

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: 21/04275/OUT

Ask for: Chris Cherry

Ext: 1851

Date: 28 April 2022

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.	21/04275/OUT
Address / Location	Part OS Parcel 8149 Adj Lords Lane and SE Of Hawkwell Farm, Lords Lane, Bicester
Proposal	<p>OUTLINE - with all matters reserved except for Access - Mixed Use Development of up to 3,100 dwellings (including extra care); residential and care accommodation(C2); mixed use local centre (comprising commercial, business and service uses, residential uses, C2 uses, local community uses (F2(a) and F2(b)), hot food takeaways, public house, wine bar); employment area (B2, B8, E(g)); learning and non-residential institutions (Class F1) including primary school (plus land to allow extension of existing Gagle Brook primary school); green Infrastructure including formal (including playing fields) and informal open space, allotments, landscape, biodiversity and amenity space; burial ground; play space (including Neaps/Leaps/MUGA); changing facilities; ground mounted photovoltaic arrays; sustainable drainage systems; movement network comprising new highway, cycle and pedestrian routes and access from highway network; car parking; infrastructure (including utilities); engineering works (including ground modelling); demolition</p>
Key Policies / Guidance	<p>Adopted Cherwell Local Plan 2015 Policy PSD1: Presumption in Favour of Sustainable Development Policy SLE 1: Employment Development Policy SLE 2: Securing Dynamic Town Centres Policy SLE 4: Improved Transport & Connections Policy BSC 1: District-Wide Housing Distribution Policy BSC 2: The Effective and efficient Use of Land Policy BSC 3: Affordable Housing Policy BSc 4: Housing Mix Policy BSC 7: Meeting Education Needs Policy BSC 8: Securing Health & Well-Being Policy BSC 9: Public Services & Utilities Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision Policy BSC 11: Local Standards of Provision – Outdoor Recreation Policy BSC 12: Indoor Sport. Recreation & Community Facilities Policies ESD 1 – 5: Mitigating & Adapting to Climate Change Policy ESD 6: Sustainable Flood Risk Management Policy ESD 7: Sustainable Drainage Systems (SuDs)</p>

	<p>Policy ESD 8: Water Resources Policy ESD 10: Protection & Enhancement of Biodiversity & the Natural Environment Policy ESD 13: Local Landscape Protection Policy ESD 15: The Character of the Built & Historic Environment Policy ESD 17: Green Infrastructure Policy Bicester 1: North West Bicester Eco Town Policy INF 1: Infrastructure</p> <p>Saved policies of the 1996 adopted Cherwell Local Plan Policy C9 Sporadic development in the open countryside Policy H18 New dwellings in the countryside</p> <p>NW Bicester SPD – February 2016</p> <p>Planning Policy Statement: ecotowns a supplement to Planning Policy Statement 1 https://www.gov.uk/government/publications/eco-towns-planning-policy-statement-1-supplement</p>
<p>Key Policy Observations</p>	<ul style="list-style-type: none"> • The application seeks outline planning consent for the development of up to 3,100 dwellings, mixed use local centre and employment area, education uses, community and leisure facilities on 177 hectares of land to the north west of Lords Lane and north east of the railway line, Bicester. All matters are reserved with the exception of means of access. • The site includes Bucknell Road/Bicester Road and is bordered, to the south-west, by the London to Birmingham Railway, and to the south-east by Lords Lane. Land immediately to the north-east of the site is the subject of an outline application submitted for Firethorn Developments Ltd for up to 530 dwellings, open space, infrastructure and engineering works (21/01630/OUT). The site is approximately 2.5km to the north west of Bicester Town Centre. Immediately to the north is the village of Bucknell. • The application site excludes land parcels around Hawkwell Farm in the centre of the site and Lord’s Farm to the south of the site. • To the north-east of the Firethorn site lies Elmsbrook, (a development of 393 dwelling). This site also includes a primary school (Gagle Brook), play, community and employment facilities. • The Cherwell Local Plan 2011 to 2031 Part 1 allocates strategic sites for employment and housing development at Bicester. • Policy Bicester 1 of this local plan identifies a total of 390 hectares of land for a new zero carbon mixed use development including 6,000 homes (3,293 to be delivered within the plan period, to 2031) • The application site extends to 177 hectares of which approximately 150 hectares fall within the allocated Policy Bicester 1 site. Approximately 27 hectares of the site is on unallocated agricultural land to the north of the local plan allocation. • Policy Bicester 1 is comprehensive in its requirements including matters relating to employment, housing, and infrastructure needs. • The Policy states that, inter alia, planning permission will only be granted

for development at NW Bicester in accordance with a comprehensive masterplan for the whole area.

- In February 2016 the Council adopted the NW Bicester SPD which provides further detail to the policy and a means of implementing the strategic allocation. The SPD contains the masterplan required by Policy Bicester 1.
- In summary, the SPD states that when fully delivered, North West Bicester should provide:
 - Up to 6,000 “true” zero carbon homes.
 - Employment opportunities providing at least 4,600 new jobs.
 - Up to four primary schools and one secondary school.
 - Forty per cent green space, half of which will be public open space.
 - Pedestrian and cycle routes.
 - New links under the railway line and to the existing town.
 - Local centres to serve the new and existing communities; and
 - Integration with existing communities.
- The key elements of the SPD are:
 - The masterplan.
 - Development and design principles aimed at delivering a high-quality scheme.
 - Requirements for addressing sustainable design.
 - Requirements relating to the scheme’s delivery and implementation; and
 - Requirements which should be met at the detailed planning application stage and beyond to ensure adequate and consistent approaches to quality and delivery.
- The SPD incorporates relevant standards from Planning Policy Statement: ecotowns a supplement to Planning Policy Statement 1. This PPS was cancelled in March 2015 for all areas except NW Bicester.
- The application relates primarily to the northern and middle parcels of the local plan allocation (as defined in the SPD). These areas in the SPD in total extend to circa 194 hectares.
- The application, although in outline with all matters reserved except access, is supported by a development framework plan. Elements of this framework plan do not accord with the SPD Masterplan. In particular:
 - The burial ground and allotments have been located to an area beyond the LP allocation.
 - Significant residential development is proposed in areas identified for GI in the masterplan;
 - The location of the proposed primary school in the SW of the site does not accord with the Masterplan and does not have a frontage to Lords Lane
 - No sports pitches appear to be provided within the site.
- As well as the Firethorn site as described above (21/01630/OUT), in January 2020, outline planning consent was granted for a mixed use development to include up to 1,700 dwellings (ref 14/02121/OUT). This site, known as Himley Village makes up a substantial element of the land

allocated by Policy Bicester 1, and is sited to the south west of the Marylebone – Birmingham railway. The section 106 agreement, for this consent, makes provision for the delivery of the sports pitches necessary to meet the needs of the wider North West Bicester area. A reserved matters application submitted by Countryside Properties has yet to be determined

- Also, to the south west of the railway line Albion Land has gained outline approval, for 9.45ha of employment land and some 4.5 ha of residential land (Ref: 14/01675/OUT). No more than 150 dwellings are to be accommodated on the 4.5 hectares of residential land.
- A further application by Albion Land (Ref 21/03177/FUL) has subsequently been submitted for commercial development on the 4.5ha of residential land.
- Immediately to the south of the railway and west of the proposed new strategic link road, A2 Dominion have a resolution to approve a mixed-use development on 51 hectares of land. The application proposes up to 900 dwellings on the site. (Ref 14/01641/OUT).
- In addition to the above sites which have been subject to planning applications, there remains some 50-60 hectares of land which is allocated for development within NW Bicester – to the north of the Himley Village approval – which is yet to be the subject of any planning application. It is estimated that this parcel of land has the potential to accommodate some 900 new homes.
- Taken together these commitments/potential development sites are estimated to provide well over 4,000 of the 6,000 homes allocated by Policy Bicester 1.
- The proposal for an additional 3,100 dwellings on the application site would therefore potentially deliver over 1,000 more dwellings than proposed by Policy Bicester 1. This is a significant increase in provision, which is a departure from the local plan.
- However, the 2020 Annual Monitoring Report demonstrates that the District presently has a 3.5-year housing land supply for the period 2022-2027.
- The merits of providing additional homes (including affordable homes) on this site is noted, and the proposal would assist in delivering new homes and meeting overall Policy BSC 1 housing requirements to 2031.
- 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 majority of the site is allocated for residential development in the adopted Cherwell Local Plan under Policy Bicester 1. The Policy remains up to date and relevant to the consideration of this application.
- Policy Bicester 1 requires that 40% of the total gross site area will comprise green space of which half will be publicly accessible and consist of a network of well-managed, high quality open spaces which are linked to the open countryside.
- The application states that 40% of the site will comprise green space, however, the majority of this space is proposed outside the allocated Policy Bicester 1 site. The provision of open space within the allocated site is significantly below that required by Policy Bicester 1 and is therefore contrary to the policy.
- Consideration also needs to be given to the requirements of Policy ESD 15 in this regard. It requires developments to integrate and enhance green infrastructure and incorporate biodiversity features where possible. It continues by stating that well designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the microclimate, and air pollution and provide attractive places that improve people’s health and sense of vitality.
- The shortfall in green space within the allocation has facilitated the significantly increased housing capacity of the site.
- The application effectively seeks to extend the Policy Bicester 1 allocation northwards towards Bucknell. The most appropriate mechanism to seek this extension is through the local plan process. The Council is currently preparing a review of the Cherwell Local Plan. This emerging plan is likely to include new policies and proposals for the period up to 2040.
- It is anticipated that a full draft local plan (Reg 18) will be published for consultation later this year.
- The policy requires the provision of a number of infrastructure improvements/needs, based on the development of 6,000 homes. The provision of an additional 1,000 homes will necessitate additional services and facilities which will need to be quantified. This would include increased provision/contributions towards education, health, formal and informal sports/community facilities provision. The views of the appropriate service providers eg Oxfordshire CC, OCCG will need to be considered.
- Regard should also be given to the requirements of Chapter 8 of the NPPF, particularly paragraphs 92 and 93
- The site is required to provide 30% affordable housing. The advice of the

	<p>Strategic Housing Team should be sought on the number and mix of homes required (including First Homes).</p> <ul style="list-style-type: none"> The Local Plan requires that proposals for development at NW Bicester meet eco-town development standards set out in the Eco-Towns PPS. These standards have been carried through into the SPD. The Policy requires the development at Bicester 1 to be zero carbon (as defined in the Plan) to meet the eco town development standards set out in the Eco Town PPS. These standards have been carried forward into the adopted SPD for the site. The proposals as submitted do not meet these standards, therefore the proposals are contrary to Policy Bicester 1. <p>Conclusions</p> <ul style="list-style-type: none"> Whilst there is no, in principle, policy objection to the proposed development that falls within the Policy Bicester 1 allocation, the portion of the application site beyond the allocation extends the site in to open countryside contrary to the Council's adopted development plan policies. Policy Bicester 1 sets out detailed requirements, which are expanded upon further by the adopted NW Bicester SPD. The proposals do not accord with these requirements. In particular, the proposals depart from the adopted masterplan. Of particular relevance is the provision of significantly less than the required 40% green infrastructure within that part of the site within the allocation. This has resulted in an increase in the capacity of the site, by some 1,000 dwellings which is a departure from the adopted local plan. However, in considering the suitability, or otherwise, of these proposals, an assessment of the benefits of providing additional homes where the Council cannot demonstrate a 5-year housing land supply will need to be balanced against, inter alia, the conflict with the adopted development plan, particularly the extension of the site northwards beyond the Policy Bicester 1 allocation, the conflicts with the adopted masterplan, and the failure to meet the required eco town development standards. Notwithstanding the above, the Policy Team is of the view that the most appropriate mechanism for considering additional development beyond the Policy Bicester 1 allocation is via the emerging Cherwell Local Review.
<p>Policy Recommendation</p>	<p>Objection</p>