

Cherwell District Council Reference: 15/00837/OUT

PART LAND ON THE NORTH EAST SIDE OF GAVRAY DRIVE, BICESTER

PLANNING APPEAL

**STATEMENT OF COMMON GROUND BETWEEN CHERWELL DISTRICT COUNCIL AND DAVID
LOCK ASSOCIATES**

ON BEHALF OF GALLAGHER ESTATES, CHARLES BROWN & SIMON DIGBY

Under Section 78 of the Town & Country Planning Act 1990 as amended

24 April 2018

David Lock Associates
Town Planning and Urban Design



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1.0 INTRODUCTION

- 1.1 This draft Statement of Common Ground (SoCG) has been prepared by David Lock Associates (DLA) on behalf of Gallagher Estates, Charles Brown & Simon Digby (the appellants). It is submitted in support of a planning appeal against Cherwell District Council's (CDC) decision to refuse an outline planning application (OPA) ref 15/00837/OUT.
- 1.2 In due course the extent of the SoCG may be amended following the discussions we expect to have with CDC and Oxfordshire County Council (OCC) before the Inquiry opens.
- 1.3 The appellants will work with CDC and OCC to seek to agree the wording of a S106 Agreement in advance of the Inquiry.
- 1.4 CDC refer to the appeal site as *Part Land on the North-East Side of Gavray Drive, Bicester*. All the OPA documentation prepared by the appellants refers to the site as **Gavray Drive – West (GDW)**. For convenience, the appeal site is simply referred to as GDW in this SoCG. In similar vein, the appellants refer to the land east of the Langford Brook as **Gavray Drive - East (GDE)**. We consider this to be a helpful distinction.

2.0 SITE DESCRIPTION & WIDER AREA

- 2.1 GDW comprises an arable field to the north of Gavray Drive, Bicester. It extends to some 6.92 hectares. It is broadly defined by the existing residential area of Langford Village to the south and Bicester Park Industrial Estate to the north. Railway lines define its western and northern boundaries which are connected by the new East–West rail chord. The railway chord is recently completed and there are two local footbridges across the railway. The chord is on embankment for much of its length. Langford Village is a mature residential area built in the 1990s. GDW's southern boundary is formed by a belt of shrubby woodland with a break caused by the access stub into the site. There is a gap in this belt near the Langford Brook.
- 2.2 A hedgerow traverses the site on a southwest – north east alignment and follows the route of public footpath (129/2/20) which runs from Langford Village through the application site, over and then under the rail line. It passes through an industrial estate to meet Charbridge Lane. Langford Brook defines the eastern boundary of the site. There is some overhanging vegetation adjacent to the brook. The brook flows from the north to underneath then east west railway line through a new fenced culvert.
- 2.3 The site lies within the built-up area of Bicester and is in a sustainable location approximately 5 minute walk of the town centre. The site forms part of the published housing land supply data for Cherwell District Council and is included in CDC's Annual Monitoring Report 2017 Housing Delivery Monitor shows phased housing completions of 300 dwellings from Gavray Drive commencing 2019/2020 and completing in 2022/2023.

3.0 DESCRIPTION OF PROPOSAL & APPLICATION DOCUMENTATION

3.1 The description of development for the outline planning application (ref 15/00837/OUT) is as follows:

...Residential development of up to 180 dwellings to include affordable housing, public open space, localised land remodelling, compensatory flood storage and structural planting.

3.2 The OPA was submitted on 5th May and validated on 15th May 2015. It is agreed that the OPA comprises the following documentation:

Covering letter

Application forms and certificate

Site location plan

Site plan

Parameter plan (amended and dated 22 February 2017)

Proposed site access

Proposed Site Access Visibility Splay Analysis (submitted 13 May 2015)

Planning Statement including

- Affordable housing provision
- Draft Heads of Terms
- Open space statement
- Sustainability strategy
- Statement of community involvement

Design & Access Statement

Flood Risk Assessment

Transport Assessment

Travel Plan

Environmental Statement

Environmental Statement Figures and Appendices

Non-technical Summary

Energy Statement (submitted 10 September 2015)

4.0 PLANNING POLICY CONTEXT

- 4.1 It is agreed that Cherwell has an up to date Development Plan. The Cherwell Local Plan 2011 – 2031 Part 1 was formally adopted by CDC in July 2015. The most pertinent policy to this appeal is Policy Bicester 13: Gavray Drive (re-adopted) which deals with the appeal site. This was re-adopted on 19th December 2016.
- 4.2 It is agreed that paragraph 14 of the National Planning Policy Framework (NPPF) clearly advises that sustainable planning applications which comply with an up-to-date plan should be approved without delay.
- 4.3 It is agreed that the starting point for the consideration of the planning appeal is the statutory development plan.
- 4.4 It is agreed that neither the Cherwell Local Plan 2011-2031 Part 1 nor Policy Bicester 13: Gavray Drive (re-adopted) specifically state that a planning application needs to be made for the entirety of the allocated strategic site.

5.0 ISSUES RELATING TO THE APPEAL PROPOSAL

5.1 It is agreed that:

- the principle of residential development on the appeal site is firmly established;
- the appeal proposals would make a valuable contribution to the provision of market and affordable housing both in Cherwell District and Bicester;
- the housing numbers projected to be delivered on the appeal site (as well as GDE) have been included in CDC's housing land supply calculations and at the time of preparing this SoCG the 5 Year Housing Land Supply in the District is 5.7 years for the period 2018-2023 as stated in the Cherwell Annual Monitoring Report 2017;
- appropriate and robust assessment of the direct impacts on habitats and species on the appeal site have been carried out
- the submitted Biodiversity Impact Assessment shows that the proposal will result in a net biodiversity gain on the appeal site itself;
- the proposals are entirely outside the Gavray Drive Meadows Local Wildlife site;
- no built development is proposed in the River Ray Conservation Target Area
- no CDC internal department raised any objection to the planning application;
- Subject to appropriate planning obligations and conditions, the proposals will result in the provision of improved public transport accessibility, retain a good existing public footpath connection across the site and include an additional connection with Langford Village's Stream Walk.

- Oxfordshire County Council raised no objection to the planning application subject to conditions and planning obligations in respect of transport, public transport, public rights of way, travel plan, drainage, archaeology and education;
- similarly, no objection was raised to the planning application by the Environment Agency, Natural England and Thames Water;
- the application/appeal is made in outline and the Parameters Plan demonstrates how existing boundary hedgerows would be retained and how a central area of open space and scope for significant boundary planting, children's play area exists.
- most of the land proposed to be developed as part of these appeal proposals is of limited value as ecological habitat and any loss of habitat on the appeal site is outweighed by new habitat provided on the appeal site in the form of augmented boundary hedgerows/woodland, residential gardens and planting in public amenity areas; and
- appropriate planning obligations could, if provided, secure on and off-site infrastructure, meeting the statutory test in Regulation 122 of the CIL Regulations.
- The above mentioned issues of agreement, particularly with respect to ecology matters, will potentially need to be reviewed in light of any updates to the Environmental Statement submitted as part of this appeal.

6.0 AGREEMENT

6.1 This Statement of Common Ground is agreed between:

Cherwell District Council

Signed:



Name: MATTHEW PARRY (Principal Planning Officer)

Date: 24th April 2018

Gallagher Estates, Charles Brown & Simon Digby

Signed

Name

Date

