either as part of that outline consent nor the accompanying Section 106 Agreement, and there is therefore no mechanism for requiring its reservation until South West Bicester has been built out and the exact numbers are known. HDC & MD is of the view that to resist the development of this site for residential purposes on the grounds that it is premature to release it for additional housing at this stage would not be reasonable and would be difficult to defend on those grounds alone at appeal.

It is expected that the main primary school on the South West Bicester development will be two form entry and will include the relocation of the existing St. Edburgh's School, whose original site will then be available for redevelopment subject to the necessary planning consents being granted.

Following the previous refusal further discussions have taken place with Oxfordshire County Council regarding the necessity to retain the site for educational development. It will be seen from the County Council's response above that they have not raised objection to the proposed development of the site subject to resolving S106 issues below.

Having regard to the above therefore, no objections are raised relating to the loss of this site as a second primary school and the alternative use residential is

considered appropriate.

5.9 **Planning Obligations**

The proposed development would generate a need for infrastructure and other contributions that need to be secured through a planning obligation, to enable the development to proceed. Negotiations are ongoing at the time of writing this report with the applicants to secure the necessary contributions to meet needs generated by the development.

Having regard to the above, it is likely that the Heads of Terms relating to the planning obligation as part of this development will include the following:-

District Council Requirements

- Affordable housing at 30% which equates to 13 units. The tenure and type is currently being considered by Housing.
- Informal open space and LAP Provision within the site together with maintenance contributions for the LAP at £30,570 and management fee of £3,057.
- Outdoor sports contribution towards the facilities at S.W Bicester at £809.56 per dwelling.
- Public Art at £150 per dwelling.
- Refuse and recycling bins £60 per dwelling.
- Monitoring fee £1000

County Council Contributions

- Highways and Public transport £92,074
- Education £818,987
- Library £11,297
- Day Centre for the elderly £7,115
- Waste and Recycling £8,284
- Museum £639
- Adult Learning £1,515
- Youth Centre Provision £3,234
- Monitoring Fee £5,000

A draft Section 106 Agreement is currently being drawn up by the legal department. Members will be updated at the meeting of its progress.

5.10 **Conclusion**

Having regard to the above assessment, it is considered on balance that the proposal for the erection of up to 46 residential dwellings on this reserve school site is acceptable in principle. It will provide additional affordable housing and will help to meet the Council's housing land supply targets. The development will not cause significant harm to the visual amenities of the locality and will not impact significantly upon the local infrastructure subject to securing appropriate contributions. The application is therefore recommended for approval subject to the applicants entering into a planning obligation relating to the additional infrastructure

provision as stated above, and a number of conditions. Members are urged in the light of the above to reconsider their previous refusal and to approve the recommendations as set out below

6. Recommendation

Approve Subject to:-

- a) the applicants entering into a Section 106 Agreement with the local authority in respect of the items specified above
- b) the following conditions and planning notes

1.	<p>That no development shall be commenced until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).</p>
2.	<p>That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.</p> <p>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 Sections 51 of the Planning and Compulsory Purchase Act 2004, and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).</p>
3.	<p>That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval if the last reserved matters to be approved.</p> <p>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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).</p>
4.	<p>That except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents. Transport Assessment dated September 2010 site location plan 180601x/SLP and Design and Access statement dated July 2011.</p> <p>Reason For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority + to comply with Policy BE1 of the South East Plan 2009.</p>
5.	<p>That a plan showing the details of the finished floor levels of the proposed</p>

	<p>dwelling(s) in relation to existing ground levels on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.</p> <p>Reason To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
6.	<p>That the external walls and roof(s) of the dwelling(s) shall be constructed in accordance with a schedule of materials and finished which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved</p> <p>Reason To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
7.	<p>That no more than 46 dwellings shall be accommodated on the site.</p> <p>Reason In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policies H5 and BE1 of the South East Plan 2009 and Policies C28 and C30 of the adopted Cherwell Local Plan.</p>
8.	<p>That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for Landscaping the site which shall include:-</p> <p>(a) details of the proposed tree and shrub planning including their species, number, sizes and positions, together with grass seeded/turfed areas,</p> <p>(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,</p> <p>(c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.</p> <p>Reason In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
9.	<p>That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation</p> <p>Reason In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
10.	<p>That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure, in respect of those dwellings which it is intended shall be screened, shall be erected prior to the</p>

	<p>first occupation of those dwellings.</p> <p>Reason To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan.</p>
11.	<p>Prior to the commencement of the development hereby permitted details of the provision, landscaping and treatment of open space/play space within the site shall be submitted to and approved in writing by the Local Planning Authority. The open space/play space, once approved shall be landscaped, laid out and completed in accordance with the details approved and within a time period to be first approved in writing by the Local Planning Authority and thereafter retained as open space/play space.</p> <p>Reason In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BE1 of the South East Plan 2009 and Policy R12 of the adopted Cherwell Local Plan.</p>
12.	<p>The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk document dated September 2010, and the following mitigation measures detailed within the document.</p> <ol style="list-style-type: none"> 1. The surface water drainage scheme shall be designed to infiltrate or attenuate (where infiltration is not possible) surface water from storms up to and including the 1 in 10 year storm event, as detailed in Sections 1.4.2 of the Reflection on Flood Risk document. 2. The design of the surface water drainage system shall be designed in accordance with the surface water strategy and catchment layout drawing 19.3/D/006 rev L, as set out in Section 1.6.1 of the Reflection on Flood Risk document. 3. The surface water drainage system shall be in accordance with the Design Code dated July 2008 for the wider Kingsmere development, as detailed in Section 1.8 of the Reflection on Flood Risk document. 4. Permeable paving shall be used on all minor roads within the parcel, as detailed in Section 1.4.2 of the Reflection on Flood Risk document. <p>Reason To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and provide environment enhancements through the use of a suitable mix SUDS techniques.</p>
13.	<p>No development approved by this planning permission shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details.</p> <p>Reason To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the drainage system. To prevent the potential pollution of the underlying aquifer from the use of soakaways in contaminated land.</p>
14.	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has</p>

	<p>submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason The geology under the site is Cornbrash Limestone (Secondary A Aquifer). There is a potential for fly-tipping to have occurred on the site and should any olfactory or visual evidence of contamination be detected during construction then it should be dealt with in an appropriate manner. The underlying aquifer has the potential to be contaminated. This is in accordance with Local Plan Policy ENV7 (Development affecting water quality) adopted 1996.</p>
15.	<p>That the internal vehicle access vision splays shall be formed, laid out and constructed in accordance with detailed plans which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and that the land and vegetation within the splays shall not be obstructed by any object, structure, planting or other material height.</p> <p>Reason In the interests of highway safety and to comply with government advice contained in PPG13.</p>
16.	<p>That, before any of the dwellings are first occupied, the whole of the estate roads and footpaths and pedestrian/cycle links (<i>except for the final surfacing thereof</i>) shall be laid out, Constructed, lit and drained and if required temporary or permanent traffic calming to the Oxfordshire County Council Specifications.</p> <p>Reason In the interests of highway safety and to comply with government advice contained in PPG13.</p>
17.	<p>That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained (SUDS) in accordance with the specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>Reason In the interests of highway safety and to comply with government advice contained in PPG13.</p>
18.	<p>Before the development is first occupied the parking and manoeuvring areas associated with the dwellings shall be provided in accordance with the plan (to be agreed at reserved matters stage) hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times.</p> <p>Reason In the interests of highway safety and to comply with government advice contained in PPG13.</p>
19.	<p>Prior to work commencing a Construction Management Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason In the interests of highway safety and to comply with government advice contained in PPG13.</p>
20.	<p>Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building</p>

	<p>to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".</p> <p>Reason To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government advice in PPS25: Development and Flood Risk, Policy NRM4 of the South East Plan 2009 and Policy ENV1 of the adopted Cherwell Local Plan.</p>
21.	<p>A Local Area of Play (LAP) shall be provided in accordance with the Council's adopted policy. Details of the siting and design of the LAP shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and thereafter it shall be provided in accordance with the approved details prior to the occupation of any dwelling.</p> <p>Reason To ensure the provision of appropriate play facilities to serve the development and comply with Policy CC7 of the South East Plan 2009 and Policy R12 of the adopted Cherwell Local Plan.</p>
22.	<p>No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:-</p> <p>a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.</p> <p>b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.</p> <p>c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.</p> <p>Reason To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
23.	<p>That the development of the reserve school site for residential purposes shall be designed in accordance with the Avenue Character Area and shall be developed wholly in accordance with the requirements of the approved design code accompanying the outline application 06/00967/OUT dated July 2008 (RCA).</p> <p>Reason To ensure a satisfactory form of development in keeping with the character of the area in accordance with Cherwell Local Plan policies C28 and C30.</p>
24.	<p>That prior the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason To secure the provision of essential community infrastructure on site in accordance with Policy CC7 of the South East Plan 2009.</p>

	<u>Planning Notes</u>
1.	1 Thames Water
2.	Q1 Legal Agreement
3.	U1
4.	X1
5.	In the submission of reserve matters details for approval it is expected that the new scheme will follow closely the details identified in the Design & Access statement which has been based on the Design Code produced for the S.W. Bicester development
6.	Consideration should be given to the provision of bird and bat resting provision within the development in the interests of improving biodiversity within the site
	<p><u>Summary of Reasons</u></p> <p>The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal does not cause demonstrable harm to the character of the local landscape, residential amenity and highway safety and will be seen in conjunction with the wider S.W Bicester development. As such the proposal is in accordance with Policies CC1, CC4, CC6, CO3 + NRM4 of the South East Plan 2009 and Policies C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.</p>

CONTACT OFFICER: Linda Griffiths	TELEPHONE NO: x7998
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Agenda Item 21

Planning Committee

Decisions Subject to Various Requirements – Progress Report

11 August 2011

Report of Strategic Director Planning, Housing & Economy

PURPOSE OF REPORT

This report aims to keep members informed upon applications which they have authorised decisions upon to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

This report is public

Recommendations

The Planning Committee is recommended:

- (1) To accept the position statement.

Details

The following applications remain outstanding for the reasons stated:

Subject to Legal Agreement with Cherwell District Council

01/00662/OUT	Begbroke Business and Science Park, Sandy Lane, Yarnton
(24.3.11)	Subject to legal agreement re:off-site highway works, green travel plan, and control over occupancy now under discussion. Revised access arrangements refused October 2008. Appeal dismissed. Decision to grant planning permission re-affirmed April 2011. New access road approved April 2011

10/00640/F	Former USAF housing South of Camp Rd, Upper Heyford
	Subject to legal agreement concerning on and off site infrastructure and affordable housing
10/01021/F	Otmoor Lodge, Horton-cum-Studley
	Subject to legal agreement concerning building phases and interim appearance. Draft agreement prepared
110/01302/F	Land south of Bernard Close, Yarnton
(4.11.10)	Subject to legal agreement concerning on and off site infrastructure and affordable housing
10/01575/OUT	Former SAPA site, Southam Rd. Banbury
(24.3.11)	Subject to planning obligation concerning highway infrastructure contributions, green travel plan and bus stop provision. Obligation completed and planning permission issued 15.7.11
10/00642/OUT	Heyford Park, Upper Heyford
(24.3.11)	Subject to planning obligations
10/01823/OUT	Land south of Overthorpe Rd, Banbury
(24.3.11)	Subject to legal obligation re transportation contributions and departure procedures
10/01778/F	Buildings at Heyford Park, Camp Rd., Upper Heyford
(14.7.11)	Subject to completion of Unilateral undertaking and routeing agreement
10/01877/F	Penrose House, 67 Hightown Rd, Banbury
(24.3.11)	Subject to legal obligation to secure financial contributions to outdoor sports facilities, education and library facilities
10/01921/F	Butchers Meadow, Balscote
(19.5.11)	Subject to obligation linking house to proposed industrial development

11/00177/F Land N of Fringford , Shelswell Park
 Subject to Environment Agency comment

11/00565/CDC Land at Whitelands Farm, Bicester
 Subject to resolving the Environment Agency's objections

Implications

Financial: There are no additional financial implications arising for the Council from this report.
 Comments checked by Joanne Kaye, Service Accountant 01295 221545

Legal: There are no additional legal implications arising for the Council from this report.
 Comments checked by Nigel Bell, Team Leader – Planning & Litigation, 01295 221688

Risk Management: This is a monitoring report where no additional action is proposed. As such there are no risks arising from accept the recommendation.
 Comments checked by Nigel Bell, Team Leader – Planning & Litigation 01295 221688

Wards Affected

All

Document Information

Appendix No	Title
-	None
Background Papers	
All papers attached to the planning applications files referred to in this report	
Report Author	Bob Duxbury, Development Control Team Leader
Contact Information	01295 221821 bob.duxbury@Cherwell-dc.gov.uk

Planning Committee

Appeals Progress Report

11 August 2011

Report of Strategic Director, Planning Housing & Economy

PURPOSE OF REPORT

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

This report is public

Recommendations

The Planning Committee is recommended:

- (1) To accept the position statement.

Details

New Appeals

- 1.1 **10/01381/OUT – Land adjacent to Oxford Road and Middleton Stoney Road, Bicester-** appeal by Countryside Properties(Bicester) Ltd against the refusal of planning permission for OUTLINE: Construction of up to 46 dwellings with associated amenity space, car parking, access roads and public open space- Inquiry
- 1.2 **10/01617/F – Land adjacent to 103 South Avenue, Kidlington –** appeal by Mrs M Green against the refusal of planning permission for 1 No. dwelling – Written Reps

Forthcoming Public Inquiries and Hearings between 11 August 2011 and 8 September 2011

- 2.1 **Hearing starting at 10.00am on Tuesday 6 September 2011, Council Chamber, Bodicote House, White Post Road, Bodicote** to consider the appeals by Mr Derek Clarke, Mr & Mrs McCarthy, Mr Jason Willis, Ms Rebecca Lloyd, Mr & Mrs Cox, Mr I Kirkpatrick, Mr Tom Wallstrom, Ms Jeanette M Chattaway and Mr K Clarke against the service of enforcement notices alleging a breach of planning control at Land adjacent to Oxford Road and Boddington Road, Claydon

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Dismissed the appeal by Mr Charles Etherington Smith against the refusal of application 10/00846/F for the conversion of a disused barn to provide self contained residential studio type unit at Hill House, Sibford Ferris (Delegated)** – The Inspector concluded that although the proposal would provide an acceptable standard of accommodation for a future occupant, this benefit is outweighed by the substantial harm it would cause to the character and appearance of the conservation area and the surrounding countryside.
- 3.2 **Dismissed the appeal by Mr K Pelton against the refusal of application 10/00999/F for a revised domestic curtilage to planning permission 03/01389/F including a change of use of agricultural land south west of the stables located between a stand of trees and an area of cultivated land to domestic at Manor Farm Noke (Delegated)** – The Inspector commented” The proposed boundary, whichever way defined, would clearly demark the land separating it form the open agricultural land of the adjacent countryside. The sense of otherness so created, would be compounded by the tended, even manicured garden area it would inevitably enclose. This strong and dissonant sense of manicured enclosure would be in conflict with the aim of sustaining the openness of the Green Belt, it’s most important attribute, and would encroach upon the countryside.”
- 3.3 **Allowed the appeal by Mr K Pelton against the refusal of application 11/00167/F for revised domestic curtilage to planning permission 03/01389/F including change of use of agricultural land to domestic land to the south of the stables comprising unmanaged grass and shrubs, enclosed by a post and wire fence at Manor Farm, Noke (Delegated)** – In the Inspector’s view, this space being of hybrid character, has the capability to serve as domestic curtilage without causing material harm to the setting of the listed buildings, though given its innate

sensitivity, this would need to be strictly controlled. Such controls, secured through condition, could determine the means of enclosing the space and the preclusion of structures within it, whilst the unilateral undertaking could control the use of the space by limiting the proliferation of domestic paraphernalia.

- 3.4 **Allowed the appeal by Mrs Gill Begnor against the refusal of application 10/00860/F for a first floor, obscure glazed window in the side elevation of the property at 42 Orchard Road, Hook Norton. (Delegated)**- The Inspector did not consider the perceived loss of privacy to neighbouring residents to be so serious to warrant the dismissal of the appeal. Given the particularly secluded nature of the adjoining neighbours patio, was reason to require that the whole window be fixed shut and permanently glazed using obscured glass
- 3.5 **Dismissed the appeal by Jessops Restaurants (Trading as Little Chef) against the refusal of application 11/00120/F for external alterations at Little Chef, Northbound, Weston on the Green. (Delegated)** – In the Inspector’s view, the unrelieved expanse of red cladding would be a dominant feature of the site readily seen by passing motorists. On balance, this would be an excessively bold and stark feature in the landscape. The extent of cladding and change in the overall appearance brought about by the materials used in the design would be unacceptable.

Implications

Financial: The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by Karen Muir, Corporate System Accountant 01295 221559

Legal: There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by Nigel Bell, Team Leader- Planning & Litigation 01295 221687

Risk Management: This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by Nigel Bell, Team Leader-

Wards Affected

All

Document Information

Appendix No	Title
-	None
Background Papers	
All papers attached to the planning applications files referred to in this report	
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