

Case Officer: Caroline Ford

Applicant: Barton Willmore LLP on behalf of A2 Dominion

Proposal: Full permission is sought for Local Centre Community Floorspace (Use Class D1 with ancillary A1/A3), with a total GIA of 552 sqm, and 16 residential units (Use Class C3) with associated access, servicing, landscaping and parking. Outline consent is sought for Local Centre Retail, Community or Commercial Floorspace (flexible Use Class A1/A2/A3/A4/A5/B1/D1).

Ward: Bicester North And Caversfield

Councillors: Councillor Pratt, Slaymaker and Mawer

Reason for Referral: Major development – 10 or more new dwellings

Expiry Date: 31 December 2019

Committee Date: 18 December 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

Proposal

The application seeks permission for a new local centre for the Exemplar phase of development at NW Bicester. It is proposed as a HYBRID application with full permission sought for land to the North of Charlotte Avenue to provide for a community building and café/ deli with 16 affordable residential flats above. These could benefit from Growth Deal funding to secure social rented tenure otherwise, they would be affordable rental units capped at local housing allowance rates. To the South of Charlotte Avenue, full permission is sought for a parking area to the north of the energy centre and outline permission is sought for flexible non residential uses.

Consultations

Based on the proposed scheme, as amended to a HYBRID proposal, the following consultees have raised **comments** on the application:

- Bicester Town Council, OCC Education, CDC Landscape, CDC Arboriculture, CDC Strategic Housing, CDC Environmental Protection, CDC Bicester Delivery Team, CDC Waste and Recycling, Thames Valley Police Design Advisor, Oxfordshire Clinical Commissioning Group, Tyrens (CDC's advisor on Sustainability matters for Bicester)

The following consultees have raised **no objections** to the application:

- OCC Highways, OCC Drainage, Thames water

11 letters of objection have been received and 1 letter of support has been received.

Planning Policy and Constraints

The application site is part of the site allocated by Policy Bicester 1 in the Cherwell Local

Plan which seeks a true zero carbon development built to Eco Town Standards to the NW of Bicester. The site is part of the Exemplar site and has most recently been used as a site compound for the construction of other parts of the development. The site has some constraints including ecological records within proximity as well as a nearby watercourse. The land itself slopes and there is a field hedgerow to the south to be retained.

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Affordable Housing
- Transport
- Eco Town Standards (including consideration of Ecology, Flooding and Drainage)
- Design, and impact on the character of the area
- Residential amenity
- Heritage impact
- Planning Obligations
- Human Rights and Equalities

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is to the North of Bicester and sits within the Elmsbrook development site, which is still under construction (phases 1 and 2 are mostly complete and occupied, some occupations are now underway on phase 3 and construction is still ongoing on the rest of phase 3 and 4). The site itself sits between phases 1 and 2 and is an area of the site identified for local centre uses through the original HYBRID application for the site. Adjacent to where the local centre is proposed and to the east is the energy centre serving the site (to the south of Charlotte Avenue) and the Eco Business Centre delivered by the District Council to the north. Residential properties sit to the east and north of the site and to the west is the river corridor open space with the road passing over a bridge. To the south of the outline element of the site is open fields, which sit within the allocation identified by Policy Bicester 1. The land has previously been used as the site compound and it is currently surrounded by hoarding.

2. CONSTRAINTS

- 2.1. In terms of recorded site constraints, there are records of ecological features in the vicinity and there is a SSSI within 2km. There is a listed building to the north of the site at Home Farm, however there are intervening dwellings between the site and the farm complex as well as an open field. To the west of the site is a watercourse with its associated flood zone and to the south side of the road and to the west of

the site is a play area serving the site. The land itself slopes from the east down to the west. Adjacent to the southern boundary of the site is a hedgerow which is proposed to be retained.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposed development has been amended through the processing of the application in line with discussions with Officers regarding the proposal and its compliance with Policy and the NW Bicester SPD (Supplement Planning Document) which set the high standards sought at NW Bicester. The reason for the amendments will be explained in the appraisal section of this report, but the proposal is now a HYBRID submission seeking outline permission for a part of the site (to the south of Charlotte Avenue) and full permission for another part of the site (to the north of Charlotte Avenue and an area to the south in front of the energy centre).
- 3.2. Full permission is sought for a community building at ground floor level of a size of 552sqm (GIA) within an area for a café/ deli. Above this building, 16 affordable residential flats are proposed. There is the potential for these to benefit from Growth Deal funding to enable a social rented tenure to be provided. Otherwise the units would be provided as affordable rental units capped at local housing allowance levels. To the south of Charlotte Avenue, full permission is sought for a parking area to serve the local centre, to the north of the energy centre and, the rest of the land is proposed in outline for flexible local centre (non-residential) uses.
- 3.3. *Timescales for Delivery:* Due to the timescales for delivering the local centre as set out in the original S106 being almost reached and to give the potential to benefit from Growth Deal funding, there has been a need to ensure that the development is delivered in a timely fashion following the granting of planning permission whilst recognising the commercial constraints that have led to the delay in delivery to date. The proposal that is before Members is that the full element of this application would be delivered within two years from the grant of planning permission with delegation to Officers to finalise negotiations on the delivery of the outline element for development to the south of Charlotte Avenue.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref</u>	<u>Proposal</u>	<u>Decision</u>
15/00760/F	Development of a new Local Centre comprising a Convenience Store (use class A1), Retail Units (flexible use class A1/A3/A5), Pub (use class A4), Community Hall (use class D1), Nursery (use class D1), Commercial Units (flexible use class A2/B1/D1) with associated Access, Servicing, Landscaping and Parking with a total GEA of 3,617 sqm	Approved

10/01780/HYBRID	Development of Exemplar phase of NW Bicester Eco Town to secure full planning permission for 393 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.	Approved
-----------------	--	----------

- 4.2. Various applications to discharge planning conditions and make non-material amendments to 10/01780/HYBRID have been approved. The timescale for the making of applications for reserved matters against the outline granted by 10/01780/HYBRID has now expired. In addition, the permission granted by 15/00760/F has now lapsed. There is no current scheme that is implementable for the local centre at Elmsbrook.

5. PRE-APPLICATION DISCUSSIONS

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

18/00234/PREAPP – Local centre uses and incorporation of residential uses

- 5.2. The advice was that the principle of amending the local centre to ensure that it is a viable and deliverable scheme within realistic timescales is supported. However additional information was sought to give a view on the proposed land uses, due to the eco town standards around the provision of employment opportunities (which the introduction of residential units would reduce) and the reduction in opportunities for supporting local centre uses to support the sustainable nature of the site. The design principles were supported based on the level of information provided at that stage and it was also advised that further detail was required around how the scheme would meet zero carbon standards (i.e. such as the true zero carbon requirement).

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of site notices displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify

from its records. The final date for comments was the 14 November 2019. However, all comments received following the publication of this report will need to be taken into account.

6.2. The comments raised by third parties are summarised as follows:

Comments raising concerns

- The large block of 16 flats above a community centre would be out of character with the rest of the development. The largest blocks on Elmsbrook to date are 6 flats and at a lower elevation.
- The proposal does not fit the community values sold by the developers.
- There is a concern regarding the potential noise from the ground to the first floor and potential disruption to the residents which would cause management problems.
- Concern over the living conditions for those that may be accommodated in the flats which may not be conducive to the health and wellbeing of the occupiers and this would conflict with the ethos of the Eco Town.
- The proposed height of the new block would tower over the river corridor and overlook many gardens. This could also be imposing and is not found elsewhere on the development. They would be out of place on a residential street. The proposal is not comparable to other development in the area and would be much taller than the originally approved local centre scheme. There is a risk the phase to the south of Charlotte Avenue would be built to the same scale and overlook the play area.
- The metal cladding is inappropriate for the rest of the development.
- Concerned that the amount of parking proposed is inadequate for a community centre and 16 flats and there are already problems due to the lack of visitor parking.
- The reality from experience is that more parking spaces are needed across the site and this has caused problems. More flats without sufficient parking will exacerbate the problems.
- There will be an increase in traffic, parking problems, air pollution and noise.
- The nursery will add to the number of cars coming onto the development.
- Electric cars are likely to be an important part of the transport infrastructure in Bicester for many years to come so sufficient parking is required.
- Additional residential uses could cause additional pollution and noise.
- More non residential facilities are needed to enhance the community; not further housing. This was what residents were told when they bought their homes.
- The scheme should be delayed so that flats can be provided elsewhere and to deliver the non-residential uses expected.
- There is a reduction in the amount of green space.

- The number of jobs to be provided on site has now decreased which diminishes what the community could become.
- The applicant did not properly consider the matter of viability originally.
- Concern over privacy and overlooking of the play area from flats to the south of Charlotte Avenue.
- Concern over overlooking from the flats to the north of Charlotte Avenue to the residential properties to the north and the potential for an overcrowding impact from the scale of the development.
- Concern over the capacity of the Charlotte Avenue junction onto the B4100.

Comments raised in support

- Town Square, the operators of The Perch Eco Business Centre support the application. It is considered the new Local Centre would be a major benefit to the current Members and would help attract new business to the area. The proposed community hub would help members of the Eco Business Centre interact with residents of Elmsbrook and foster a genuine sense of community.
- The proposed deli/ café would be a good facility for users of the Eco Business Centre to purchase lunch/ refreshments. This would reduce car journeys and support the sustainable vision at the heart of NW Bicester.

6.3. ELMSBROOK COMMUNITY ORGANISATION (ECO) have raised concerns with the proposal directly with A2 Dominion and this has been passed on in respect of this application. The comments are summarised as:

- Support the idea of the community hub and café with flexible spaces to support different groups, events and potential 'pop up' shops as well as the ideas regarding the community hub premise so far.
- However, concern is raised over the 16 flats proposed above the community hub. Building flats above a community centre is unprecedented in Bicester or the surrounding area; all community centres nearby are single storey.
- There is concern that the 16 flats as affordable rental properties could divide the demographic within the community. An inclusive community is sought and it would be concerning if residents felt their quality of life is less due to the location of their property. There is also the potential for issues to develop over noise and parking between users of the café/ hub and residents.
- There will be significant costs involved. Without significant subsidy, the money to pay these costs would have to be met by events including in the daytime and the evening. Having flats above the Community Hub rooms would therefore limit the earning potential as the timing of the centre may be restricted.
- Elmsbrook residents would prefer to see non-residential uses over the Café and Hub. This would align better with the original intention of the local centre.

- ECO would still envisage running the Community Hub, however it would need to consider a number of issues first as to how this could be achieved.
- 6.4. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BICESTER TOWN COUNCIL: have concerns with the visual effect and the design not fitting in with existing, car parking issues and potential overdevelopment of the site. Concerns also over the loss of the anticipated eco pub and the overall density of the proposed development.

CONSULTEES

- 7.3. OCC HIGHWAYS (first response to original scheme): No objection subject to conditions. The following points are made:
- The scheme for 1,476sqm of flexible space for retail, along with commercial and community uses and 38 residential units is accompanied by a Transport Statement which considers the amended quantum and mix of uses (based on a reference scheme) within the local centre compared to the previously approved scheme.
 - The Transport Statement sets out a reasonable methodology for evaluating the transport impact of the proposed scheme.
 - The level of parking proposed is considered to be acceptable as there will be overlapping parking demand across the day from the various land uses. 6 electric vehicle charging points are proposed which is welcome.
 - The proposed cycle parking provision is in line within guidance but further information is required around where covered cycle parking is to be provided.
 - The TS finds that the traffic generation associated with the consented local centre compared to the proposed reference scheme will have a marginal increase in peak hour trips. This takes into account the context of the trip generation rates per size of land use of both schemes and the extant development having no residential land use which comparatively generates relatively more trips in the peak periods. The increase in trip generation during the peak periods will have a negligible impact locally and beyond the Exemplar development.
 - *Officer comment: A query was raised regarding the inclusion of residential trips in the TS due to the original local centre scheme not including residential development. The amended TS has clarified that the reference to residential trips was to the whole Elmsbrook site with the uplift likely from the additional units now proposed.*
 - A construction traffic management plan will be required to ensure consideration is given to how the local centre will be built.

- A framework travel plan is submitted which will form a basis for the individual elements that make up the local centre. The framework travel plan is based upon that set out within the S106 agreement and therefore it would be good to understand how the promotion of sustainable travel is going for the site as a whole. A number of questions are raised in response to the framework travel plan.
- 7.4. OCC HIGHWAYS (amended response to original scheme): No objection subject to conditions and S106 contributions being sought towards highway improvements consistent with those sought from the wider NW Bicester site (in particular the site north of the railway line).
- 7.5. *Officer comment – subsequently, further consideration was given to the matter of contributions to highway improvements and the need for a Grampian condition and it has been agreed with OCC that as the vehicle trips associated with the residential part of this proposal are essentially ‘swapped’ with the trips that would have resulted from non-residential uses on this part of the site, that it would not be reasonable or necessary for this site to make contributions as requested or to be restricted by a Grampian condition to restrict development proceeding because the transport impact of this proposal is already accounted for, development having already been committed on this site.*
- 7.6. OCC HIGHWAYS (second response to amended scheme): No objection subject to conditions. The following points are made:
- Unsatisfactory refuse vehicle tracking drawings have been submitted for the northern block which appears to show that access to bin storage is not possible except when utilising land outside of the application boundary.
 - Details of crossings across Charlotte Avenue are required to be submitted.
 - The new Transport Statement appears to omit the reference to electric charging points.
 - The parking details are provided only to cover the full application site with 16 spaces allocated to residents under a permit scheme (this is in compliance with standards) and the other 16 spaces shared amongst different land uses. The level of parking demand for the southern block will be determined at reserved matters stage.
 - No further details of the cycle storage are provided and this should therefore be sought via condition. All residents parking should be under cover to provide sufficient covered bike parking.
 - The provided tracking diagrams show that an 11.7m refuse vehicle would be able to manoeuvre in and out of the site but there is a concern that it cannot safely get to the bin storage proposed. The manoeuvring required would need part of the Eco Business Centre car park and egress is also likely to be more difficult. An arrangement with the Eco Business Centre will be required otherwise the arrangement for refuse and service deliveries to the northern block would not be possible.
 - The TS sets out a reasonable methodology in evaluating the transport impact of the proposed scheme. Whilst there is a net reduction in trips identified, this assessment only covers the part of the site seeking full planning permission.

- *Officer comment: clarification has been requested from OCC as the trip rate assessment has only considered the full element of the proposal and not the outline element – the assessment of this is expanded further in the appraisal section below.*
 - Same comments are made with regard to the need for a construction traffic management plan and in response to the framework travel plan.
- 7.7. OCC DRAINAGE (first response to original scheme): Objection due to insufficient data provided to enable full technical audit of the drainage/ flood risk/ SUDs use for the site.
- 7.8. OCC DRAINAGE (second response to amended scheme): No objection subject to the imposition of a condition following the consideration of the additional information received from the applicant. There is some concern regarding the depth of the soakaways and potential impact upon ground water but the design can be amended in response to the requirement for a surface water drainage strategy sought by planning condition.
- 7.9. OCC EDUCATION (first response to original scheme): A S106 contribution is required towards primary and nursery education towards the new primary school serving the North West Bicester Eco Town Development (Gagle Brook School). The contribution is required to repay forward funding that was used to fund the school.
- 7.10. OCC EDUCATION (second response to amended scheme): A S106 contribution continues to be required for the same purpose as reported above but at the reduced level proportionate to the lower level of development proposed. Contributions are also sought towards secondary education provision towards the planned new secondary school at NW Bicester.
- 7.11. CDC LANDSCAPE (first response to original scheme): Agree generally with the sentiments of the design and access statement. Detailed hard and soft landscape proposals are required.
- 7.12. CDC LANDSCAPE (second response to amended scheme): There is currently little scope for structure planting within the large expanse of hard area/ car parking to the north side of the building without any relief in terms of amenity and environmental benefit. Feature trees within the car park and formal hedging on the northern boundary are encouraged. Additional landscape design is required for the community garden. There is a good proportion of street tree planting proposed, especially the line of trees interplanted between seats north of the Energy Centre. However there is a concern regarding the type of trees proposed and that a species without overhanging branches would be more appropriate. The style of benches is also queried. Hard and soft landscape proposals should be submitted.
- 7.13. CDC ARBORICULTURE: Concerns regarding the tree species chosen close to parking bays due to the potential for vehicle damage, which may bring future pressure to reduce or remove the trees. Detailed designs for tree pits, specification for trees to be planted and a maintenance plan for the trees is required.
- 7.14. CDC BUILDING CONTROL: No comments to make
- 7.15. CDC ENVIRONMENTAL PROTECTION (first response to original scheme):
- Noise: There is a requirement for a construction environment management plan to be sought via condition. Full details of any plant or extraction

equipment are required for the commercial units so it can be assessed for impact on the residential dwellings.

- Contaminated Land: No comments
- Air Quality: A condition is required to ensure electric vehicle charging infrastructure is provided for.
- Odour: Same comments as for noise above
- Light: Details of the lighting scheme should be provided and approved by the LPA prior to occupation.

7.16. CDC ENVIRONMENTAL PROTECTION (second response to amended scheme):

- Noise: Having studied the Acoustic Strategy report, it is agreed that the noise can be limited via suitable insulation and noise management to achieve the recommended internal levels of the residential properties. Some further safeguards are suggested.
- Contaminated Land: No comments
- Air Quality: A condition should be used to ensure that electric vehicle charging infrastructure is provided to serve the dwellings and for the commercial premises and community hall.
- Odour: Full details of any extraction equipment/ odour suppression systems are required to be provided for agreement.
- Light: No comments.

7.17. CDC STRATEGIC HOUSING (first response to original scheme):

- 38 residential units are proposed all of which are affordable. The Oxfordshire Growth Deal funding will be available to fund the units without which the development would not be viable.
- The number of social rented units needs to be increased and the greatest need is for one bed units.
- There are requirements around the standards required and the number of parking spaces sought.
- There is a need for affordable housing in Bicester and these units will help meet that need.

7.18. CDC STRATEGIC HOUSING (second response to amended scheme):

- The 16 proposed units in the revised scheme will be all affordable rented housing with rents capped at Local Housing Allowance levels to ensure they are a more affordable housing option. As 30% of the units would be required as affordable housing, 11 of the 16 units would be considered as additional to the policy requirement. There is a continuing need for affordable housing in Bicester and the units will contribute towards meeting a proportion of the housing need.

- Social rent would be a preferable tenure as this is the most affordable option for many households on the Council's Housing Register. The developer is willing to provide the homes as social rental units subject to the availability of grant funding. Grant funding may be available via the Oxfordshire Growth Deal.
- The proposal is for a single tenure (i.e. not a split between rent and intermediate tenures), this is acceptable due to difficulties landlords face in letting and managing mixed tenure flats in one block, particularly in relation to setting and agreeing service charges.
- The size of the proposed units meet the Nationally Described Space Standards.
- There is some concern over the number of 2 bed units proposed when there is a greater need for 1 bed units, however the proposed mix will meet a housing need and the developer has agreed to work with Cherwell District Council to develop and agree a local lettings plan to ensure the units will provide for a range of households and will be let and managed appropriately.
- The number of parking spaces are below what is normally sought for affordable units but the wider development presents options for more affordable modes of transport across the site. In addition, the site is an exemplar scheme and there is a focus on reducing carbon impact in the area wherever possible. As such it is considered acceptable to provide 1 parking space per affordable unit (by a permit) along with accessible parking spaces and additional cycle space on this scheme.
- The proposed lift within the scheme would support improved access to the flats when installed in terms of meeting accessibility requirements.
- Whilst the proposals include commercial/ other class uses on the ground floor and residential above, there are additional measures planned to minimise noise impact through the fabric and construction of the building and also a proposal to develop a Noise Management Plan. These measures will be of benefit to the future tenants of the scheme and to occupiers of other residential properties nearby.

7.19. CDC BICESTER DELIVERY TEAM (first response to original scheme):

- Concern over the principle of residential development above a community hall due to the compatibility of the uses and the potential for noise nuisance and the restrictions this could cause in terms of the use of the hall. An acoustic strategy should be provided.
- Concern over the cluster of 38 affordable units which is contrary to CDC's policy of allowing no more than 15 affordable units of mixed tenure in one place and therefore it will not support the achievement of mixed and balanced communities.
- The large size of the hall may be more difficult/ costly for the community to manage. Additional maintenance costs should be sought. The hall at ground floor rather than first floor is welcomed.
- The application notes around 70 potential jobs are lost as a result of this amendment. This is a significant number of potential jobs to be lost and at present CDC has no way of knowing if more jobs will be created.

- There is a concern that the proposed development will not be true zero carbon and is therefore not policy compliant.
- It is unclear from the application documentation how this application affects the existing biodiversity net gain calculation. A new calculation should be provided as well as the various mitigations that will be put in place.
- With regard to travel planning, it is recommended that the commitments outlined in the original 2011 document for the site wide travel plan coordinator to work with non-residential uses to maximise take up of already well-developed initiatives are secured.
- This development will require heads of terms to secure a S106 with terms consistent with the rest of NW Bicester.

7.20. CDC WASTE AND RECYCLING TEAM: Household and commercial waste must be kept separate and flats should have 1.4sqm of bin storage available. There looks to be no problem in respect of access for the refuse vehicles and the location of bin stores being collected.

7.21. THAMES VALLEY POLICE DESIGN ADVISOR (first response to original scheme): Some concern in relation to community safety/ crime prevention design issues and the Design and Access Statement does not adequately address crime and disorder. A planning condition should be used to require an application for Secured by Design accreditation to be made. A number of detailed concerns are raised, particularly in respect to lighting of dark spaces, the detailed landscape scheme, details around cycle storage, the detail of rainwater goods, access arrangements to the flat stairwells, the glazing of the ground floor units, control of access to the residential flats, arrangements for post/ deliveries, positioning of utility meters, safe internal lighting of communal areas and consideration to be given to the provision of CCTV systems.

7.22. THAMES VALLEY POLICE DESIGN ADVISOR (second response to amended scheme): there have been no changes since previous comments made and there is no commitment to achieving secured by design accreditation. Creating an environment where crime prevention and community safety are key is an important element of wellbeing. A condition to secure the achievement of Secured By Design accreditation continues to be requested.

7.23. THAMES WATER: No objection with regard to foul water sewerage network infrastructure capacity. The application indicates that surface water will not be discharged to the public network and therefore there is no objection, however approval should be sought from the Lead Local Flood Authority. With regard to water network and water treatment infrastructure capacity, no objection is raised. Advice is provided regarding if mains water for construction is proposed to be used and regarding water pressure.

7.24. OXFORDSHIRE CCG (first response to original scheme): To the Masterplan for NW Bicester, health provision has been sought to meet the health needs of the population generated by the new development. Financial contributions are also sought across the wider site and this site should make a contribution on the same basis as the other sites across the NW Bicester site. The figure was established in 2015 and so indexation should be applied from then to protect its value.

7.25. OXFORDSHIRE CCG (second response to amended scheme): OCCG's previous response applies.

7.26. TYRENS (CDC's Consultant on Sustainability Matters related to Bicester) (first response to original scheme):

- The proposal does not meet the true zero carbon energy requirements as the proposals around reduction of energy demand, being energy efficient and the installation of renewable energy technologies, including connection to the energy centre is to meet regulated energy demand only (there is no mention of the unregulated demand). Further detail on this should be sought.
- There is also a lack of detail around the materials to be used (in terms of the low and embodied carbon credentials of them), the use of locally sourced materials, the use of real time energy monitoring systems, the water consumption targets and the percentage of green space to be provided.
- The proposals include provision of solar PV (and the roof design has optimised the space for PV deployment), air source heat pumps and connection to the CHP powered energy centre for heating and hot water. There are some questions over how the figures have been arrived at due to the specification of various proposals not having been provided.
- SUDs are proposed through the use of permeable pavements and roof runoff being collected.
- BREEAM Very Good is proposed for the community centre, retail units and the nursery. A condition should be used to ensure compliance with this policy requirement.
- No evidence that the green space requirements, community food and allotments will meet policy requirements or that landscaping and green infrastructure can provide cooling and reduce heat island effects.
- Further details are sought as to how the office units will comply with the overheating requirements.

7.23. TYRENS (CDC's Consultant on Sustainability Matters related to Bicester) (second response to amended scheme – additional comments to those reported above):

- An amended Sustainability and Energy Statement is provided. This considers unregulated energy but no further information is presented to address compliance with policy requirements.
- There continues to be no mention of water consumption requirements.
- It is unclear what role air source heat pumps will play in the overall energy strategy and what contribution they make to the carbon balance of the proposed development.
- Target values in terms of compliance with Building Regulations for building fabric are set as well as minimum performance criteria being specified.
- In order to achieve true zero carbon, offsite measures will be necessary, and no detail is provided of this as to how this will meet the renewable energy generation requirements.
- Further detail is sought to demonstrate how the detailed calculations have been arrived at.

- An assessment of the potential future changes to the energy centre heating system based on the assumption that alternative technologies with greater decarbonisation capabilities will be available is presented but there are discrepancies with this. The management of the energy centre is however not within the control of the developer therefore this cannot be relied upon as a method for ensuring the continued and/or improved carbon savings for the proposed development.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

Sustainable communities

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE2: Securing Dynamic Town Centres
- SLE4: Improved Transport and Connections
- BSC12: Indoor Sport, Recreation and Community Facilities

Sustainable development

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

Strategic Development

- Policy Bicester 1 North West Bicester Eco Town

Infrastructure Delivery

- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- S28: Proposals for small shops and extensions to existing shops outside Banbury, Bicester and Kidlington Shopping Centre
- C28: Layout, design and external appearance of new development
- C30: Design Control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Eco Towns Supplement to PPS1
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- NW Bicester Supplementary Planning Document
- Cherwell Residential Design Guide SPD

8.4. Council Corporate Priorities

Cherwell District Council’s Business Plan for 2019-20 sets out the Council’s three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

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

- Principle of development
- Affordable Housing
- Transport
- Eco Town Standards (including consideration of Ecology, Flooding and Drainage)
- Design, and impact on the character of the area
- Residential amenity
- Heritage impact
- Planning Obligations
- Human Rights and Equalities

Principle of Development

Policy Context and History

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan Part 1 2011-2031 and the saved policies of the Cherwell Local Plan 1996.
- 9.3. The principle of a local centre has been established on this area of the Exemplar site by way of a grant of outline planning permission through the original application for the site as a whole (10/01780/HYBRID). In addition, and following this, a full application was granted for an alternative local centre scheme in July 2016 (15/00760/F). These two previous approvals have now lapsed (i.e. they cannot be implemented), but the principle of a local centre here is established and securing its provision is important in providing local facilities to meet the needs of the development and improving the sustainability of the site by reducing the need for residents to travel offsite to reach facilities that meet their basic needs. Its position is well placed to enable access by local residents. The S106 for 10/01780/HYBRID set out the timescales for the provision of the non-residential uses (in summary by 250 dwelling occupations, the community hall and main retail unit were to be provided and by 350 dwelling occupations, the rest of the local centre is to be provided).
- 9.4. Policy Bicester 1 of the adopted Cherwell Local Plan Part 1 identifies Mixed Use Local Centre hubs to include employment and a mix of land uses and the Masterplan for NW Bicester, embedded in the SPD for the site, identifies the distribution of local centres across the wider site. The local centre in the Elmsbrook development is one of those identified. Policy SLE2 of the Cherwell Local Plan Part 1 states that the Council will support the provision of new local centres containing a small number of shops of a limited size within the strategic housing allocations on strategic sites as set out in the Local Plan. The NPPF 2019 identifies the role of mixed use developments and identifies their benefits including assisting in achieving healthy, inclusive and safe places supporting healthy lifestyles through the provision of local shops and making best use of land.
- 9.5. A further important component of the standards at NW Bicester relates to the Employment requirements. Policy Bicester 1 requires an economic strategy to be produced to support planning applications for eco town proposals demonstrating how access to work will be achieved and to deliver a minimum of one employment opportunity per new dwelling that is easily reached by walking, cycling or public transport. Local Centres were envisaged to have a roll in meeting the employment requirements across the site. The original approval for the Exemplar considered the job opportunities that the development as a whole would provide. This identified jobs on site in the Eco Business Centre, local centre, other office provision etc, offsite jobs and construction jobs as well as homeworking. The local centre scheme granted in July 2016 was to provide for a similar number of jobs as the original scheme despite the change in land uses proposed at that stage.
- 9.6. The S106 for 10/01780/HYBRID set out the timescales for the provision of the non-residential uses (in summary by 250 dwelling occupations, the community hall and main retail unit were to be provided and by 350 dwelling occupations, the rest of the local centre is to be provided).

Assessment

- 9.7. A2 Dominion have been reviewing the scheme and after taking advice from Bidwells (a Business Case document is provided) have concluded that at the timescales set out in the S106, it would not be viable to provide the local centre uses (i.e. retail/ office/ public house) due to this being early in the life of the wider North West Bicester development and also taking into account the total size of the Elmsbrook Exemplar development. In addition, A2 Dominion have determined that the wider development pursued by them across other parts of the NW Bicester site are not viable if the Exemplar scheme is used as a basis moving forward therefore their view is that at this point in time, there is no certainty over the timing of delivery of the wider development beyond the 393 dwellings at Elmsbrook. Their view is that this reduces the likelihood of operators being willing to open at the site even if the buildings were provided because the catchment population would be too small and would therefore not generate sufficient custom. In addition, they argue that the provision of the Eco Business Centre has provided for the likely level of demand around office space at this point in time.
- 9.8. In response and being mindful of the timings set out in the S106 for the Exemplar phase, the applicant initially proposed a full application seeking permission for two local centre buildings, one either side of Charlotte Avenue with non-residential uses on the ground floor (the community space to the northern side and two units to the south) and 38 residential units above (distributed between the two sides of the road). Whilst the residential uses were introduced, the applicant calculated the likely shortfall in potential job numbers finding that their proposal would result in loss of around 70 opportunities. They did not however propose how they would deal with this matter in terms of replacing those lost opportunities with new opportunities to enable the site to continue to meet its requirements around employment provision (and in addition, 38 additional units were proposed therefore increasing the shortfall). In addition, the proposal would have resulted in the loss of the mix of facilities to be provided that were intended to meet the day to day needs of the early residents at NW Bicester and contribute to the sustainable nature of the site.
- 9.9. Officers raised concerns regarding this matter and highlighted that without mitigation, the proposal could only be concluded to conflict with the requirements of Policy Bicester 1 as there would be a loss of employment opportunities and no proposal to deal with this loss.
- 9.10. To address this conflict, it was suggested that a phased delivery of the local centre uses be considered. Following review, the application has been amended to propose the delivery of the building north of Charlotte Avenue early (hence it being the full application for this area of the site), with the land to the south of Charlotte Avenue following later (hence this area of the site being applied for in outline). The proposal for the southern side of the road in outline is for wholly non-residential uses.
- 9.11. The benefit of delaying the provision of the whole of the local centre (i.e. the land to the south being granted in outline and being delivered later) would be that firstly, the Exemplar development would have proceeded further, secondly, there may be greater certainty over the land surrounding Elmsbrook in terms of wider development, which would give greater dwelling numbers to encourage local centre operators to consider that opening a unit here would be viable and thirdly, it would give further time to enable an appropriate mix of local centre uses to be delivered. For example, if the Eco Business Centre has been successful in terms of operating, it may indicate there is a requirement for more office space that could be accommodated in the local centre – A2 Dominion currently argue that this is not the case. As reported, a number of local residents raised objections to the initial scheme

in respect of the loss of non-residential local centre uses and their replacement with residential units across the whole site. Whilst this approach means there is a delay in providing development on land to the south of Charlotte Avenue, it does preserve the expectation that further non-residential uses can be provided (if proven viable at a later date) therefore responding to these concerns.

- 9.12. The application therefore proposes a community centre with the potential for a café/deli within it and 16 affordable residential units above it and to the southern side, a wholly non-residential proposal to be delivered later for flexible uses including A1/A2/A3/A4/A5/B1/D1 within 3000sqm of floorspace proposed. For the southern parcel of land, a land use and building height parameter plan are provided (with the maximum building height as 16m proposed).
- 9.13. With respect to the outline proposal, the arrangements and timing for its later provision will be required to be set out within the S106 legal agreement. The heads of terms for this matter are being developed but Members are being asked to agree the principles for negotiation now. These include a requirement to market the proposed uses for a period of time and then ultimately its delivery if the scheme can be viably provided with the likelihood of occupiers being found. If occupiers are not found, then the land would be offered to the Council to deliver a scheme. The developer would also, at that point, have the option of proposing an alternative scheme (potentially involving residential development). That would require further consideration at that time through a new planning application and would take into account any changed circumstances.
- 9.14. In the circumstances, whilst it is not ideal, noting the applicant's circumstances and the uncertainty surrounding the delivery of the wider development, Officers consider that it is acceptable for there to be a phased approach to the delivery of the local centre. The delivery of the northern side of the road to provide a community facility is important as the number of residents is increasing on site and currently there is only space within the community house on the site available which is limited in terms of being able to accommodate larger groups of people. Whilst the school has some community space available, it is important that a community facility is available as was always envisaged.
- 9.15. The ground floor space is proposed to also include some ancillary A1/ A3 use. This is assumed to be a community café with a deli space. A2D envisage that the space will be the heart of the community serving as a modern, flexible community space where residents can meet, work and relax. It is not envisaged as a large-scale hall for functions but rather a communal space with meeting rooms and the café/ deli available for residents to foster a sense of community. The final potential around the café/deli is not yet confirmed in terms of how this will be managed and operated moving forward, but the approved plans would allow for this use. This has the potential to enable some local service provision to take place, and an opportunity for residents to buy some goods that meet their basic needs without needing to leave the site. Arrangements for the operator of the café/deli and then ongoing management and maintenance are envisaged to take place to include the community, and the requirement for any necessary controls regarding this matter can be considered through the negotiation of the S106 agreement.
- 9.16. Above the community hall, residential development continues to be proposed. The acceptability of this is considered below, but it is also necessary to consider the of the proposed reduction in potential employment numbers. The amended proposal has reconsidered this matter and whilst it has not provided a figure for the total number of jobs (due to the flexible nature of the southern land, which means that it is not clear what mix of uses would ultimately be delivered and therefore what number of jobs would result), it is clear that the greater amount of commercial space

now proposed would generate more employment numbers than the original scheme would have and therefore result in less of a shortfall, if any.

- 9.17. If the principle of the loss of some non-residential floorspace is to be accepted as a necessary compromise to secure the earlier delivery of the local centre, then the implication of allowing a proposal for residential units in this location also requires consideration. In principle, the provision of residential accommodation in a local centre setting is commonly found and can normally be considered acceptable in principle as it allows there to be activity within this area throughout the day and night. In this case, as well as its introduction meaning that non-residential floorspace is lost and the implications of that, there are other issues that require further assessment.
- 9.18. Firstly, the residential accommodation is proposed over the building north of Charlotte Avenue only and at ground floor, the community centre is proposed. The provision of residential development over such a space needs to be considered particularly in terms of the compatibility of the uses including in terms of noise/disturbance issues. There are no other examples of community halls with residential development over them within the Cherwell District, in fact most community spaces tend to be single storey and provided close to other local centre uses. The previously approved local centre scheme approved a community hall at first floor level sat over the main retail unit. As such, Officers consider that a ground floor community space is beneficial and allows more flexibility of use in comparison to the hall that was previously approved, but the relationship with the proposed residential use does need careful consideration.
- 9.19. In response to concerns raised regarding the compatibility of such uses, an acoustic strategy was requested and subsequently received for consideration. This concludes that with a set of design criteria for the building construction and the development of a Noise Management Plan including the implementation of an electronic noise limiter device, satisfactory conditions can be achieved. The Council's Environmental Protection Officer has advised that with regard to noise, it is agreed that the noise can be limited via suitable insulation and a noise management plan to achieve the recommended internal levels for the residential properties subject to some additional recommendations being followed. The acoustic strategy does not suggest there is a need to impose a restriction on general hours of use for the centre but it does suggest some limitations on the use of external areas (no earlier than 07:00hrs and no later than 21:00hrs), including bin emptying.

Conclusion

- 9.20. The proposal for the amended scheme to deliver the local centre in two stages is considered by Officers to be acceptable in this case. Whilst it is disappointing for the whole of the local centre not to be delivered at the same time and also for a part of it to follow later, the benefit of this approach is that it may make the local centre more viable to enable a greater range of local centre uses. In the long term, this has the potential to be more beneficial than a development being delivered now of a small number of non-residential uses and a greater level of residential development.
- 9.21. The introduction of residential development in the local centre area in principle does cause some challenges in terms of compatibility of uses. In this case, it has been demonstrated through an acoustic strategy which includes suggestions relating to what a noise management plan would cover, that sufficient safeguards are being built in to ensure that the compatibility between the two uses (the community uses and residential uses) can be adequately controlled and the Environmental Protection Team raise no objections to this arrangement.

- 9.22. The provision of the community centre within a defined and relatively short period of time following the grant of the planning permission is positive and will ensure that a space for the community is delivered soon. This proposed approach as a whole will require the amendment of the original schedule 8 of the existing S106 and will require that the timescales are later than they were originally secured to be. However, in the circumstances, it is considered appropriate to proceed in this manner to enable development to continue and to secure the provision of this local facility as soon as practicable. The risk of not agreeing to this approach is further delay and uncertainty to the delivery of the local centre, with a reduced likelihood of securing a good proportion of non-residential uses.
- 9.23. The long-term management and maintenance of the community centre is important to be considered further and discussions between Officers and the developer will need to continue post committee to ensure the arrangements are suitable. This matter is considered in greater detail under the "Planning Obligations" section of this report.

Affordable Housing

- 9.24. The proposed residential units are all proposed as affordable housing units. Access to them is provided from the rear. 30% of the 16 units would, in any event have been required as affordable dwellings given the requirements of Policy BSC3 of the Cherwell Local Plan Part 1. Therefore 11 of the 16 units would be considered as additional to the policy requirements. This is a significant benefit of the scheme, that weighs in its favour.
- 9.25. All of the dwellings being affordable has resulted in concerns raised in respect to the initial proposal (i.e. for 38 units), particularly around the concentration of such a high number of units in one location, within proximity to phase 1 where a slightly higher proportion of the affordable housing units at Elmsbrook overall are provided and the potential impact this may have on the creation of a mixed and balanced community. The amended scheme for 16 units also raises similar issues but at a reduced level.
- 9.26. In addition, the units are all currently proposed as affordable rental units, so a mix of affordable tenures is not provided for. The Council's guidance (as set out in the Planning Obligations SPD) on the provision of affordable units is for clusters of no more than 15 units to be provided where a tenure is mixed and no more than 10 units of one tenure to ensure mixed communities. It does confirm that the Council will be flexible and pragmatic on the clustering approach when considering site constraints or scheme densities. There is a continuing need for affordable housing in Bicester and these units will contribute towards meeting a proportion of the housing need. In this case, the Strategic Housing team have advised that it is an appropriate approach to have the whole scheme as rented tenure as it is difficult for landlords to let and manage mixed tenure flats in one block especially in relation to setting and agreeing service charges.
- 9.27. In terms of the type of affordable housing proposed, the units are currently proposed as affordable rental units but with the rent level capped at Local Housing Allowance rates. The Strategic Housing team have advised that this is acceptable, but that social rented properties would be preferable as this is the most affordable option for many households on the Council's Housing Register. The developer has confirmed that subject to available grant funding, the affordable homes on this site could be provided as Social Rent tenure to allow this to be viable and that a Local Lettings Plan could be negotiated. It is possible that this could be through the Oxfordshire Growth Deal and other funding sources as there will be no opportunity of cross subsidy from the sale of market residential units on this site. However, the opportunity around Growth Deal funding to subsidise the scheme will require further

consideration particularly in terms of the timing of the delivery of the development in line with the requirements of the Growth Deal.

- 9.28. In conclusion, the provision of all of the units as affordable housing is of some concern in terms of providing mixed communities, however the number of units (16) is not unreasonably large and they would all be managed and maintained by A2 Dominion as the Registered Provider. The units would be for rental but whether this is at the affordable or social rent level is still to be determined through further discussion. In any event, the provision of affordable units is positive given the level of need within the District and the additional units will be valuable in meeting some of this need. This is a significant benefit that weighs in favour of the development.

Transport

Policy Context

- 9.29. The NPPF advises that sustainable transport should be promoted and considered from the earliest stages of plan-making so that potential impacts on transport networks can be addressed, opportunities for infrastructure and to promote walking, cycling and public transport can be pursued, environmental impacts can be taken into account and to ensure that transport considerations are integral to the design of schemes to contribute to making high quality places. In considering development proposals, the following considerations should apply – appropriate opportunities to promote sustainable transport modes should be taken up, safe and suitable access should be achievable and any significant impacts on the transport network should be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. There are also a range of detailed criteria, including the need to give priority to sustainable modes of transport, to provide access for all, to create safe and attractive places including access for service and emergency vehicles and to enable charging of plug in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 9.30. Policy Bicester 1 relates to the NW Bicester site and requires proposals to include appropriate crossings of the railway line, changes and improvements to Howes Lane and Lords Lane, integration and connectivity between new and existing communities, maximise walkable neighbourhoods, provide a legible hierarchy of routes, have a layout that encourages modal shift, infrastructure to support sustainable modes, accessibility to public transport, provide contributions to improvements to the surrounding road networks, provision of a transport assessment and measures to prevent vehicular traffic adversely affecting surrounding communities. The NW Bicester SPD reiterates the requirements of Policy Bicester 1 in terms of how the site is expected to meet the standards set.

Assessment

- 9.31. The application is accompanied by a Transport Statement, which has been amended to refer to the amended scheme. This considers the transport impacts of the proposal in the context of the previous approved development on this site and it uses a reference scheme in the context of the mix of land uses proposed to provide an assessment baseline.
- 9.32. With regard to trip generation impacts, a detailed assessment of the full element of the proposal has been undertaken but it has not been for the outline part of the site. Because of this, the trip generation is shown as a net decrease compared to the level of trip generation predicted in the previous application (albeit as the outline part

of the site is for approval in principle, the reality is there will not be a net decrease in trip rates). However, the original Transport Statement for the original scheme (which was a full proposal for local centre uses and 38 flats), demonstrated that there would have been a comparable trip rate generation between the consented local centre scheme and the proposed scheme. Therefore it is highly unlikely that the amended HYBRID scheme, which reduces the number of flats to 16, will lead to increased trip rates that would be unacceptable.

- 9.33. The access arrangements to the site remain as expected through the previous approved scheme for the local centre (i.e. access taken directly from Charlotte Avenue). This is acceptable. Crossings will be provided across Charlotte Avenue which is proposed to include changes in surface treatment promoting a semi shared space type environment.
- 9.34. In terms of parking arrangements, 32 spaces are proposed between a car parking area to the north of Charlotte Avenue and a space to the south of Charlotte Avenue, to the north of the energy centre, which would become a landscaped parking area. 16 of the spaces would be allocated for the 16 residential flats leaving 16 as visitor spaces. Three accessible car parking spaces are to be provided. The 16 visitor spaces would be time limited with the residential spaces controlled by a permit arrangement. The level of car parking provision for the southern block will be determined at the reserved matters stage. The number of parking spaces complies with standards relating to NW Bicester given the sustainable nature of the site and the promotion of other forms of transport measures and the position of this site in the local centre area is within close proximity to the bus stop and the local facilities to be provided. The Highway Authority have raised no objection to this number of parking spaces in principle.
- 9.35. In terms of cycling parking, 53 spaces are proposed for the northern block as a combination of staff/ resident and visitor spaces. These would be a combination of Sheffield stands and covered secure shelters close to building entrances. These are demonstrated on the plans but no details of the external stores have been received which should be sought via condition. Cycle parking to the southern side would be provided in line with standards and considered at a reserved matters stage.
- 9.36. In terms of manoeuvring of servicing and delivery vehicles, vehicle tracking has been provided. The concern with this has been that for the northern block, this relies upon the use of the Eco Business Centre car park. Town Square who operate the Eco Business Centre have confirmed that they are content for the car park to be used as part of the manoeuvring required. They have also confirmed that there would be no barrier control to restrict access. This matter is being checked internally given the District Council's interest in the Eco Business Centre.

Conclusion

- 9.37. No objections are raised by OCC as the Highway Authority other than in respect of some concern regarding the manoeuvring of large vehicles for servicing and to collect waste. Otherwise, matters are proposed to be sought via planning condition to ensure the details of the site, the materials to be used for the surfacing through the street to ensure a high quality development and to ensure the provision of infrastructure to secure matters such as EV charging points in the interests of sustainability.

Eco Town Standards (including consideration of Ecology, Flooding and Drainage)

Policy Context

- 9.38. Policy Bicester 1 sets out the requirements for the development in terms of the standards expected. This builds on the initial allocation for the site as set out in the Eco Towns PPS. Also of relevance is the SPD for NW Bicester, which expands upon Policy Bicester 1, providing further detail to the policy and a means of implementing the strategic allocation at NW Bicester. Each of the PPS/ SPD requirements are considered below:

Zero carbon

- 9.39. The requirement to achieve true zero carbon is an important policy requirement of Policy Bicester 1 and the SPD gives further detail. The SPD has not been specific about how the standard should be achieved, only that it must be. In this case, the initial energy statement did not commit to meeting the true zero carbon requirement and it did not consider the unregulated energy use.
- 9.40. Following advice that there was a need for the true zero carbon standard to be met, a further energy strategy has been provided. This strategy concentrates on the northern building as that is the part of the site being pursued now. The strategy follows the energy hierarchy by using passive design measures, by using active design measures and through the use of low and zero carbon technology including the building being connected to the existing energy centre, the provision of rooftop PV and air source heat pumps. It is identified that this approach achieves a total of a 55% reduction in total carbon emissions (regulated and unregulated). This does not however enable the building to achieve the true zero carbon target and 24.67 tonnes of CO₂ would need to be offset to enable the target to be achieved. A2 Dominion confirm they are committed to achieving this target and will develop an offset solution. Tyrens have however raised some queries over the robustness of the figures used in terms of their basis. This is likely to be because at this stage full details of the building fabric etc are not yet known and so an updated strategy could be sought as the details of the scheme evolve.
- 9.41. A condition could be used to require this offset solution to be agreed and this would be sensible however there is currently no indication as to where this offset could be provided and even whether it could be provided locally (i.e. within Bicester). In addition, there is no indication of how the outline area of the site would meet the requirements albeit this could be the subject of a planning condition which is considered appropriate in this case given the scale of the development and this follows the approach to securing this information through the original HYBRID application.
- 9.42. There is a potential approach to seek a contribution to be used by the Council towards more local offsetting in Bicester, which would need to be secured through the S106. This matter requires further exploration before the most appropriate route can be determined and Members are asked to delegate to Officers to negotiate the most appropriate route. In light of the above, it is considered that the development can achieve the true zero carbon requirement, however it is likely to be reliant on offsite solutions.

Climate Change adaptation

- 9.43. The issue of reducing carbon emissions is important in reducing and adapting to the impacts of future climate change scenarios. The most likely impacts needing to be addressed in the future is that of overheating in buildings and water stress. The SPD

confirms that planning applications will be required to incorporate best practice on tackling overheating and other measures such as urban cooling through green infrastructure, consideration of orientation and include water neutrality measures as well as meeting fabric energy efficiency standards. Policy Bicester 1 requires new buildings to be designed to incorporate best practice on tackling overheating and to demonstrate climate change mitigation and adaption measures. In addition, Policy ESD1 seeks to incorporate suitable adaptation measures in new development to ensure development is more resilient to climate change impacts.

- 9.44. In this case, an overheating analysis document has been submitted considering the full element of the scheme. This considers the 16 residential units and takes a selection of apartments of different sizes and orientations to consider those with the highest risk of overheating. The weather file for this analysis is a 2020s high emission scenario in line with guidelines. The thermal simulations show that all the assessed spaces can achieve compliance with the requirements in CIBSE TM59 (the technical memorandum which defines a standardised approach to assessing overheating risk in residential buildings using dynamic thermal modelling) with mechanical ventilation and the use of blinds. Some rooms are reliant on blinds to meet the standards. The Community Centre is to be provided with active cooling to provide thermal comfort in the summer given the high occupancy densities expected in the spaces so they have not been considered further.
- 9.45. The assessment confirms that for the scenario tested as long as adequate solar gain reduction is included in the design (i.e. the use of blinds), that there would be compliance with CIBSE TM59 and therefore the units should not overheat. For the rest of the Exemplar, overheating risks have been considered against the current weather scenario and two future weather projections (2030 and 2050). The 2050 scenario in particular has not been tested and it is considered that this should be sought in order to enable assessment of this future climate scenario.
- 9.46. In addition, the application is accompanied by daylight/ sunlight reports. With regard to the Community Centre, the analysis shows that 87.9% of the occupied spaces achieve compliance with the average daylight factor limit of 2% and therefore it would achieve the requirements against BREEAM criteria. With regard to the residential units, 64% of rooms within the proposed apartments meet the recommended targets for Average Daylight Factor and all kitchen/ living rooms except in two apartments do not meet the target of 2% primarily because of overshadowing from a development to the south of Charlotte Avenue, due to the majority of them being of a single aspect only and in some cases due to projecting balconies. The report concludes that the proposed residential units will have a reasonable level of compliance with the daylight and sunlight recommendations albeit there are some improvements that could be made in terms of the size of windows for some apartments. Officers consider that the conclusions reached are reasonable in this case.
- 9.47. In terms of other adaptations, the general design to meet zero carbon requirements will result in a sustainable form of development that will by its nature incorporate best practice. In terms of other impacts around landscaping for urban cooling and water neutrality, these will be considered later in this appraisal.

Homes

- 9.48. There are a number of requirements related to homes proposed at NW Bicester. These predominantly relate to the high environmental and space standards sought and these matters are considered elsewhere in this report. The location of homes across the site is also important in terms of the creation of walkable neighbourhoods and ensuring that they are accessible to local facilities. The density and type of

house types is also described as important as well as being able to be adaptable and flexible for residents.

- 9.49. In this case, given the dwellings proposed are in the centre of the development, within the realms of the local centre area, they are located in a highly sustainable part of the site. In addition, the Housing team have confirmed that the size of the dwellings meets the Nationally Described Space Standards therefore they are sufficient in terms of space standards. The density of the development will be considered later in this report but in terms of the type of dwellings proposed, these are 1 and 2 bed apartments for the purpose of affordable housing, which is needed in the District. There is also likely to be a local lettings plan for the units so that they are prioritised for key workers or families with older children.
- 9.50. Taking into account the above, the proposal is considered to comply with the requirements around homes and the standards sought.

Employment

- 9.51. There are various policy requirements through Policy Bicester 1 relating to the employment requirements at NW Bicester. The main one which related to this site is the provision of local centre hubs to include employment and the number of employment opportunities to be provided per new dwelling that is accessible by walking, cycling and/ or public transport. These issues are assessed in the principle section above related to the principle of this development as a whole.
- 9.52. The other matter within the employment requirements of Policy Bicester 1 is the requirement to achieve BREEAM Very Good standard with the capability of achieving Excellent. BREEAM Very Good level is currently being targeted, which is in compliance with the policy requirements.

Transport

- 9.53. The Eco Towns PPS sets out that Eco Towns should 'support people's desire for mobility whilst achieving the goal of low carbon living'. The PPS identifies a range of standards around designing to support sustainable travel, travel planning and travel choice, modal shift targets; ensuring key connections do not become congested from the development and ultra-low emission vehicles. The PPS seeks homes within 10 mins walk of frequent public transport and local services. The PPS recognises the need for travel planning to achieve the ambitious target of showing how the town's design will enable at least 50 per cent of trips originating in the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent.
- 9.54. The site being an inherent part of the local centre means that the range of travel planning measures already being implemented at the Elmsbrook development are in proximity. These are detailed within the Travel Plan, which also sets targets for modal share (of which there are high standards sought at NW Bicester) and include the existing E-car club vehicles, proposals for electric vehicle charging points, the existing Travel Plan Co-Ordinator, the requirement for monitoring, the use of the use of real time information including relating to travel information and the promotion of sustainable modes of transport. It is proposed that the residential occupiers will be covered by the original Travel Plan for the site and that each non-residential occupier at the Local Centre would prepare their own individual travel plans.
- 9.55. As noted earlier in this report, no objections are raised by OCC as the Highway Authority. The proposal is considered acceptable in transport sustainability terms, subject to conditions.

Healthy Lifestyles

- 9.56. Policy Bicester 1 sets out the need for local service provision. This assists in meeting requirements around healthy lifestyles as the provision of services within walking and cycling distance will help to deliver healthy neighbourhoods as set out by the SPD. The SPD also confirms that providing facilities which contribute to the wellbeing, enjoyment and health of people is positive.
- 9.57. The provision of a local centre as a whole meets the aims of seeking to achieve healthy lifestyles. The phased provision of the local centre in this case will provide an important local facility (in this case the community centre), which will be a flexible space taking into account the proposals for the café/ deli space. In addition, the later delivery of the rest of the local centre, as explained has some benefits in potentially providing for a greater range of local centre uses. The provision of a community space and later other local centre uses will increase the sustainability of the site and the range of local facilities provided within walking/ cycling distance of the residential properties. This is positive in meeting the requirements around improving the health and wellbeing of people.

Local Services

- 9.58. The SPD identifies that community facilities and local services are important in providing attractive places where people will want to meet and spend time and provide a destination for local residents to visit.
- 9.59. The proposals as part of this application are for a community centre, which is important to give the community a focal space to meet and its ability to also include some local service provision in the form of a café/ deli is positive. The later local centre uses are proposed as flexible uses at the moment but eventually, this will achieve a mix of uses such that it will be a provision to meet the needs of local residents and provide some employment opportunities. This proposal therefore meets the required standards in this respect.

Green Infrastructure

- 9.60. The PPS requires that forty per cent of the eco-town's total area should be allocated to green space, of which at least half should be public and consist of a network of well-managed, high quality green/open spaces which are linked to the wider countryside. Adopted Cherwell Local Plan Policy BSC11 sets out the minimum standards that developments are expected to meet and it sets out standards for general green space, play space, formal sport and allotments. Furthermore, site specific, Policy Bicester 1 requires the provision of 40% of the total gross site area to comprise green space, of which at least half will be publicly accessible and consist of a network of well-managed, high quality green/ open spaces which are linked to the countryside. It specifies that this should include sports pitches, parks and recreation areas, play spaces, allotments, the required burial ground and SUDs.
- 9.61. The Exemplar as a whole provides over 40% green infrastructure in a range of forms including public open space, the stream corridor, allotment provision and hedgerow lanes. The proposal for the Local Centre does not change the level of green infrastructure through the rest of the Exemplar. Whilst this is a standalone full application, it must be considered in the context of the wider site and thus the level of green infrastructure is not changed by this proposal. There is one discrepancy noticed relating to the location of the community garden and whether this was originally counted as part of the river corridor and therefore whether this would result in a reduction in the 40% green infrastructure provision. Whilst this would be unfortunate if that were the case and it could result in a reduction of green

infrastructure, in this case, the area is to be used as a community garden and therefore remains publicly accessible by virtue of its association with the community building. This would still comply with the requirements of the policy as at least half must be publicly accessible.

- 9.62. The proposal does however propose green landscaped areas around the building and as part of the street arrangement as discussed as well as a garden for the community building and therefore the scheme is considered to be acceptable. The proposal is therefore considered to comply with the policy requirements around green infrastructure as far as it can, albeit it does not change the overall provision across the wider site.

Biodiversity

- 9.63. Policy ESD10 requires the protection and enhancement of biodiversity and the natural environment and this includes the protection of trees and hedgerows, an assessment of the potential to cause harm to protected species or habitats and to achieve a net gain for biodiversity. Policy Bicester 1 also refers to the need to achieve a net gain for biodiversity. Biodiversity is also a development principle important in meeting the eco town standards to achieve a net gain and to mitigate and enhance.
- 9.64. There are also Legislative requirements set out in The Conservation of Habitats and Species Regulations 2017 which must be taken into account in considering development proposals where habitats or species might be encountered.
- 9.65. In this case, the land has been used for site compounds as part of the development of Elmsbrook to date and as confirmed by an ecological summary submitted with the application, the land on both sides of the road is predominantly covered by hardstanding with evidence of some colonising species therefore they have little ecological value and with no evidence of protected fauna species. There is an offsite hedgerow to the southern boundary of the site which is an important ecological feature, but this would be retained (and tree protection measures would be required) therefore will not pose a constraint. In addition, some general safeguards are suggested for mammals and to give consideration to existing bird boxes.
- 9.66. Given the above, a full assessment as to likely harm and the need for further surveys is not required. An informative reminding the applicant of their duty to protected species can be included on the decision notice and is considered sufficient to address the risk of any residual harm.
- 9.67. The potential for biodiversity enhancements and a consideration of whether a net gain for biodiversity can be achieved does however require further assessment.
- 9.68. Mitigation and enhancement measures are proposed including hedgerow and tree protection, pollution prevention measures, sensitive lighting schemes, general mammal safeguards, new planting (including native species predominantly), the provision of bat and bird boxes, invertebrate hotels and potentially green roofs. Planning conditions can be used to secure these matters as these will be of benefit to the scheme. The introduction of diverse habitat types and the installation of faunal enhancements would be beneficial to biodiversity and result in some gains in this respect.
- 9.69. The updated Ecological Summary submitted to support the amended scheme also includes details of a biodiversity net gain assessment undertaken. This concludes that the outline and full proposals will result in no net loss in biodiversity but that they cannot achieve a net gain. This is due to the limited scope given the small size and

the nature of the proposals which do not allow for significant areas of habitat enhancement or creation.

- 9.70. In the current circumstances whereby the wider Exemplar site was considered, and a net gain considered achievable across the whole site, noting that the current application site is effectively a development parcel within that wider site, the position as noted is considered, on balance to be acceptable. The fact that no net loss results is important, and the enhancement measures will be valuable in contribution to a net gain across the wider Exemplar site as a whole.

Water

- 9.71. As referred to earlier, water stress is one of the key likely future climate scenarios of risk to this area. In light of this, Policy Bicester 1 refers to the provision of infrastructure to allow for water neutrality and for water cycle studies to be provided to set ambitious water efficiency targets and demand management. The NW Bicester SPD also refers to the need for there to be a design standard applied to limit the average per capita consumption of water and for rainwater harvesting to be incorporated.
- 9.72. The application is light on detail regarding this matter but the BREEAM pre-assessment document refers to water consumption and refers to specifications of low water use sanitary fittings and white goods and it confirms that additional credits are available for rain water or grey water harvesting. In this case, it is considered appropriate to impose a condition relating to water consumption and to seek further detail on what measures will be imposed relating to rainwater harvesting/ low water use sanitaryware etc.

Flood Risk Management

- 9.73. Policy ESD6 and ESD7 require development to consider the likelihood of flood risk impacting development, with development proposals expected to be located in areas at lowest risk of flooding. Site specific flood risk assessments are also sought in certain situations. The drainage arrangements are sought to be provided as sustainable drainage systems to manage surface water run off along with arrangements for their management and maintenance.
- 9.74. A Flood Risk Assessment and Drainage Statement has been submitted and an amended version to support the amended scheme provided. In terms of flood risk, the site is situated in flood zone 1 which is classified as a low probability of flooding from all sources and therefore the site is suitable for development. This is consistent with previous proposals, which have approved development on this site.
- 9.75. In terms of drainage, initially an objection was received from the Drainage Team at OCC due to insufficient data provided to enable full technical audit of the drainage/ flood risk/ SUDs use for the site. Additional information was provided directly to the Drainage Team and included within the updated FRA. This identifies the use of permeable paved surfaces and soakaways as the predominant SUDs techniques for this site. In response to the additional information received, the OCC Drainage Team confirm they have no objection subject to the imposition of a condition to secure a detailed surface water drainage scheme for the site including various details and a maintenance/ management plan. There are some concerns raised regarding the proposed soakaways due to their depth and the potential for them to be affected by groundwater which may mean that shallower soakaways would be required to ensure that the infiltration systems are 1m above groundwater. Nevertheless, this matter can be further considered through information submitted to

address a planning condition, which was the case on the previous permissions and therefore indicates that a suitable drainage scheme is achievable.

- 9.76. SUDs also have a role in terms of biodiversity enhancement. In this case, the site is constrained by its size and so a drainage arrangement that represents a SUDs scheme and functions as it should is considered acceptable. In addition, there are SUDs features across the site, which would have biodiversity benefits.

Waste

- 9.77. Policy Bicester 1 requires the provision of facilities to reduce waste, to encourage recycling and to ensure that high targets to facilitate waste reduction are set. In addition, the sustainable management of waste is sought including to ensure no construction, demolition or excavation waste is sent to landfill.
- 9.78. The Planning Statement provided with the application which confirms that a site waste management plan will be developed to include a sustainable waste and resources plan covering commercial waste and setting targets for residual waste, recycling and landfill diversion. This can be secured by planning condition. Waste and recycling facilities will be provided for the different land uses and these are shown on the proposed plans, albeit these may not be sized appropriately. A condition is suggested in relation to this matter.

Community and Governance

- 9.79. Policy Bicester 1 requires the submission of proposals to support the setting up and operation of a financially viable local management organisation (now referred to as a community management organisation or CMO) by the new community to allow locally based long term ownership and management of facilities in perpetuity. The NW Bicester SPD provides some further detail on this matter.
- 9.80. Over the NW Bicester site, the intention is to seek financial contributions towards the CMO to be used towards the single organisation started at Elmsbrook by virtue of the requirements of the S106 attached to the Exemplar phase. The CMO is in its early stages and is known as ECO (Elmsbrook Community Organisation). As this site is an inherent part of Elmsbrook, A2 Dominions have obligations around the first stages of the CMO as set out in the S106 already and given the scale of the development, it is considered that this proposal should be linked to those S106 requirements so that the site continues to be bound by the requirements that apply to the rest of Elmsbrook. This seems a reasonable approach for this development site. Also linked to this matter is the point regarding long term management and maintenance of the community centre by the CMO which has always been envisaged. This is discussed in detail later in this report.

Cultural Wellbeing

- 9.81. At NW Bicester there is a cultural wellbeing strategy appended to the NW Bicester SPD which seeks to make NW Bicester a culturally vibrant place through high quality design and community engagement and which responds to the Policy Bicester 1 requirement for public art. The idea of cultural wellbeing is that it is a more engaging activity than traditional public art schemes. In order to secure this, the S106 requirement has been to secure a cultural wellbeing statement that sets out how this scheme will contribute to the requirements overall at NW Bicester. It is considered appropriate for this to apply to this scheme given that the site proposes additional residential development.

Conclusion

- 9.82. As can be seen from the above assessment, the proposal has responded positively to the Eco Town Standards as set out through Policy Bicester 1 and the NW Bicester SPD. The achievement of these standards can be secured through the required planning obligation and conditions where necessary.

Design, landscaping and impact on the character of the area

- 9.83. The need for good design is a well-established principle of Planning Policy being a requirement of the NPPF, Policies ESD15 and Bicester 1 of the Cherwell Local Plan Part 1 and Policy C28 of the Cherwell Local Plan 1996. At NW Bicester, and as identified in the SPD, sustainability is a key driver in the design of the eco town as a fundamental principle in achieving a zero carbon development.
- 9.84. The Eco Town PPS advises that planning applications should demonstrate that they have adequately considered the implications for the local landscape and historic environment to ensure that development compliments and enhances the existing landscape character. Adopted Cherwell Local Plan Policy Bicester 1 requires 'a well-designed approach to the urban edge which relates development at the periphery to its rural setting' and development that respects the landscape setting and demonstrates enhancement of wildlife corridors. Policy ESD13 advises that development will be expected to respect and enhance the local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 9.85. The application does not include a landscape and visual assessment, however given the site sits within the extent of the Exemplar site and would be of a similar scale to other development on the site (including within the local centre area), it is unlikely that the local landscape character would be harmed by this proposal.
- 9.86. In its amended form, the design of the northern block and the parking area to the south of Charlotte Avenue are the only areas of the site for detailed consideration. The design of the north block has been considered in some detail and provides for a contemporary approach to the design, which also responds to the eco business centre, which sits adjacent to the site. The building is essentially an L shape. The element of the building that sits adjacent to Charlotte Avenue is a flat roofed element (flat roofed elements are found at Elmsbrook) which extends to 12m in height, which is similar to the Eco Business Centre (the top of the timber fins rather than the bulk of the building itself).
- 9.87. The west elevation of the building that fronts onto the river corridor gives the impression of a three narrow gable fronted terrace and this area is taller at 15m in height. This is to be proposed with a mixed material palette to break up the bulk of the building including the use of red brick and a standing seam metal cladding. This is the predominant material palette used across the building as a whole with some timber cladding on the east elevation fronting towards the eco business centre. In some areas, the red brick is to be laid to give a detailed effect to add further interest. Planning conditions can be used to seek samples of the materials palette and to seek detail of the detailed areas. Whilst the standing seam cladding is not found elsewhere at Elmsbrook, it is considered acceptable for the local centre to make a statement and use a material that is different but sympathetic to the material palette overall. PV is to be installed on the roof of the building both on the flat roofed element of the building and on the south facing pitches of the gable ends. Balconies and overhanging roofs over are proposed, which provide more visual interest to the building alongside the mixed materials palette.

- 9.88. The Local Centre has always been planned as a focal area of the site and the previous scheme planned bookends at each end of the local centre to act as gateways to the space. The current proposal continues this approach as the end of the northern block has a greater height and will be a marker as you enter this area.
- 9.89. Given its scale, the northern building will inevitably be of a greater height than the rest of the site and this has resulted in some concern from third party comments. Whilst this is noted, it is common for a local centre to be of a greater scale than surrounding residential development, which at Elmsbrook is relatively low density. Providing the impact of the development is considered acceptable, it is not considered to be unacceptable for this area to be treated in such a way. The greater height along the river corridor edge may feel more imposing than had a lower building been proposed but this is a wide, open area and the design has been concluded to be appropriate. In the circumstances, it is not considered that the scale or the density of the development is unacceptable.
- 9.90. The outline element of the site is likely to follow the design approach established by the northern block as described by the Design and Access Statement (the full permission application made sought a building of a similar design). Whilst this is not for consideration now, this is likely to be an acceptable approach. Instead, two parameter plans are sought for approval. A land use parameter plan which shows a mixed-use area across the whole of the southern land (albeit this would be controlled at no more than 3000sqm giving space for required matters such as parking) and with building heights proposed up to 16m across the whole area. 16m is higher than the development proposed to the north, however this side of the road is less constrained as there are no existing residential properties within close proximity (other than those to be provided in the block to the north once built). In any event, 16m is a maximum and the detailed scheme would need to take into account constraints at the time it is made such that an acceptable form of development results. It is considered that with the parameters set now, there will be a design approach for the outline part of the site that will be appropriate to fit into this area.
- 9.91. The proposal seeks permission for a car parking area to the south of Charlotte Avenue for 12 spaces. This is designed to include planting and benches along the edge of Charlotte Avenue to create a pleasant landscaped environment. Further details of this area should be sought via planning condition. The proposals also seek to create activity along the Charlotte Avenue route and at the western end of the site and included in this is a public space. The design is likely to continue the concept along the rest of the route of trees along the northern side of the road. Details of the design of this route and landscaping for the site as a whole should also be sought.
- 9.92. A number of concerns were raised by the Police Design Advisor. These were mainly detailed comments relating to lighting and matters that would likely evolve through the detailed design of the scheme. The recommended planning condition relating to secured by design standards is suggested, which follows the approach taken on the wider Exemplar site.
- 9.93. The Design and Access Statement proposes a signage strategy. In the case that the non-residential development predominantly sits to the south of Charlotte Avenue with signage on the community hall and café/ deli to the north, it is considered that details of any signage that is required for this building could be sought for approval via condition (or indeed it may require its own advertisement consent).
- 9.94. Given the above assessment, the design of the proposal, particularly the element sought in full is considered to be acceptable subject to the imposition of conditions to control certain matters such as the need to agree materials and detailing to ensure the creation of a quality environment in this part of the site.

Residential amenity

- 9.95. The creation of an environment that creates a high standard of amenity for existing future users is important and established in policy including ESD15 of the Cherwell Local Plan and the NPPF.
- 9.96. The northern side of Charlotte Avenue is sought in full and there are existing residential properties to the north (8 in total, 4 behind the eco business centre and 4 behind the proposed local centre). At its closest point, the building will be 25m from the rear of the closest residential unit (15 Pippin Close) but, taking into account the angles, the flat roofed element will be the element directly behind that closest neighbour. This is a distance of 29m and this element is 12m high. Other neighbours would be similarly affected. The taller section of the building sits to the south west of 15 Pippin Close and so will be within proximity. Section drawings have been received in order to demonstrate the impact which also assists in considering the impact of the levels given the changes in this area whereby the land drops to the west and the properties in Pippin Close step down. The building itself is designed to be on one level. The scale of the building and taking into account the level changes will provide a more dominant building than was previously approved, however the tallest element of the building is not directly to the rear of the residential properties and therefore this limits the impact to a degree.
- 9.97. Taking into account the distances involved as well as the previously approved scheme where development has been approved in this area (albeit not including residential development and not of the same height, particularly across the whole of the western section), the assessment below relating to daylight/ sunlight impact, and taking into account the level changes, it is considered that there will unlikely be an unduly harmful impact upon the amenity of the occupiers of the units to the north from this proposal from loss of light or overdominance such that the proposal could be resisted on these grounds.
- 9.98. The Daylight and Sunlight Assessment also considers the impact of the proposed development upon the residential properties to the north of the site and the likely impact upon their amenity. The conclusion confirms that the results indicate that the impact on daylight and sunlight within existing residential units to the north of the site will be minimal, albeit there are two bedrooms that will be affected by a reduction in daylight penetration that could be noticeable to occupants. The results indicate that the quantity of daylight and sunlight within the existing dwellings would remain above recommended levels and that rear gardens would not be unduly overshadowed by the proposed development. This is considered an acceptable impact upon the amenity of the properties to the north given a local centre in this area has been planned as part of the development and the scale of the development has been assessed to be acceptable.
- 9.99. In terms of privacy impacts, the distances involved exceed those normally sought where residential properties back onto each other (22m) albeit the scale is larger, with a second floor of residential accommodation and there will be flats provided with their only aspect facing north and balconies are provided for their amenity (to the flat roofed block element only). In the circumstances, whilst there will be some loss of privacy, given the distance of almost 30m between the rear of the flats and the residential dwellings, it is not considered that the impact would be unacceptable in this case.
- 9.100. Overall Officers conclude that the amenity of existing and future development would be protected, in line with Policy ESD15 and the Framework.

Heritage Impact

9.101. Whilst there are no heritage constraints directly within proximity of the site, the Exemplar phase did include mitigation, particularly around the materials to be used taking into account the listed building at Home Farm to the north. In this case, there are intervening uses now (the existing development) and the proposed development is of a scale and type that was expected in this part of the development site. As such, Officers consider there is no need to consider heritage impacts further.

Planning Obligations

9.102. The application site will require a S106 agreement to secure various matters and to vary the requirements of schedule 8 of the original agreement attached to 10/01780/HYBRID (as linked to 15/00760/F) concerning the delivery of the local centre. It is proposed for this agreement to continue to secure the requirements that the original S106 secured as follows:

- The requirement for community development work
- The requirement to comply with the Training and Employment Management Plan approved for the Exemplar site including the provision of apprenticeships
- The requirement to support the setting up and the early stages of the Community Management Organisation
- The requirement to comply with existing obligations around open space, allotments and play
- The requirement to build to the required building standards as amended by the proposal (i.e. to build to BREEAM Very Good rather than Excellent)
- The requirement to monitor the development against the PPS standards
- The requirement to comply with OCC schedules including travel planning, bus provision and other highway related matters.

9.103. There are also some additional contributions now identified including some to ensure consistency with the wider NW Bicester development site (given the residential units are additional over and above those approved by 10/01780/HYBRID). These would be proportionate to the 16 units now proposed:

- Contributions towards an NHS Health Facility to meet the healthcare needs of the new residents
- Contributions towards neighbourhood policing
- Contributions towards primary schools (to recoup funds used to forward fund the existing Gagle Brook Primary School)
- Contributions towards the secondary school at NW Bicester
- Contributions towards offsite sports facilities at Bicester Leisure Centre
- Contributions towards the capital cost of providing sports pitches to serve the NW Bicester site and their long term management and maintenance

- Contributions towards the burial ground proposed to be provided
- Compliance with the cultural wellbeing approach at NW Bicester
- Contribution towards waste collection measures
- A contribution towards the administration costs of monitoring the agreement.

9.104. As regards the required amendment to schedule 8 of the existing agreement, this will need to pick up the new arrangements for the delivery of the local centre including the timing of the provision of the first phase and the arrangements for the second phase. Officers are seeking Members' agreement to secure the following:

- Arrangements to market the outline site area for a fixed period of time with the marketing commencing in accordance with a marketing strategy to be agreed within 3 months from the grant of permission, with marketing commencing 1 month following the agreement of the strategy and the requirement for regular reviews,
- Fixed timescales for its timely provision if an occupier/developer is found,
- The site to be offered to the Council if no occupier/developer is found during the marketing period, and it is concluded by the applicant that a non-residential scheme remains unviable.

9.105. The matter of how the community centre will be managed and maintained in the long term is also a matter currently under discussion. The current S106 arrangement is for the community centre to be offered for transfer to the Local Authority (or its nominee, which could be the Community Management Organisation on the site) with a commuted sum for its long-term management and maintenance unless the Local Authority declines the offer. In that circumstance, the building would remain with the developer but in any event always for the purpose of community activities.

9.106. In this case, there are two complications. Firstly, the centre is proposed within a building that accommodates affordable housing on its first and second floors retained by the applicant as the Registered Provider, which would mean that the building as a whole would likely need to remain with A2 Dominion in terms of long-term management and maintenance. This would therefore require a lease arrangement, the details of which would need to be worked through in order to enable the community to manage and maintain the hall as a public space. The detail of this arrangement is still being negotiated and matters such as the length of the lease is important to ensure the community have the ability to run the centre as a community led space in the long term as is envisaged by Policy Bicester 1. Secondly, the proposal for a café/ deli on the ground floor of the community space will also require an operator to run that space. This also requires further negotiation to determine how this arrangement will work in practice to ensure an appropriate balance between what could be a commercial operator and the availability of the space as a community asset.

9.107. In addition to the requirements set out at paragraphs 9.102, 9.103 and 9.104 above, Members are therefore also requested to delegate authority to Officers to negotiate acceptable arrangements for the long term management and maintenance of the community centre and café/deli, for the benefit of the community. This includes the timescales for a lease, the timescale and support that the Elmsbrook Community Organisation will need to take on its long-term management and maintenance and funding arrangements for this.

- 9.108. The application must also secure the required affordable housing (30%) as well as the normal arrangements for the tenure, its retention and any local lettings plan. It is understood that if units are affordable and which are subsidised by Growth Deal funding, then these are not required to be secured by the legal agreement as arrangements by virtue of them benefitting from funding will retain them for this purpose. There may need to be a reference to the units in the agreement in any event if Growth Deal funding were not available for any reason and the arrangement will be discussed, including the Strategic Housing Team through the S106 process.
- 9.109. As referred to within the assessment as to how the site achieves the true zero carbon requirements, there is a need for offsetting in this case as the standard cannot be achieved on the site itself. A scheme for offsetting could be sought via condition but, if a financial contribution were to be sought to offset locally (and it is understood the Council has some projects that a contribution could be used towards), then this would need to be secured through the S106. This matter requires further consideration as to whether there is an opportunity to seek a contribution and use it for offsetting and if so, what this contribution would be based upon taking into account the CO2 needing to be offset or whether it is a more suitable arrangement to seek an offsetting scheme. Members are requested to delegate negotiations on this matter to Officers.

Human Rights and Equalities

- 9.110. The Human Rights Act 1998 ("HRA") sets out fundamental freedoms which have been laid out by the European Convention on Human Rights ("ECHR"). In making any decisions, Cherwell District Council ("the Council") should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.
- 9.111. The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

Article 6

- 9.112. Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case any comments/concerns raised by third parties are listed above and have been taken into account in assessing the application. In addition, third parties will be invited to the public meeting of the Planning Committee and have the opportunity to speak. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

Article 8 and Article 1 of the First Protocol

- 9.113. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.

Duty under The Equalities Act 2010

- 9.114. S149 of the Equalities Act 2010 (“EA”) sets out what is known as the Public Sector Equality Duty (“PSED”). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 9.115. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 10.2. The application site is an important part of the Exemplar development and is identified to deliver a local centre to support the sustainable nature of the site. Timescales were set out in the original S106 agreement to ensure its timely delivery at an early stage of the development to ensure the sustainability aspects of the site were embedded from the earliest stage possible.
- 10.3. The applicant has presented evidence to show that at such an early stage, the delivery of a local centre would not be viable in terms of securing occupiers to open non-residential units due to the limited number of occupied dwellings and the lack of certainty around any more than those permitted on the Exemplar being completed and occupied in the near future.
- 10.4. Following concerns with the originally submitted scheme, which included a significant amount of residential, an alternative proposal has been negotiated. This would see the delivery of the community building and a potential café/deli start within a 2-year period following the approval of the application. This would be highly beneficial in securing the community space that is needed for the development and provide the opportunity for a café/ deli which could also sell some basic items to meet day to day needs. This would contribute to the social and economic sustainability of the site.
- 10.5. Outline planning permission is sought for the rest of the local centre to the southern side of Charlotte Avenue. Whilst it is unfortunate for there to be a delay in additional non-residential uses being provided, it is considered that this is a justified delay in that any change in circumstances (i.e. more certainty over the delivery of development around the Exemplar site) could mean that there is greater potential for a viable and therefore vibrant local centre to be delivered which would be beneficial for the site in the long term.
- 10.6. Above the community building, 16 affordable residential units are proposed. The acceptability of these units is considered in detail through this appraisal in respect to the type of affordable housing units proposed and their compatibility with the community uses on the ground floor. Overall, it is considered that these units can be acceptably accommodated in this location without undue harm. As explained, there is the potential for Growth Deal funding to be available to support these units being provided as Social rented properties, albeit if this is not available, the units would be provided as affordable rented units capped at local housing allowance levels. This

carries weight in favour of the development in terms of the provision of affordable housing to meet local need. This contributes to the social sustainability of the site.

- 10.7. The arrangements for the management and maintenance of the hall require some further discussion through the S106 negotiation process, however it is considered that there will be a suitable arrangement that in the long term ensures the space is available for the community and can be locally managed and maintained. This also contributes to the social sustainability of the site.
- 10.8. The various impacts of the development have been assessed through this appraisal in terms of the way the development meets the Eco Town Standards set through Policy Bicester 1 and the NW Bicester SPD. This has considered a range of matters such as whether the development has been designed to be adaptable to future climate scenarios, particularly in terms of the known risks around overheating and water stress as well as matters around waste, community infrastructure and management, the provision of green infrastructure, local services and the creation of healthy communities and employment opportunities.
- 10.9. The achievement of true zero carbon is an important aspect to the requirements for development at NW Bicester and is required by Policy Bicester 1 of the Cherwell Local Plan Part 1. It has been demonstrated that this site cannot achieve the requirement on site, however the applicant has confirmed their commitment to the achievement of this target which will rely on offsetting measures. Arrangements can be put in place now, through the S106, to secure a scheme for carbon offsetting or a contribution if that is concluded the most suitable alternative to ensure that this scheme meets the high standards sought at NW Bicester.
- 10.10. In addition, the transport impacts of the development (which have been assessed in the context of the previously approved development on the site) and whether the design and layout of the development are acceptable and can create a standard of amenity for existing and proposed occupiers that is of an acceptable level have been considered. Detailed matters such as whether a suitable drainage arrangement can be provided and whether the development can be accommodated without causing harm to biodiversity (and its enhancement) have also been assessed and found to be acceptable.
- 10.11. The completion of a S106 agreement is necessary to secure the matters detailed earlier in this report as well as the imposition of a set of conditions. On this basis, the development can be appropriately controlled to result in an acceptable form of development taking into account all planning constraints and to meet the necessary standards.
- 10.12. Overall, it is considered that the development proposed is acceptable on balance as it will enable the delivery of a much-needed community space to support the existing and future residents in the near future and it will secure the delivery of further non-residential space later. The provision of affordable housing is of benefit to the District as a whole and it has been demonstrated that it can be delivered without causing unacceptable harm. Based upon the above, the application is considered to comply with the policies listed earlier in this report and is recommended for approval as set out below.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS (TO BE DEVELOPED INTO FULL WORDING) SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE MATTERS SET OUT AT PARAGRAPHS 9.102-9.109 OF THIS REPORT.

Planning conditions

Below is a list of suggested planning conditions, the full wording of which will be developed prior to Planning Committee, in discussion with the applicant, and provided as part of the written updates:

1. Time limit for the implementation of the full element of the scheme (2 years from the date of permission)
2. The requirement to submit reserved matters for the outline element of the scheme
3. Time limit to submit reserved matters (to be confirmed in the written updates)
4. Time limit to implement the reserved matters
5. Compliance with the approved plans and documents
6. Approval of materials samples of all types of material (roof, walls, hard surfaces)
7. Approval of window and door details
8. Details of any retaining structures
9. Full details of the treatment and crossings of Charlotte Avenue including the parking area proposed to the south to include landscaping, materials and street furniture
10. Full details of the parking and manoeuvring areas
11. Full details of cycle parking enclosures
12. Full details of waste and recycling facilities
13. Provision of a construction management plan to include construction traffic management
14. Details of facilities to be provided at the bus stop including real time information
15. The requirement for an updated framework travel plan
16. The requirement for a surface water drainage scheme
17. Full details of the landscaping scheme
18. Compliance with the approved landscape details and the requirement for replacements within a 5 year period where any planting fails
19. Full details of tree pits
20. Full details of any green roofs
21. The requirement to comply with the biodiversity survey in terms of mitigation measures
22. Full details of biodiversity enhancements
23. Condition relating to unsuspected land contamination
24. Requirement for an advertisement strategy to be agreed
25. Full details of all required mechanical ventilation/ extraction equipment and any odour suppression
26. Control over the timing of deliveries and the use of outside spaces
27. The requirement for a fully developed noise management plan and details of a noise limiter
28. The requirement for a validation plan to ensure the noise targets are being met

29. The requirement that any external plant associated with the building should achieve a level of background noise level (LA90) minus 5dB at 1m from any nearest residential window.
30. Full details of any external lighting
31. The provision of solar PV to the roof of the building
32. The requirement to be provided with the infrastructure to connect to the district heating network
33. The requirement to agree a scheme for offsetting to enable true zero carbon to be achieved (if this is not to be sought via the S106)
34. The requirement to deliver non-residential buildings to BREEAM 'Very Good'
35. Details of measures to minimise water use in the non-residential and residential units
36. A limit for water use in the residential dwellings
37. The requirement to provide superfast broadband to each unit (residential and non-residential)
38. The requirement to provide each unit with real time information around energy and travel (residential and non-residential)
39. The requirement to demonstrate the embodied carbon credentials of the proposed construction materials
40. The requirement for the provision of electric vehicle charging points
41. The requirement to provide a site waste management plan
42. The requirement to apply for Secured by Design Accreditation
43. The provision of an Arboricultural Method Statement to ensure the retention and protection of trees to the southern boundary of the outline site area
44. Control over the floorspace, use classes and not to amalgamate units for the outline site

Planning notes

1. Notes regarding ecology
2. Thames water recommended notes around water pressure
3. Advice that any licence application should reflect the hours of use proposed (internal and external)

CASE OFFICER: Caroline Ford

TEL: 01295 221823