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### **3.1 INTRODUCTION**

3.1.1 This chapter of the ES sets out the principal elements of the relevant planning policy context for the Proposed Development. It provides a general overview, and where necessary to support specific assessment areas, is supplemented by a more detailed policy review within the relevant topic chapters.

3.1.2 The OPA is submitted in the context of the Government's commitment to growth and development, contained in the National Planning Policy Framework (NPPF, 2021) and Planning Practice Guidance. The development plan comprises the Cherwell Local Plan Part 1 2011-2031 (re-adopted in 2016) and the saved policies of the Cherwell Local Plan 1996. Other material considerations include Cherwell's Residential Design Guide Supplementary Planning Document and Developer Contributions Supplementary Planning Document.

## **3.2 NATIONAL PLANNING POLICY**

### **National Planning Policy Framework (NPPF)**

- 3.2.1 The Government's commitment to delivery of sustainable development is enshrined in the National Planning Policy Framework (NPPF). Local Planning Authorities are duty bound to prepare positive plans to encourage sustainable development that meets the area's need for homes, jobs and open space. Applications should meet the overarching objectives of delivering economic, social and environmental objectives (paragraph 8).
- 3.2.2 The NPPF provides a clear decision taking framework and approach (para 11) to the determination of planning applications. The focus is the Presumption in Favour of Sustainable Development. Decisions must accord with an up-to-date plan. In the absence of an up-to-date development plan policy, permission is to be granted unless there are adverse impacts that demonstrably and significantly outweigh the benefits of development. In the context of a time-expired or out of date local plan, consideration needs to be given to the balance of adverse impacts when assessed against the policies of the NPPF as a whole. It is the policies of the entire NPPF, taken collectively, which provide the definition of sustainable development.
- 3.2.3 CDC acknowledge that its current housing land supply position is 4.7 years supply for 2021-2026 and as such paragraph 11d is relevant, within a context of a detailed site-specific Policy in the Adopted Local Plan Part 1 to which the application accords. Gavray Drive is part CDC's 5 year housing land supply of deliverable sites and so would contribute towards meeting this requirement.
- 3.2.4 Considered against the wider NPPF, the development can be seen to enhance an existing vibrant and healthy community through a mix of housing and by enhancing the natural environment through integration of existing habitats into the wider green infrastructure network and the use of renewable energy technologies.
- 3.2.5 Consideration of relevant chapters of the NPPF follows:
- Chapter 5 - Delivering a sufficient supply of homes*
- 3.2.6 Chapter 2 of the NPPF notes that housing applications should be considered in the context of the presumption in favour of development. The development can be

defined as sustainable by delivering a scheme that is sensitive to the environment, supports economic growth and establishes a socially robust community.

- 3.2.7 The development delivers up to 250 dwellings of the planned requirement of 10,129 units for Bicester to 2031. The site is deliverable, in the context of Annex 2 of the NPPF, in that it is available, offers a suitable location for development and has a reasonable prospect of housing delivery within five years. Furthermore, it is allocated in the adopted Local Plan. The mix of housing types and tenures will be refined at reserved matters stage.

*Chapter 6 - Building a Strong Competitive Economy*

- 3.2.8 The proposed development supports a strong, competitive economy in Bicester and the wider District. The Government recognises that competitive economies are as much about removing barriers to growth, such as local housing need, as it is providing new employment land. The application proposes up to 250 homes, part of the planned growth at Bicester, supporting investment by delivering much needed, housing.

- 3.2.9 The development will establish a new population (some residents will move from other parts of Bicester) that will help to support the enhanced retail and business elements proposed in the town centre. The economy will be supported by increased expenditure on goods and services. The area is close to major employment opportunities and within easy walking and cycling distance.

*Chapter 7 - Ensuring the Vitality of Town Centres*

- 3.2.10 The NPPF promotes competitive town centre environments and recognises town centres as the heart of their communities. The new population will rely on town centre and other established retail centres for comparison shopping and leisure. Higher density development is located west of Langford Brook, closest to the town centre in order to provide the greatest opportunity that the community utilises town centre facilities and reaches it by non-vehicle means where possible.

*Chapter 9 - Promoting Sustainable Transport*

- 3.2.11 The proposed development adopts the approach advocated in the NPPF that people should be given choice about how they travel with a transport system balanced in favour of sustainable transport modes. Footways and cycle routes throughout the scheme support walking and cycling as realistic options. A Travel Plan will highlight opportunities for sustainable travel for all businesses and new

homes. The Transport chapter outlines the range of sustainable transport measures proposed, alongside the modal shift predicted.

*Chapter 8 - Promoting Healthy and Safe Communities*

3.2.12 The network of footpaths, cycle routes and green infrastructure incorporating formal and informal open space will encourage activity and healthy lifestyles. The creation and future management of the LWS and CTA are fundamental to the proposals.

*Chapter 12 – Achieving well-designed places*

3.2.13 The Design & Access Statement demonstrates the high-quality design approach and the ability to establish a sense of place and identity. The principles in the Design & Access Statement will be taken forward at reserved matters stage for each development phase.

*Chapter 14 - Meeting the Challenge of Climate Change, Flooding and coastal change*

3.2.14 The NPPF notes that reductions in greenhouse gas emissions and resilience to climate change can be encouraged through good planning. The climate change chapter, submitted Sustainability Statement and Design & Access Statement details the ways in which this may be achieved through location of the development, orientation and design, a focus of supporting sustainable modes of transport, sustainable construction and energy efficiency.

3.2.15 The NPPF requires that development should be directed away from areas at highest risk of flooding. A Flood Risk Assessment forms part of the OPA documentation and concludes that the site is suitable for the proposed development in the context of the NPPF sequential test.

3.2.16 Sustainable urban drainage solutions will be incorporated into both the built and green environments. SuDS will be implemented to reduce flood risk, minimise pollution and provide landscape and wildlife benefits. The drainage strategy set out in the FRA will ensure that rates of run-off are no worse than existing.

*Chapter 15 - Conserving and Enhancing the Natural Environment*

3.2.17 The NPPF places an emphasis on protecting valued landscapes, minimising impacts on biodiversity and preventing unacceptable levels of pollution, and on mitigating

impacts where these occur. The EIA process has allowed a master plan to be developed that retains and enhances areas of ecological value.

*Chapter 16 - Conserving and Enhancing the Historic Environment*

3.2.18 The NPPF recognises the contribution that heritage assets make to our knowledge and understanding of the past and the desirability of new development to make a positive contribution to local character and distinctiveness. The application site does not include any heritage assets. There are no Conservation Areas, Registered Parks or Gardens, or Scheduled Monuments located within the site.

### **3.3 LOCAL POLICY**

3.3.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in Cherwell comprises the Cherwell Local Plan 2011-2031 Part 1 and the saved policies of the Cherwell Local Plan 1996.

#### **Cherwell District Local Plan Saved Policies (1996)**

3.3.2 The Cherwell Local Plan was adopted in 1996. The saved policies have some limited relevance to the determination of this application. These are:

- Policy C28 which seeks a sympathetic layout, design and external appearance of new development and use of traditional building materials; and
- Policy C30 which seeks that new housing is compatible with appearance, character, scale of existing dwellings in the vicinity and ensures acceptable standards of amenity and privacy.

3.3.3 The DAS submitted with the application set out the principles for establishing a high-quality design. The application is submitted in outline only but the Parameter Plans with the DAS establish the framework for future Reserved Matters application to adhere to.

#### **Cherwell Local Plan Part 1 2011-2031 (re-adopted 2016)**

3.3.4 The Cherwell Local Plan provides the policy framework to deliver sustainable growth to 2031 and beyond. The spatial strategy seeks to manage growth and focus development in and around Bicester and Banbury. Policy BSC 1 sets out the district wide housing provision of 22,840, with 10,129 homes to be provided at Bicester.

3.3.5 Para C.32 sets out a clear vision for Bicester in 2031. Development of Gavray Drive will be a key component of delivering that vision including delivering development that will increase Bicester's self-containment, provide higher-value job opportunities and reduce the proportion of out-commuting; and Provide for new development in accessible locations that will maximise opportunities for providing sustainable transport choices, for reducing traffic congestion and for reducing the proportion of out-commuting.

3.3.6 Land to the north of Gavray Drive is allocated for development by Policy Bicester 13. The policy sets out infrastructure needs from the development including the

provision of 30% affordable housing, contributions towards offsite infrastructure and provision of open space as well as the provision of access arrangements. It also sets out a series of key site-specific design and place shaping principles.

3.3.7 The table below sets out the policy with a response to each criterion.

<b>Policy Bicester 13: Gavray Drive (re-adopted) Development</b>	<b>Response</b>
<b>Area: 23 hectares</b>	This is included within the entire application site.
<i>Development Description: a housing site to the east of Bicester town centre. It is bounded by railway lines to the north and west and the A4421 to the east</i>	
<b>Housing</b>	
<i>Number of homes - 300 dwellings</i>	Up to 250 homes are proposed. The site is heavily constrained and contains a LWS, CTA and areas of flood risk. The proximity of the railway line also requires a suitable buffer on account of noise and air quality. Capacity analysis has identified up to 250 homes within appropriate densities.
<i>Affordable Housing - 30%.</i>	30% affordable housing will be delivered as part of the S106 Agreement.
<b>Infrastructure Needs</b>	
<i>Education – Contributions sought towards provision of primary and secondary school places</i>	To be provided as part of the S106 Agreement.
<i>Open Space – to include general greenspace, play space, allotments and sports provision as outlined in Policy BSC11: Local Standards of Provision – Outdoor Recreation. A contribution to off-site formal sports provision will be required.</i>	17 ha (or 78% of the application site) is set aside as greenspace including play space. Off-site provision can be provided as part of the S106 Agreement, if required.
<i>Community – contributions towards community facilities</i>	This will be agreed with CDC and OCC as part of the Section 106 Agreement.
<i>Access and movement – from Gavray Drive.</i>	The site will be accessed via Gavray Drive.
<b>Key site specific design and place shaping principles</b>	
<i>Proposals should comply with Policy ESD15.</i>	The DAS seeks to deliver high quality, safe, attractive, durable and a healthy place. The ES includes an assessment of cultural heritage impacts.

<b>Policy Bicester 13: Gavray Drive (re-adopted) Development</b>	<b>Response</b>
<i>A high quality development that is locally distinctive in its form, materials and architecture. A well designed approach to the urban edge which relates to the road and rail corridors.</i>	The application is submitted in outline only and the final design and materials are reserved matters. Nevertheless, an indicative masterplan demonstrates how the layout and design can meet the aspiration of this criteria.
<i>Development must avoid adversely impacting on the Conservation Target Area and comply with the requirements of Policy ESD11 to secure a net biodiversity gain.</i>	The ecology ES chapter assesses the impacts on the CTA. Biodiversity surveys are included in the ES which identify constraints and opportunities for biodiversity enhancement. No built development is proposed within the CTA.  The chapter also sets out how a net biodiversity gain of in excess of 10% will be delivered.
<i>Protection of the Local Wildlife Site and consideration of its relationship and interface with residential and other built development.</i>	No built development is proposed in the LWS. Access will be limited to paths through the LWS. An Ecological Mitigation Management Plan has been discussed with the ecological stakeholders and forms part of the application.
<i>Detailed consideration of ecological impacts, wildlife mitigation and the creation, restoration and enhancement of wildlife corridors to protect and enhance biodiversity. The preparation and implementation of an Ecological Management Plan to ensure the long-term conservation of habitats and species within the site.</i>	The site has been subject of ecology surveys for many years. The ES chapter includes the results of these surveys and proposals where required. An Ecological Mitigation Management Plan has been discussed with the ecological stakeholders and forms part of the application.
<i>Development proposals to be accompanied and influenced by landscape/visual and heritage impact assessments.</i>	These are included in the ES.
<i>The preparation of a structural landscaping scheme, which incorporates and enhances existing natural features and vegetation. The structural landscaping scheme should inform the design principles for the site. Development should retain and enhance significant landscape features (e.g. hedgerows) which are or have the potential to be of ecological value. A central area of open space either side of Langford Brook, incorporating part of the Local Wildlife Site and with access appropriately managed to protect ecological value. No formal recreation within the Local Wildlife Site.</i>	The Open Space Parameter Plan shows the retention and enhancement of the sites existing features including the hedgerows and TPOs are retained. No formal recreation is proposed within the LWS, though restricted access through pathways has been discussed with all ecological stakeholders with further detail included in the ES.

<b>Policy Bicester 13: Gavray Drive (re-adopted) Development</b>	<b>Response</b>
<i>Provision of public open space to form a well connected network of green areas within the site, suitable for formal and informal recreation.</i>	17.51 ha of the site is set aside as open space including 3.75ha of informal and formal open space to include opportunities for dog walking, off lead and ball games.
<i>Provision of Green Infrastructure links beyond the development site to the wider town and open countryside</i>	The Open Space Parameter Plan shows Green Infrastructure links beyond the application site.
<i>Retention of Public Rights of Way and a layout that affords good access to the countryside</i>	The existing Public Right of Way is retained on its current alignment. The Open Space Parameter Plan shows indicative routes to link to the PRow and onward beyond the site boundary.
<i>New footpaths and cycleways should be provided that link with existing networks, the wider urban area and schools and community facilities. Access should be provided over the railway to the town centre.</i>	As above. A network of routes seek to allow good access west across the railway to the town centre. Footpath and cycle provision will be provided throughout the application site with improvement along Gavray Drive, as required.
<i>A linked network of footways which cross the central open space, and connect Langford Village, Stream Walk and Bicester Distribution Park</i>	As above. A network of routes is proposed as shown on the Proposed Layout and Open Space Parameter Plans.
<i>Ensure that there are no detrimental impacts on downstream Sites of Special Scientific Interest through hydrological, hydro chemical or sedimentation impacts.</i>	The ecology and drainage chapters in the ES assess the potential for off-site impacts.
<i>A layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity between new and existing communities.</i>	As above. A network of routes is proposed as shown on the Proposed Layout and Open Space Parameter Plans.
<i>A legible hierarchy of routes to encourage sustainable modes of travel. Good accessibility to public transport services with local bus stops provided. Provision of a transport assessment and Travel Plan</i>	The Access & Movement Parameter Plan proposes a hierarchy of routes across the site. Bus stops will be provided on Gavray Drive. A Transport Assessment and Travel Plan are included with the application.
<i>Additional bus stops on the A4421 Charbridge Lane will be provided, with connecting footpaths from the development. The developers will contribute to the cost of improving local bus services</i>	Bus stops will be provided with connecting footpaths. Contributions to bus services will be delivered via the S106 Agreement.
<i>Provision of appropriate lighting and the minimisation of light pollution based on appropriate technical assessment.</i>	The LVIA submitted with the ES considers lighting. Further detail including luminance levels will be submitted with Reserved Matters applications.
<i>Provision of public art to enhance the quality of the place, legibility and identity.</i>	Contribution to public art will be considered through S106 negotiations.

<b>Policy Bicester 13: Gavray Drive (re-adopted) Development</b>	<b>Response</b>
<i>Demonstration of climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of policies ESD 1 – 5.</i>	An Energy Statement is submitted with the application. This explores all matters of sustainability and sets out the opportunities to be explored further and committed through Reserved Matters applications.
<i>Take account of the Council's SFRA for the site.</i>	This is considered in the Flood Risk Assessment submitted with the application.
<i>Consideration of flood risk from Langford Brook in a Flood Risk Assessment and provision of an appropriate buffer. Use of attenuation SuDS techniques (and infiltration techniques in the south eastern area of the site) in accordance with Policy ESD 7: Sustainable Drainage Systems (SuDS) and taking account of the Council's SFRA.</i>	A Flood Risk Assessment is submitted with the application. This includes a surface water drainage strategy comprising a cascading mechanism along the northern edge of Gavray Drive west through landscaped areas. Land level changes are required west of the brook to allow suitable compensation ensuring residential development remains outside of the flood zone and without detriment to the ecological constraints of the site.
<i>Housing must be located outside Flood Zone 3 and the principles set out in Policy ESD 6 will be followed.</i>	All housing will be located outside flood zone 3.
<i>The provision of extra-care housing and the opportunity for community self-build affordable housing.</i>	CDC's pre-app response has confirmed that this will not be required on this site given existing commitments elsewhere in the town.
<i>An archaeological field evaluation to assess the impact of the development on archaeological features.</i>	This is included in the Cultural Heritage chapter of the ES.
<i>A detailed survey of the agricultural land quality identifying the best and most versatile agricultural land and a soil management plan.</i>	The land east of Langford Brook is not used for agriculture but is predominately subgrade 3b with a 1ha area of grade 2 (which will not be developed), the land to the west has been identified as subgrade 3b 'moderate' quality using the ALC system. Subgrade 3b is not BMV as defined by the NPPF. With the land being allocated in the Local Plan the impact of this loss has been considered fully as part of that process.

3.3.8 The planning application seeks outline planning permission for the development of Gavray Drive West for up to 250 dwellings in conformity with the site specific Policy Bicester 13. This amount of development has been fully assessed in the Environmental Statement accompanying the application and been demonstrated to result in no significant adverse effects. Furthermore, the Design & Access Statement demonstrates how the form and layout of development and the disposition of land uses across the site responds to the specific place shaping principles in Policy Bicester 13.

3.3.9 The following general policies are also relevant.

*Policy BSC 2 Effective and Efficient Use of Land; Policy BSC 3 Affordable Housing; Policy BSC 4 Housing Mix*

3.3.10 Policy BSC 2 aims for new housing to be provided at a net density of no less than 30 dwellings per hectare. Policy BSC 3 requires 30% affordable homes, expected to comprise a 70% affordable/social rented dwellings and 30% intermediate affordable. Policy BSC 4 requires a mix of homes to meet requirements for housing need and ensure provision of socially inclusive communities, identified in the Oxfordshire Strategic Housing Market Assessment and Cherwell Housing Strategy (2014).

3.3.11 The application proposals accommodate up to 250 dwellings with provision for affordable housing as part of the proposals. The tenure and mix of dwellings will be fixed through the s106 agreement and subsequent reserved matters pursuant to any outline planning permission.

3.3.12 The Density Parameter Plan shows densities ranging from up to 30 dph on land adjacent to open space up to 100 dph on the land closest to the town centre. High density built form is considered an appropriate response to some of the site constraints including the railways whilst ensuring that the land is used efficiently to meet the capacity aspiration set out in the Local Plan.

*BSC10: Open space, sport and recreation provision; BSC 11: Local Standards of Provision – Outdoor Recreation.*

3.3.13 Policy BSC10 supports convenient access to open space, sport and recreation provision and seeks to ensure that new development provides sufficient quantity commensurate to the need generated by the proposals. The development provides green space for play, recreation and walking/cycling. Offsite contributions will be provided where required and discussed through S106 negotiations.

*ESD 1: Mitigating and Adapting to Climate Change; ESD 3: Sustainable Construction; ESD 6: Sustainable Flood Risk Management; ESD 7: Sustainable Drainage Systems (SuDS)*

3.3.14 Policy ESD 1 and 2 seek to ensure development reduces the need to travel and encourages sustainable travel options, seeks reductions in carbon emissions, promotes low carbon/ renewable energy use and encourages the use of sustainable drainage methods. Policy ESD 3 encourages all new residential development to reflect high quality design and high environmental standards demonstrating sustainable construction methods. A Sustainability Statement is submitted with the application. The site is located close to the town centre and layout with footpaths and cycleways encourages movement via non-motorised

means. Final design including materials will be for future Reserved Matters applications, however through the DAS and SS, principles are set which seek to amplify and commit future developers to build high quality and meeting all environmental standards applicable at the time.

3.3.15 Policy ESD 6 directs new development to areas with the lowest probability of flooding in accordance with the Sequential Test as defined within the NPPF and requires development proposals to be accompanied by site specific flood risk assessments to assess all sources of flood risk. Policy ESD 7 requires developments to use sustainable urban drainage systems for the management of surface water run-off. As outlined earlier in this statement, the FRA concludes that the application site is suitable for the proposed development in the context of the NPPF.

*Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment, Policy ESD 11: Conservation Target Areas and Policy ESD 17: Green Infrastructure*

3.3.16 Policy ESD 10 seeks to protect and enhance the biodiversity and the natural environment through the protection of trees, retention of features of biodiversity value and creation of features to enhancement biodiversity such as creation of wildlife corridors to ensure new habitat connectivity. The proposed layout has taken into account habitats and features of value at an early stage.

3.3.17 The ES chapter includes a biodiversity metric which demonstrates that the development will meet a target of at least a 10% net gain. An Ecological Management Plan accompanies the ES. This seeks to ensure that the long-term conservation of habitats and species within the site.

3.3.18 Policy ESD 17 seeks to ensure that green infrastructure is integral to the planning of new development. No built development is proposed within the CTA. It is proposed to provide biodiversity enhancements in this area, together with flood attenuation and play area on that part which lies west of Langford Brook.

*ESD 13: Local Landscape Protection and Enhancement*

3.3.19 Policy ESD 13 seeks opportunities to secure the enhancement of the character and appearance of the landscape and requires development to respect and enhance local landscape character. The Design & Access Statement demonstrates the evolution of the proposals, the development layout and structure as a whole has been strongly influenced by the landscape context and topographical features of the site. A detailed landscape and visual impact assessment forms part of the ES

and demonstrates that the scheme has been designed to fit within the wider landscape.

*ESD 15: The Character of the Built and Historic Environment*

3.3.20 Policy ESD 15 requires new development proposals to understand and respect an area's unique built, natural and cultural context by improving the character and appearance of the area and the way it functions; to support efficient use of land and infrastructure; to reinforce or re-interpret local distinctiveness through a contemporary design response; to respect local topography and landscape features to include skylines, significant trees and historic boundaries; to conserve and enhance heritage assets; to promote permeable and accessible development and promote high quality multifunctional streets to include pedestrian movement within the public realm; and to respect existing amenities for existing and future development. The potential effects on heritage assets have been considered at the masterplanning stage. Appropriate site investigations have been carried out.

*Policy INF 1: Infrastructure*

3.3.21 Policy INF 1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities. The application proposals accord with this requirement through delivery of the following:

- contributions to off-site junction improvements;
- a proportion of affordable housing;
- land and contributions as appropriate for education, sports provision and community facilities;
- green infrastructure including informal open space and landscape areas and children's play space; and
- sustainable urban drainage systems.

3.3.22 Other considerations include the Cherwell Residential Design Guide SPD (2018). This was produced to ensure that new residential development results in vibrant, sustainable, safe and attractive places that add to the District's legacy. The Guide is not focused on building detail but intends to support the development of new places that reinforce the character and vitality of a settlement. Central to this is the need for development that provides safe places to live and work, promotes sustainable transport and ways of living with good connections to local facilities.

3.3.23 The Developer Contributions SPD (2018) seeks to set out the Council's approach to seeking Section 106 planning obligations from new developments for the provision of infrastructure, community facilities and services.