

Cherwell Local Plan 2011-2031

Examination Hearings

November 2014

Statement of Common Ground Between

Cherwell District Council and Countryside Properties (Bicester) Ltd

1. Introduction

- 1.1. This Statement has been prepared by Countryside Properties (Bicester) Ltd and Cherwell District Council (CDC) to reflect the current position agreed by both parties with regard to the Phase 2 SW Bicester site and Policy Bicester 3.
- 1.2. The Statement is provided without prejudice to other matters of detail that parties may wish to raise during the hearings.

2. Background

- 2.1. A planning application for Phase 2 SW Bicester was submitted by Countryside Properties (Bicester) Ltd (Countryside) in June 2013 (reference 13/00847/OUT) comprising:

Outline residential development within use class C3, extra care facility, primary school, retail, formal and informal public open space, play facilities, sports pitches, allotments and associated infrastructure including landscaping, highways, footpaths/cycleways, drainage, utilities and parking.

- 2.2. Cherwell District Council resolved to grant outline planning consent on 7 August 2014 subject to completion of a section 106 agreement.

3. Matters on which the parties agree

- 3.1 *Policy Bicester 3 / Phase 2 SW Bicester*

- 3.2 The parties agree that:

Policy Bicester 3 should be worded to reflect the resolution to grant outline planning consent and the conditions and section 106 heads of terms therein as stated in the Planning Committee Report dated 7 August 2014 (copy attached).

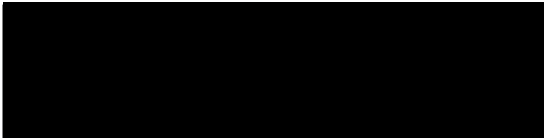
- 3.3 In particular, it is agreed that:

Community facility – a new community facility is not required within the Phase 2 application (or Bicester 3 allocation) on the basis that it is agreed that the Phase 1 community building will be increased in size to accommodate the additional use arising from the population yield generated by the Phase 2 development. The revised schedule of accommodation for the enlarged community building has now been agreed through consideration of planning application 13/00847/OUT.

Community woodland - The green buffer land between the proposed development and Chesterton, which sits outside of the phase 2 application boundary, is to be transferred to Cherwell District Council through the S106. No additional financial contribution is required in this respect, either in terms of provision a community woodland or its future maintenance.

Rights of way – A financial contribution of £15,000 will be provided towards the creation of a new Public Right of Way (a connection between two existing public rights of way) across the land to be retained as the green buffer. No other link is required between the development and Chesterton village.

Signed on behalf of Cherwell District Council

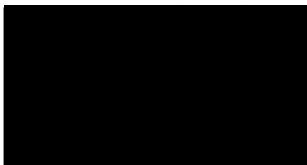


Adrian Colwell

Head of Strategic Planning and the Economy

Date: 27 November 2014

Signed on behalf of Countryside Properties (Bicester) Ltd



Steve Price

Associate Director (Planning)

Date: 27 November 2014

Annexes

Planning Committee Report and minutes dated 7 August 2014

Annex 1

Cherwell District Council

Planning Committee Report

7th August 2014

**Site Address: Phase 2 SW Bicester Parcel 7849
North of Whitelands Farm Adjoining Middleton
Stoney Road, Bicester**

13/00847/OUT

Ward: Chesterton

District Councillor: Councillor A Fulljames

Case Officer: Linda Griffiths

Recommendation: Approval

Applicant: Countryside Properties (Bicester) Ltd

Application Description: OUTLINE - Residential development within Use Class C3, Extra Care facility, Primary School, retail, formal and informal public open space, play facilities, sports pitches, allotments and associated infrastructure including landscaping, highways, footpaths/cycleways, drainage utilities and parking

Committee Referral: Major and Departure from Adopted Policy

1. Site Description and Proposed Development

- 1.1 This application site relates to a site at South West Bicester that has been identified for residential development in the Submission Cherwell Local Plan January 2014 and identified as Bicester 3 and known as Phase 2. Phase 1 South West Bicester adjacent is currently under construction.
- 1.2 The application site relates to an area of approximately 36.9 ha which is currently in agricultural use. It is bounded by the Middleton Stoney Road to its northern boundary, the newly constructed Perimeter Road (Vendee Drive) to the south eastern boundary and by the existing Phase 1 development along its eastern boundary. Further to the west is Bignell Park, which is a private estate mainly comprising open woodland and parkland.
- 1.3 The land at the application site falls gently from 82m AOD in the north to 74m AOD in the south east, with an average gradient of approximately 1 in 100m. There are no watercourses on the site, although there is a farm ditch along the northern boundary. There are drainage ditches in the form of swales along the boundary with Vendee Drive which have been provided in conjunction with Phase 1 and the perimeter road. The southern part of the application site is crossed by a public right of way that links Chesterton village and Bicester. The Whitelands Farm complex adjacent, which is currently being redeveloped for residential purposes under a separate consent is excluded from this application although it is included within the area identified under Policy Bicester 3. The Whitelands Farm buildings form an important landmark and the farmhouse is an enclosure farm, which whilst not listed, is of heritage value.
- 1.4 The application proposal has been amended and now seeks consent for up to 709 residential properties, to include extra care, a primary school, open space, play facilities, junior sports pitch, allotments and associated infrastructure. Two main access points into the site are proposed from the Middleton Stoney Road and from Vendee Drive. The site is currently in agricultural use as arable farmland.
- 1.5 Members will recall that this application was deferred at the meeting in June for Officers to negotiate changes to the proposal which essentially related to the location of the public open space and allotments.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notices and a notice in the local press. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Bicester Town Council: welcomes this application, the provision for allotments and the additional sports facilities, requesting that these be allocated alongside the other proposed site. The Town Council also welcomes the provision for allotments but does ask that proposed play areas are large enough to have community value. Potential land for a cemetery would also be welcomed.
- 3.2 Chesterton Parish Council: note that the application boundary includes some land to the south west of Vendee Drive as an attenuation basin with strategy footpaths, No objection to this as long as it can form an integral part of the proposed community woodland. Is it correct to refer to Vendee Drive as the A4095 as shown in many of the explanatory diagrams. 2.10 is incorrect, it is not only the historic core of Chesterton that is within the conservation Area. 2.16 surely it is OCC who will be responsible for the design and construction of the Primary School. Pleased to see the inclusion of allotments to the NE of Whitelands Farm, but 2.5 shows the public footpath crossing the allotments, our experience in Chesterton is that this should be avoided at all costs.

Table 3.2 mentions increased flood risk post-construction, it is not clear whether this should have an adverse impact on the Gagle Brook which has been subject to serious flooding over the past 2 years.

Diagram 180601U 1 SLP is particularly significant to Chesterton Parish since it correctly shows the extent of the green buffer zone/community woodland to which we are firmly committed. It also shows the Park and Ride proposed site.

Chesterton Parish Council supports Phase 2 as long as it does not prejudice in any way the green buffer zone which will be coincident with the proposed community woodland. The attenuation basin can be incorporated into the community woodland. Please note that we would not support any intrusions into the proposed community woodland plans such as allotments or cemetery. The latter would be very much against the ambience we are seeking to provide for local residents, including Bicester.

Cherwell District Council Consultees

- 3.3 **Planning Policy Officer:** The determination of this application in advance of the Local Plan being finalised has to be balance against the advice in paragraph 14 of the NPPF which sets out the presumption in favour of sustainable development, which should be seen as a 'golden thread' running through both plan-making and decision taking. It states that for decision taking this means:
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole, or specific policies in the framework indicate development should be restricted.

The application site lies in an area of countryside and is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996 or those of the Non-Statutory Cherwell Local Plan 2011. However, it is proposed to be allocated for development within the Submission Local Plan January 2014 under Policy Bicester 3, which can be given limited weight in decision making.

Bicester Policy 3 proposes a residential led strategic development for approximately 650 dwellings. The policy sets out a range of requirements and development principles against which the application proposals should be assessed.

- The policy indicates a housing area of 21ha net, with the site being considered suitable for up to 650 homes. The application proposes 726 dwellings which exceeds that envisaged in the policy. However, should the overall requirements of the policy be met, some flexibility on the total number of dwellings having regards to detailed design issues may be appropriate in the interest of making efficient use of the land. 30% affordable housing provision accords with the policy
- Good integration and connectivity with Phase 1 is required, the secondary street connection has also been designed to accommodate bus links but will need to be designed to avoid rat-running. There should be detailed consideration as to whether the proposed level of connectivity, particularly for non-car modes of transport would be satisfactory.
- The policy requires community facilities to be provided. The phase 1 local centre and other facilities are envisaged to also serve the phase 2 community. The estimated population at phase 2 is 1,610 (700 dwellings) and the argument is therefore made that a requirement for community facilities, including a local centre at phase 2 is excessive. The intention of the policy is to create a sustainable neighbourhood. If a local centre and, particularly, a community facility are not to be provided as part of phase 2, there should be clarity on how the phase 1 facilities would be expanded to meet the needs of the additional population.
- The application description refers to the scope to introduce an extra care facility. Policy BSC4 clarifies that 'strategic housing sites of at least 400 dwellings will be expected to provide a minimum of 45 self-contained extra care dwellings as part of the overall mix'. This policy seeks to provide self-contained extra care housing (ie use class C3) rather than Use Class C2 development (residential institutions). Policy BSC4 also clarifies that all such proposals will be expected to provide affordable housing in accordance with policy BSC3. It is not the intention of the policy that extra care housing be 100% affordable housing. This would lead to an under-provision of other affordable housing. Policy BSC4 states that it should be agreed with the council that extra care housing would not be desirable in a particular location, an equivalent amount of alternative specialist housing (Use Class C3) for older people will be required.
- The outdoor open space provision proposed accords with the standards in the Adopted Cherwell Local Plan and the Submission Cherwell Local Plan for the following typologies: play space, allotments and other general open space. However, the level of formal sports provision falls short of the levels required. A significant part of the general open space provision is located on the western side of Vendee Drive, separated from the development at phase1 and phase 2. The key site specific design and place shaping principles of Policy Bicester 3 include 'public open space to form a well connected network of green areas suitable for formal and informal recreation' whilst Policy ESD 18 sets out that the district's green infrastructure network will be maintained and enhanced by 'ensuring that green infrastructure network considerations are integral to the planning of new development. Proposals should maximise the opportunity to maintain and extend green infrastructure links to form a multi functional network of open space'. One signalised and one uncontrolled pedestrian crossing is to be provided across Vendee Drive (A4095) to facilitate access to the proposed open space. It is not considered that the location of the open space on the opposite side of the road to the housing

development accords with the criteria of the policy relating to connectivity. There is no indoor sports provision on site and contributions should be sought to off site provision.

- The land proposed for general open space provision is identified as a 'green buffer' in the Submission Cherwell Local Plan under the 'Green boundaries to growth' Policy ESD 15 which are intended to define the limits to built development (including associated green infrastructure) and protect the gaps between the existing/planned edges of Bicester and the surrounding villages, in this case, Chesterton. The provision of a community woodland/green buffer between Chesterton Village and the Phase 2 development area is a specific design and place shaping principle in the policy allocating the site for development.
- Policy Bicester 9 of the Submission Cherwell Local Plan sets out that there is an urgent need for increased cemetery provision in Bicester. It is anticipated that a site for a new cemetery is to be provided at the North west Bicester eco town; however, developer contributions will be sought from new development in Bicester towards the establishment of the facility.
- The sustainability statement submitted with the application sets out how the proposed development would meet the prevailing Building Regulations standards. The Submission Cherwell Local Plan aims to deliver sustainable development in Bicester (and the wider plan area) by embedding 'eco principles' in all new development in Bicester and across the district more widely. The Plan sets out a number of policies on sustainability, which are supported by an evidence base demonstrating the special circumstances of the district which justify the application of sustainability standards in excess of the national building regulations requirements. This is particularly appropriate in Bicester given the key aims of the plan to deliver a pioneering eco development in the town. Specifically, all new homes will be expected to meet at least Code Level 4 of the Code for Sustainable homes and all non residential development will be expected to meet at least BREEAM 'Very Good standards'. On the proposed strategic sites the Council expects to see the achievement of higher levels of on-site 'carbon compliance' than required through national building regulations. The application documents make no viability case as to why the policies set out in the plan cannot be met. The Local Plan policies are clear that, the policies will be applied flexibly, as per the advice within the NPPF. However, the onus will be on the developer to demonstrate (with robust evidence) why the requirements cannot be met.
- In support of the application, surveys have been undertaken to update the existing phase 1 habitat survey and the SE concludes that there will be moderate adverse residual effects in the loss of arable land and loss of foraging and breeding habitat for skylark. The Submission Local Plan (in accordance with the NPPF) seeks development proposals to achieve a net gain in biodiversity. The submitted Design and Access Statement states that a net gain in biodiversity will be achieved through maximising the ecological benefits of the new green infrastructure.

At the time of writing the Council's position with regard to housing land supply is that the district has exceeded a position of five years plus 20%. The Council is considered to have met the requirements of NPPF paragraphs 47 and 49 in securing a 5-year land supply where this had not previously been the case with a 20% buffer. The application site is therefore not needed in terms of housing delivery.

However, the site is proposed for development in the Submission Local Plan and would represent an extension to the on-going phase 1 development. While development would bring the south-western edge of Bicester closer to the village of Chesterton, it would be contained by the perimeter road leaving a significant buffer

between town and village supported by the local Plans proposals for a community woodland and policy protection for the buffer.

3.4

Saved and non-statutory policies relating (amongst other things) to the countryside, landscape and design will need to be considered subject to examination of the weight they should be given according to their degree of consistency with the NPPF. The latest Landscape Sensitivity and Capacity Assessment 2013 raised no significant issues from a landscape perspective and considers the site to have high capacity for residential development. Nevertheless, there would be a loss of a large area of countryside.

In conclusion, the site is a proposed strategic allocation in Draft Submission Local Plan (albeit objections to sites outstanding), but is not needed at the present time to achieve a five year housing land supply. Development in this location would extend the development into and lead to the loss of an area of countryside to which a planning policy objection could be sustained in principle. Failure to address the detailed objections raised would lead to a policy objection. However, in view of the sites distinctive and contained location on the 'inside' of the new south west perimeter road in an area of land described by landscape consultants as being 'somewhat baron in its visual appearance and landscape character', a detailed assessment of the landscape and visual impact of the proposal and other considerations will be needed to determine whether harm caused by the proposal would be unacceptable. This should include careful consideration of whether the detailed requirements of Policy Bicester 3, the basis for the proposed allocation, would be complied with.

Since writing the above comments the Council's position in respect of the five year housing land supply position has changed and is discussed in more detail within the report below.

Design and Conservation Team Leader: It is important that the development proposals actively connect with and reinforce the character of the adjacent development, while making appropriate connections to the wider town. The overall brief for the proposal is appropriate for the site, continuing the strategic development of SW Bicester to the western edge of the site where it meets Vendee Drive.

In principle the design vision set within the master plan provides an appropriate response to the site, establishing a logical layout of streets and blocks within the site. There are however a number of structural concerns that have been previously raised and could be better addressed:-

- Movement – the internal movement network within the site is generally logical and establishes a clear network of streets, footpaths and bridleways which reinforce the urban block form, however the level of connectivity to Middleton Stoney road, Vendee Drive and the existing Phase 1 is inadequate.
- Landscape and public realm – the landscape strategy for the second phase of development at South West Bicester consists of a hierarchy of spaces ranging from large scale spaces for sports pitches and ecological areas, to small pocket parks and linear green spaces which form part of the streetscape.
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The principle of extending the South West Bicester site is considered appropriate and policy guidance has been established for this within the emerging Cherwell Local Plan. Overall the master plan and design principles for this site are well considered, providing an appropriate framework for the growth of the town in this direction. There are however a number of issues that require further consideration within the application. These issues have been raised before as part of pre-application discussion on this site. In particular the connectivity of the site, density and building heights require further consideration and clarification. While density and building heights can be addressed in detail through the design Code process, the issue of

connectivity is important to address now.

The Local Plan sets the inspiration for a high degree of connectivity between the Phase 1 and Phase 2 development areas and additional vehicle connections are expected to meet this aspiration. Currently the site can only be accessed from three points and further connections onto Middleton Stoney Road and vendee Drive, alongside further connections to Phase 1 would support the integration of the site into the town.

There is very little variation in density across the site, with an overall range of 30-40 per ha for 90% of the site. Further variation would be expected to provide stronger differentiation between character areas.

In terms of building heights, the majority of the site has been illustrated as being up to 3.5 storeys in the building heights plan whilst other areas of the submitted documentation suggest that this will typically be 2-2.5 storeys. It is important that this point is appropriately clarified as we would not see large parts of the site as being appropriate at 3.5 storeys.

Since writing the above comments, revised submissions have been received, and the latest revisions received 22nd July have sought to address many of the comments raised above. The Urban Design Officer has advised verbally that the proposed master plan and parameters plans are now acceptable.

3.5 **Waste and Recycling Manager:** the developer need to take into account the Waste and Recycling guidance. A section 106 contribution of £67.50 per property will also be required.

3.6 **Housing Officer:** This application will require 35% for affordable housing purposes as per emerging policy, but also has provided a number of scenarios as to how the affordable housing should be made up. The tenure should be in the form of affordable rent and shared ownership, or some other form of low cost home ownership as to be agreed with CDC Officers and should be split on a 70/30 basis.

There is a requirement that all affordable should meet a minimum of Code for Sustainable Homes Level 3, preferably Code 4, Design and Quality Standards, including relevant HQL's and 50% of the affordable units should be Lifetime Homes Standards. The LTH standard units should be delivered within the affordable rent element of the provision.

The affordable units should be delivered in clusters of no more than 15 units or as otherwise agreed. Within each parcel a representative proportion of the overall housing should be delivered.

The application points to the provision of extra care housing to form part of the affordable housing provision, circa 60 units. Further discussions are necessary on this matter, as although there will undoubtedly be the need for some form of elderly housing provision this may come in the form of a more sheltered model rather than extra care.

The statements surrounding the provision of self-build and the recognition by the applicant that this forms part of CDC's affordable housing aspirations is welcomed. The following indicative housing mix has been based on 680 dwellings.

Rent

1b2p flat/maisonette 20%

2b4p flat/maisonette 10%

2b4p house 40%

3b5p house 20%

4b7p house 6%

1b2p bungalow 2%
2b4p bungalow 2%

Shared Ownership
2b4p house 60%
3b5p house 36%
4b6p house 4%

- 3.7 In order to show a level of management consistency across the Kingsmere development as a whole I would encourage the applicant to work with the existing RP's who have existing stock on phase 1 on this phase also.

Following the revised submission and the small reduction in the number of units proposed, the above may be subject to some minor adjustments.

Ecology Officer: the surveys carried out to date within chapter 9 of the ES are sufficient although some may need updating pre-commencement depending on timescales. I concur with the conclusions within the report with regard to overall effects on ecological receptors. The suggested mitigation and enhancement measures outlined are appropriate and should be adhered to unless otherwise agreed, however, I feel that some further steps to mitigate for the loss of nesting opportunities for the three section 41 species mentioned (particularly skylark for which no mitigation is proposed) such as contributions to farmland bird projects in the area. The RSPB would be an appropriate organisation to approach on this.

Whilst some of the green spaces proposed may represent a biodiversity enhancement to that area there is no mention of specific enhancements within the built environment in the form of bird boxes, bat boxes, swift bricks, wildlife friendly planting and gardening, green walls, green roofs etc. The latter may be appropriate on public buildings in particular I would hope to see such measures included in a development of this size in order to secure a net gain for biodiversity and explore all opportunities to do so.

How much value will the various features mentioned to be retained be of value for wildlife – what extent of buffers will be left between hedgerows and the built areas? Will the 'habitat corridors' shown in the master plan be accessible to the public as walkways/cycleways also or retained solely for wildlife movement? Will there be any areas exclusively for wildlife with inaccessible areas to the public/dogs within the bulk of the green space to the south.

A number of conditions are recommended.

- 3.8 **Environmental Protection Officer:** in respect of contaminated land and air quality has not responded

- 3.9 **Landscape Officer:** concerned that with the proposed layout on the illustrative master plan 2.5 storey (up to 9.5m) buildings on the south-western and 3.5 storey (up to 12m) on the northern and eastern boundaries there is going to be the loss of clear uninterrupted views of the Bignell Park trees from the perimeter road, this has not been addressed by the submission.

The landscape assessment is a comprehensive unbiased study. The representative view locations require a bigger scaled plan than provided to accurately show the viewpoints. An additional viewpoint location, with considered receptor effects etc is required at the junction of the perimeter road and public right of way (ref 161/1)

The location of the allotments is problematic. The east-west PRow cuts diagonally through the site creating triangular shapes which is not an efficient use of space. The diagonal route will also have to be tall steel fence for reasons of securing the allotment site from vandalism etc. Also a narrow corridor will present varying degrees of oppressiveness for users of the PRow, depending on the type of landscape treatment to the boundary. Allotment users will require an access for vehicles, how will this work.

There must be connectivity between this development and Phase 1.

The public open space south west of the perimeter road is not acceptable for a number of reasons

- Cut off physically (perhaps psychologically) from the residential area by the perimeter road and not integrated with the housing development
- Increased risk of traffic accidents as users try to cross perimeter road
- Not appropriate to have a kick-about area so close to a busy main road
- The area is located well away from the furthest residencies with the result that users will not feel encouraged to walk the areas. If the site is not considered an attractive space fewer people will use the site
- Ambiance of the site will be harmed by the traffic and its noise.
- The maturing perimeter road infrastructure planting will contain the open space making it more contained with users feeling even more physically and psychologically disconnected from the phase 2 built development
- A consequence of the separation of the open space from the housing is that it will not be sufficiently overlooked
- Concerns regarding the detail of the LAPs and play areas shown. Each of the areas proposed must be of sufficient size to accommodate the play space and the transitional space between the highway, dwellings and activity space
- The allotment site does not work successfully due to the public right of way through the centre, a number of the plots do not comply with the 250m2 minimum standard or neither have a regular shape due to the public right of way. The indicative trees on the Whitelands Farm development boundary will shade south west facing plots. Consideration should be given to locating the allotments elsewhere on the site.

There is insufficient public open space on PH2 area to reflect the future recreational demands. The amount of public open space west of the perimeter road cannot justify or compensate for the minimal public open space areas proposed in the residential area.

The green corridor north of the primary school should be realigned with the green corridor to the west in order that there is better connectivity between green corridor trees and street trees. The northern alignment of the green corridor will allow more space to the school for dropping off and associated landscaped space

Surveillance of the junior pitch and allotments from adjacent housing is important and this does not appear to be the case from the master plan. The trees on the south-eastern boundary will obscure views and cast shade into gardens.

Wider streets are required than proposed to ensure that all elements are accommodated, swales, utilities and street trees. From the cross-sections provided it is evident that the canopies of medium trees will grow over the highway and require pruning back to avoid high sided vehicles.

The existing hedgerows adjacent to Whitelands farm should be retained and incorporated within the public open space for their value in historical context, amenity and biodiversity.

Revised comments in respect of the revised plans are awaited at the time of writing this report.

3.10 **Arboricultural Officer:** comments as follows:

Building heights – concerns regarding the proposed 14.5m building height proposed for the centre of phase 2 and the fact that, from the significant viewpoint of east to west along the main A41, these dwellings will completely obscure the very prominent and locally recognised tree lined landscape of Bignell Park which, at the moment provides a valued backdrop to the Kingsmere development. This viewpoint of looking

west along the A41 was not included amongst the viewpoints provided. The Bignell Park landscape also appears to be blocked by the 14.5m dwellings when viewed from the central south section of the perimeter road looking north across the proposed site. The familiar Parkland landscape provides a valued and complimentary backdrop to the Kingsmere development with the potential to enhance and frame the completed development. It is recommended that the 14.5m is reduced to 12m.

Primary, secondary and side street planting – the main issue is to address the selection of an appropriate species of tree capable of complimenting and softening the architecture and form of the street scene and providing essential wildlife habitat, summer shade and environmental benefits whilst also being of a size and form that presents minimal nuisance issues to adjacent dwellings as the trees develop through to maturity.

Public Open Space – Certain areas considered as POS are inappropriate due to their proximity adjacent to the perimeter road. The informal kick-about area located on the opposite side of the perimeter road will place users at risk due to the need to cross the road. Ball games in this area will also create increased risks to POS users and vehicular traffic. This POS would work better if incorporated into a design for the Community Woodland project when, through a considered design and layout, such safety concerns can be more suitably addressed.

Hedgerow retention – the hedgerows, identified within the submitted tree survey (CBA10040 v 5) as H11 and H26 should be retained within the development for habitat value. Their condition may be improved by removing areas containing excessive dead material and ivy and planting in the gaps. The location of these hedgerows allows them to be accommodated within the area proposed as No 5 General Green Space.

Following the submission of revised proposals, the main concerns which have not been addressed are:-

- majority of the open space remains on the opposite side of Vendee Drive
- many of the green corridors and habitat corridors, for example adjacent to Vendee Drive have already been provided as part of phase 1, to increase the objective and usage of these areas to include informal open space they need to be widened.
- The informal open space to the west of Whitelands Farm seeks to remove existing hedge, it would be preferable to see this retained
- The allotment design has not overcome issues regarding the footpath, surveillance etc
- The size of the pocket parks remains a concern and may place restrictions on tree planting
- As the proposal currently stands, the lack of good usable informal open space throughout phase 2 places increasing requirements on the pocket parks to provide sufficient spaces for recreational use as well as environmental and social benefits that help create a sense of community. An increase of informal space around and within these parks would facilitate the planting of trees, much more capable by their size of providing significant benefits of improved air quality, reduced urban surface temperatures etc

Following the receipt of the revised submission received 22nd July 2014, the previous concerns regarding the proposal to place the Open Space area adjacent to the attenuation basin, south of Vendee Drive have been addressed and I am now satisfied with the amendments to the open space made to the south of Whitelands Farm. There are still concerns regarding the landscape design such as the retention of specific hedgerows and the location and proximity of trees within various avenue plantings, however, I am confident that such issues can be resolved at a later date.

- 3.11 **Anti-Social Behaviour Manager:** Road traffic noise has been identified by the Developers as a potential constraint to the development of part of this site, and have indicated that a noise buffer will be required between the dwellings and other noise sensitive parts of the development and the road way now known as Vendee Drive. As the application is in outline form I have not been able to find references to the detail of this provision or indeed any screening work that has been carried out to show that it is this carriage way alone that will generate levels of road traffic noise that should be of concern.

It is recommended that evidence is provided to demonstrate that road traffic noise from the Middleton Stoney road on the other side of the site will not adversely affect dwellings or noise sensitive elements of the development.

It should also be noted that the assessment of road traffic noise from all potential sources should be made using modelled predictions based on those roadways operating at full capacity with all traffic flows from all consented developments included.

Once the screening work has identified those lengths of carriageway where road traffic noise is likely to be a problem, the noise buffer and layout of the dwellings can be designed in order to achieve the 'good' standards defined in BS 8233:1999 'Sound Insulation and Noise Reduction for Buildings'

Parts of the site where housing is proposed are predicted as likely to be subject to daytime noise levels greater than LAeq (16 hrs) 55dB. In such locations acoustic double glazing and acoustic ventilation systems will be required to achieve suitable internal noise levels and the layout and design of the estate generally will have to be sympathetic in order to achieve acceptable external noise levels. It is envisaged that this can be achieved by the layout of the dwellings and associated buildings making up the estate and the inclusion of acoustic barriers in the form of brick or masonry walls or upgraded garden fencing will be needed to achieve this standard. Conditions are recommended in respect of the above.

- 3.12 **Rights of Way Officer:** Chesterton Footpath No 1 runs across the application site but no Public Footpath Order will be required as it clearly states in the Design and Access Statement that the public right of way will be retained and incorporated within the public open space.

However, please note the comments made in respect of 12/00005/SCOP regarding this footpath in that a short section which has been tarmaced is not on the definitive line. Further to this two conditions are recommended relating to this footpath.

Oxfordshire County Council Consultees

- 3.13 Overall view of OCC – The site is allocated in the proposed submission focussed consultation Cherwell local plan (March 2013) in Policy Bicester 3 for development of 650 homes. Extensive pre-application discussions have been held between the developer, Cherwell District Council and OCC. The developers have provided an indicative housing mix which has been used in the county council's assessment of need for infrastructure and services.

Officers have raised a number of issues in response to this application. The main issues raised are:-

- the proposal to position the school on a corner affects the ability of the layout (set out in the county council's education requirements document) to meet the operational requirements of the school. As currently proposed, this is likely to compromise the design of the school against our preferred standards, which will require further discussions with the applicant to resolve.

- OCC would object to no Extra Care Housing provision as there is an unmet need in Bicester and this development should make a contribution to that need
- It is recommended that an uncontrolled pedestrian crossing is installed on Vendee Drive to link the new development with the proposed area of community woodland and the public right of way to Chesterton. The crossing should take the form of a pedestrian refuge in the centre of the road with dropped kerbs. The crossing should be future proofed so that an on-demand toucan crossing in this location could be provided in future if it is demonstrated through monitoring that this is required. A financial contribution should be secured through a section 106 agreement to this end.
- The proposed development will affect the right of way across the site and developer contributions will be required to fund improvements to the rights of way network in order that the paths remain as green corridors in an increasingly urban area
- Developer contributions will be required to fund a new 1fE primary school with 2fE core facilities plus a contribution towards the accommodation for the extra 20 children on a 2.2ha site in line with expected pupil generation on the development. Pro-rata contributions will also be required towards the new secondary school which will be developed on the Phase 1 Kingsmere development.

- 3.14 • Transport Assessment: The trip generation figures that have been submitted as part of the transport assessment has been agreed by the local highway authority as part of the pre-application discussions.

The traffic distribution information submitted appears reasonable for the proposed access arrangements for phase 2. The county council confirms that although there are some junctions that have been identified as having an impact/increase in traffic flows, the findings within the transport assessment are largely acceptable as there is evidence of design capacity within the local highway network. However, while it is recognised that there is some capacity within the network, the cumulative impact of this development is a significant consideration, therefore a financial contribution towards local mitigation measures is required.

A construction Traffic Management Plan will be required prior to the commencement of development and it is recommended that a condition is imposed to this effect.

- 3.15 Public Transport Comments: it is important that as many journeys to and from the South West Bicester development are made by bus because this reduces the number of cars which would otherwise use the congested A41/A34 corridor towards Oxford and other congested local roads to access the town centre and rail stations. The site is located adjacent to Phase 1 and so benefits from the agreement already made to deliver a bus service to an agreed specification. It is proposed that this service level agreement be modified for phase 2.

The current service level agreement for phase 1 is for the provision of a limited inter-urban service to Oxford at peak times and a local service of four buses per hour to Bicester beyond the 400th occupation. It is proposed that this level of service should remain broadly similar, albeit routed on a longer route around the new spine road.

Provision should be made for three new pairs of bus stops along the new spine road, one pair being near to the Middleton Stoney Road junction, another pair near to the junction of the phase 2 spine road with phase 1 and the third pair close to the district centre and school. The developer will also be required to fund shelters and real time information units at these stops, including making provision for on-going maintenance. Passive provision will also be required for stops on the eastern side of the new spine road so buses can operate in the opposite direction in the future.

- 3.16 Right Of Way: The issues relating to the alignment of the public right of way appear now to have been addressed. The allotments are still shown in a position where they will be split in two by the footpath which is not ideal and may be difficult to manage.

The proposed development is expected to affect the existing rights of way on site and increase the frequency of use. On this basis the development is required to provide the means to improve the rights of way to make them safer, convenient and more attractive for all users, that is, commuting and recreational use. A financial contribution towards the improvements of the right of way network will be sought via the section 106 agreement.

- 3.17 Drainage Engineer: reports within the submitted documentation states that SUDS will be used as agreed in the phase 1 design code. However, there does not seem to be a drainage design submitted with this application. Therefore a full drainage design will be required to be approved prior to development commencing on site.
For non-highway SUDS, a future maintenance scheme and fund for such infrastructure is to be included within the section 106 agreement. This is to ensure that such drainage features are designed, constructed and maintained to an adoptable standard in the absence of the flood and Water Management Act coming into force. Other details such as easements to SUDS may also need to be included.
- 3.18 Archaeology: an archaeological evaluation has been undertaken on the site consisting of a geophysical survey and a trenched evaluation. The results of this evaluation have been submitted along with the planning application. The only substantial archaeological feature encountered was the footings of a medieval/post medieval windmill. This feature was fully exposed by a subsequent excavation and fully investigated. The evaluation has therefore shown that this site does not contain any archaeological features and no further archaeological investigations are required.
- 3.19 Economy, skills and training; the proposal is supported as it will provide much needed homes, including those that are affordable. The County Council is pleased to note that new jobs will be created during construction of the proposed development, and that promoters will be seeking to engage with local authorities to make sure that there are job and training opportunities for local people. It is noted that 11 new jobs will be created as a result of the retail element and 40 jobs in education generated by the primary school.
- 3.20 Education: no objection in principle subject to a legal agreement to secure contributions towards education provision and a primary school on the site. In terms of the primary school concerns have been raised that it does not meet the council's education requirements, in particular
- It may prove difficult to deliver the requirements for the school site with the levels as proposed and this may affect abnormal costs
 - Positioning of the school on a corner seriously compromises a number of the school layout requirements and this will require flexibility regarding any design code for the development
 - A mains surface water drain appears to run the length of the site, no service easements should be required across the school site
 - The position of the proposed trees along the boundary cannot be agreed until the school layout has been designed and agreed

In respect of the above comments, the position of the primary school was agreed during pre-application discussions.

- 3.21 Property: no objection subject to the applicants entering into a legal agreement to secure infrastructure contributions towards library, fire and rescue, waste management, museum resource, adult learning, adult day care, integrated youth support service and registration service
- 3.22 Housing; the proposal to have 60 extra care housing units on this site and at the location indicated on the master plan is fully supported. The Bicester sub-area has a demand for 113 units as at 2016 and with demographic changes this will rise to a

demand for 182 units by 2029. The option to provide only 46 units would not be supported because at least 50 units are required to provide economies of scale. The county council would not support the option to provide no extra care housing units in light of the unmet need in Bicester.

- 3.23 **Ecology:** welcome the provision of general green space, green corridors, habitat corridors and attenuation basins within the illustrative master plan and expects to see details submitted at the reserve matters stage covering the planting/landscaping scheme for these areas and their long term management, all of which should aim to enhance the site for biodiversity. The street lighting should also be designed in such a way as to minimise light spillage and encroachment into open green areas/wildlife corridors.

Other Consultees

- 3.24 **Thames Water:** raise no objections. Where a developer proposes to discharge ground water into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. It is also recommended that an informative be attached to any planning permission stating that Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The Developer should take account of this minimum pressure in the design of the proposed development.
- 3.25 **Environment Agency:** raise no objection subject to the imposition of a number of conditions.

In addition to the above, discussion has been had with WSP Consulting Engineers who have carried out the flood risk technical assessments. It is understood that there is a slight change in the approach to designing the strategic drainage network from the first phase of development where surface water runoff rates were calculated based on pre defined development parcels. As the development parcels are not defined at this stage in the planning process, the drainage design should consider the general principles within the Flood Risk assessment and where feasible provide a degree of improvement from each parcel. This would be practically realised by maximising infiltration potential within parcels without including the benefit this would provide within the drainage network calculations. This approach is in line with best practice. It is also our understanding that a design code may be required for each phase/parcel reserved matters application. We assume that this would therefore sit alongside the overarching Design Code which has been carried forward from Phase One.

- 3.26 **Natural England:** raise no objection, based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 3.27 **Crime Prevention Design Officer** – does not wish to object to the proposals at this time. However concerned that the Design and Access Statement does not contain a section on how the development intends to address crime and disorder as required by CABE's guidance. It is noted that the DAS makes the occasional mention of crime prevention design principles such as natural surveillance and active frontages, but feel far more is warranted on such a significant development, a supplement to the DAS addressing this requirement should be made.

Opportunities to design out crime and/or fear of crime and to promote community safety are present within the indicative layout but to ensure opportunities are not missed, a condition is recommended.

A number of observations are also made as follows:

- Rear parking courts should be avoided where possible, they are often abandoned in favour of parking to the front of dwellings where they can be seen.
- The landscaping scheme should ensure natural surveillance across the development, especially in relation to play areas, pocket parks, green corridors etc. Trees must not impinge on lighting.
- Concerns regarding the primary school/central area, need to ensure that parking does not become a significant problem given the mixed uses.
- Play areas, green corridors, pocket parks and public squares require careful design in relation to equipment, boundary treatment, lighting and landscaping given their proximity to dwellings. The design should promote the ownership and enjoyment of users as well as child safety and should also deter ASB.

One letter has been received on behalf of the promoters of the development at NW Bicester. They draw attention to the recent town wide transport data being used by White Young Green to model transport impacts of development in the town for the County Council. They advise that neither this application or the proposals at Graven Hill have been modelled using this data but have used earlier data. The letter states;

“The availability of the more recent modelling outputs ought to have been acknowledged and officers’ consideration provided to members as to whether the original Transport Assessment remained valid as a reasonable and accurate assessment of the likely impacts.”

“Of further concern is the apparent discrepancies between the approach taken in respect of the assessment of the likely traffic impacts arising from the developments in combination with the planned growth of Bicester over the assessment period. The NW Bicester modelling includes all planned developments as a maximum growth scenario.

The ‘other developments’ included in the model runs that underpin the Transport Assessments as the reference case, vary substantially. Graven Hill includes 5000 homes at NW Bicester and 2085 homes at SW Bicester, whilst SW Bicester includes 2187 homes at NW Bicester and Graven Hill. Neither appear to include the additional development at SE Bicester (800 homes), Bicester Village Phase 4, NE Bicester Business Park or Bicester Gateway. Finally, the area for assessment for Graven Hill does not include the town centre or the north and east of the town; SW Bicester does not include the north and east of the town.

It is therefore apparent that in considering Graven Hill and SW Bicester Phase 2, the District Council has not applied a consistent approach to the assessment of likely transport impacts such as to demonstrate that the impact assessments are robust.

As planning permission has not yet been granted, it is incumbent upon the Council to review the assessments that support the applications in light of the above and to invite the applicants to respond accordingly. “

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H18:	New dwellings in the countryside
R12:	Public open space provision
C2:	Protected species

C5:	Creation of new habitats
C8:	Sporadic development in the open countryside
C9:	Development beyond existing built up limits of Bicester
C10:	Historic landscapes, battlefields, parks and gardens
C33:	Protection of important gaps of undeveloped land
ENV12:	Contaminated land
TR1:	Transportation funding

4.2 Other Material Policy and Guidance

Non-Statutory Cherwell Local Plan 2011 was approved by the Council for development control purposes and is therefore a material consideration.

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with particular regard to the following sections:-

- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change and flooding
- 11: Conserving and enhancing the natural environment

Submission Cherwell Local Plan (January 2014)

The Submission Local Plan was published for public consultation in August 2012. A further consultation on the proposed changes to the draft plan was undertaken from March to May 2013. On 7th October 2013, the draft Submission Plan was approved at the Council's Executive. The Plan was presented to Full Council on 21st October 2013 and full Council endorsed it as the Submission Local Plan. It was submitted to the Secretary of State for Communities and Local Government on 31st January 2014. The Local Plan Examination commenced in June 2014 and is currently suspended for six months. At the present time the plan carries some weight, but will not form part of the Statutory Development Plan until the examination process is complete and the Plan is formally adopted by the Council.

The Plan sets out the council's strategy for the District to 2031. The policies listed below are considered to be material to the consideration of this application:-

Policy PSD 1 Presumption in favour of sustainable development

Sustainable Communities

- Policy BSC 3 Affordable Housing
- Policy BSC 4 Housing Mix
- Policy BSC 10 Open space, outdoor sport and recreation provision
- Policy BSC 11 Local standards of outdoor recreation
- Policy BSC 12 Indoor sport and community facilities

Sustainable development

- Policy ESD 1 Mitigating and adapting to climate change
- Policy ESD 2 Energy hierarchy
- Policy ESD 3 Sustainable construction
- Policy ESD 4 Decentralised energy systems
- Policy ESD 5 Renewable energy
- Policy ESD 6 Sustainable Flood risk management
- Policy ESD 7 SUDS
- Policy ESD 8 Water resources
- Policy ESD 10 Biodiversity and the natural environment

Policy ESD 13 Local landscape protection and enhancement
Policy ESD 15 Green boundaries to growth
Policy ESD 18 Green infrastructure

Places

Policy Bicester 3 South West Bicester Phase 2

Infrastructure Delivery

Policy INF 1 Infrastructure

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Policy
- Five year housing land supply
- Landscape impact, open space and sports provision
- Ecology
- Flooding and drainage
- Transport assessment
- Noise
- Design Review
- Proposed master plan
- Planning obligation

Planning History

5.2 A potential 'phase 2' to the on-going South West Bicester development was considered in 2008 for the purpose of identifying reasonable alternatives for preparation of the then Core Strategy (now local plan). An officer report was considered by the Council's Executive on 4th August 2008 which subsequently became a supporting report to the Council's 'Options for Growth' consultation (September 2008). The supporting report included an initial assessment of strategic site options. The identified opportunities of the site include:

- Potential consolidation with phase 1 development and access to phase 1 employment opportunities
- Accessibility to services and facilities
- Acceptable in landscape terms
- Proposed road structure of phase 1 would allow for expansion into phase 2
- Potential for managed land with increased public access between the perimeter road and Gagle brook to the west

The identified challenges included;

- Visual impact when viewed from Chesterton village
- Some potential impact on the historic environment

5.3 The site was identified in the 'Options for Growth' consultation paper as a reasonable option for growth.

5.4 Draft Core Strategy

An extension to the south West Bicester was proposed as a reserve allocation in the Draft Core Strategy 2010 for up to 750 homes. The draft Halcrow Landscape Sensitivity and Capacity Assessment 2009, which informed the draft core strategy, concluded that the land had high capacity to accept built development (as

acknowledged in the Sustainability Appraisal 2010). The Halcrow Assessment was finalised in September 2010 and was unchanged in this regard.

5.5 Proposed Submission local Plan (August 2012)

The proposed Submission Local Plan (August 2012) extended the Plan period to 2031 thereby increasing the total housing requirement. New sites were brought forward including a Phase 2 to South west Bicester as a full, proposed allocation (Bicester 3) for approximately 650 dwellings.

5.6 The Sustainability Appraisal (August 2012) noted (amongst other things) the site ‘...was taken forward to the proposed Submission Local Plan as the site is also relatively close to the town centre, supermarket and schools and the LSCA indicated that the site has high capacity to receive development. Residents will be able to access existing services and facilities as well as new services and facilities at the part of South West Bicester (already granted permission). The site is within a low risk flood area and comprises low grade agricultural land. It also offers a good connectivity to the strategic and improving local road network’.

Proposed Changes (March 2013)

Proposed changes to the Proposed Submission Local Plan were published for consultation in March 2013. The changes were informed by further evidence including:

- An updated Bicester landscape Sensitivity and Capacity Assessment for Bicester (LSCA 2013)
- A Bicester Environmental Baseline Report (2013)
- Bicester Green Buffer Report (2013)

The Submission Local Plan 2014 makes no further changes in respect of the Green Buffers and the above report.

Main Policy Issues

5.7 The main policy issues are considered to be:

- Compatibility with the Development Plan and other Local plan policies
- Housing land supply position and associated NPPF advice
- Whether it would be appropriate to release the site in advance of completion of the new Local Plan

Development Plan and Other Local Plan Policies

5.8 The Development Plan for Cherwell District comprises the saved policies in the Adopted Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

5.9 Adopted Cherwell Local Plan 1996 and Non-Statutory Cherwell Local Plan 2011

The application site lies in an area of countryside and is not allocated for development by the saved policies of the adopted Cherwell Local Plan. New housing development in this area of countryside is restrained by Policies H18, C8, C9 and C15. Policy C7 seeks to protect the topography and character of the landscape. These policies are carried through in the Non-Statutory Cherwell Local Plan.

- 5.10 The site was allocated as a proposed site for formal sports provision in the non-Statutory Cherwell Local Plan 2011 alongside the Phase 1 development in order to address a shortfall and to meet the identified future demand for sporting facilities. Formal sports facilities are now instead being provided as part of the Phase 1 development.
- 5.11 The application relates to a strategic release of housing land ahead of the completion and adoption of the new Cherwell Local Plan.
- 5.12 The National Planning Policy Guidance states 'refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local plan has yet to be submitted for examination, or in the case of a neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of planning permission for the development concerned would prejudice the outcome of the planning process'.
- 5.13 The Council has already resolved to approve a number of proposed strategic development sites, having done so following the consultation on Proposed Changes to the Proposed Submission Local Plan undertaken March to May 2013.
- 5.14 The Local Plan was formally submitted to the Secretary of State on 31st January 2014. The local plan examination is currently suspended for six months.
- 5.15 The issue of potential prematurity (including cumulative impact) must be considered. However this has to be balanced against other material considerations including the current housing land supply position.
- 5.16 Central Government policy and advice on the need for new housing to be provided urgently is clear:
- Laying the Foundations: A Housing Strategy for England 2011 – aims to get the housing market and house building 'moving again' and emphasises that urgent action is needed to build new homes
 - Written Ministerial Statement: Planning for growth March 2011 – '...there is a pressing need that the planning system does everything it can to help secure a swift return to economic growth'
 - Written Ministerial Statement: Housing and Growth September 2012- in announcing a package of measures to support local economic growth, the Secretary of State for Communities and Local Government advised that the need for new homes is 'acute'.
- 5.17 It is acknowledged that the proposed development could help meet medium to longer term housing needs. The applicant considers that the proposed development could generate over 420 homes within the five year period 2015 – 2020 with approximately 70-140 dwellings being completed per annum once the site is established and several developers are on site. The applicant considers that potentially higher delivery rates could be achieved depending on market conditions. The Submission Local Plan envisages a later delivery (2022-2028) due to the build-out period for the Phase 1 development.
- 5.18 The proposed development does, in general, accord with the emerging Local Plan. The Plan has been through several rounds of consultation and is now supported by an extensive evidence base. Paragraph 216 of the NPPF indicates that weight may also be given to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)
 - The extent to which there are unresolved objections to relevant policies (the

less significant the unresolved objections, the greater the weight that may be given) and

- The degree of consistency of the relevant policies in the emerging plan to policies in the NPPF (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given)

5.19 The evidence base for the Submission Local Plan is now complete and the Local Plan has reached an advanced stage. The Submission Local Plan was prepared following the publication of the NPPF and the policies are considered to be generally consistent with it. It is considered that the first and third bullet points of paragraph 216 of the NPPF are met and therefore some weight can now be given to the emerging plan policies.

5.20 The requirements of the second bullet point limits the weight given to the emerging plan policies relating to the site and there are unresolved objections to development at Bicester generally. A balanced judgement is therefore required in the light of other considerations including the current housing land supply position.

5.21 **National Planning Policy Framework**

Paragraph 49 of the NPPF states 'housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites.

5.22 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which, amongst other things require planning to

- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- Proactively drive and support sustainable economic development
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Support the transition to a low carbon future in a changing climate
- Encourage the effective use of land by reusing land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant developments in locations which are, or can be made sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

5.23 The NPPF at paragraph 14 states 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.... For decision taking this means

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
- Any adverse impact of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted

- 5.24 The Adopted Cherwell Local Plan 1996 is out of date in relation to the policies regarding the delivery of housing. The NPPF advises that due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight which may be given). The Development Plan (Adopted Cherwell Local Plan) contains no up to date policies addressing the supply of housing and it is therefore necessary to assess the application in the context of the presumption in favour of sustainable development as required by the NPPF.

Five Year Housing Land Supply

- 5.25 Section 6 of the NPPF 'delivering a wide choice of high quality homes' requires local planning authorities to significantly boost the supply of housing by identifying key sites within the local plan to meet the delivery of housing within the plan period and identify and update annually a 5 year supply of deliverable sites within the district.
- 5.26 Paragraph 031 Reference ID: 3-030-20140306 of the Planning Practice Guidance – Housing and Economic Development Needs Assessments states that 'the National Planning Policy framework sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Therefore local planning authorities should have an identified five-year housing supply at all points during the plan period. Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted local plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.
- 5.27 Where evidence in Local Plans has become outdated and policies in the emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints. Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government should be used as the starting point, but the weight given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example, because past events that affect the projection are unlikely to occur again or because of market signals) or moderated against relevant constraints (for example environmental or infrastructure).
- 5.28 On 28 May, the Council published a Housing Land Supply Update which showed that there was a five year housing land supply, based on the Submission Local Plan requirement of 670 homes per annum from 2006 to 2031. The examination of the Local Plan began on 3 June 2014. On that day, and the following day, 4 June 2014, the Local Plan's housing requirements were discussed in the context of the Oxfordshire Housing Market Assessment (SHMA) 2014, published on 16 April 2014 (after the submission of the Local Plan in January 2014).
- 5.29 The Oxfordshire Strategic Housing Market Assessment (SHMA) 2014 was commissioned by West Oxfordshire District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and Cherwell District Council and provides an objective assessment of housing need. It concludes that

Cherwell has a need for between 1,090 and 1,190 dwellings per annum. 1,140 dwellings per annum is identified as the mid-point figure within that range.

- 5.30 The Planning Inspector appointed to examine the Local Plan made clear his view that the SHMA document provided an objective assessment of housing need in accordance with the NPPF and suspended the Examination to provide the opportunity for the Council to propose 'Main Modifications' to the Plan in light of the higher level of need identified. The 1,140 per annum SHMA figure represents an objective assessment of need (not itself the housing requirement for Cherwell) and will need to be tested having regard to constraints and the process of Strategic Environmental Assessment/Sustainability Appraisal. However, the existing 670 dwellings per annum housing requirement of the Submission Local Plan (January 2014) should no longer be relied upon for the purpose of calculating the five year housing land supply. Until 'Main Modifications' are submitted to the Secretary of State for Communities and Local Government, the objectively assessed need figure of 1,140 homes per annum from the SHMA is considered to be the most robust and defensible basis for calculating the five year housing land supply.
- 5.31 A further Housing Land Supply Update (June 2014) has been approved by the Lead Member for Planning. It shows that the District now has a 3.4 year housing land supply which includes an additional 20% requirement as required by the NPPF where there has been persistent under-delivery. It also seeks to ensure that any shortfall in delivery is made-up within the five year period. The District does not therefore have a 5 year housing land supply and as a result the NPPF advises in paragraph 14 that planning permission should be granted unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.'
- 5.32 **Environmental Statement**
This application is accompanied by an Environmental Statement. Under the Town and Country Planning (Environmental Impact assessment) Regulations 2011, where an ES has been submitted with an application, the Local Planning Authority must have regard to it when determining the application, and can only approve the application if it is satisfied that the ES provides adequate information. Prior to the submission of the application, the applicants agent submitted a scoping opinion to determine what should be included within the Environmental Statement (12/00005/SCOP refers). Details of the full ES submitted can be viewed via the Council's website.
- 5.33 To satisfy the requirements of the EIA Regulations the ES must address the following matters
1. the description of the development, comprising information on the site, design and size of the development
 2. a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects
 3. the data required to identify and assess the main effects that the development is likely to have on the environment
 4. an outline of the main alternatives studied by the applicant or appellant, and an indication of the main reasons for the choice made, taking into account the environmental effects
 5. a non-technical summary of the information provided above
- 5.34 The ES must consider the cumulative effects of the development, these are the effects as a result of both this proposal from the already permitted development together with the effects of other proposed, permitted and implemented developments, for example, N W Bicester and graven Hill which may have an impact on the environment and the locality, and, where appropriate for each topic, covered by the ES. The ES accompanying the application covers the areas identified in the

scoping report. The areas covered are cumulative effects, socio economics, air quality, environmental issues, cultural heritage, ground conditions, landscape, ecology, noise and vibration, traffic and transport and water environment. It is considered that the ES has adequately covered, addressed and paid due regard to all the issues relating to the development including the cumulative and socio-economic impacts and is therefore acceptable.

Landscape Impact, Open Space and Sports Provision

- 5.35 The landscape impact assessment submitted as part of the ES concludes that the application site is strongly influenced by the adjacent residential development, and the new perimeter road, giving the development an urban edge with generally poor scenic qualities and low tranquillity. It has a number of hedgerows and walls, and a number of trees, all of limited amenity or aesthetic value. The overall sensitivity is assessed as low and although the development will result in a large change to the application site, the loss of this area of fields is assessed as of moderate significance.
- 5.36 The most sensitive views are from the conservation area at Chesterton. The proposed development will be visible from some properties to a similar degree as from the Kingsmere Phase 1 development, but the intervening area of farmland, including several trees, acts as an effective buffer and the significance of effects is judged as being slight. As planting associated with the perimeter road and the Phase 1 development, and this new proposed development, matures, the effects on Chesterton and other rural viewpoints will be significantly reduced.
- 5.37 The submitted landscape assessment has been assessed by the Council's Landscape Officer who agrees that it is a comprehensive unbiased study although some concern was expressed about the loss of uninterrupted views of Bignell Park. The applicants have sought to address this to some extent by reducing the overall roof height and densities to the edge of the development adjacent to the perimeter road and the adjacent sports pitch provision and area of public open space to the south.
- 5.38 The NPPF at paragraph 9 states that pursuing sustainable development involves seeking improvements in the quality of the built, natural and historic environment. One of the core planning principles enshrined within paragraph 17 of the NPPF requires planning to recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 5.39 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscapes will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution they make to wider ecological works.
- 5.40 Paragraph 115 advises that great weight should be given to conserving landscape and scenic beauty in national Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty. The site does not lie in any nationally or locally designated site. There are no tree preservation orders on or adjacent to the site although the application is accompanied by an arboricultural impact assessment.

- 5.41 The Adopted Cherwell Local plan has policies which are relevant to the consideration of the landscape impact of the proposal. Policy C7 advises that development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape and Policy C9 advises that beyond the existing and planned limits of the towns of Banbury and Bicester, development of a type, size or scale that is incompatible with a rural location will normally be resisted.
- 5.42 The Bicester Landscape Sensitivity and Capacity Assessment 2013 is central to an understanding of the landscape implications of strategic development at Bicester. The LSCA considers the site to have high capacity for residential development. The site is considered to be '...somewhat barren in its visual appearance and landscape character' and the impact of the A4095 Vendee Drive (perimeter road) is noted. The overall quality and condition of the site is considered to be low. The site is said to have medium to low visual sensitivity, low character sensitivity and medium to low landscape value.
- 5.43 Policy ESD 15 'Green Boundaries to Growth' of the Submission Local Plan states that all developments at the edge of Banbury and Bicester will need to address how they face out into the open countryside and present a well-designed green edge to development and its rural setting. In addition green buffers have been identified adjacent to the existing/planned edge of Banbury and Bicester to, (i) maintain Banbury and Bicester's distinctive identity and setting; (ii) protect the separate identity and setting of neighbouring settlements which surround the towns (in this case Chesterton Village); (iii) prevent coalescence and protected gaps between the existing/planned edge of the towns and surrounding settlements to keep them free from built development that would harm the character of the green buffers; (iv) protect the identity and setting of valued features of landscape and historical importance that contribute to the identity and setting of the two towns, and, (v) protect important views.
- 5.44 Policy Bicester 3 of the Submission Local Plan sets out some key site specific design and place shaping principles for this site including:
- Development that respects the setting of Chesterton Conservation Area and the wider landscape setting
 - Retention of hedgerows and the preservation and enhancement of the biodiversity value of the site, with the enhancement, restoration and creation of wildlife corridors provided for through an ecological survey
 - Public open space to form a well connected network of green areas suitable for formal and informal recreation
 - Provision for opportunities for green infrastructure links beyond the development site to the wider town and open countryside
 - A well designed approach to the urban edge, which relates development at the periphery to its rural setting and Chesterton village and affords good access to the countryside
 - A community woodland/green buffer to be provided between Chesterton village and the development area (policy ESD 15)
- 5.45 Policy ESD 15 of the Submission Plan in terms of identifying a green buffer in respect of this development seeks to maintain the existing gap between the built up limits of Bicester and the perimeter road and Chesterton Village adjacent. It is therefore important that this buffer remains undeveloped in perpetuity. The planting of this area with trees would help achieve that aim and ensure that the land remains undeveloped. The application as submitted seeks to retain this buffer and is therefore considered acceptable in this respect.
- 5.46 In terms of open space provision, the majority of the open space was originally proposed on the south side of Vendee Drive, separated from the development by the existing road and also incorporated an attenuation pond required as part of the

proposed drainage strategy. The Council's Landscape Officer raised objections to the main recreational provision being provided in a location where it is separated from the built area by a main road. He also comments that there is insufficient open space within the application area and the provision of recreational land on the opposite side of the perimeter road cannot justify or compensate for the minimal public open space areas proposed in the residential area. This issue was also raised by Members at the meeting in June. Subsequent revised plans have now addressed this issue by providing a larger area of Public Open Space to the south of the site (north of the perimeter road) adjacent to Whitelands Farm. This is now considered acceptable and successfully overcomes the previous concerns relating to accessibility of the open space.

- 5.47 In terms of outdoor sports provision, the Cherwell Playing Pitch Strategy 2008-2016 identified a current shortfall of 8 junior football pitches and 2 rugby pitches and a future shortfall of additional junior pitches, 2 additional mini soccer pitches, 2 additional cricket pitches and 2 additional rugby pitches. Any new development should therefore provide sufficient on-site provision, but where this is not possible due to the scale of the development being too small to generate provision on site, a contribution to increase capacity elsewhere in Bicester.
- 5.48 This application proposal generates a policy requirement of 1.89ha of outdoor sports pitch provision which should be met within the development site. A youth pitch is to be provided on site as part of the development which will be located adjacent to the existing sports pitch provision being provided as part of the Phase 1 development, although it is separated from it by the new access drive to serve the Whitelands Farm development. The shortfall is met by a financial contribution which will be used to provide the phase 3 sports facilities on the sports village land which formed part of the phase 1 development. This approach is supported by the Recreation and Health Improvement Manger. An off site contribution is also made to indoor sport provision and will support the expansion of the existion sports centre. The overall layout and provision of open space, sports provision and play areas is discussed later in the report in respect of the proposed master plan.

Ecology

- 5.49 An ecological impact assessment was undertaken of the proposed development. Knowledge of the existing ecological interest on the site was gained from surveys undertaken in 2011 and 2012, supplemented by further information gathered for the application to develop the Kingsmere Phase 1 site immediately adjacent. The majority of the application site comprises actively farmed arable land. The ecological value of the site is limited although it does support breeding skylark. No statutory or non-statutory sites of nature conservation are present within the application site and the closest SSSI is more than 2km away and the Graven Hill County Wildlife Site is approximately 1km to the east.
- 5.50 A badger survey confirmed the periphery of the application site (Vendee Drive) as forming the boundary of a badger territory. The application site also supports low numbers of foraging bats and small numbers of red list breeding birds. No other protected species were found to be present within the application site.
- 5.51 The ecological assessment found that the proposal will result in the permanent loss of arable land used by breeding skylark and hedgerows used by breeding linnet, yellowhammer, white-letter hairstreak and brown hairstreak butterflies. A small area of improved grassland will also be lost as a result of the proposals.
- 5.52 In order to mitigate adverse effects and provide new habitats a number of measures have been included within the design proposals:

- Calcareous grassland is a UK biodiversity action plan (BAP) habitat, the new surface water attenuation basin will be sown with a native calcareous grassland species mix in the drier areas
- A further 0.8ha of the attenuation area will be sown with a native grass mix suitable for waterlogged soils. This area will provide mitigation for the loss of the area of improved grassland adjacent to Whitelands Farm
- The landscaping proposals include provision for new native scrub and woodland/copse planting, as well as establishment of approximately 1090m of native hedgerow
- The new hedgerow planting will include blackthorn and elm which are a food source for white-letter hairstreak and brown hairstreak butterflies
- The establishment of scrub and grassland habitat south of Vendee Drive will provide suitable breeding and foraging for yellowhammer and linnet.

- 5.53 It is not possible to mitigate the loss of arable fields, the habitat currently used by breeding skylark. Although the species will breed in grassland it is not considered that the habitat created around the attenuation ponds is sufficient in extent to support skylark in the densities currently found on the application site.
- 5.54 The Ecological assessment has been assessed by the Councils ecologist who advises that the surveys carried out to date are sufficient although some may need updating pre-commencement, depending on timescales and concurs with the conclusions within the report with regard to overall effects on ecological receptors, although it is regrettable that further steps to mitigate the loss of skylark habitat is not considered.
- 5.55 Whilst some of the green spaces proposed may represent a biodiversity enhancement to that area there is no mention of specific enhancements within the built environment in the form of bird boxes, bat boxes, swift bricks, wildlife friendly planting and gardening, green walls, green roofs etc. Some of these provisions can and should be incorporated into the detailed schemes when they are drawn up and conditions relating to these are therefore proposed.
- 5.56 All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). A condition will therefore be recommended to the effect that any hedge/vegetation be removed outside the bird nesting season and that additional native hedge planting occurs.
- 5.57 The NPPF – Conserving and enhancing the natural environment requires at paragraph 109, that, the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are resilient to current and future pressures.
- 5.58 Paragraphs 192 and 193 further add that ‘the right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of the development proposals. Local planning Authorities should only request supporting information that is relevant, necessary and material to the application in question’. One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to the determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

- 5.59 Paragraph 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that ‘local planning authorities should consult Natural England before granting planning permission’ and paragraph 99 goes on to say that ‘it is essential that the presence or otherwise of protected species, and the extent to which they may be affected by the proposed development is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision’.
- 5.60 Section 40 of the natural Environment and Communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity’ and;
- 5.61 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that a ‘competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions’.
- 5.62 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex iv(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 5.63 Under Regulation 41 of the Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-
1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
 2. is there a satisfactory alternative
 3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 5.64 Therefore where planning permission is required and protected species are likely to be found present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 5.65 The council’s ecologist has assessed the ecological information submitted and is generally satisfied with its content, recommending a number of conditions to ensure adequate mitigation measures and enhancements are carried out as part of the development and to deliver net bio diversity gain.
- 5.66 Consequently it is considered that Article 12 (1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present on or near to the site will be safeguarded notwithstanding the proposed development. The proposal therefore accords with the NPPF and Policies C2 and C5 of the Adopted Cherwell Local Plan and Policy ESD 10 of the Submission Local Plan (January 2014).

5.67 **Flooding and Drainage**

The ES has assessed the impact of the proposed development on the water environment, specifically relating to existing drainage, groundwater and surface water quality. The assessment encompasses surface water quality, flooding and drainage effects on the application site and within a 1km area around the application site. In particular, it considers the potential effects that may arise during construction and post-construction phases, in terms of surface and groundwater quality, drainage and flood risk, water supply and surface water/foul sewerage capacity.

- 5.68 The development site is located in Flood Zone 1 where the risk of fluvial flooding is low and all land uses, according to the NPPF are suitable on such sites in this respect. Neither is the site surrounded by flood risk areas so the risk of fluvial flooding is low (less than 1 in 1000) and the proposed development is unlikely to increase fluvial flood risk elsewhere.
- 5.69 The existing use of the site is agricultural and the site currently drains naturally to the south. There are no main rivers on the site and the nearest watercourse is the Pingle Brook which is within the Phase 1 development site, the adjacent Whitelands Farm ditch is also within the Phase 1 development area and was diverted around the playing fields as part of the phase 1 works.
- 5.70 The drainage strategy for the development will continue to use the drainage principles developed for phase 1 and sets out the hierarchy of SUDS measures to be utilised on the site. SUDS measures will be utilised within the housing parcels for rainfall events up to the 1 in 10. The surface water sewer system for the development will be used for events up to the 1 in 30, and a proposed detention basin on the southern side of Vendee Drive will provide attenuation for events up to the 1 in 100 plus climate change (30%) while discharging at Greenfield runoff rates to the upper reaches of Whitelands Farm Ditch.
- 5.71 The underlying geology, predominantly Cornbrash, and the localised high ground water table may preclude the use of soak-a-ways in some areas of the site. Therefore it will be necessary to establish the infiltration potential of each parcel before infiltration SUDS are used for surface water drainage. However, regardless of the infiltration capacity of the underlying geology, permeable paving can be used for parcel SUDS for the 1 in 10 rainfall event.
- 5.72 Swales, walls and bunds along the boundary with phase 1 will ensure that overland flows from the phase 2 development site are conveyed to the detention basin south of Vendee Drive.
- 5.73 The Environment Agency and Thames Water have assessed the Flood Risk assessment and submitted drainage strategy and raise no objections to the development subject to the imposition of a number of conditions relating to contamination and the drainage strategy proposed.

Transport Assessment

- 5.74 The application has been submitted with a Transport Assessment and is included within the ES which considers the potential effects resulting from the proposed development. The trip generation figures which have been submitted as part of the transport assessment (approximately 0.4 peak hour 2 way trips) has been agreed by the Local Highway Authority as part of the pre-application work that took place for this planning proposal. The trip generation rate that has been agreed has been considered alongside the proposed site's location, the new and significant highway infrastructure that has been provided from Phase 1 and the nearby transport links.

- 5.75 The traffic distribution information submitted appears reasonable for the proposed access arrangements for the phase 2 site. The County Council confirms that although there are some junctions that have been identified as having an impact/increase in traffic flows, the findings within the transport assessment are largely acceptable as there is evidence of design capacity within the local network. However, while it is recognised there is some capacity within the network, the cumulative impact of this development is a significant consideration, therefore a financial contribution towards local mitigation measures is requested by the County Council.
- 5.76 The strategic junction of Bucknell Road/Howes Lane has been identified as an issue in terms of capacity within the transport assessment. It is acknowledged that as part of the Exemplar site (10/01780/HYBRID refers), a mitigation improvement to the junction of Bucknell Road/Howes Lane has been secured in the form of a T-junction, which is expected to reduce the traffic impact of the Exemplar development upon this junction. The submitted assessment however, does not acknowledge that this improvement is only an 'interim' improvement by the Local Highway Authority and does not solve the problems and a long term mitigation scheme which is required at this junction.
- 5.77 A review of the accident data for the area has been carried out, and has highlighted a number of incidents which have occurred within the last 5 years. From the information submitted it would appear that the incidents were down to driver error rather than the characteristics of the local highway network. In the light of this data, the highway authority is of the opinion that the proposed development is unlikely to increase the number of recorded accidents in this area. The accident data has been re-checked for both the local and the wider network since the transport assessment was written, the data has shown a few other incidents have occurred, however these were also down to driver error.
- 5.78 The proposed submission indicates the construction of two main access points into the site in the form of standard priority T-junctions with ghost island right turn lane facilities on Vendee Drive (A4095) and the Middleton Stoney Road (B4030) which are acceptable in principle to the highway authority. It is also proposed as part of this submission to continue the traffic calming which has recently been approved along the Middleton Stoney Road in conjunction with Phase 1 to the Howes Lane round-about, this will be secured as part of the legal agreement.
- 5.79 The provision of a bus route through the phase 2 site from phase 1 of the Kingsmere development will be provided as part of the proposal, linked along the secondary street through the residential development which was approved at outline stage on the former reserve school site on phase 1. This will need to be carefully designed at design code stage to avoid rat-running between the two phases of the development. Appropriate bus stop provision, with shelters and real time information units will be required as part of the proposal.

Noise

- 5.80 Paragraph 109 of the NPPF seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. Further, paragraph 123 advises that planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

- 5.81 The Council's Anti-Social Behaviour Manager has considered the proposal and the information submitted within the ES with regard to the site's existing noise climate and the noise generated from the site in terms of construction and the construction traffic. He is satisfied that compliance with the appropriate British Standard for habitable rooms could be achieved for the proposed dwellings by installing acoustic double glazing and acoustic ventilation systems. In terms of external noise, that is garden areas, he is satisfied that this can be achieved by the layout of the dwellings and associated buildings making up the estate and the inclusion of acoustic barriers in the form of brick or masonry walls. Noise impacts arising from the construction can be overcome by the production of a construction management plan. These can suitably be dealt with by condition.

Design Review

- 5.82 As part of the consideration of this proposal, the submission was subject to a Design Review which took place with BobMK in August 2013. The Review Panel were generally positive about the submission, commending the applicants on the advanced planting and tree lined avenues and well integrated SUDS system provided as part of the Phase 1 development, as well as taking the opportunity to learn from the phase 1 development. The design Panel suggested 4 key areas for improvements within the proposal as follows

1. the phase 1 master plan has created some structural layout difficulties for the successful integration of Phase 2 and that better, more direct and legible connections could have been made with the town centre and Bicester Village and also between the site and the existing housing to the north of Middleton Stoney Road. The panel also considered that an opportunity to create better connections between phase 1 and phase 2 should include another lower order street connection north of the school site. There should be clear, direct and legible routes from phase 2 to Phase 1 local centre and other facilities.
2. the 'local centre' of phase 2 is buried within a residential area with a lack of clear and direct route connections. The pattern of roads leading from the perimeter road to the centre give a false impression that the 'centre' is central. The Panel questioned the viability of a separate Local Centre for Phase 2. If the Extra Care facilities eg café, mini food store are open to the surrounding community there may be no need for other facilities at this secondary centre.
3. the overall design and materials used in Phase 2 need a greater level of consistency and locally distinctive characteristics than is apparent in Phase 1. It is suggested that consideration should be given to use of vernacular built form but with contemporary windows and doors and a greater use of a limited palette of more locally appropriate materials, such as stone and slate. Landmark buildings that are intended to aid orientation do not necessarily have to be taller but should be distinctive.
4. Majority of proposed housing is detached rather than a mix. This poses difficulties in achieving a character typical of the surrounding villages. In addition to the plan form, the scale and proportions of the 2.5 storey houses with large roofs and dormers and three storey dwellings do not relate well to local vernacular characteristics. Two story houses are much more successful in emulating vernacular buildings, and the limit should be on the perimeter. A more careful application of the analysis of locally vernacular characteristics should be applied throughout.
5. The introduction of flats, not just affordable, needs to be thought about for future demand as there are an increasing number of smaller households throughout the country.

6. The lack of sufficient variety in density across the site could create problems for achieving differences in character and legibility. It is suggested that a greater density range is needed with lower on the edges and that the design driver should be character rather than density, as there is insufficient distinction on the plan between the characteristics of the different streets.
 7. In relation to enhancing character and a sense of place, the Panel suggests that revised proposals should include retention and rebuilding of the existing remnant dry stone wall that runs north from Whitelands Farm.
- 5.83 In response to the above, the applicant's agent has responded advising that there are no further opportunities to create more direct access between the two phases but every effort has been made every effort to create walking and cycling links between the two phases. The single connection for cars should encourage residents to walk and cycle between phases 1 and 2. In terms of the linkages with the existing housing development and the site, a traffic calming scheme for Middleton Stoney Road shows new crossing points at appropriate locations, reflecting the location of the proposed access into Phase 2 and crossing points at the Howes Lane junction.
- 5.84 The applicant's agent states that comments raised regarding design and housing mix can be dealt with in the design code and the submitted design and access statement already sets out the rationale for different character areas and provides a critical review of Phase 1. The issue of vernacular built forms can also be considered as part of the design code. The submitted parameters plans consider building heights and densities, and will be clarified in more detail in the Design Code. The use of flats is not considered appropriate, other than as part of extra care housing.
- 5.85 Revised parameters plans received on 22nd July have sought to provide a greater range of densities and building heights across the site and are considered to overcome the points raised in this respect.
- 5.86 The existing remnant dry stone wall to the west of Whitelands Farm will be removed as part of the proposals however, the materials can be easily reused within the open space and play area adjacent to Whitelands Farm in order to retain a sense of place and character, stating that this can be dealt with at reserve matters stage for the landscape infrastructure.

The Illustrative Master Plan

- 5.87 The submitted application and master plan has evolved following extensive pre-application discussions with the applicant and further meetings and discussions with the applicants during the consideration of this application. The proposals for the second phase of South West Bicester will conclude the development of this new quarter of Bicester and the growth of the town in this direction. It is important that the development proposals actively connect with and reinforce the character of the adjacent development, while making appropriate connections to the wider town. While the proposals for this application do include a small amount of community and commercial development, the scale of this development area means that the community facilities will need to compliment and reinforce the existing offer found in Phase 1.
- 5.88 It is considered that in principle, the vision set within the masterplan provides an appropriate response to the site, establishing a logical layout of streets and blocks within the site.
- 5.89 One of the key issues with the proposal is to ensure that this phase 2 development is fully integrated with phase 1. The internal movement network within the site is generally logical and establishes a clear network of streets, footpaths and cycleways which reinforce the urban block form. The street hierarchy illustrated provides a

logical and permeable network of routes internally within the site. The primary streets provide access from Middleton Stoney Road and Vendee Drive into the heart of the site. A bus route is proposed which links through the phase 1 site and out onto the Middleton Stoney Road. The location of facilities to serve Phase 2 are focused in the heart of the site, adjacent to the proposed Primary school, which will support a development area where each resident is within walking distance of the central facilities. It should be noted that the provision of facilities within Phase 2 is limited and therefore residents will be heavily reliant on those provided as part of the Phase 1 development. It is therefore vital that a useful series of connections are made through into phase 1 to allow pedestrian and cycle access to those facilities. This has not been easy to achieve because of the limited number of access points that can be created between the two phases. It is considered however, that following revisions to the original submission that, adequate and suitable links have now been provided.

- 5.90 The development structure is based on a perimeter block layout, promoting active streets and open spaces. A small local centre is located at the heart of the scheme and this larger scale structure predominantly radiates out from this area. The site is coordinated into a number of superblocks, each separated from each other by linear informal open space. The initial parameters plans indicated little variation in roof heights and densities across the site, and which were overall greater than those generally across phase 1, which together with the slightly higher ground levels than for the phase 1 development would create a significantly more prominent development when viewed from Chesterton and the adjacent open countryside when compared to the phase 1 proposals. The building heights originally proposed were predominantly up to 3.5 storeys reducing to 2.5 storeys around the western, southern and eastern perimeter road and up to 4 storeys around the Local Centre. Concern was also expressed to the applicants that such densities and roof heights across the development would also obscure views across to Bignell Park which is identified as an ecologically important landscape and parkland, the views of which are protected by Policy C10 of the Adopted Cherwell Local Plan.
- 5.91 The submission has since been amended to address these concerns and revised parameters plans have been submitted which indicate a greater transition of densities and building height from the edges of the development towards the centre. These revisions should deliver a scheme which is more interesting and with more character in terms of the places created and are considered acceptable.
- 5.92 The Local Centre is relatively small scale in relation to the overall development, comprising a Primary school, retail unit structured around a shared surface square, which connects to an informal community park. The facilities will be grouped around the square and provides the nodal point within the scheme where various pedestrian and vehicular routes connect. The community park will have a formal relationship with the square and provide space for a combined NEAP/LEAP.
- 5.93 The landscape strategy for phase 2 consists of a hierarchy of spaces ranging from sports pitch provision to the east of the Whitelands Farm complex to connect with the existing provision on phase 1 and ecological areas, to small pocket parks and linear green spaces which form part of the streetscape. The green space has been organised across the site broadly with development to the north and larger green and open spaces to the south. The playing fields for Phase 1 are also located to the south of the site boundary, establishing a consolidated open space. There is a hierarchy of play space on the site, with a combined NEAP/LEAP located by the local centre, a LEAP in the open space adjacent to the sports pitch and existing right of way and pocket parks within the development areas which have the potential to be positive features within these areas, punctuating the development and providing open spaces and small play areas. It is considered that to ensure the provision of these pocket parks does not become eroded during the reserve matters process that minimum numbers and sizes are specified by condition.

- 5.94 Following the concerns raised by Members at the meeting in June in respect of the provision of the majority of the open space being provided on the opposite side of Vendee drive, revised plans have been submitted which seeks to address the concerns and consolidates the majority of the public open space to the southern end of the development adjacent to Whitelands Farm and the proposed Youth Sports pitch. The revisions are welcomed and the provision of open space is now considered acceptable.
- 5.95 Allotment provision was proposed along the western boundary of the site, immediately to the east of the Whitelands Farm development. A greenway with right of way separates this area from the Phase 1 development and surveillance over the allotment area was considered limited. The existing public right of way also cut through this area. Issues raised over providing vehicular access and parking to the allotments had been resolved in that revised indicative plans indicate that vehicular access and parking can be provided from the adjacent housing parcel. Concerns have been raised with the applicants regarding the configuration of the allotments as a result of the public right of way which passes through them and the potential for anti-social behaviour as a result of the lack of natural surveillance. Having regard to this the applicants were requested to consider an alternative location for the allotments. The applicants considered the siting acceptable.
- 5.96 Members at the meeting in June considered that the concerns relating to the allotments were valid and that they should be addressed. The plans have been subsequently revised. Consideration was given to some provision remaining on site adjacent to Whitelands Farm, with the remainder provided by way of a commuted sum off-site, possibly on land south of Vendee Drive. However, after discussions with the Council's Street Scene and Landscape Services Manager the optimum arrangement was to take a commuted sum for allotment provision, allowing for more informal recreational space on site and better linkages to the large open space provided as part of Phase1. . The transfer of land South of Vendee Drive to the Council to protect the green buffer provides the opportunity to incorporate some allotment provision convenient to the site. It is considered that the revised allotment provision is now acceptable and has removed the main issue of being dissected by the public right of way.
- 5.97 There are a number of green corridors proposed running through the site, radiating out from the Local Centre to the west of the site and from the eastern interface with phase 1. The structure of the Green Corridors includes a footway, planting and potentially SUDS.
- 5.98 The majority of the public open space which was originally proposed to serve this development was indicated on the south side of Vendee Drive, separated from the built development. This area also incorporated an attenuation pond which is required in connection with the drainage of the development and links into the existing drainage system already provided as part of the Phase 1 development. Normally the majority of the usable public open space and play space to serve the development should be provided within the main development area where it is easily accessible to all residents.
- 5.99 Members also considered the provision of the majority of the open space on the opposite side of Vendee Drive to be unacceptable and deferred consideration of the application at the meeting in June requesting that further negotiations take place with the applicants to resolve the issue. Following discussions with the applicants the proposal has now been amended, and the master plan received on 22nd July now indicates the Majority of the open space provision within the development site where it will be easily accessible to residents without crossing a main road. In addition it is indicated that land south of the perimeter road could be offered as part of the planning obligation to preserve the green buffer undeveloped. Chesterton Parish Council have a proposal to develop the area as community woodland and as such it

could provide significantly enhanced informal recreation provision.

Planning Obligation

- 5.100 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. The draft Supplementary Planning Document (SPD) relating to the requirements was considered by the Council's Executive Committee in May 2011 and was approved as interim guidance for development control purposes. It has not been the subject of public consultation.
- 5.101 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional infrastructure/service obligations are the mechanism used to secure these measures.
- 5.102 In respect of planning obligations the NPPF advises at paragraph 204 that they should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development
- 5.103 Having regard to the above, the Heads of Terms relating to the additional development will include the following:-

CDC Contributions

- Affordable housing – 30%. The tenure should be in the form of affordable rent and shared ownership and split on a 70/30 basis with 50% delivered to Lifetime Homes Standards and in clusters of not more than 15 units, with the exception of any extra care housing which may be in a larger cluster.
- Refuse bins and Recycling - £67.50 per dwelling
- Sports Pitch Provision – there is an identified shortfall of sports pitches within Bicester. The development generates a requirement for 1.89ha which should be met within the development site. A youth pitch only however is proposed and therefore the shortfall must be made up by a financial contribution of £355,483 A maintenance sum of £74,038 is also required in respect of the junior pitch to be provided on site by the Developer.
- Indoor sports provision – the Bicester and Ploughly Sports Centre is operating at capacity at peak periods and this will increase with the additional population generated by this development. A contribution of £475,800 is required towards increasing the capacity of the indoor sports provision within the town.
- Community facility – a new community facility is not proposed within the phase 2 application, however, the population increase will generate a need for community facilities. It is proposed that the facility on Phase 1 will serve this population. The phase 1 community building will therefore need to be increased in size to accommodate the increased use. The revised schedule accommodation has been agreed.
- Community development – the additional population will increase the workload of the part-time community development worker funded through the phase 1 development. To meet this increase a contribution of £27,169 is requested to increase the part-time hours per week over a 3 year period.
- Allotments – commuted sum of £122,903.90 for allotment provision and maintenance.

- Play areas and public open space – In terms of play areas, a commuted sum of £30,620 per LAP must be provided by each developer, plus a sum of £148,974 for each LEAP and LAP and £299,815 for the NEAP. In terms of other areas of public open space to be provided as part of the development, balancing pond £16.26ms, swales £54.55m2 swales, woodland areas £28.41m2 and where existing trees and hedgerows are to be retained and transferred to CDC as part of the open space/play space, an additional maintenance sum will be required.
- Cemetery provision £8343.50
- Transfer of the green buffer land between the proposed development and Chesterton to CDC
- Monitoring fee £10,000

OCC Contributions

- Transport - £281,700 (at July 2013 prices, Baxter indexation) The use of this contribution will be specifically towards an improvement scheme for the Bucknell Road and Howes Lane bridge/junction
- Provision for 3 pairs of bus stops along the new spine road, bus shelters and real time information units and provision for ongoing maintenance. Enhanced bus service serving phase 1 to also serve phase 2. This will require a deed of variation to the original phase 1 agreement
- Rail contribution - £126,480 (index linked to July 2013, Baxter indexation)
- SUDS provision and maintenance costs (to be finalised)
- Rights of way - £15,000 towards a connection between the two existing rights of way across the land to be retained as a green buffer between the development and Chesterton village.
- 2fe primary school - £4,198,950 but if direct delivery, £1,421,000
- £4,071,240 secondary education towards the secondary provision on phase 1
- SEN £134,886 (index linked to 1st quarter 2012 using PUBSEC Tender Price Index)
- Museum Resource centre £8,970
- Library £152,490
- Strategic waste management - the development will increase demand for recycling facilities - £114,876
- Social and healthcare Day care facilities - £147,400
- Integrated youth support service - £32,076
- Administration - £15,157 for the purposes of administration and monitoring the proposed section 106, including elements relating to education.

The above figures may be subject to small changes based on the slight reduction in the number of units proposed.

Engagement

- 5.104 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the ongoing discussions which have been ongoing throughout the consideration of the application with both the applicants and their agents in order to secure a satisfactory form of development that pays full regard to the character and appearance of the locality and the requirements of the proposed allocation.

Conclusion

- 5.105 The NPPF presumes in favour of sustainable development and in the context of this application, requires that developments are considered favourably unless there are

any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

- 5.106 Whilst the development is not in accordance with the Development Plan insofar as it is not allocated for development within the Cherwell Local Plan, the site is allocated for the development proposed within the submission Cherwell Local Plan which carries some weight and the submitted ES does not identify any unacceptable harm and the proposal will benefit the District by potentially increasing housing delivery. In the context of the presumption in favour of sustainable development, and the reasons identified in the report above, the proposed development is considered acceptable and is recommended for approval.

6. Recommendation

Approval, subject to:

- a) the completion of the section 106 agreement
- b) that it is resolved that in accordance with the provisions of Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, that this report is approved as setting out the main reasons, considerations and measures of mitigation proposed with regard to the ES.
- c) The following conditions

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

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 2. In the case of the reserved matters, application for the first residential reserved matters application for approval shall be made not later than the expiration of two years beginning with the date of this permission. The remaining reserved matters shall be made not later than five years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 3. The development to which this permission relates shall be commenced not later than the expiration of two years from the approval of the first reserved matter and the remainder of the development shall be begun not later than;
 - (i) the expiration of five years from the date of the grant of Outline Planning permission or
 - (ii) within two years of the approval of the reserved matters for the phase or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

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

provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

4. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms [xxx] and drawings numbered: [insert](documents and plans to be inserted.

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

5. Prior to the commencement of development hereby approved, a phasing plan covering the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

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

Reason – Design codes, together with the Proposals Plan are required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirements to achieve high quality design as set out in the Environmental Statement and Policy Bicester 3 of the Submission

7. The Design Codes shall include,
 - a. the character, mix of uses and density of each character area identified on the Phasing Plan to include the layout of blocks and the structure of public spaces
 - b. the character and treatment of the structure planting to the development areas
 - c. guidance of surface water control including design standards and methodology for sustainable drainage systems, detail of specific features and constraints, including appropriate options for SUDs features, considerations for implementing during construction, and adoption requirements
 - d. the building height, scale, form, design features and means of enclosure that will form the basis of the character of each phase, sub-phase or parcel
 - e. the street form and hierarchy and the features that will be used to restrict traffic speeds and create legibility and requirements for street furniture
 - f. the approach to car parking and cycle parking within the phases, sub-phases and parcels and the level of car and cycle parking within each

- g. phase to be provided to serve the proposed uses
- h. the materials to be used within each character area
- i. the treatment of any hedge or footpath corridors and retained trees and woodlands and local areas of play within each phase, sub phase or parcel
- j. the measures to be incorporated to protect the amenities of the occupiers of existing properties adjacent to the site
- k. measures to be incorporated into the development to ensure all properties have convenient locations for individual waste and recycling bins
- k. lighting proposals

Reason – Design codes, are required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirements to achieve high quality design as set out in the Environmental Statement and Policy Bicester 3 of the Submission Local Plan 2014 and Government Advice within the National Planning Policy Framework.

8. A strategy for public consultation in respect of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The public consultation strategy shall include details of the consultation process to be undertaken during all construction and other works on the site including provision of infrastructure and mitigation as well as in respect of design codes, reserved matters applications and construction management plan.

Reason – To ensure that the public are consulted in an appropriate and structured form The Government places importance on the carrying out of early consultation and the provision of a consultation strategy will enable a clear position on community consultation to be set out at the beginning of the process in accordance with the advice contained in National Planning Policy Framework.

9. A sustainable Urban Drainage Opportunities Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out in accordance with the approved plan.

Reason - To prevent the increased risk of flooding and to improve water quality and in order to comply with government guidance within the National Planning Policy Framework.

10. Full details of the locations and facilities to be provided at each bus stop including Real Time Information and a programme of delivery shall be submitted to and approved in writing by the Local Planning prior to the first residential reserved matters submission. Thereafter the bus stops and facilities approved within each phase of the development shall be provided on site in advance of the provision of any bus service and thereafter retained in accordance with the approved details.

Reason - To ensure facilities to enable convenient use of public transport and in accordance with Government guidance contained within the National Planning Policy Framework.

11. That not more than 709 dwellings shall be accommodated on the site.

Reason – The Environmental Statement has assessed the impact of the development and demonstrates that a development of that scale will not have a significant adverse effect, in accordance with Government Guidance within the National Planning Policy Framework.

12. Prior to the commencement of the development a method statement – outlining measures to ensure safe and unhindered exercise of the public's right of way along Chesterton Footpath No. 1 during construction - shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented to ensure no obstruction to the right of way during development.

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

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

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority, including full details of a scheme for the location of bat, bird and invertebrate boxes, and the relocation of calcareous grassland, or other on site biodiversity enhancement measures. Thereafter, the LEMP shall be carried out in accordance with the approved details, with measures for that parcel of development installed on the site prior to occupation in accordance with the approved details. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason – To ensure mitigation identified in the Environmental statement is carried out and To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

Reason – The geology under this site is the Cornbrash Limestone (Secondary A Aquifer). There is the potential for fly-tipping to have occurred on the site and should any olfactory or visual evidence of contamination be detected during construction then it should be dealt with in an appropriate manner and to accord with government guidance within the National Planning Policy Framework.

17. No phase or parcel of development shall take place until a surface water drainage scheme for that phase of development, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The drainage design must be implemented in line with:

- Kingsmere Bicester Design Code dated July 2008
- Sustainable drainage principles outlined in WSP Flood Risk Assessment Project ref 50400018 file ref 130531 Kingsmere FRA r5 revision 2 dated 3/6/13
- Indicative Surface Water drainage corridor and buffer zone 0018/D/02 rev F
- Indicative Surface water sewer network 0018/03 rev C
- Surface water exceedence conveyance routes 0018/D/04 rev F and should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason – To prevent the increased risk of flooding, both on and off site and to comply with Government guidance contained within the national Planning Policy Framework.

18. That prior to the first occupation of the development the proposed means of accesses onto Middleton Stoney Road (B4030) and Vendee Drive (A4095) are to be formed, laid out to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken.

Reason – In the interests of highway safety, to ensure a satisfactory standard of construction and to comply with Government Guidance within the National Planning Policy Framework.

19. Prior to the commencement of the development on each phase hereby approved, full details of the access vision splays, including layout and construction, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). Prior to the first occupation of each residential phase the access and vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be obstructed by any object, structure, planting or other material.

Reason – In the interests of highway safety and to comply with Government

guidance within the national Planning Policy Framework.

20. Prior to the first occupation or use of any phase all the proposed formal pedestrian and cyclist crossing points, new footways/cycleways and public transport infrastructure to serve the phase shall be laid out, constructed, lit (if appropriate) and drained to Oxfordshire County Council's Specifications.

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

21. No development shall commence on site until a Construction Traffic Management Plan providing has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route for construction vehicles to and from the development site. The Construction Traffic Management Plan will be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason – To ensure the environment and residents are protected during development and to comply with government guidance within the National Planning Policy Framework.

22. Prior to the commencement of work on site a Framework Travel Plan is to be first submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). Individual Travel Plans for each land use category (residential, non-residential and education) shall first be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building for that use.

Reason – In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

23. Details of any works to the public right of way (including any gates adjacent to, or storage/excavation adjacent to) shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of any development adjacent to the public right of way. No construction/demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by the local planning authority in consultation with Oxfordshire County Council. Any damage to the surface of the public right of way shall be made good to the satisfaction of the Local Planning Authority.

Reason To ensure that the public right of way remains available and convenient for public use and to comply with Government Guidance within the National Planning Policy Framework

24. That all living rooms and bedrooms of dwellings constructed on the site shall be acoustically insulated in such a manner to achieve the standards as set out in Table 10.7 'suitable internal ambient noise levels in dwellings' contained within British Standard BS 8233:2014 Guidance on Sound insulation and noise reduction for buildings. It is envisaged that compliance will be demonstrated by a combination of design layout and the installation of up-rated double glazing and acoustic ventilation to dwellings that are predicted to be exposed elevated levels of road traffic noise.

Reason – To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

25. The private outdoor spaces of all dwellings shall be protected against noise in order that a sound level of 55 LAeq dB is not exceeded unless otherwise agreed in writing by the Local Planning Authority. It is envisaged that compliance will be achieved by the use of good design and the use of upgraded acoustic timber fences or brick or masonry walls to form the boundaries to individual private garden spaces.

Reason – To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

26. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

27. Except to allow for the means of access and vision splays the existing hedgerow along the Middleton Stoney Road boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this Condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

28. Within the first available planting season following the first occupation of a dwelling within 20m of the Middleton Stoney Road hedge the existing hedgerow along the Middleton Stoney Road boundary shall be reinforced by additional planting in accordance with a detailed scheme which shall firstly be submitted to and approved in writing by the Local Planning Authority. Thereafter, any plant/tree within the hedgerow which, within a period of five years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species in accordance with BS 4428:1989 Code of practice for general landscape operations (excluding hard surfaces) or the most up to date and current British Standard). Thereafter the new planting shall be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained

within the National Planning Policy Framework

29. All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group 'Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees –Volume 4 and all subsequent revisions and amendments thereof.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

30. Prior to the commencement of the development on each phase hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits in hard and soft areas and associated above ground features, to include specifications for the installation of below ground, loadbearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees within the phase, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

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

31. Prior to the commencement of development within any phase, a plan showing full details of the finished floor levels in relation to existing ground levels on the site and proposed ground levels for the proposed development shall be submitted to and approved in writing by the Local Planning authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels.

Reason To ensure the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell local Plan and Government guidance within the National Planning Policy Framework.

32. Prior to the occupation of each dwelling, that dwelling shall be provided with the necessary services to enable the provision of high speed broadband (no less than 100mbs).

Reason - To facilitate home-working and information delivery in accordance with Government guidance contained within the National Planning Policy Framework.

33. Prior to the commencement of each phase of the development, evidence that the development is registered with an accreditation body under the Code for Sustainable homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 4 (or the equivalent level of the relevant superseding scheme) for all dwellings shall have been submitted to and agreed in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the submitted details.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

34. Within 3 months of the first occupation of any dwelling hereby approved, a post construction Final Code Certificate issued by an accreditation body confirming that the dwelling has achieved a code for Sustainable homes rating of Code Level 4 shall have been submitted to the Local planning Authority.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

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

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

36. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not (permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

37. The Pocket Parks shall be provided in accordance with the submission and shall not be less than the minimum areas specified on the strategic landscape and open space parameter plan 180601U-PP-SLOSP rev D.

Reason - To ensure the provision of appropriate play facilities and areas of open space to serve the development and to comply with Government guidance within the National Planning Policy Framework.

38. The formal tree planting of avenue trees shown on the Strategic Landscape and Open Space Parameter plan, drawing no. 180601U-PP-SLOSP rev D shall be contained in a continuous verge of no less than X m in width.

Reason – To ensure there is sufficient width for the proposed tree planting to deliver a high quality environment and to comply with the Government guidance within the National Planning Policy Framework.

39. Prior to the commencement of any phase of the development hereby approved, details of provision, landscaping (including tree planting, tree

works, hard and soft landscaping) and treatment of open space, landscaped areas and play spaces within the phase shall be submitted to and approved in writing by the Local planning authority. Thereafter the open space, landscaped areas and play spaces for each phase, once approved shall be landscaped, laid out and completed in accordance with the details approved and within a time period to be first approved in writing by the Local planning authority and thereafter retained as open space, landscaped areas and play space.

Reason – In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space and play space and to comply with Policy R12 of the adopted Cherwell Local plan and Government guidance within the National Planning Policy Framework.

- 40 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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

Planning Notes

1. Your attention is drawn to the representation of Thames Valley Police who recommend that the scheme incorporates measure to achieve Secured by Design Accreditation.
2. Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County Council's Road Agreement Team for the proposed Highway works (vehicular accesses, new footway links, bus infrastructure, pedestrian refuge island, carriageway widening and new right turn lane) under S278 of the Highway Act. For guidance and information please contact the County's Road Agreement Team on 01865 815700 or e-mail road.agreements@oxfordshire.gov.uk
3. The developer should seek the advice of Oxfordshire County Council's Rights of Way team to ensure that the Chesterton footpath No. 1 is on its definitive line. No temporary obstructions. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.
4. Route alterations. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process.
5. Public rights of way through the site should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate. No

improvements may be implemented without prior approval of the Countryside Access Team.

STATEMENT OF ENGAGEMENT

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

Annex 2

Cherwell District Council

Planning Committee Minutes

7th August 2014

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 7 August 2014 at 4.00 pm

Present: Councillor Colin Clarke (Vice-Chairman, in the Chair)

Councillor Andrew Beere
Councillor Fred Blackwell
Councillor Michael Gibbard
Councillor Chris Heath
Councillor Russell Hurle
Councillor Matt Johnstone
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Alastair Milne Home
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Barry Richards
Councillor Douglas Williamson

Substitute Members: Councillor Ken Atack (In place of Councillor Rose Stratford)
Councillor D M Pickford (In place of Councillor Trevor Stevens)
Councillor Barry Wood (In place of Councillor Lawrie Stratford)

Apologies for absence: Councillor Rose Stratford
Councillor David Hughes
Councillor Trevor Stevens
Councillor Lawrie Stratford

Officers: Bob Duxbury, Development Control Team Leader
Linda Griffiths, Principal Planning Officer
Rebekah Morgan, Planning Officer
Ross Chambers, Solicitor
Natasha Clark, Team Leader, Democratic and Elections
Aaron Hetherington, Team Leader Democratic and Elections

Declarations of Interest

Members declared interests in the following agenda items:

7. Phase 2 SW Bicester Parcel 7849 North of Whitelands Farm Adjoining Middleton Stoney Road, Bicester.

Councillor D M Pickford, Non Statutory Interest, as a member of Bicester Town Council which had been consulted by the applicant.

Councillor Ken Attack, Declaration, as a member of the Executive but would remain in the meeting for the item.

8. Land adjacent to Oxford Canal, Banbury, Spiceball Park.

Councillor Alastair Milne Home, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Wood, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor D M Pickford, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Ken Attack, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Colin Clarke, Non Statutory Interest, as Cherwell District Council's appointed outside body representative to The Mill Community Education and Arts Centre and Vice-Chairman of its Executive Committee and would leave the meeting for the duration of the item.

13. Unit A5 and A6, Pioneer Square, Bure Place, Bicester.

Councillor Barry Wood, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor D M Pickford, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Ken Attack, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

14. Unit A5 and A6, Pioneer Square, Bure Place, Bicester.

Councillor Barry Wood, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor D M Pickford, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Ken Atack, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

49 **Requests to Address the Meeting**

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

50 **Urgent Business**

There was no urgent business.

51 **Minutes**

The Minutes of the meeting held on 10 July 2014 were agreed as a correct record and signed by the Chairman.

52 **Chairman's Announcements**

The Chairman made the following announcements.

1. The Chairman apologised for the meeting room being little warm, which was due to maintenance work being undertaken on the air conditioning system. All efforts had been made to make the meeting room as comfortable as possible.
2. The meeting was being webcast and meeting may also be recorded. Under Government legislation that had recently been introduced, Members of the public and press were now able to record the proceedings of any public meeting of the Council. Anyone intending to record the meeting must not act in a way that was disruptive to the meeting and did not focus on the public gallery. Should recording disrupt the meeting at any point, the Chairman had discretion to suspend the meeting until recording is terminated.

53 **Phase 2 SW Bicester Parcel 7849 North of Whitelands Farm Adjoining Middleton Stoney Road, Bicester**

The Committee considered application 13/00847/OUT, an outline application for a residential development within Use Class C3, Extra Care facility, Primary

School, retail, formal and informal public open space, play facilities, sports pitches, allotments and associated infrastructure including landscaping, highways, footpaths/cycleways, drainage utilities and parking.

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

Resolved

That application 13/00847/OUT be approved, subject to:

- a) the completion of the section 106 agreement
- b) it being resolved that in accordance with the provisions of Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, that this report be approved as setting out the main reasons, considerations and measures of mitigation proposed with regard to the ES.
- c) authority being delegated to the Head of Development Management, in consultation with the Chairman, in respect of any minor amendments to the wording of the conditions or the section 106 agreement that may be necessary following further detailed discussions with the applicants.
- d) The following conditions
 1. No development shall commence within any phase until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
 2. In the case of the reserved matters, application for the first residential reserved matters application for approval shall be made not later than the expiration of two years beginning with the date of this permission. The remaining reserved matters shall be made not later than five years beginning with the date of this permission.
 3. The development to which this permission relates shall be commenced not later than the expiration of two years from the approval of the first reserved matter and the remainder of the development shall be begun not later than;
 - (i) the expiration of five years from the date of the grant of Outline Planning permission or
 - (ii) within two years of the approval of the reserved matters for the phase or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
 4. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the plans and documents: Application forms, and drawings, with authority delegated to the Head

of Development Management to determine the exact documents and plans.

5. Prior to the commencement of development hereby approved, a phasing plan covering the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan.
6. No reserved matters applications shall be made or development commenced until a Design Code for the site has been produced in accordance with Condition 7 and following consultation with the Local Planning Authority and other stakeholders, and has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Design Codes.
7. The Design Codes shall include,
 - a. the character, mix of uses and density of each character area identified on the Phasing Plan to include the layout of blocks and the structure of public spaces
 - b. the character and treatment of the structure planting to the development areas
 - c. guidance of surface water control including design standards and methodology for sustainable drainage systems, detail of specific features and constraints, including appropriate options for SUDs features, considerations for implementing during construction, and adoption requirements
 - d. the building height, scale, form, design features and means of enclosure that will form the basis of the character of each phase, sub-phase or parcel
 - e. the street form and hierarchy and the features that will be used to restrict traffic speeds and create legibility and requirements for street furniture
 - f. the approach to car parking and cycle parking within the phases, sub-phases and parcels and the level of car and cycle parking within each phase to be provided to serve the proposed uses
 - g. the materials to be used within each character area
 - h. the treatment of any hedge or footpath corridors and retained trees and woodlands and local areas of play within each phase, sub phase or parcel
 - i. the measures to be incorporated to protect the amenities of the occupiers of existing properties adjacent to the site
 - j. measures to be incorporated into the development to ensure all properties have convenient locations for individual waste and recycling bins
 - k. lighting proposals
8. A strategy for public consultation in respect of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The public consultation strategy shall include details of the consultation process to be

undertaken during all construction and other works on the site including provision of infrastructure and mitigation as well as in respect of design codes, reserved matters applications and construction management plan.

9. A sustainable Urban Drainage Opportunities Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out in accordance with the approved plan.
10. Full details of the locations and facilities to be provided at each bus stop including Real Time Information and a programme of delivery shall be submitted to and approved in writing by the Local Planning Authority prior to the first residential reserved matters submission. Thereafter the bus stops and facilities approved within each phase of the development shall be provided on site in advance of the provision of any bus service and thereafter retained in accordance with the approved details.
11. That not more than 709 dwellings shall be accommodated on the site.
12. Prior to the commencement of the development a method statement – outlining measures to ensure safe and unhindered exercise of the public's right of way along Chesterton Footpath No. 1 during construction - shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented to ensure no obstruction to the right of way during development.
13. Within two months prior to the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.
14. No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
15. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority, including full details of a scheme for the location of bat, bird and invertebrate boxes, and the relocation of calcareous grassland, or other on site biodiversity enhancement measures. Thereafter, the LEMP shall be

carried out in accordance with the approved details, with measures for that parcel of development installed on the site prior to occupation in accordance with the approved details. Thereafter, the LEMP shall be carried out in accordance with the approved details.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
17. No phase or parcel of development shall take place until a surface water drainage scheme for that phase of development, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The drainage design must be implemented in line with:
 - Kingsmere Bicester Design Code dated July 2008
 - Sustainable drainage principles outlined in WSP Flood Risk Assessment Project ref 50400018 file ref 130531 Kingsmere FRA r5 revision 2 dated 3/6/13
 - Indicative Surface Water drainage corridor and buffer zone 0018/D/02 rev F
 - Indicative Surface water sewer network 0018/03 rev C
 - Surface water exceedance conveyance routes 0018/D/04 rev F and should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
18. That prior to the first occupation of the development the proposed means of accesses onto Middleton Stoney Road (B4030) and Vendee Drive (A4095) are to be formed, laid out to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken.
19. Prior to the commencement of the development on each phase hereby approved, full details of the access vision splays, including layout and construction, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). Prior to the first occupation of each residential phase the access and vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be obstructed by any object, structure, planting or other material.
20. Prior to the first occupation or use of any phase all the proposed formal pedestrian and cyclist crossing points, new footways/cycleways and

public transport infrastructure to serve the phase shall be laid out, constructed, lit (if appropriate) and drained to Oxfordshire County Council's Specifications.

21. No development shall commence on site until a Construction Traffic Management Plan providing has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route for construction vehicles to and from the development site. The Construction Traffic Management Plan will be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.
22. Prior to the commencement of work on site a Framework Travel Plan is to be first submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). Individual Travel Plans for each land use category (residential, non-residential and education) shall first be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building for that use.
23. Details of any works to the public right of way (including any gates adjacent to, or storage/excavation adjacent to) shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of any development adjacent to the public right of way. No construction/demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by the local planning authority in consultation with Oxfordshire County Council. Any damage to the surface of the public right of way shall be made good to the satisfaction of the Local Planning Authority.
24. That all living rooms and bedrooms of dwellings constructed on the site shall be acoustically insulated in such a manner to achieve the standards as set out in Table 10.7 'suitable internal ambient noise levels in dwellings' contained within British Standard BS 8233:2014 Guidance on Sound insulation and noise reduction for buildings. It is envisaged that compliance will be demonstrated by a combination of design layout and the installation of up-rated double glazing and acoustic ventilation to dwellings that are predicted to be exposed elevated levels of road traffic noise.
25. The private outdoor spaces of all dwellings shall be protected against noise in order that a sound level of 55 LAeq dB is not exceeded unless otherwise agreed in writing by the Local Planning Authority. It is envisaged that compliance will be achieved by the use of good design and the use of upgraded acoustic timber fences or brick or masonry walls to form the boundaries to individual private garden spaces.
26. Prior to the commencement of the development hereby approved, an

Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

27. Except to allow for the means of access and vision splays the existing hedgerow along the Middleton Stoney Road boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this Condition.
28. Within the first available planting season following the first occupation of a dwelling within 20m of the Middleton Stoney Road hedge the existing hedgerow along the Middleton Stoney Road boundary shall be reinforced by additional planting in accordance with a detailed scheme which shall firstly be submitted to and approved in writing by the Local Planning Authority. Thereafter, any plant/tree within the hedgerow which, within a period of five years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species in accordance with BS 4428:1989 Code of practice for general landscape operations (excluding hard surfaces) or the most up to date and current British Standard). Thereafter the new planting shall be properly maintained in accordance with this condition.
29. All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group 'Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees –Volume 4 and all subsequent revisions and amendments thereof.
30. Prior to the commencement of the development on each phase hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits in hard and soft areas and associated above ground features, to include specifications for the installation of below ground, loadbearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees within the phase, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.
31. Prior to the commencement of development within any phase, a plan showing full details of the finished floor levels in relation to existing ground levels on the site and proposed ground levels for the proposed development shall be submitted to and approved in writing by the Local Planning authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels.

32. Prior to the occupation of each dwelling, that dwelling shall be provided with the necessary services to enable the provision of high speed broadband (no less than 100mbs).
33. Prior to the commencement of each phase of the development, evidence that the development is registered with an accreditation body under the Code for Sustainable homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 4 (or the equivalent level of the relevant superseding scheme) for all dwellings shall have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the submitted details.
34. Within 3 months of the first occupation of any dwelling hereby approved, a post construction Final Code Certificate issued by an accreditation body confirming that the dwelling has achieved a code for Sustainable homes rating of Code Level 4 shall have been submitted to the Local planning Authority.
35. Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.
36. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not (permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details.
37. The Pocket Parks shall be provided in accordance with the submission and shall not be less than the minimum areas specified on the strategic landscape and open space parameter plan 180601U-PP-SLOSP rev D.
38. The formal tree planting of avenue trees shown on the Strategic Landscape and Open Space Parameter plan, drawing no. 180601U-PP-SLOSP rev D shall be contained in a continuous verge of no less than X m in width.
39. Prior to the commencement of any phase of the development hereby approved, details of provision, landscaping (including tree planting, tree works, hard and soft landscaping) and treatment of open space, landscaped areas and play spaces within the phase shall be submitted to and approved in writing by the Local planning authority. Thereafter the open space, landscaped areas and play spaces for each phase, once approved shall be landscaped, laid out and completed in

accordance with the details approved and within a time period to be first approved in writing by the Local planning authority and thereafter retained as open space, landscaped areas and play space.

40. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

54 **Land at South West Bicester**

The Head of Development Management submitted a report relating to an outline application for the construction of up to an additional 100 dwellings above those permitted under 06/00967/OUT – Land at South West Bicester.

At the July 2013 Planning Committee meeting. Members had considered and resolved to approve the application subject to the completion of a legal agreement. Members had also resolved to amend a recommended condition relating to code levels from Code Level 4 to Code Level 5. The applicants had objected to Code Level 5 and the report sought to address the issue. The decision remained outstanding as the legal agreement had not yet been completed.

Resolved

- (1) That it be agreed that the permission be granted as previously resolved subject to the suggested conditions and the completion of a legal agreement as set out in the report to committee in July 2013, with the condition relating to code levels to remain as Code Level 4.

55 **Appointment of Chairman for the Next Agenda Item**

Resolved

That Councillor Blackwell be appointed Chairman for the following Agenda Item

56 **Land adjacent to Oxford Canal, Banbury, Spiceball Park**

The Committee considered application 13/01601/OUT, for outline planning permission for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and associated canal footbridge and General Foods Sports and Social