

12 Bainton Road
Bucknell
OX27 7LT

Planning Application - 21/04275/OUT

Summary:

Strong objection to the above application on the following grounds:

1. The application does not adhere to the National Planning Policy Framework.
2. The application site extends beyond the allocation boundary and is therefore not in accordance with adopted local plans.
3. The application is speculative and does not address a specific need.
4. The application is not deliverable.
5. There is a strong precedent for the application to be refused planning permission on the basis of decisions made by the Secretary of State regarding similar developments assessed under Recovered Appeal.

1) *The application does not adhere to the National Planning Policy Framework (Jul 2021)*

a) Plan-Making

- i) The application does not adhere to the National Planning Policy Framework 3.16.b, which states that:

Plans should be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;

- ii) Bucknell Parish Council was not properly consulted on the application, nor has it been given adequate or reasonable time to consider its consequences and make an informed response. Following submission of the application, Bucknell Parish Council was initially given approximately one month to respond (29th January 2022). This deadline was subsequently extended to 10th February. Neither the original deadline nor the extension can reasonably be deemed “early”, “proportionate” or “effective” given the scale of the proposed development and its impact on the local community.
- iii) While plans for the development of North West Bicester have been known about for some time, the proposed extension beyond the allocation boundary is a new move by the applicant, which has been submitted without proper consultation with local residents.

- iv) Furthermore, there is a clear and manifestly unfair imbalance between the time allowed for the preparation of the application and the time allowed for a response by local residents. Given the stipulations of 3.16.b, consideration should be given to whether approval of the plans under these circumstances would be legal.

b) Supporting A Prosperous Rural Economy

- i) The application does not adhere to the National Planning Policy Framework 84.b, which states that:

Planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.

- ii) Since the proposed development necessitates the destruction of agricultural land, currently used for a mix of livestock and arable farming, the application cannot reasonably be deemed to be enabling “the development and diversification of agricultural and other land-based rural businesses.”
- iii) It is clear from existing farm accounts that the land can be farmed profitably to the benefit of the wider country and that its destruction would not be in the national interest. Loss of land for agricultural purposes can only result in a requirement for more imported food with a higher carbon footprint, conflicting with other national policies on climate change.

c) Promoting Sustainable Transport

- i) The application should be refused on the basis of National Planning Policy Framework 9.111 which states that:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- ii) The applicant’s traffic assessment has failed to take into consideration the residual cumulative impacts on the road network because it has not considered non-Local plan developments, including the Great Wolf leisure resort at Chesterton, the proposed Oxfordshire SFRI and the logistics proposals at Baynards Green, which are not included in the Bicester Transport Model.
- iii) It is likely that the cumulative effect of these developments will create traffic volumes that present an unacceptable threat to public safety, notably along the Bicester Road in Bucknell, where the pavement necessitates walking in single file, and which is already used as a ‘rat run’ to Junction 10 of the M40 from Bicester.
- iv) The addition of 3,100 new homes and their cars will create an unacceptable risk to the safety of residents in Bucknell, particularly those who live in the dwellings opposite and to the south of the village pub. This stretch of road is characterised by a ‘blind’ bend and has no pavement on either side of the road, making it extremely dangerous for pedestrians and patrons of the pub.

- v) In the absence of any form of street crossing, the inevitable and severe increase in traffic from the development through Bucknell will also add a material safety risk to the children who live on Middleton Road, who need to traverse the crossroads to reach the village playground on Bainton Road.
- vi) The same increase in traffic will present a material safety risk to the children from all over the village who use the school bus stop on the Bicester Road just south of the crossroads, given the absence of pavements in this area.
- vii) The proposed development will also add materially to the peak-hour congestion already experienced at the staggered junction formed by the roundabout on the A4095 and Howes Lane. This junction connects the two most important sections of the A4095, which allow traffic to circumnavigate Bicester and is frequently blocked not only by volume of commuter and school traffic but also by large articulated vehicles making tight turns in insufficient space as they attempt to cut through to the B4100, A4421 or Vendee Drive and the A41. The additional cars from the proposed development will bring peak-hour traffic at this junction to a standstill, with adverse cumulative effects throughout Bicester.
- viii) The applicant's hypothesis that a material percentage of residents of the new development will not require car ownership (having access to footpaths, cycle paths and bus routes) is not only illogical but also contradicted by national statistics on car ownership, which show 78% car ownership by household, rising to 89% among home owners¹ in England and an average of 1.46 cars per household in the South East (which has the highest car ownership in the country). Moreover, car ownership per household rises to 1.52 for Rural Town and Fringe, being the category into which the proposed development falls.² In considering this application, planners should therefore assume the development will attract some of the highest car ownership rates in the country.
- ix) When considering the safety of this application, planners should, as a matter of precaution, satisfy themselves that the development is safe under conditions of *maximum* car ownership, not minimum car ownership.
- x) Furthermore, planners or the applicant should undertake studies to assess car ownership per capita and car ownership per adult and car ownership per household at the Elmbrook development, which similarly posited low car ownership but where car ownership is estimated to be in line with the national average rather than at the lower levels predicted by its developers.

d) Making Effective Use of Land

- i) The application does not adhere to the National Planning Policy Framework 11.120.b which states that:

Planning policies should recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

¹ ONS: Percentage of households with cars by income group, tenure and household composition: Table A47

² ONS: Table NTS9902

- ii) The application is unsound in failing to recognise the importance of the role that the land under consideration plays in being a habitat for numerous species of wildlife, including deer, badgers, foxes, muntjacs, grass-snakes, great-crested newts, red kite, buzzards, butterflies, and numerous other species of birds and insects
- iii) The application is unsound in failing to recognise the importance of the role that the land under consideration plays in providing carbon storage to mitigate the effects of climate change.
- iv) The application is unsound in failing to recognise the importance of the role that the land under consideration plays in food production.

e) Achieving Well-Designed Places

- i) The application does not adhere to the National Planning Policy Framework 12.130.c which states that:

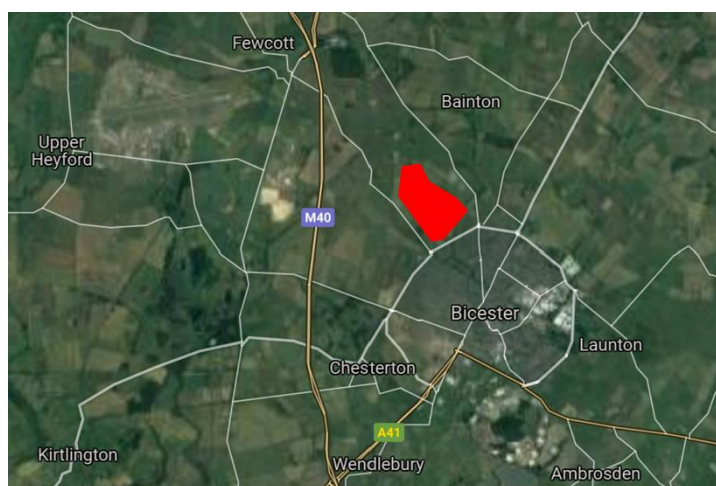
Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- ii) The application fails this test as it is not sympathetic to the local character and history of the villages of Caversfield and Bucknell.
- iii) The extension of the application beyond the allocation boundary means the plans include insufficient separation between the proposed development and the historic village of Bucknell.
- iv) The recorded history of Bucknell dates to the Norman Conquest. Its church, St Peter's is a Grade I Listed building. There are multiple (12) other listed buildings in the village, including Bucknell Manor. The village pub dates from at least 1637. The proposed development is of a disproportionate, overbearing and unnecessary scale in the context of the surrounding built environment and landscape, due to its encroachment on the village boundary.
- v) Bucknell's character as a village is defined by its standalone existence (i.e. its distance and detachment from other developments, notably Bicester) and will be compromised by the proposed development. Insufficient space between the proposed development and the village boundary means the village will become annexed to the development and hence to Bicester itself. As such the village will no longer be a standalone rural community and its character irreparably compromised. This is not in the national interest and would be in breach of Policy C15 of the adopted Cherwell Local Plan (2011-2031), which advises that the council will prevent the coalescence of settlements by resisting development in areas of open land, which are important in distinguishing them.
- vi) The image below (overleaf) shows the approximate scale and location of the proposed development site and displays the extent to which the development encroaches incongruously into open countryside. The A4095 currently provides a definitive and logical boundary to the urban development of Bicester. The proposed development herniates

this boundary, destroying the existing clear and crisp demarcation between town and country.

vii) It is important to note that the plans submitted by the applicant typically show the development in the context of the surrounding countryside at a much greater magnitude (i.e. “zoomed in”), which masks the extent to which the development intrudes into the open countryside (because the surrounding countryside is not included in the image). By contrast, the “zoomed out” image below shows the full extent of the encroachment. Seen from this perspective, the development is unjustifiably large and intrusive and completely overshadows the village of Bucknell.

viii) Furthermore, seen from this perspective, it would be unreasonable for planners to come to any conclusion other than that the development encroaches into open countryside in contradiction of national and local plans. Consideration to the national framework should trump any consideration to the local plan.



f) Meeting the challenge of climate change, flooding and coastal change

i) The application does not adhere to the National Planning Policy Framework 14.167 which states that:

When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

ii) The application fails this test as it will increase the risk of flooding in Bucknell. Parish Council records and correspondence with Thames Water attest to the fact that the section of the Bicester Road in Bucknell between the pub and the crossroads is prone to flooding, with houses on Bicester Road suffering repeat damage over the course of many years.

iii) Subject to finalisation of plans, the proposed development could add significant volumes of waste water to the local sewer system with the likely knock-on effect of exacerbating the already severe flooding problems in Bucknell. The knock-on effect of flooding in Bucknell is not addressed in the application.

- iv) Thames Water, as a statutory consultee, has advised that the existing foul water network would not be able to cope with the development and that it has not been able to agree a position with the applicant for the management of foul water from the development.
- v) Similarly, Thames Water has indicated that any application by the developer to discharge surface water into the public network would be a material change to the proposal that would likely necessitate a review of its position on the application. (Email 21st Jan 2022, DTS Ref: 70942).
- vi) Our concern is that the developer may retrospectively seek an application for the discharge of surface water after construction has begun and at a 'point of no return', thereby forcing Thames Water to accept additional surface water for which there is no adequate infrastructure. This could result in dire consequences for residents of Bucknell, who already have to manage flooding on an annual basis. Permission cannot be granted to the applicant while Thames Water, a statutory consultee, is reserving its right to review its position.

g) Conserving and Enhancing The Natural Environment

- i) The application does not adhere to the National Planning Policy Framework 15.180.a which states that:

If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- ii) The application fails this test due to its necessitating the annihilation of the flora and fauna and their habitats that currently depend on the land for life, including Great Crested Newts, which are protected in law.
- iii) [The Cherwell Annual Monitoring Report 2021](#) publishes survey results on the Distribution and Status of Farmland Birds (p45; Table 33). This table shows a dramatic decrease in the indexed density per square kilometre of farmland birds from 2.29 in 2012 to just 0.69 in 2020. Such a decrease describes the steady and ongoing annihilation of these species in Cherwell District, which will be accelerated and exacerbated by the application if permission is granted. Such destruction of our fauna is not in the national interest. An appropriate complaint and request for support has been lodged with the RSPB.
- iv) The applicant's estimate that the development will result in the loss of 1.4km of hedgerows appears to be a gross underestimate.
- v) The Great Crested Newt (GCN) Report undertaken by FPCR on behalf of the applicant notes that the presence of GCN in Pond 10 is a statutory constraint on the development and that the presence of GCN in Ponds 7 and 13 may also present a statutory constraint on the development. Planners should note that FPCR's report likely understates the population of GCN in P10 (due to one survey not being completed). They should also consider the report to be incomplete because surveys were not undertaken at Ponds 5 and 6, nor were surveys undertaken at additional ponds in Bucknell, including at Bucknell Manor and at 12 Bainton Road. Given survey data from 2010/11 indicates significant numbers of GCN in habitats in and around Bucknell, it is reasonable to assume that FPCR's

survey significantly underestimates the populations of GCN likely to be affected by the proposed development.

- vi) Similarly, FPCR's reptile survey significantly underestimates the population of grass-snakes in the proposed development area. It does not follow that because the surveyor did not see grass-snakes on his/her visits to the site that none exist. Local residents frequently see grass-snakes along the two footpaths on the northwest boundary of the site, closest to Bucknell. Since grass-snakes are frequently spotted along the footpaths and since grass-snakes are a timid species that avoid noise and disturbance from humans and dogs, it is reasonable to assume that there are even greater numbers of these creatures living *away from* the footpaths in the middle of the proposed development site. FPCR's reptile survey is therefore unreliable for decision-making.

h) Conserving and Enhancing The Historic Environment

- i) The application does not adhere to the National Planning Policy Framework 16.194 which states that:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- ii) The application fails this test as it deems the listed buildings and heritage assets in Bucknell to be out of scope (Historic Environment Statement 10.3.5), which is unjustifiable given the proximity of those assets to the development boundary.
- iii) In particular, the walled garden that occupies the land between Bucknell Manor and the proposed development (with a central point at 51.92438, -1.18180) all but adjoins the proposed development boundary. Paragraph 16.196 of the National Planning Policy Framework states that the deteriorated condition of heritage assets should not be taken into consideration when assessing their value. Although in a deteriorated condition, the walled garden outside Bucknell Manor is a 'hidden gem' which has significant heritage value. It is situated literally feet away from the proposed development (see image below). Its aesthetic and heritage value will be completely destroyed if planning permission is given. The application does not consider this building because Bucknell has been unjustifiably excluded from scope.



- iv) Furthermore, the applicant's Historic Environment Report undertaken by Orion Heritage finds the development site contains heritage assets of at least medium value from the Bronze Age, Iron Age and Roman and Medieval periods. These archaeological findings will be irreparably destroyed by the development if planning permission is granted.

2) The application site extends beyond the allocation boundary and is therefore not in accordance with adopted local plans.

- a) The proposed development now extends beyond the boundary established in Policy Bicester 1 of the adopted Cherwell Local Plan 2011-2031. The applicant has not adequately demonstrated a need for this extension which contributes to the proposed development being unnecessarily overbearing in the context of the surrounding landscape and existing communities. Furthermore, the extension of the development boundary means that it is now unjustifiable to scope out of consideration the historic and heritage assets in Bucknell, since some are sited within a few feet of the boundary.
- b) Furthermore, policy C.44 of The Cherwell Local Plan 2011-2031 states that: "The proposals for North West Bicester will however need to consider the impact on the surrounding area including the villages of Bucknell and Caversfield." The applicant has failed to do this by not considering the heritage assets in Bucknell to be in scope and is therefore not in accordance with the plan.
- c) The plan goes on to say in its requirements for North West Bicester that: "Consideration should be given to maintaining visual separation with outlying settlements." Again, the site itself, but particularly the extension, mean that such separation is no longer possible, given the location of the development boundary to heritage assets in Bucknell. As such, the application conflicts with the Local Plan and should be considered ineligible.

3) The application is speculative and does not address a specific need.

- a) The application is for 3,100 new dwellings but does not specify the mix of housing to be built (in terms of the number of bedrooms or occupants for each dwelling). At the bottom end of the scale, this could imply 3,100 dwellings for 2 people (6,200 residents; 4,712 cars @1.52 cars per household). At the top end of the scale, this could imply 3,100 dwellings for 4 people

(12,400 residents; 4,712 cars @ 1.52 cars per household). Such a broad range of possible outcomes indicates that the applicant is submitting a speculative application to develop the land to the maximum extent possible and has not anchored the application against a need for a specific number of dwellings for a specific number of people. It follows that when considering the application, inspectors should, as a matter of principle and as a matter of precaution, assume that all adverse impacts (i.e. on traffic, flooding elsewhere, biodiversity, heritage, etc) will be at their detrimental maximum to the surrounding road network and environment.

4) *The application is not deliverable.*

- a) Appendix 2 (Housing Delivery Monitor) of the Cherwell District Annual Monitoring Report 2021, published in December 2021, reveals that significant portions of the North West Bicester Phase 2 site are only considered 'developable' rather than 'deliverable'. While there is an allocation of 6,000 homes across the site, with 3,293 to be delivered in Phase 2, the expected number of completions in the period to 2031 is forecast to be 500 at Himley Village and 1,080 in the remainder for a total of 1,550. The scheme progress reports that "This is now a developable site and will be kept under review".
- b) This progress report makes it clear that there is no reasonable prospect of the target number of homes in the application being built in time, which renders it redundant. The fact that the site is only 'developable' gives planners and inspectors considerable leeway to reject the application.

5) *There is a strong precedent for the application to be refused planning permission on the basis of decisions made by the Secretary of State regarding similar developments assessed under Recovered Appeal.*

- a) The proposed development has material similarities with the application LW/14/0703 (Land at Mitchelswood Farm, Allington Road, Newick, East Sussex), which was dismissed at appeal and refused planning permission by the Secretary for State on account, inter alia, of the harmful effect that the development would have on the local landscape and nearby village (paras 12-14; letter dated 16 Feb 2021; Ref: APP/P1425/W/15/3119171)
- b) The proposed development has material similarities with the application 16/03129/OUT (Pale Lane Farm, Pale Lane, Fleet, Hampshire), which was dismissed at appeal and refused planning permission by the Secretary for State on account of, inter alia, "its visual effects would be prominent and significantly adverse and would have a major adverse effect on the western setting of Fleet because it would unacceptably diffuse the clear and crisp transition between town and country in this location." (para 18; letter dated 04 November 2019; Ref: APP/N1730/W/18/3204011). The clear and crisp transition between town and country is a material consideration in the development of North West Bicester. The entire site, but especially the boundary extension, will eliminate this transition that exists today.
- c) The proposed development has material similarities with the application 15/01538/OUT (Land At North And South Of Flitch Way, Pods Brook Road, Braintree, Essex), which was dismissed at appeal and refused planning permission by the Secretary for State on account of, inter alia, the loss of views from footpaths and the diminishing sense of separation between the

settlements of Braintree and Rayne (paras 16-17; letter dated 13 June 2019; Ref: APP/Z1510/W/18/3197293). The proposed development at North West Bicester would destroy the rural views from the footpaths that run alongside the northwest boundary of the site, skirting the edge of Bucknell to the detriment of village residents. Furthermore, the entire site, but especially the boundary extension, will diminish the sense of separation between the settlements of Bicester and Bucknell.

- d) The proposed development has material similarities with the application 16/00486/OUT (Land South Of Oakridge, Highnam, Gloucestershire), which was dismissed at appeal and refused planning permission by the Secretary for State on account of, inter alia, its destruction of a robust edge between urban development and open countryside, its change to the experience of travelling along Oakridge, its prominence from local footpaths and cycle routes and its failure to contribute positively to the local sense of space. The proposed development at North West Bicester would eliminate the robust edge that currently exists between the development in Bicester, south east of the A4095, and the village of Bucknell. Furthermore, views from the footpaths to the south of Bucknell would be irreparably compromised, while the experience of travelling along the Bicester-Bucknell road would be irreparably and negatively changed (i.e. from a rural drive to a suburban drive).

Conclusion:

Planning permission should be refused.