

Planning and Development

David Peckford, Assistant Director – Planning and Development



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Your Ref:

21st September 2021

Dear Hannah

TOWN AND COUNTRY PLANNING ACT 1990

Application No.: 21/01630/OUT

Applicant's Name: Firethorn Developments Ltd

Proposal: Outline planning application for residential development (within Use Class C3), open space provision, access, drainage and all associated works and operations including but not limited to demolition, earthworks, and engineering operations, with the details of appearance, landscaping, layout and scale reserved for later determination

Location: Land at North West Bicester
Home Farm, Lower Farm and SGR2
Caversfield

Parish(es): Bicester

I write with reference to the above application currently with me for consideration. I apologise for the length of time it has taken me to provide comments on this proposal, but nevertheless as agreed via our recent discussions, please find below the areas that I consider require further consideration based upon my review of the application and the comments received from Consultees.

Principle of the development

Given the land forms part of the allocated site at NW Bicester (allocated via Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 – CLP 2011-2031) and it is (mostly) shown as being for residential purposes within the Masterplan for the site as set out within the North West Bicester SPD (February 2016), I am content that the broad principle of development is acceptable on this site.

As you are aware, the Policy includes a number of detailed requirements that require assessment in order to achieve the Policy standards, which, for NW Bicester relate to achieving true zero carbon development to Eco Town Standards (now embedded within the NW Bicester SPD) amongst other requirements. These matters therefore require further consideration.

True Zero Carbon Development/ Climate Change Adaptation

As referred to above, the target for development at NW Bicester is to achieve true zero carbon, the definition for which is 'that over a year, the net carbon dioxide emissions from all energy use within the buildings on the eco-town development as a whole are zero or below'. Policies ESD1-5 also set out requirements relating to energy and sustainability. The SPD refers to the importance of climate change adaptation including the need for the development to be designed to take account of future climate scenarios with the greatest risk being identified as being from overheating and water stress. Bioregional have reviewed the submission (in terms of both energy, climate change adaptation and wider sustainability matters) and have raised a number of areas where greater clarity is sought. The key points can be summarised as follows:

- An indicative carbon balance should be provided to give reassurance on the true zero carbon target to be met.
- There should be a commitment to building to certain fabric efficiency (i.e. in line with the Future Homes Consultation or beyond). Further detail could be provided on indicative U values of roof, wall, windows.
- Further clarity around the potential for carbon offsetting if this were to be required.
- Advice as to whether there are updates on plans by SSE to replace the gas at the current energy centre to enable connection there.
- The Policy requires the construction of homes to meet a minimum of Level 5 for the Code for Sustainable Homes. Whilst this is no longer in place, we would expect the homes to be constructed to the equivalent or improved level. It would be helpful for this to be mentioned in terms of what standards are proposed to be met and how that compares to what level Code 5 would have achieved.
- Acknowledgement of the requirements around real time monitoring/ information (energy and transport) and super-fast broadband.
- A consideration of the potential feasibility as to whether a heat main to the Ardley EfW plant to the site would be achievable.
- There should be commitments to reducing embodied carbon and how materials will be sourced taking into account local suppliers whilst retaining quality.
- There should be commitments to carrying out overheating analyses at later stages using TM59 with future climate scenarios to ensure that the properties are designed to not overheat. The information in the DAS which refers to adaptations to deal with climate change is acknowledged.
- Further detail is recommended relating to active travel (see also comments from Sport England referred to below) which should contribute to the ambitious modal shift requirements for the site.
- A commitment to the inclusion of EV charging infrastructure for both residential units and within the public realm at key focal points.

I should also add that Appendix B within your Technology Appraisal to Net Zero at NW Bicester is Schedule 8 'Carbon Offsetting'. This was not included within the final S106 for the Exemplar Local Centre S106 due to concerns that arose internally relating to how the Council could ensure that the contribution could deliver the required level of offset and what projects it could identify to deal with this. That proposal also related to a smaller scale scheme. I am concerned about a contribution towards offsetting at this stage and would expect that the site itself will meet the standards required or, the applicant would be directly responsible for offsetting.

It is noted that the report refers to a consideration of opportunities needing to be subject to thorough technical feasibility and financial viability. This will need further assessment as part of the overall assessment relating to the viability submission once received and through a thorough consideration of the options available to deal with the problem should it be agreed that a gap exists. To emphasise, the Policy requirement is to achieve True Zero Carbon as set out by Policy Bicester 1.

Homes

The SPD requirement around homes relates to achieving high standards around fabric energy efficiency, providing a mix of house types and sizes to meet local needs and contribute towards the creation of a sustainable community and to be adaptable and flexible to the way people live, including the ability for residents to work from home. The design of homes should also encourage more sustainable ways of living.

Part of the requirement of homes, as well as the requirement of Policy Bicester 1 and Policy BSC3 is the provision of affordable housing at 30% of the total number of dwellings proposed. The application is accompanied by an Affordable Housing Statement, which refers to the viability challenge of delivering affordable housing to the required Policy level (including the detailed breakdown and requirements as set out in Policy BSC3 and the Council's Developer Contributions SPD). The Council's Strategic Housing Team have raised detailed comments, including proposing a suggested tenure and property mix which

would be policy complaint, which should be reviewed. As the viability submission is anticipated shortly, this matter can be reviewed in further detail then. We will of course need to consider a range of options to consider how the viability gap (should one be agreed to exist) should be closed.

Employment

There are requirements around employment for the NW Bicester site and whilst this site is not required to provide for land for employment uses (in accordance with the Masterplan), the development principle does apply to all sites. In addition, Policy Bicester 1 sets out the requirement for an economic strategy to support planning applications that demonstrates how access to work will be achieved and to deliver a minimum of one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport. I note the reference to home working within the Design and Access Statement which is acceptable for this to be further pursued at a reserved matters stage. Additional information relating to active travel opportunities would also assist with this in terms of accessing other employment opportunities off site. We would expect that the S106 secures the requirement for a Training and Employment Plan to be submitted with the commitment to the provision of construction apprenticeships.

Transport

You are aware of the comments and objections from the Local Highway Authority and Highways England (now National Highways). I have also highlighted to you that a large proportion of the public comments received have raised concerns on transport grounds and that detailed comments have also been received from local groups including Bicester Bike Users Group and the local Community Management Organisation on site. It is understood that you are working on a comprehensive response to address the comments made.

Should the access arrangement strategy be demonstrated to be suitable, then we will need to establish the capacity that could be accommodated from Access B to the western land to ensure that this is a clear parameter for future reserved matter submissions to be secured via planning condition.

It is noted that OCC have raised comments relating to the way the EIA assesses construction traffic and the impacts of this upon noise and vibration and the adequacy of the EIA in this respect.

There may be a need for a Grampian condition to restrict the level of development permissible until such time that the realigned A4095 is in place and opened to vehicular traffic.

We discussed the provision of a car park on site to provide provision for users of the Church (it is noted that a crossing is sought to provide access between the site and the church) and it is understood that the proposed area for car parking (part of application 20/01325/F) may be available for this purpose. I would be grateful if this could be explained as a response to this point raised.

Healthy Lifestyles

The NW Bicester SPD explains how development proposals should be planned to support healthy and sustainable environments and enable residents to make healthy choices easily. The content of the DAS in this respect is noted with regard to particularly the provision of multifunctional green space, pedestrian and cycle connections and opportunities for edible landscapes/ allotment provision.

The provision of formal sports facilities is part of creating a healthy lifestyle and these are planned for elsewhere at NW Bicester to enable the provision of a single main location for sports pitches to the south of the railway line and a further pitch to the north of the railway line to ensure a higher standard of provision and efficiencies in terms of long-term management and maintenance. The site is therefore not required to provide pitch space, but contributions would be required towards the site wide facilities. Contributions are also sought towards other matters that would contribute towards healthy lifestyles such as health provision, indoor sport and community hall space amongst others.

Sport England have sought clarification as to whether the scheme proposes to use the Sport England Active Design Principles within your Masterplan and further detail on how healthy lifestyles (including how green spaces can be used to create attractive areas for sport and recreation as well as local food production). Sport England have not raised an objection but have advised that if further details were provided on the above points, that they may be in a position to support the proposal should that be considered acceptable. The Design and Access Statement could be expanded to provide further clarity in response to these points.

Local Services

The SPD identifies the importance of local services in contributing to achieving a sustainable community, to provide attractive places for people to meet and to create a strong community focus. Whilst no local services are required to be provided on site given the requirements of the Masterplan, contributions will

be sought as appropriate towards community infrastructure which will assist this site in meeting this development principle and in addition, the points around active travel and how people can access local facilities using sustainable modes will also be important.

Green Infrastructure/ Landscape and Visual Impact

The Council's Landscape Team have raised no objections with regard to the findings of the LVIA which is considered to be comprehensive and they understand the reasoning for the developing landscape strategy. Other than the matter of scale in one particular area of the site as explained below, I agree with this conclusion.

The Policy and SPD require the provision of 40% Green Infrastructure of which at least half must be publicly accessible as a network of well managed, high quality spaces that are linked to the open countryside. Whilst there are a number of places through your submission where confirmation is provided that this level of GI will be achieved, I think that a plan demonstrating how this can be achieved (perhaps by reference to the current illustrative layout) should be provided to give greater certainty that this Policy requirement can be achieved and that later reserved matters can accommodate this. Green space provision must also meet the requirements of Policy BSC11. The impact upon the ability of the Masterplan to achieve 40% Green Infrastructure should also be considered given that a greater area on the Eastern parcel is now proposed for development compared to the Masterplan for this area (i.e. a smaller area of built development leaving a greater area of open space).

The Masterplan also highlights that a key development principle is the retention and reinforcement of existing hedgerows, trees and woodland with appropriate buffers. It is noted that these buffers are allowed for through the Multi-functional Green Space Masterplan.

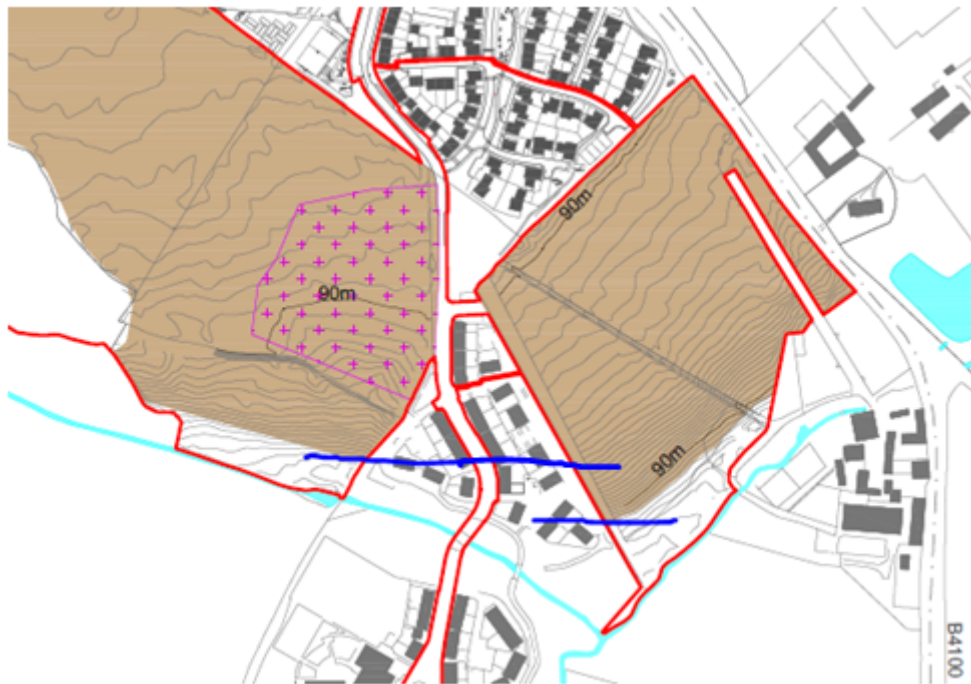
I wonder if the broad location of play space should be provided for on the Landscape Parameter plan with the form of each play area so that this is suitably secured (as well as via the S106).

The Tree Survey report does not seem to demonstrate where tree removal work and the extent of the required tree removal is proposed. Whilst I appreciate that in some cases access positions are proposed as a parameter (i.e. those points would be fixed later) and that in that case, further information would be required at that later stage, however there are some locations such as the access points to the Western parcel, where it should be possible for the access positions to be identified and the extent of tree work indicated. At the moment, the plans state 'low quality hedgerow offers no constraint on access point selection' but the access points are chosen given they are proposed for approval in full.

Design and Heritage

I am concerned regarding the maximum building heights parameter which identifies that there is an area of the site where 16m development would be permissible (please note there is an erroneous reference to 20m heights on page 25 of the DAS). In my opinion this is too high. This part of the NW Bicester site is more peripheral and an area of the site where you would expect to see less height (whilst it is located adjacent to the existing bus only route, it is not within an area that forms a clear 'core/ spine' to the wider site). I have also compared this to the proposals for this area of the site previously within application 14/01384/OUT (11m) and those emerging on the site to the south now subject to 21/03040/SCOP, where maximum residential building heights are likely to be proposed at around 12.5m and I believe that 16m in this area will be too high. I would recommend that the maximum building height be restricted to no more than 14m in this area.

I would also appreciate clarity on the levels marked '90m' on the Maximum Building Heights and Footprint parameter plan. If these are proposed as plateaus to be created from where building heights would be taken from, then I have concern with this in terms of the level of earthworks required to create these in some areas and also the impact of this level upon nearby residential units approved on Elmsbrook (Phase 2 particularly – the levels were approved by application 16/00044/DISC). My main concern relates to the southern areas of the site where the land drops towards the water courses. Some broad information on likely development levels would be helpful to assist in the assessment of maximum heights as it is noted that finished floor levels may vary by + or – 2m (detailed level information can be sought via planning condition but where a parameter plan is being proposed, then it is important that the judgement of the maximum heights that can be accommodated is made in the context of knowing the likely land level). In addition, the impact of significant earthworks (should they be proposed) may need assessment via the Environmental Statement as well as possible impacts arising from that. Cross sections in a few areas as identified below (and to the north) could assist the assessment of this:



The Plan should be amended to remove the reference to 90m or be updated if this is the case to ensure absolute clarity.

I have some concerns that the parameter plans themselves should be amended to show consistency with each other. For example, the building heights and footprint parameter plan shows built form on areas that cannot be built on according to the Green Space parameter plan – such as the heritage enhancement zone, the multi functional green space areas and the hedgerows and their buffers etc. I think that those areas need to be accounted for – this could either be through a single parameter plan (given the scale of the site) or, through a series as you currently have, but which take into account the constraints of each other.

Otherwise, I am generally supportive of the design and landscape approach suggested at this outline stage and consider that it forms a suitable basis for detailed consideration moving forward.

The Design and Conservation team have commented on the proposals and not raised an objection to the scheme and particularly the buffer between the development on the Eastern parcel and the nearby heritage assets. It is considered that the mitigation suggested is generally sufficient to minimise any harm. The comments generally relate to how the remaining open space area is treated and some concerns are expressed with regard to the play area in this location. It is also noted that further details would be required of the view corridor to St Lawrence's Church to ensure it is clear how this will be achieved in practice (i.e. that the landscape scheme is carefully considered to avoid obscuring the view entirely). Whilst I don't disagree with this assessment, I do have some reservations about the extent of development in this area and understand that you have looked at this in terms of providing some further information to consider this point. I would be happy to review this in detail. It would also be helpful if you could provide additional information relating to how this buffer area would be treated/ how it is proposed that a play space within this area could be suitable accommodated.

With regard to Archaeology, the OCC Archaeology Team have advised that should planning permission be granted, further work will be required to be secured via planning condition, including the implementation of a stage programme of archaeological investigation to be maintained during the period of construction.

Biodiversity

As noted by the Council's Ecologist, a Biodiversity Strategy calculating, via the use of a recognised metric, whether a net biodiversity gain will be achieved, has not been submitted. This is important as it is a policy requirement of both Policy Bicester 1 and ESD10 that a biodiversity net gain be achieved. The Council targets a net gain of at least 10%. A calculation to demonstrate this must be submitted for review.

As set out in the S106 Heads of Terms provided at the pre-app stage, there will be a requirement for a contribution towards off-site farmland bird mitigation. This requirement was established by the ecological work undertaken to support the Masterplan, which identified the impacts from the loss of habitats for farmland birds across the whole masterplan site. The contribution is sought based upon the site area for each application.

The Council's Ecologist has raised comments regarding the ecological enhancement measures proposed specifying that a minimum of one provision (habitat boxes/ bricks) per dwelling is sought. The use of Green roofs should also be identified.

With regard to protected species, it is noted that the ponds on and around the site have not been surveyed for Great Crested Newt suitability and that this aspect needs to be considered and dealt with pre-determination to ensure potential impacts for GCN are known and the required level of mitigation can be agreed. Please refer to the comments from Nature Space which sets out some options in this regard.

Comments have been raised regarding the lack of the provision of a Landscape Ecological Management Plan, however I am minded to consider that this would be more appropriately sought via a planning condition given that landscape is a reserved matter and therefore it will be at that later stage that it will be appropriate to agree how those areas will be managed.

Water/ Drainage/ Flood Risk

There is an outstanding objection from the Environment Agency on flood risk grounds and in the absence of an acceptable FRA. The EA comment that the FRA does not adequately assess the flood risks posed by the development as it fails to:

- Consider how a range of flooding events (including extreme events) will affect people and property using evidence which is fit for purpose
- Take the impacts of climate change into account as there is inadequate assessment of climate change allowances.

The EA seek a revised FRA which addresses the points above. Their consultation response provides full details of what is required to overcome the objection but, it is advised that detailed hydraulic modelling will be needed to establish the baseline degree of flood risk in this location and to enable a robust investigation of future risks of flooding as a result of climate change.

Thames Water have requested planning conditions be imposed relating to ensuring that there is sufficient capacity for foul water drainage (pre-occupation) and for water infrastructure (for water infrastructure, their advice is that they have identified that there would be capacity for 49 dwellings but that beyond this, network upgrades will be required). I am aware there was some correspondence on this matter and if matters have moved on further, then please provide additional information for re-consultation.

OCC as Lead Local Flood Authority have raised no objections to the outline drainage strategy proposed and its principles outlined. Planning conditions will be required relating to this matter.

Policy ESD3 of the CLP 2011-2031 sets out that the Council will seek a higher level of water efficiency than that required by the Building Regulations with developments to achieve a limit of 110 litres/ person/ day. The NW Bicester SPD seeks a more ambitious target of 105 litres/ person/ day with the aim that in residential properties, at least 25 l/p/d would be replaced with non-potable water to allow the target of 80 l/p/d to be achieved (by for example rainwater harvesting). Bicester is in an area of water stress and the SPD identifies that the site should be ambitious in terms of water with the aim to contribute to achieving water neutrality. Further clarity is sought in this respect.

Waste

Policy Bicester 1 and the NW Bicester SPD refer to the need for a waste strategy to be submitted with planning applications to cover both domestic and non-domestic waste which should set targets for residual waste levels and land fill diversion, set targets above national standards to be ambitious in terms of how waste is dealt with and which should set out how developers will ensure that no construction, demolition, and excavation waste will be sent to landfill. I have not been able to locate a waste strategy as part of the application documentation, so I am unable to assess the proposal for Policy compliance in this respect.

Community and Governance

The NW Bicester SPD sets out the requirements for the wider NW Bicester site in respect of Community and Governance. The aim is to create a mixed and balanced community that supports the ability of the site to establish long-term governance structures that complement the existing democratic governance

structures to enable standards to be met and maintained, to continue community engagement and involvement and to ensure that community assets are maintained. As there is the ambition for one organisation across the site to ensure efficiencies in this role, contributions are sought via the S106 towards the Community Management Organisation. The proposal does not appear to acknowledge this requirement.

Cultural Wellbeing

Cultural wellbeing is seen to be a part of achieving sustainable development by contributing towards creating a culturally vibrant place through high quality design, the use of public art where appropriate and community engagement. The NW Bicester SPD includes further details and has, as an appendix, an overarching Cultural Wellbeing Strategy. A site specific cultural wellbeing strategy will be sought through the S106 for this site to secure a scheme to enable the site to be culturally vibrant with projects that might draw on the suggestions set out within the SPD.

Environmental Matters

The Council's Environmental Protection Team have reviewed the submitted information relating to noise, air quality and contaminated land and have no objections subject to the imposition of conditions. There are no comments with regard to odour and it is requested that a lighting scheme be agreed prior to implementation, which would need to be sought via planning condition.

S106, Viability and Conditions

The S106 Heads of Terms were provided to you at the pre-application stage but as noted there have been some additional requests and updates made through the application process which would vary the initial indication provided. I will need to pull together a new comprehensive list of all S106 requests to make sure all matters are covered albeit I understand you have completed this activity and would be happy to share this for my review. In addition to seeking financial contributions, this will need to cover other matters such as monitoring to ensure the standards sought are achieved, arrangements for ongoing management and maintenance of facilities including open space and other matters which have been mentioned above. This will enable the site to comply with various Development Plan policies relating to the provision of infrastructure to support the new residents and make the development acceptable in planning terms.

It is understood that the Viability Assessment will be submitted towards the end of September. Once received, it will need detailed review and consideration of the proposed options. That is subject to separate discussions and I will not comment further on that at this point.

Subject to the application being recommended for approval once all matters are resolved and we have reviewed and progressed the viability, I would intend to share a draft list of planning conditions with you prior to their inclusion on a planning committee agenda.

Conclusion

Please note, the above represents the position to date and I will continue to review matters as we move forward and through writing my recommendation report at the appropriate time. I will aim to contact you on any other points that arise as soon as I am able.

As we have not yet signed the PPA enabling the determination period to be updated, please could we agree an extension of time – for now until the end of 31 March 2022? I would appreciate your confirmation so that I can update our timescales.

If you have any questions or queries regarding the above please contact me using the details provided above. Please accept that this advice is provided at Officer level and it is entirely without prejudice to any formal decision the Local Planning Authority may make.

Yours faithfully

Caroline Ford - Principal Planning Officer