

Land at North West Bicester

Cherwell District Council

Planning Policy Review

Prepared on behalf of P3Eco (Bicester) Ltd and A2Dominion Group

November 2010

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1 NOVEMBER 2010**

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1.0 INTRODUCTION

1.1 Circa 800 acres of arable farm land has been identified at North West Bicester for the provision of an Eco-Town comprising residential, commercial and other ancillary developments.

1.2 In essence, the scheme will look to provide for:

- A development of 5,000 homes;
- A development that will be a zero carbon development as defined in the PPS;
- A high quality local environment taking into account climate change adaptation;
- Homes that achieve a high level of the Code for Sustainable Homes;
- Access to one employment opportunity for each new dwelling within easy reach by walking, cycling and / or public transport;
- At least 50% of trips originating from the development should be made by means other than the car; and
- 40% of the total gross site area will be provided as green space of which half will be public open space.

1.3 The site forms part of a swathe of undulating agricultural land that wraps around the north western boundary of Bicester. The eastern boundary of the site is currently denoted by the towns ring road (A4095) which provides direct road access to the centre of Bicester. To the north the site is bounded by the B4100 which links Bicester with junction 10 of the M40 and the villages in between such as Caversfield and Bainton. To the south of the site is the B4030 which links the site with Middleton Stoney, and the western boundary is denoted by fields serving the adjoining farms. It is of note that a rail-line currently bisects the site on an east – west axis.

- 1.4 The proposals will be brought forward in three ways. Firstly, representations have been made to Cherwell District Councils ('the Council') Core Strategy and as such the site is being promoted through planning policy. Secondly, a masterplan is being produced for the entire site that will deliver the total development over a 25 year period and finally an exemplar scheme is being produced to provide the initial phase (circa 400 dwellings and other non residential development).
- 1.5 Section 38 (6) of the Planning and Compulsory Purchase Act (the Act 2004) requires authorities to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.
- 1.6 This report sets out a summary of current planning policy and planning guidance which is relevant to the development proposals. An overview of national planning policy is set out in Section 2, covering the Government's Planning Policy Guidance Notes (PPG) and Statements (PPS). Section 3 contains comments on regional planning policy and guidance and section 4 sets out the relevant local planning policies with a summary in section 5.

2.0 NATIONAL PLANNING POLICY

2.1 Planning Policy Guidance Notes and Statements (PPG/ PPS) set out the Government's policies on various aspects of planning. Local Planning Authorities (LPAs) must take their content into account in preparing development plans. The guidance is also material to decisions on planning applications and appeals. The key PPGs and PPSs are summarised below.

PPS1- 'Creating Sustainable Communities' (2005)

2.2 PPS1 reiterates that the key principle underpinning planning is sustainable development and that planning can facilitate and promote sustainable patterns of urban and rural development by creating (para 5):

- **Sustainable land available for development in line with economic, social and environmental objectives;**
- **High quality development through good and inclusive design, and the efficient use of resources; and**
- **Development that supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.**

2.3 Paragraphs 14 – 16 highlight that planning for sustainable development is needed to achieve social cohesion and inclusion. This reflects the governments commitment to developing strong, vibrant and sustainable communities where the diverse needs of people are met. As such, Development Plan policies should:

- **Ensure the impact on the social fabric of communities is considered;**
- **Seek to reduce social inequalities;**
- **Address accessibility for all members of the community to jobs, health, housing, education, shops, leisure and community facilities;**
- **Deliver safe, healthy and attractive places to live; and**

- **Promote health and well being by making provision for physical activity.**

2.4 In reflecting these objectives, paragraph 26 advises that LPAs should recognise the needs and broader interests of the community to secure a better quality of life for the community as a whole and should not be unnecessarily constraining. Further, the PPS encourages Development Plan policies that promote (paragraph 27):

- **Communities which are inclusive, healthy, safe and crime free;**
- **Sufficient land of a suitable quality in appropriate locations to meet the expected needs for leisure and recreation; and**
- **Improved access for all to open space, sport and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport.**

2.5 Good design is a key theme of PPS1. The PPS advises that local planning authorities should seek to positively achieve high quality and inclusive design for all development. Good design should:

- **Be integrated into the existing urban form and the natural and built environments;**
- **Be an integral part of the processes for ensuring successful, safe and inclusive villages, towns and cities;**
- **Address the connections between people and places; and**
- **Create an environment where everyone can access and benefit from the full range of opportunities available to members of society.**

PPS1 Supplement - 'Eco-Towns' (2009)

2.6 In addition to the main text within PPS1 regard must also be had to the PPS1 Supplement entitled 'Eco Towns' (July 2009). This document 'sets out a range of minimum standards which are more challenging and stretching than would normally

be required for new development' (paragraph 3). Further it continues by stating that 'the standards act to ensure that eco-towns are exemplars of good practice and provide a showcase for sustainable living and allow Government, business and communities to work together to develop greener, low carbon living.

2.7 The document covers a range of topics that will need to be considered in any proposals for an eco-town including: zero carbon; climate change adaptation; homes; employment; transport; healthy lifestyles; local services; green infrastructure; landscape and historic environment; biodiversity; water; flood risk management; waste; master planning; transition; and community and governance.

2.8 Each of these topics are key to achieving an eco-town with them each setting certain criteria that must be met. The headline requirements however for an eco-town (land at North West Bicester is identified at Appendix 1 as a site for an eco-town) are:

- The emissions from the development should be zero carbon;
- The scheme should be designed to minimise future vulnerability to climate change;
- The homes should achieve level 4 of the Code for Sustainable Homes as a minimum;
- 30% of the dwellings should be affordable;
- At least one job should be provided per dwelling;
- The town should be designed so that access both to and through it gives priority to options such as walking, cycling, public transport and other sustainable options thereby reducing the reliance on private cars. This should equate to at least 50% of trips being made other than by the private car;
- The built and natural environment should assist in improving the health and well-being of people;

- The scheme should include a good level of provision of services that is proportionate to the size of development;
- 40% of the towns area should be allocated to green space of which half should be public open space;
- Regard must be had to the local landscape and historic environment of the area;
- The scheme should demonstrate a net gain in local biodiversity;
- Any scheme should be ambitious in terms of water efficiency across the whole site and demonstrate a water cycle strategy;
- Any scheme should reduce and avoid flood risk wherever practicable;
- The scheme should include a sustainable waste and resources plan covering domestic and non domestic waste;
- Any application must be accompanied by an overall master plan; and
- Demonstrate a long term approach to ensure the new town retains its integrity as an eco-town and is able to manage change in a planned way.

2.9 It is important to note that land at North West Bicester is identified at Appendix 1 as a site for the development of an eco-town.

PPS3 - 'Housing' (2010)

2.10 PPS3 was updated and re-published in June 2010 and sets out the national planning policy framework for housing in England. It is intended that it will assist the government's housing objectives to be delivered in the most sustainable way.

2.11 Paragraph 25 states that developments should provide a variety of high quality market housing which includes addressing any shortfalls in the supply of market housing. Paragraph 26 states that LPAs should plan for the full range of market housing and should deliver low-cost market housing as part of the housing mix.

2.12 Paragraph 36 states that LPAs should ensure that housing is developed in suitable locations with a range of facilities, good access to jobs, services and infrastructure.

2.13 Paragraph 16 provides guidance on the matters that should be considered when assessing design quality. These include considering whether the development:

- **Is easily accessible and well-connected to public transport and community facilities and services, and is well laid out so that all the space is used efficiently, is safe, accessible and user-friendly.**
- **Provide good access to community, green, open amenity, play and recreational space as well as private outdoor space.**
- **Is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.**
- **Facilitate the efficient use of resources and seek to adapt to and reduce the impact of/on climate change.**
- **Takes a design-led approach to the provision of car-parking space, that is well-integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly.**
- **Creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.**
- **Provides for the retention or re-establishment of the biodiversity within residential environments.**

2.14 Paragraph 50 states:

“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”

PPS4 – Planning for Sustainable Economic Growth (2009)

- 2.15 This document sets out policies for economic development and contains a series of criteria as to how this can be achieved. The relevant topics that have been identified are: planning for sustainable economic growth (EC2); planning for centres (EC3); planning for economic development in rural areas (EC6); planning for tourism in rural areas (EC7); and car parking for non residential development (EC8).
- 2.16 In essence the document seeks to ensure that clear economic strategies exist that proactively encourage sustainable economic growth by supporting existing business sectors; planning for the location, promotion and expansion of clusters or networks of knowledge whilst making efficient use of land. These aspirations however should link in with providing sustainable transport infrastructure and safe guarding the land from alternative uses at a later date (EC2).
- 2.17 Paragraph EC3 seeks to ensure that a hierarchy of centres is introduced to set out what facilities should be located where and how the centres should link together to provide a network for local residents and other users. Whilst this section relates predominately to existing settlements consideration needs to be had to this issue to set the context of the settlement hierarchy within the proposed eco-town.
- 2.18 Paragraph EC6 identifies that in rural areas local service centres should be provided with new development located around those centres to ensure that facilities are located close together to be easily accessible to all. This relates more to existing settlements but the themes should be carried over. Linked in is EC7 which seeks to provide tourism facilities in rural areas which protect the landscape character.
- 2.19 Paragraph EC8 requires LPAs to set out maximum parking standards for non-residential development through consideration of the need to encourage alternative uses; the need to reduce carbon emissions; the need to reduce the amount of land required for the development; the need to tackle congestion; and the need to enable schemes to fit into central urban sites and therefore promote linked trips.

PPS9 - Planning and Biodiversity and Geological Conservation (2005)

- 2.20 PPS9 was published in 2005 and sets its objectives as protecting biodiversity and geological conservation matters through the planning system.

- 2.21 In considering this PPS9 sets out that the most important sites for biodiversity are those identified through international conventions and European Directives (para 6).
- 2.22 Paragraph 14 relates to Biodiversity within Developments. This paragraph sets out that 'development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, LPAs should maximise such opportunities in and around developments, using planning obligations where appropriate.

PPG13 - Transport (2001)

- 2.23 PPG13 was published in March 2001 and sets out the need to integrate planning and transport at a national, regional, strategic and local level and to promote more sustainable transport choices.
- 2.24 PPG13 seeks to shape the pattern of development and influence the location, scale, density, design and mix of land uses, and to help to reduce the need to travel and reduce the length of car journeys. It also seeks to make it safer and easier for people to access jobs, shopping, leisure facilities, and services by public transport, walking and cycling (para 3). In order to achieve this objective, PPG13 urges local authorities to:

"Manage the pattern of urban growth, make the fullest use of public transport, and to focus major generators of travel demand in city, town and district centres, or near to major transport interchanges; and

Accommodate housing within existing urban areas, and plan for an increased intensity of development at locations, which are highly accessible by public transport, walking and cycling (para 6)".

- 2.25 In relation to the location of housing land PPG13 reiterates the advice in PPS3 to promote sustainable patterns of development. Further, new developments should create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport (para 28).

- 2.26 In seeking to manage travel demand PPG13 introduces maximum parking standards, which it advises should be designed to be used as part of a package of measures to promote sustainable transport choice; reduce the land-take of development; enable schemes to fit into central urban sites; promote linked trips; provide access to developments for those without use of a car; and to tackle congestion (para 52).
- 2.27 Paragraph 68 states that residential areas should be designed to achieve low traffic speeds and may be car free, where there is sufficient access by non-car modes.

PPG17 – Planning for Open Space, Sport and Recreation (2002)

- 2.28 PPG17 emphasises that open spaces, sport and recreation all underpin people's quality of life and that associated planning policies are fundamental to delivering broader Government objectives. As they relate to the proposals the subject of this application, the key objectives are:

“Promote social inclusion and community cohesion – by improving people’s sense of well being in the place they live, as a focal point for community activities, and by providing opportunities for social interaction;

Health and well being – in promoting healthy living and preventing illness, and in the social development of children of all ages through play, sporting activities and interaction with others; and

Promoting more sustainable development – by ensuring that open space, sports and recreation facilities are easily accessible by walking and cycling.”

- 2.29 In order to ensure the effective planning of open space, sport and recreation facilities for local communities, PPG17 requires LPAs to undertake robust assessments of existing and future needs. Such assessments should cover the needs of the population for open space and built sports and recreation facilities, together with audits of existing provision in terms of both the qualitative and quantitative elements of open space, sport and recreation facilities.

2.30 Paragraph 20 sets out various location principles for the provision of new areas of open space, sport and recreation. In identifying suitable locations, Councils should:

- **“Promote accessibility by walking , cycling and public transport;**
- **Avoid any significant loss of amenity to residents, neighbouring uses or biodiversity;**
- **Add to and enhance the range and quality of existing facilities;**
- **Carefully consider security and personal safety, especially for children; and**
- **Assess the impact of new facilities on social inclusion”.**

2.31 Appended to PPG17 is a companion guide designed to assist LPAs in assessing needs and opportunities for open space, sport and recreation.

PPS23 – Pollution Control (2004)

2.32 PPS23 sets out that regard must be had to contamination and potential pollution. Further, it identifies that if contamination exists then allowing a development may allow for the contamination to be dealt with. Paragraph 11 clearly sets out that pollution and contamination issues are a material consideration.

2.33 Paragraph 12 sets out that an Environmental Impact Assessment (EIA) is usually the most convenient way of ensuring the environmental impacts of a significant development are comprehensively considered.

2.34 Finally, paragraph 26 states that the overall aim of planning and pollution control policy is to ensure the sustainable and beneficial use of land. Within this aim, polluting activities that are necessary should be sited so that their adverse effects are minimised and contained within acceptable limits.

PPG24 – Noise (1994)

- 2.35 PPG24 sets out how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business (paragraph 1).
- 2.36 Paragraph 10 sets out that development must not cause an unacceptable degree of disturbance and in particular with regard to recreational and sporting activities the enjoyment of participants will need to be balanced against nuisance to other people.
- 2.37 Paragraph 11 continues, “The impact of noise from sport, recreation and entertainment will depend to a large extent on frequency of facilities”. Furthermore, the document continues that noise emitting uses can be accommodated with and adjoining more sensitive development but there will be a requirement to mitigate the impact of noise.

PPS25 – ‘Development and Flood Risk’ (2006)

- 2.38 PPS25 on “Development and Flood Risk” was published in December 2006. PPS25 aims to ensure that flood risk is taken into account at all stages of the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.
- 2.39 Paragraph 10 of PPS25 states that a Flood Risk Assessment (FRA) should be carried out to the appropriate degree at all levels of the planning process, to assess the risks of all forms of flooding to and from development taking climate change into account and to inform the application of the sequential approach.

3.0 REGIONAL LEVEL

3.1 At a regional level the applicable policies are contained within the adopted Regional Spatial Strategy for the South East of England (May 2009) (RSS). The current government sought to abolish RSSs and in fact did so. However a recent High Court decision resolved that the government had acted beyond their powers in revoking the documents thereby reinstating them for formal procedures to be followed should they wish to abolish RSSs. Therefore at the time of drafting this report and the submission of the application, the South East of England plan is a material consideration in the determination of planning applications.

Regional Spatial Strategy for the South East of England (2009)

3.2 The vision of RSS9 as identified within chapter 3 is to:

“A socially and economically strong, healthy and just South East that respects the limits of the global environment. Achieving this will require the active involvement of all individuals to deliver a society where everyone, including the most deprived, benefits from and contributes to a better quality of life. At the same time the impact of current high levels of resource use will be reduced and the quality of the environment will be maintained and enhanced.”

3.3 The plan itself covers a range of issues for which the applicable issues in this instance are: sustainable economic development; housing; transport; natural resource management; waste and minerals; countryside and landscape management; management of the built environment; tourism and related sports and recreation; and social and community infrastructure.

3.4 The six main principles highlighted to govern development in the region include:

- **“A co-ordinated approach to managing change within region’s key settlements;**
- **Focusing new development on the South East’s network of regional hubs, according to their role and function,**

whilst promoting their accessibility and inter-linkages between them;

- **Pursuing a continuing strategy of urban focus and renaissance by encouraging accessible mixed use development and by seeking a high quality built environment in all areas;**
- **Spreading opportunities more evenly around the region through co-ordination of regeneration and social inclusion;**
- **Respecting and maintaining the general pattern of the South East's settlements and undeveloped areas through the protection of the Green Belt; and**
- **Supporting the vitality and character of the region's rural areas, whilst protecting the valuable nature and historic assets of the region". (Chapter 4)**

3.5 RSS9 sets out that across the south-east there is a need for a year on year provision between 2006 and 2026 of at least 28,900 new homes. This level of provision includes an allowance to address the backlog of unmet housing need that existed in the South East in 2001. This level of provision has been established through research with all applicable local authorities within the jurisdiction of this plan.

3.6 Whilst the figure of 654,000 may relate to the whole of the south east the document indicates that within part of Cherwell District there should be an annual provision of at least 670 dwellings which over the plan period means that the district needs to provide for 13,400 new dwellings (policy CO3).

3.7 Notwithstanding policies relating to housing development, the plan is underpinned by striving to achieve sustainable development. The applicable policies place a clear duty on all public bodies to contribute to the goal of more sustainable development. For clarity, Sustainable Development is defined as "Development which meets the social and economic needs of today in a manner which respects the environmental and resource needs of future generations".

4.0 LOCAL LEVEL

- 4.1 Locally, there are three key elements of policy that must be considered, namely the: adopted Cherwell Local Plan (1996), the Non-Statutory Cherwell Local Plan 2011 (December 2004), and the Draft Core Strategy (February 2010).
- 4.2 The application site is not identified in the adopted Local Plan for any form of development and the only reference to it at a local level is within the draft Core Strategy. Details of the applicable local plan policies are set out in detail below but by way of an introduction the following text confirms the current policy position at a local level aside from the contents of the draft Core Strategy.
- 4.3 In addition to this on 1 November the Councils Executive committee approved the Local Development Framework Annual Monitoring Report (AMR) 2010 for submission to the Secretary of State for Communities and Local Government, which presents the district's current housing land supply provision. A copy of the committee report is attached at Appendix 1.
- 4.4 The report to committee at paragraph 1.8 states:

"It should be noted that the district's housing land supply calculations are based on a working figure of 13,400 (2006-2026), the former requirements of the now revoked South East Plan. This figure will be reviewed as preparation of the LDF's Core Strategy continues, having regard to the Council's resolution of 19 July 2010, '...to progress on the basis of meeting the locally proposed housing target originally endorsed by Councillors and included in the submission of the draft plan to the Government (11,800 to 2026)...', but also to the Secretary of State's advice (6 July 2010) that '...Local Authorities should continue to collect and use reliable information to justify their housing supply policies and defend them during the LDF examination process...".

- 4.5 Given that this statement was in the report that was approved by members of the Executive Committee it appears reasonable to accept that the Councils current policy position includes as an evidence base the approved AMR. That document at paragraphs 5.60 and 5.62 identifies the north-west Bicester exemplar site as being a

deliverable site for which the proposed housing numbers (circa 400 units) has been included within the supply of deliverable sites for the period 2010 to 2015.

- 4.6 On the basis that the overall masterplan site is identified within the draft Core Strategy and the exemplar scheme of circa 400 units has been identified in the AMR it appears that the Council are still promoting the eco-town development in advance of the formal adoption of the Core Strategy. Moving forward a further report is expected to be submitted to the Executive Committee in December 2010 / January 2011 relating to the LDF although this will be post submission of this application.

Adopted Cherwell Local Plan (1996)

- 4.7 Under the Planning and Compulsory Purchase Act 2004, unless expressly replaced by a new policy, old policies in the Cherwell Local Plan will be saved for 3 years from the date of commencement of Section 38 of the PCPA 2004 (i.e. 27 September 2007) or the date the plan was adopted or approved, whichever is the later. The key policies that have been saved for development are:
- 4.8 Policy H1 (Allocation of Sites for Housing) identifies that only sites highlighted on the proposals map are suitable for residential development. It is of note that the highlighted sites do not include the land for the NW Bicester Eco Town and as such any proposal for residential development would be contrary to this policy and therefore be treated as a departure application. Should residential development be acceptable then policy H5 (Affordable Housing) would require that some units are provided for as affordable units.
- 4.9 Furthermore, policy H18 (New Dwellings in the Countryside) indicates that there is only the ability to provide for new dwellings in the countryside where it is essential for agriculture or other existing undertakings or where it adheres to other policies within the local plan.
- 4.10 For employment related policies, EMP1 (Allocation of sites for employment generating development) again identifies that employment generating uses should only be accepted on sites shown on the proposals map (once again NW Bicester is not one of these).

- 4.11 Policy S28 (Local Shops) indicates that favourable consideration will be given to proposals for small shops or extensions to existing shops required to serve local needs, subject to the other policies in the plan.
- 4.12 With regards to transport related matters, policy TR1 (Transportation Funding) requires that where any development will have an impact on an existing highway, public transport facility or other transport measure there will be a need for a developer contribution to be paid to enable the works to be undertaken.
- 4.13 To consider the open space provision, policy R12 (General Recreation Policies) requires that at least 2.43 hectares (6 acres) of public open space per 1,000 people should be provided within all new housing developments which can be split as 1-1.25 acres as amenity open space; 0.5-0.75 acres of children's playspace; and 4-4.5 acres as sports ground.
- 4.14 Policy C4 (Creation of new habitats) indicates that the Council will seek to promote the creation of new habitats and seeks to promote the interests of nature conservation within the context of new development. Such provision should seek to further the opportunity for environmental education and passive recreation. In terms of protecting the existing landscape policy C7 (Landscape Conservation) indicates that development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.
- 4.15 The other key landscape policies are C9 (Scale of Development Compatible with a Rural Location) and C16 (The Urban Fringe). Policy C9 indicates that beyond the existing and planned limits of the towns of Banbury and Bicester development of a type, size or scale that is incompatible with a rural location will normally be resisted. Further, policy C16 highlights that sporadic development in the countryside beyond the existing and planned limits of the towns of Banbury and Bicester will not normally be permitted.

Non-Statutory Cherwell Local Plan 2011

- 4.16 On 13 December 2004 the Council decided to discontinue work on the draft Cherwell Local Plan 2011 and withdraw it from the statutory Local Plan process as there was no realistic prospect of it being adopted prior to the Government changes to the plan led system. Consequently, the Council resolved to approve the draft Cherwell Local Plan 2011 (the Non-Statutory Cherwell Local Plan 2011) as interim planning

policy for development control purposes. Changes were made to the draft version to reflect the Pre-inquiry changes made to the Revised Deposit draft plan.

- 4.17 In light of the above it is clear that the documents don't have a statutory development plan status, however the content of the document is considered to be an important material consideration amongst all other relevant considerations in determining planning applications.
- 4.18 Chapter three relates to housing and subsequently contains a number of policies that are relevant to the proposed Eco-Town development. The applicable policies are: H1a (Location of New Housing); H3 (Making Efficient Use of Land); H4 (Types of Housing); H5 and H6 (Housing for People with Disabilities and Older People); H7 (Affordable Housing); H11 (Windfalls); and H19 (New Dwellings in the Countryside).
- 4.19 The policies above require that any development is appropriately located to make the most efficient use of land, be located in a suitable area for development, provide a mix and range of house types and sizes and be appropriately designed to meet affordable housing requirements and to cater for those persons with disabilities and the elderly.
- 4.20 In addition to the above it is important to note that the Eco-Town site is not scheduled within the list of sites that could accommodate development within Bicester. As such any development of the site would not be in accordance with the details contained within this plan.
- 4.21 Chapter four relates to employment but none of the policies are applicable to Bicester or the Eco-Town proposals. However it is important to note that whilst this document does not contain any applicable plans pertaining to employment on this site there is a need to have regard to other applicable planning policy documents.
- 4.22 Chapter five entitled 'Town Centres, Urban Renewal and Local Shopping' sets out the need for town centre uses to be located within the town centre rather than being located in positions that do not benefit from good public transport links or good sustainable transport routes. Furthermore, policy S25 (Local Shops) suggests that proposals for small shops that serve a local need will be permitted. This policy obviously relates to locations outside the main shopping areas of the town.

- 4.23 Chapter six relates to Transport and covers a number of issues that need to be considered within any development proposals. The applicable policies are: TR1 and TR2 (Transport and Development); TR3 (Transport Assessments and Travel Plans); TR4 (Mitigation Measures); TR5 (Road Safety); TR6 (Public Transport); TR8 and TR9 (Cycling and Walking); TR11, TR12, TR13 and TR14 (Parking); TR19 (Roads in Residential Areas); TR19a (Home Zones and Quiet Lanes); TR26 and TR27 (Highway Schemes [in Bicester]); TR29 (Rail); and TR31 (Cycling and Walking).
- 4.24 The aspiration of this chapter and the policies contained therein is to ensure that developments are conveniently located and are designed to incorporate the use of alternative travel modes than the private car. To demonstrate whether this can be achieved applications need to be submitted with a Transport Assessment and a Travel Plan which will need to demonstrate how the impact of the development can be mitigated against; how the scheme has been designed to improve road safety; how the scheme will facilitate the use of public transport; and how the development will be designed to minimise the visual impact of parking and parking areas.
- 4.25 Furthermore the policies in the local plan seek to reduce vehicle speeds in residential areas to 20mph on principal estate roads and 15mph on all other roads to increase the safety of the roads for other road users. Finally in relation to transport the policies indicate that there may be a need for developer contributions to be paid to enable some of the strategic highway enhancements identified for Bicester within the Local Transport Plan to be implemented.
- 4.26 Recreation and Community Facilities are commented upon within chapter seven of the plan. The applicable policies are: R3 (Informal Open Space and Outdoor Playing Space for Children); R4 (Rights of Way and Access to the Countryside); R6 and R7 (General Recreation Policies); R7A and R8 (Playing Fields (Including School Playing Fields)) R9 (Amenity Areas); R11 (Community Facilities); R12 (Noisy Sports); and R17 (Allotments).
- 4.27 The policies set out that there is a need to ensure that adequate recreation and community facilities are incorporated into the development to provide for all types of play space. In this regard there is a need to provide informal and formal play space along with seeking to connect the facilities through sustainable travel modes to reduce the demand for the private car. Furthermore, regard should be had to retaining or adequately diverting existing Rights of Way within the site.

- 4.28 To put into context the size demands for open space the Council have suggested that on all new housing developments the minimum provision of 2.43 hectares of public outdoor recreation play space per 1,000 population should be achieved. The type and form of play space needs to be resolved but can include all types so as to provide variety and facilities that are useable for all. Finally, the location of facilities and sports pitches etc needs to be chosen so as to respect the amenities of nearby residents e.g. a community hall needs to be near to the community it serves and noisy pitches should be located away from residential properties.
- 4.29 Tourism is covered within chapter eight of the plan. Policy T1 indicates that proposals which provide for new or improved facilities for tourists will be accepted assuming they have an acceptable relationship with the surrounding area. Policy T5 (The Countryside) suggests that if hotels, motels, guest houses, country clubs and restaurants are to be built in this area then there is a need for them to be accommodated within existing buildings or in lieu of an existing commercial use.
- 4.30 Chapter 9 relates to 'Conserving and Enhancing the Environment' and requires that development must have an acceptable impact on the natural and built environment within which the development is located. Furthermore, policies EN2 (Environmental Replacement), EN3 and EN4 (Pollution Control), EN5 (Air Quality), EN6 (Light Pollution), EN7, EN8 and EN9 (Noise) require that any development has been designed to minimise the environmental impact through pollution that it creates. In this regard the policies indicate that where critical standards are not met or adhered to it is likely that planning permission will be refused. To confirm this impact needs to be considered on both the existing residents and the future residents.
- 4.31 With regards to water there are various policies that set out to ensure that there is adequate water resource (EN11), that the quality of the water is acceptable (EN12), that any development adjoining a water course conserves the area to include its ecological value (EN13), is designed to reduce the risk of flooding (EN14) and to ensure that surface water run-off is limited (EN15).
- 4.32 In terms of land and land resource, policy EN16 (Land Resources) seeks to ensure that development takes place on the lower quality agricultural land as opposed to the more versatile land. Furthermore, EN17 (contaminated land) requires that adequate measures are taken to remove any threat of contamination to protect the health and wellbeing of future occupants and users of the development.

- 4.33 Policy EN21 suggests that renewable energy schemes will be permitted assuming there is an acceptable landscape impact, that habitats are protected, that the scheme doesn't have a detrimental impact on residential amenity or traffic generation. In considering this impact regard must be had to the consideration of alternative power sources and whether that which is proposed is the most appropriate.
- 4.34 Policy EN22 (Biodiversity), EN23 (Ecological Surveys), EN24, EN25 and EN27 (Protection of Sites and Species) require that developments protect the biodiversity value and character of the area. This will be achieved by ensuring that developments comply with the appropriate wildlife and countryside act and by ensuring that an ecological survey is undertaken to understand the quality or otherwise of the environment within which the development is set. Furthermore, there is a need to ensure that developments incorporate the creation of new habitats to attract species back to the development site.
- 4.35 Landscape is covered within a number of policies, namely: EN30, EN31 and EN32 (Countryside Protection); EN34 and EN35 (Landscape Character); EN36 (Landscape Enhancement); and EN37 (Trees, Hedges and Landscaping).
- 4.36 Policy EN31 indicates that any development beyond the boundaries of Bicester town will not be supported if it is of a type, size and scale that is incompatible with its location. This is obviously the case in this instance and therefore reinforces that the current proposals are a departure from local plan policy. Further, the landscape character policies seek to conserve and enhance the character and appearance of the landscape through controlling development so as to ensure that no undue visual intrusion occurs.
- 4.37 In addition to ensuring no undue visual harm is caused there is also a need to seek the retention of existing trees, hedges and landscape features to protect the character of the area. Furthermore, where development is allowed there is a need to ensure that opportunities are taken to enhance the character of the area.
- 4.38 Policy EN47 (Archaeology and the Built Heritage) will seek to ensure that the historic character of the environment is protected throughout the development and that any archaeological remains are protected throughout.

- 4.39 Chapter ten of the plan entitled 'Urban Design and the Built Environment' sets out design and environmental design related policies. The majority of policies within this chapter are relevant to the Eco-town proposals and they are as follows: D1 (Urban Design Objectives); D2 (Planning Application Design Statements); D3 (Local Distinctiveness); D4 (the Quality of Architecture); D5 (the Design of the Public Realm); D7 (Mixed Uses); and D9 (Energy Efficient Design).
- 4.40 Collectively the policies seek to ensure that any development is built to a high standard of design that complements its surrounding and setting whilst having an acceptable impact on the adjoining uses / structures. Furthermore, the policies seek to provide connectivity and permeability to make the development an attractive and desirable place to live, work and recreate. In considering the public realm there is a need to ensure that existing features such as landscape and ecology are retained and are designed into the scheme.
- 4.41 Policy D9 sets out that energy efficient design principles should be incorporated into developments by minimising energy loss; maximising natural solar heating; minimising energy consumption; ensuring that the aesthetic implications of green technologies are considered; by ensuring that all residential development has some private amenity space; and by providing adequate accommodation for waste separation and recycling facilities.

Cherwell Draft Core Strategy 2010

- 4.42 In accordance with planning legislation CDC are preparing their Core Strategy. A draft document was issued in February 2010 but following the abolition of RSS the Council are now reviewing their evidence base to support the legislation. As a consequence progression on the Core Strategy has been delayed but the draft policy is summarised below. However we did make representations pertaining to the draft policy and a copy of the representations are attached at Appendix 2 to this document.
- 4.43 The draft Core Strategy (dCS) issued in February 2010 sets out broadly how the district will grow and change in the period to 2026 and the long term spatial vision for Cherwell District and contains policies to help deliver that vision. At table 1 of the DCS it sets out that Cherwell District as a whole will in accordance with the RSS provide 13,400 new dwellings of which 5,500 are proposed to be within Bicester.

4.44 Policy NWB1 is a strategic allocation policy entitled 'North West Bicester Eco-Development'. This policy identifies the location and area within which the eco-town proposals will be delivered.

4.45 The policy stipulates that the following will be provided for:

- An eco-development of 5,000 homes and jobs;
- A net zero-carbon development;
- A high quality local environment taking into account climate change adaption;
- Homes that achieve code 6 of the Code or Sustainable Homes;
- Access to one employment opportunity for each new dwelling within easy reach by walking, cycling and / or public transport;
- At least 50% of trips originating from the development being made by means other than the car, with potential to rise to 60%; and
- 40% of the total gross site area to be provided as green space of which half will be public open space.

4.46 Further the policy indicates that the development will be designed as an 'exemplar sustainable community in terms of places of employment, schools, travel planning, promoting and supporting healthier lifestyles, provision of local services and sustainable use of resources'. To support the exemplar application the scheme must be integrated with and complement the proposed master-plan for the overall development proposals.

4.47 Finally, the policy sets out that the eco-town must integrate with and complement the function and urban form of Bicester and not undermine Bicester town centre's role as the primary retail and service centre.

5.0 SUMMARY

- 5.1 It is clear that aside from the PPS1 supplement there is no policy provision that supports the development of the land referred to herein as North West Bicester Eco-Town. The government policy flowed through into the draft Core Strategy issued by Cherwell District Council but following the 'unlawful abolition' of the RSS work on promoting the Core Strategy though to adoption has been held in abeyance.
- 5.2 However, the promotion of a sustainable development, the broad aspirations and site specific policy requirements (set out within the draft Core Strategy) the scheme will provide a development that links to Bicester as a sustainable extension to Bicester. Further, the scheme has will provide an appropriate balance of commercial, and social and community land uses, in a form that not only maximises the development potential of the site, but also respects existing flora and fauna and landscape characteristics, addresses the many infrastructure constraints and reduces as far as possible reliance upon the private car. It is these aspirations that underlay the above policy framework and the planning application as submitted.
- 5.3 In light of the preceding text and that contained herein any application proposals for the development of the eco-town proposals will need to be considered as a departure from the local plan policy.

Appendices

**APPENDIX 1
REPORT TO EXECUTIVE COMMITTEE DATED
1 NOVEMBER 2010**

APPENDIX 2
COPY OF CORE STRATEGY REPRESENTATIONS