

PLACE AND GROWTH INTERNAL MEMORANDUM

From: Planning Policy, Conservation and Design Team

To: Senior Manager – Development Management (FAO Caroline Ford)

Our Ref: Application Response **Your Ref:** 21/03558/OUT

Ask for: Sharon Whiting **Ext:** 1848 **Date:** 24/11/21

APPLICATION FOR PLANNING PERMISSION PLANNING POLICY CONSULTATION RESPONSE

This response raises the key planning policy issues only.
All material planning policies and associated considerations will need to be taken into account.

Planning Application No.	21/03558/OUT
Address / Location	Land on the North East side of Gavray Drive, Bicester
Proposal	OUTLINE - Residential development for up to 250 dwellings including affordable housing and ancillary uses including retained Local Wildlife Site, public open space, play areas, localised land remodelling, compensatory flood storage, structural planting and access.
Key Policies / Guidance	<p>2015 Adopted Cherwell Local Plan Policy PSD 1: Presumption in Favour of Sustainable Development Policy SLE 4: Improved Transport and Connections Policy BSC 1: District Wide Housing Distribution 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 Provision – Outdoor Sport Policy BSC 12: Indoor Sport, Recreation and Community Facilities Policies ESD 1 – 5: Mitigating and Adapting to Climate Change Policy ESD 6: Sustainable Flood Risk Management Policy ESD 7: Sustainable Drainage Systems Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment Policy ESD 11: Conservation Target Areas Policy ESD 13: Local Landscape Protection and Enhancement Policy ESD 15: The Character of the Built and Historic Environment Policy ESD 17: Green Infrastructure Policy Bicester 13: Gavray Drive</p> <p>Saved Policies of the 1996 Cherwell Local Plan Policy C28: Layout, design and external appearance of new development Policy C30: Design control</p>
Key Policy Observations	<ul style="list-style-type: none"> The application site comprises 22.49 hectares and lies immediately to the north east of Gavray Drive, Bicester. The site is bounded to the northwest and northeast by railway lines, and to the south east by the A4421

Charbridge Lane link road.

- Two public rights of way cross the site, one passing through the western section of the site and the other entering the centre of the site from Gavray Drive, running parallel to it to Charbridge Lane and land to the south east.
- Langford Brook watercourse flows north south through the centre of the site, with the central third of the site lying within flood zones 2 and 3. Land west of Langford Brook is in agricultural use. Land east of the brook is lowland meadows with areas of scrub, hedgerows and a number of trees.
- The majority of the site to the east of the watercourse lies within the Ray Conservation Target Area and a large part of that land comprises Gavray Drive Meadows Local Wildlife Site.
- The 2020 Annual Monitoring Report demonstrates that the District presently has a 4.7 year housing land supply for the period 2021-2026.
- As the Council cannot demonstrate a five-year housing land supply, in accordance with the NPPF, any assessment of the residential proposals will need to apply the 'tilted balance'
- The 'tilted balance' states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- However, recent case law has clarified that even where development plan policies are rendered "out of date" by housing land shortfalls, they remain "potentially relevant" to the application of the tilted balance and decision-makers are "not legally bound to disregard them".
- Moreover, case law has established that the provisions of the NPPF remain subordinate to the overriding principle established by section 38(6) of the Planning and Compulsory Purchase Act 2004 that decision-makers must have first regard to the terms of development plan policies.
- The site is allocated for residential development in the adopted Cherwell Local Plan under Policy Bicester 13. The policy identifies the land as being suitable for 300 dwellings (30% of which should be affordable homes) and associated open space.
- The requirements of the policy include the development avoiding adverse impacts on the Conservation Target Area, securing net biodiversity gain, protecting the Local Wildlife Site and consideration of its interface with the development.
- The application proposes up to 250 dwellings located in two distinct areas of the site. Approximately 180 dwellings are proposed to the west of Langford Brook with approximately 50 homes located east of Langford Road fronting Gavray Drive.
- Taking into account the policy requirements, no built development is proposed within the Local Wildlife Site or the Conservation Target Area.

The submission indicates that flood zone restrictions and compensation measures, and noise impact from the railways further constrain the developable areas of the site.

- Policy BSC2 indicates that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare, unless there are justifiable planning reasons for lower density development, in order to make efficient use of land.
- The application indicates a range of densities across the site (para 3.4 of the Planning Statement), with higher densities closest to the town centre in the western part of the site (up to 100 dwellings per hectare) with lower density development (up to 30-40 dwellings per hectare) adjacent to the Conservation Target Area and Local Wildlife Site. This is in line with the density requirements of Policy BSC2.
- Housing mix is not detailed as part of the outline application, but the submission indicates that masterplan testing suggests in order to meet the constraints on the site and deliver close to the allocated 300 homes figure a greater number of 1 and 2 bed apartments is likely to be needed compared to policy mix requirements.
- Para 3.6 of the Planning Statement indicates that the amount, type and tenure of affordable housing will be the subject of negotiation with the Council, whilst observing the Local Plan requirements.
- Advice should be sought from the Housing Strategy and Development Team as to the mix of affordable unit types and Policy BSC 4 will apply.
- Informal open space is proposed to the west of Langford Brook, coinciding with the flood plain. Public access is to be provided to the least sensitive northern fields of the LWS with the creation of a circular pedestrian route linking on-site and off-site green infrastructure and the PRoW.
- The open space calculations contained in the Planning Statement use a multiplier of 2.4 persons per dwelling whereas the multiplier contained in the Developer Contributions SPD is 2.49 persons per dwelling. The policy requirement is therefore slightly higher. However, the areas for ecological restoration, informal/formal open space and attenuation basins totals 17.51 hectares, more than the overall policy requirement for open space provision.
- The application assumes contributions towards off site provision for allotments and formal sports provision. Policy BSC 11 allows for off site contributions where on site provision is not possible or appropriate and Policy Bicester 13 requires contributions to off site formal sports provision.
- Play areas are indicated in the south east corner of the site and in an area of formal amenity play space west of the brook. The latter is located within the flood zone 3 which is not ideal; however, recreation is classified as water compatible development in the NPPG.
- Para 3.46 of the Planning Statement indicates that a small number of dwellings and vehicular access to the west of the brook lie within Flood zone 3 when making an allowance for climate change, and a flood compensation scheme is proposed. Policy Bicester 13 indicates that housing must not be located within Flood zone 3 and the principles set out

	<p>in Policy ESD 6 should be followed. The advice of the LLFA should be sought on the acceptability of this part of the proposal.</p> <ul style="list-style-type: none"> • The submission recognises that the creation and future management of the LWS and CTA are fundamental to the proposals, with long term management contained in an ecological management strategy. The views of the Council’s ecologist should be sought on the likely impact and acceptability of the proposals on the biodiversity value of the site, to ensure that the policy objectives are met. • In adopting the Cherwell Local Plan on 20 July 2015, the Council resolved: <i>“That the designation of the Conservation Target Area at Gavray Drive (Policy Bicester 13) as a designated Local Green Space through the forthcoming stages of the Cherwell Local Plan Part 2 be positively pursued.”</i> • The Council resolution will need to be considered through the Local Plan Review process. However, the application does not propose development within the CTA and therefore would not prevent the Council resolution being pursued through the review of the Plan. • Representations have been received to consultation on the Local Plan Review requesting that the whole of the area to the east of the brook be designated as a Local Green Space. This incorporates the Conservation Target Area together with land adjacent to Gavray Drive proposed in the application for the development of approximately 50 dwellings. However, as the local plan review process is in the early stages it is considered that little weight can be attached to these representations at the current time.
<p>Policy Recommendation</p>	<p>The site is the subject of a Cherwell Local Plan allocation for residential development under Policy Bicester 13. Up to 250 dwellings are proposed which is less than the 300 dwellings suggested in the adopted policy. However, the proposals are consistent with the fundamental principles contained within the policy, most notably the protection of the Gavray Meadows Local Wildlife Site and avoiding adverse impacts on the Conservation Target Area. Taking this into account together with other constraints on the site including noise and flooding, the number of anticipated dwellings on the site is considered reasonable.</p> <p>The Council resolution (July 2015) for designation of that part of the Conservation Target Area within the site as a Local Green Space will need to be explored through the Cherwell Local Plan Review. However, the application does not propose development within the CTA and therefore would not prevent this being considered through the local plan process.</p> <p>No policy objection to this proposal.</p>