**LAND AT NORTH WEST BICESTER, CHARLOTTE AVENUE, BICESTER, OX27 8BP**

**APP/C3105/W/23/3315849**

**Planning Policy Position Statement**

**[Draft 03 May 2023] *[Pending BBUG’s input at the time of issue]***

| **Development Plan Policy** | **Comments** | | | |
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| **Appellant** | **CDC** | **NWBA** | **BBUG** |
| **PSD 1** Presumption in Favour of Sustainable Development | * Generally consistent with NPPF. * The proposals do not conflict with this policy. * The tilted balance is engaged by the Council not being able to demonstrate a deliverable 5YHLS. | The Council carried out a 2022 Regulation 10A Review of the policies in the Cherwell Local Plan 2011- 2031 (approved by the Council’s Executive and published in February 2023) which concluded this policy is generally consistent with the NPPF and local circumstances did not indicate that the policy needs updating. The 2021 NPPF wording is somewhat different but, overall, the aims remain the same. The policy is generally consistent with the NPPF and significant weight should be attached. | * NPPF compliant, and a mandatory consideration. * The tilted balance should not be engaged, because CDC has demonstrated a current deliverable 5YLHS. * The Appellant’s proposals therefore conflict with this policy. |  |
| **SLE 4** Improved Transport and Connections | * Generally consistent with NPPF. * The proposals include a financial contribution to mitigate the transport impacts of the development and reasonably facilitates the use of sustainable modes of transport. * The proposals do not therefore conflict with this policy. | The Council carried out a 2022 Regulation 10A Review of the policies in the Cherwell Local Plan 2011- 2031 which concluded this policy is generally consistent with the NPPF and local circumstances did not indicate that the policy needs updating. The policy is generally consistent with the NPPF with the Policy and the NPPF encouraging the use of measures and opportunities to make development more sustainable including through public transport and the consideration of the impacts of development on local roads. Therefore, significant weight should be attached. | * NPPF compliant and very important: a vital part of the Ecotown’s drive to encourage reduction of transport modes which are less healthy/less environmentally friendly, while remaining feasible and safe to all users. * As “severe traffic impact will not be supported”, and proposed designs increase congestion to this point, the Appellant’s proposals conflict with this. |  |
| **BSC 1** District Wide Housing Distribution | * Housing targets are out of date in light of the recent publication of the Oxfordshire HENA (Dec 2022). * Notwithstanding this, the proposals seek to deliver housing on an allocated site within Bicester and are therefore considered to accord with the overarching objectives of this policy. | This policy sets out the Local Plan’s housing distribution and plans for 22,840 dwellings to be delivered between 2011 and 2031, which equates to an annual requirement of 1,142 dwellings to meet the needs of Cherwell. Section E of the Local Plan explains how the Plan will be monitored.  The Council’s 2022 Regulation 10A Review of Local Plan Policies concluded that the housing requirement for the district requires updating.  New evidence in the form of Housing and Employment Needs Assessment (HENA) 2022 is new up to date evidence of housing need, which provides an assessment materially different to that in the 2014 Strategic Housing Market Assessment (SHMA). It indicates that the 2014 SHMA is now out of date. As the housing requirement in the adopted strategic policies in the 2015 Local Plan is based on the 2014 SHMA, it further indicates that strategic policy BSC1 does, in the words of NPPF para 74 and footnote 39, require updating.  The Council’s Land Supply update (February 2023) explains how it is appropriate to apply the standard methodology for the assessment of local housing need for Cherwell for the purpose of calculating the five-year housing land supply.  However, the policy is generally consistent with the NPPF and its objectives in paragraph 60 of significantly boosting the supply of homes and ensuring sufficient land comes forward where it is needed. Therefore, significant weight should be attached.  The Council’s latest Annual Monitoring Report (AMR) shows how the Local Plan as a whole is continuing to deliver a high level of growth consistent with the overall plan trajectory. The Council continues to deliver against the NPPF aim of significantly boosting the supply of homes. A significant number of planning permissions have been granted on the Council’s allocated sites and development continues to be delivered.  The Council’s latest AMR shows that the Council has met this policy’s yearly target with 1,175 housing completions during 2021/22. The district is experiencing a high level of growth and the policy continues to provide a supply of development land.  The Council has exceeded the housing delivery test published by the government (latest DLUHC publication, 14 January 2022).  The housing requirement will be set through the emerging Local Plan Review 2040 which will consider the distribution and mix of housing across the District. | * NPPF compliant; not so important, because 530 homes is a tiny fraction of the total target number of homes. * Housing targets based on Oxfordshire HENA and the CDC strategy are assessed in the CDC Housing Land Supply Statement (3rd February 2023). |  |
| **BSC 3** Affordable Housing | * Generally consistent with NPPF. * There is provision in the policy for the level of affordable housing to be tested in viability terms. * Having regard to the agreed position on viability, the proposals do not conflict with this policy. | The Council carried out a 2022 Regulation 10A Review of the policies in the Cherwell Local Plan 2011- 2031 which concluded this policy is generally consistent with the NPPF and local circumstances did not indicate that the policy needs updating. The policy sets out the Council’s requirements for affordable housing provision on new developments. The NPPF states that policies should set out the contributions expected from development and this should include setting out the levels and types of affordable housing provision required. The policy is generally consistent with the NPPF and significant weight should be attached | * NPPF compliant and important – the 30% minimum is also specified in **Bicester 1**. * NPPF viability guidelines do not consider the possibility of waiving non-contribution policy requirements on the grounds of financial viability. Exemplar and other phases all meet it. |  |
| **BSC 4** Housing Mix | * Generally consistent with NPPF. * The proposed mix has been agreed with CDC in line with the provisions within the policy. * The proposals do not therefore conflict with this policy. | The Council carried out a 2022 Regulation 10A Review of the policies in the Cherwell Local Plan 2011- 2031 which concluded this policy is generally consistent with the NPPF and local circumstances did not indicate that the policy needs updating. Therefore, significant weight should be attached.  The policy sets out the Council’s requirements for a mix of housing on new developments. The NPPF requires the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The policy is generally consistent with the NPPF. However, the housing mix indicated in the Local Plan supporting text (paragraph B.122) derives from the Oxfordshire Strategic Housing Market Assessment 2014. New housing mix evidence in the recently published HENA 2022 will form the basis of housing mix negotiations in Cherwell alongside available evidence from developers on local market conditions. | * NPPF compliant; exact mix less important compared with other policies considered here. |  |
| **BSC 7** Meeting Educational Needs | * Generally consistent with NPPF. * The proposals will contribute towards educational provision commensurate to the need generated. * The proposal does not therefore conflict with this policy. | The Council carried out a 2022 Regulation 10A Review of the policies in the Cherwell Local Plan 2011- 2031 which concluded this policy is generally consistent with the NPPF and local circumstances do not indicate that the policy needs updating. The policy sets out the Council’s requirements for meeting educational needs and how it will work with partners. The NPPF requires that local planning authorities take a proactive, positive and collaborative approach to meeting the need for school places. The policy is generally consistent with the NPPF and significant weight should be attached. | * NPPF compliant; important. * Key issue: that the Appellant’s additional vehicle traffic on Charlotte Avenue would be detrimental to Gagle Brook School’s “sustainable location” is important. * The Appellant’s proposals are therefore in conflict. |  |
| **BSC 8** Securing Health and Wellbeing | * Generally consistent with NPPF. * The proposal does not conflict with this policy. | The Council carried out a 2022 Regulation 10A Review of the policies in the Cherwell Local Plan 2011- 2031 which concluded this policy is generally consistent with the NPPF and local circumstances did not indicate that the policy needs updating. The policy sets out how the Council will support the provision of health facilities in sustainable locations and the replacement of Bicester hospital. The NPPF objective is fostering a well-designed and safe built environment with accessible services and open spaces that reflect current and future needs and support the communities’ health. The policy is generally consistent with Chapter 8 of the NPPF, and significant weight should be attached. | * NPPF compliant and important: the Ecotown is required strongly facilities to encourage Healthy Living. * S106 contribution amount is currently not agreed between CDC/Appellant, and MUGA unspecified in application documents. * Cannot tell if the Appellant’s proposals conflict with or not – not enough detail provided. |  |
| **BSC 10** Open Space, Outdoor Sport and Recreation Provision | * Generally consistent with NPPF. * The proposals will contribute towards open space, sport and recreation provision commensurate to the need generated. * The proposal does not therefore conflict with this policy. | The Council carried out a 2022 Regulation 10A Review of the policies in the Cherwell Local Plan 2011- 2031 which concluded this policy is generally consistent with the NPPF and local circumstances did not indicate that the policy needs updating. The policy sets out the approach to securing open space, outdoor sport and recreation provision and is generally consistent with the NPPF Chapter 8, and significant weight should be attached. | * NPPF compliant; recreation provision specifying MUGA is important. * S106 contribution amount is currently not agreed between CDC/Appellant, and MUGA unspecified in application documents. * Cannot tell if the Appellant’s proposals conflict with or not – not enough detail provided. |  |
| **BSC 12** Indoor Sport, Recreation and Community Facilities | * Generally consistent with NPPF. * The proposals will contribute towards the provision of new or improved facilities commensurate to the need generated. * The proposal does not therefore conflict with this policy. | The Council carried out a 2022 Regulation 10A Review of the policies in the Cherwell Local Plan 2011- 2031 which concluded this policy is generally consistent with the NPPF and local circumstances did not indicate that the policy needs updating. The policy sets out the approach to securing indoor sport, recreation and community facilities and is generally consistent with the NPPF Chapter 8, and significant weight should be attached | * NPPF compliant and important: the Ecotown is required strongly facilities to encourage Healthy Living, and bring the community together. * S106 contribution amount is currently not agreed between CDC/Appellant, and MUGA unspecified in application documents. * Cannot tell if the Appellant’s proposals conflict with or not – not enough detail provided. |  |
| **ESD 1** Mitigation and Adapting to Climate Change | * Generally consistent with NPPF. * The proposals will deliver development on an allocated site and within a sustainable location. * There is a commitment to delivering a development which encourages sustainable modes of travel and achieves Net Zero Carbon – which (given the outline stage) is capable of being secured by condition. * The proposal does not therefore conflict with this policy. | The Council carried out a 2022 Regulation 10A Review of the policies in the Cherwell Local Plan 2011- 2031 which concluded this policy is generally consistent with the NPPF and local circumstances did not indicate that the policy needs updating. The policy sets out the measures that will be taken to mitigate the impact of development within the District. The NPPF explains how Plans should take a proactive approach to mitigating and adapting to climate change. Therefore, significant weight should be given to this policy. | * NPPF compliant and very important, as **Bicester 1** requires “exemplary demonstration of compliance with the requirements of Policies ESD 1 – 5" * The Appellant’s proposals would reduce safety and ease of travel for cyclists and pedestrians through Elmsbrook, and create a much greater internal estate journey distance for vehicles from the proposed development. This causes more congestion and pollution – in an Ecotown – and goes against NPPF p. 111, 112. * The Appellant’s proposals do not meet the minimum standard set by the Exemplar for reducing water consumption. The question on this topic from BioRegional is not answered in the Appellant’s response table document, and there appear to be no updates or comments since. * The proposals are therefore strongly in conflict with this policy. |  |
| **ESD 2** Energy Hierarchy and Allowable Solutions | * Generally consistent with NPPF. * The proposal follows the energy hierarchy (which allows for allowable solutions) and does not therefore conflict with this policy. | The Council carried out a 2022 Regulation 10A Review of the policies in the Cherwell Local Plan 2011- 2031 which concluded this policy is generally consistent with the NPPF and local circumstances did not indicate that the policy needs updating. The policy sets out the Council’s approach to energy hierarchy and allowable solutions. This policy is generally consistent with the NPPF, including Chapter 14.Therefore, significant weight should be given to this policy. | * NPPF compliant and very important, as **Bicester 1** requires “exemplary demonstration of compliance with the requirements of Policies ESD 1 – 5" * “Allowable solutions” appear to be the Appellant’s solution to meet requirements; as the Exemplar development did not use “allowable solutions”, this sets the minimum standard, and thus proposals appear to conflict strongly with this policy. |  |
| **ESD 3** Sustainable Construction | * Generally consistent with NPPF. * There is a commitment to delivering Net Zero Carbon homes which (given the outline stage) is capable of being secured by condition. * The proposal does not therefore conflict with this policy. | The Council carried out a 2022 Regulation 10A Review of the policies in the Cherwell Local Plan 2011- 2031 which concluded this policy is generally consistent with the NPPF and local circumstances did not indicate that the policy needs updating. This policy sets out the Council’s approach to sustainable construction. This policy is generally consistent with the NPPF, including Chapter 14. Therefore, significant weight should be given to this policy. | * NPPF compliant and very important, as **Bicester 1** requires “exemplary demonstration of compliance with the requirements of Policies ESD 1 – 5" * Very pleased to see a commitment to Net Zero Carbon homes; but as there is no mention of this in the Appellant’s Statement of Case, we need to see more specific details of compliance with this. |  |
| **ESD 4** Decentralised Energy Systems | * Generally consistent with NPPF. * A feasibility assessment has been undertaken which has been reviewed and accepted by CDC (see paragraph 9.27 of the 09 March Committee Report). * The proposal does not therefore conflict with this policy. | The Council carried out a 2022 Regulation 10A Review of the policies in the Cherwell Local Plan 2011- 2031 which concluded this policy is generally consistent with the NPPF and local circumstances did not indicate that the policy needs updating. The policy sets out how decentralised energy systems will be encouraged in all new developments. The policy is generally consistent with the NPPF, including Chapter 14.Therefore, significant weight should be given to this policy. | * NPPF compliant and very important, as **Bicester 1** requires “exemplary demonstration of compliance with the requirements of Policies ESD 1 – 5" * Have not seen the feasibility assessment referred to in paragraph 9.26 of the 09 March CDC Planning Committee report; this is unanswered in the BioRegional response table document. * We are concerned re the futureproofing of any solution which might require later retrofitting *per home*. We note that the best solution for the 530 proposed homes and for the whole Ecotown may be different, but have seen no analysis looking 10+ years ahead. * Without further detail, we are unable to determine a position on this policy. |  |
| **ESD 15** The Character of the Built and Historic Environment | * Generally consistent with NPPF. * The proposals have been informed by detailed analysis of the context and having regard to nearby heritage assets. * A Design Code will be secured via condition. * The proposal does not therefore conflict with this policy. | The Council carried out a 2022 Regulation 10A Review of the policies in the Cherwell Local Plan 2011- 2031 which concluded this policy is generally consistent with the NPPF and local circumstances did not indicate that the policy needs updating. The Policy sets out requirements in relation to design and the historic environment. In Chapter 12 the NPPF states that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The policy is generally consistent with the NPPF. Therefore, significant weight should be given to this policy. | * NPPF compliant and very important, as **Bicester 1** alsorequires compliance with the requirements of Policies ESD 15. * The Appellant’s proposals site houses right up to the B4100 in front of St. Lawrence’s Church, with unspecified “buffer”, and this appears to go against the requirement for being “sensitively sited”, and “contributing positively” – we note also reference to NWBSPD policy 5.28 (as required by **Bicester 1**) and the original Masterplan layout designs. * Thus the proposals conflict with this policy. |  |
| **Bicester 1** North West Bicester Eco-Town | * Generally consistent with NPPF. * The proposals meet the various requirements of the policy as relevant to the uses proposed and having regard to the provision of other policies within the Local Plan. * The proposal does not therefore conflict with this policy. | This is the overarching policy for the appeal site -the most relevant policy.  The Council carried out a 2022 Regulation 10A Review of the policies in the Cherwell Local Plan 2011- 2031 which concluded this policy is generally consistent with the NPPF and local circumstances did not indicate that the policy needs updating.  The NPPF requires that planning policies set criteria or identify strategic sites to meet anticipated needs over the Plan period. The policy requires the provision of 6,000 new homes, 3,293 within the Plan period, and the remainder beyond 2031. The Local Plan however does not preclude faster or earlier delivery at North West Bicester.  The Council’s Regulation 10A review of policies explains that housing delivery on this site has fallen behind the local plan trajectory due to delays in the provision of strategic transport infrastructure.  The Council’s Land Supply Statement (February 2023) explains that Cherwell District Council is working proactively with partners including Homes England to unlock development at Bicester. As of January 2023, when updating the Housing Delivery Monitor a cautious approach has been taken in assessing delivery. It is anticipated that delivery from North West Bicester will be around 50 dwellings in the proceeding 5 year period with the remainder expected to come forward in years 6-10 and beyond the plan period. The Land Supply Update identifies how sites at North West Bicester are deliverable and developable.  The policy is still in compliance with the NPPF and significant weight should be attached to it. | * NPPF compliant and a **Most Important** policy – as it includes by extension all the clauses within the NW Bicester SPD: between these 2 documents, all the key development principles and requirements for the Ecotown are defined, including taking on all policies from the original Ecotown PPS1. * Without this, there is nothing to differentiate an Ecotown development from a standard development. Tilted balance does not apply. * The proposals conflict with >40 specific points in the 2 documents, including re minimum 30% Affordable housing, Code Level 5 equivalent, water efficiency, creating new traffic adversely affecting surrounding communities, degrading rather than enhancing existing access, and more. * The proposals therefore conflict |  |
| **INF 1** Infrastructure | * Generally consistent with NPPF. * The Applicant has worked positively with CDC and OCC to identify and agree the infrastructure requirements associated with the proposed development. Provision for these will be made within the S106. * The proposal does not therefore conflict with this policy. | The Council carried out a 2022 Regulation 10A Review of the policies in the Cherwell Local Plan 2011- 2031 which concluded this policy is generally consistent with the NPPF and local circumstances did not indicate that the policy needs updating. The Policy explains that the Council’s approach to infrastructure will identify the infrastructure to meet the District’s growth, to support the strategic sites and ensure delivery. The NPPF sets out how Plans should make provision for infrastructure and work with infrastructure providers. The policy is generally consistent with the NPPF. Therefore, significant weight should be given to this policy. | * NPPF compliant; links to several of the above points are, by association, important – and in conflict, e.g. re infrastructure for transport, education and water. Aside from this: * S106 contribution amount is currently not agreed between CDC/Appellant, and MUGA unspecified in application documents. |  |