



PINS REFERENCE: APP/C3105/W/17/3189611
LPA: REFERENCE: 15/00837/OUT

Section 78 of the Town and Country Planning Act 1990
Town and Country Planning (Inquiries Procedure) (England) Rules 2000

Appeal by Gallagher Estates, Charles Brown and Simon Digby

SUMMARY PROOF OF EVIDENCE

of Mr David Keene MRTPI
of David Lock Associates Limited

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1.0 The scope of my evidence is in relation to the planning issues arising as a result of the appeal proposals. It will demonstrate that the outline planning application for Gavray Drive – West (the appeal site) is compliant with current national planning and local policy and should be allowed. Cherwell District Council (hereafter referred to as CDC) refer to the appeal site as *Part Land on the North East Side of Gavray Drive, Bicester*. The planning application documentation prepared by the appellants refers to the appeal site as **Gavray Drive – West (GDW)**. In similar vein, the appellants refer to the land east of the Langford Brook as **Gavray Drive - East (GDE)**. Mr Rowlands of the Environmental Dimension Partnerships (EDP) will deal with ecology issues.

2.0 SITE CONTEXT, SITE DESCRIPTION & PLANNING HISTORY

2.1 Bicester has Garden Town status and, as such, both Government and CDC are promoting major residential development in the town. There is no argument between parties that Bicester is an appropriate location to accommodate significant housing growth in the period to 2031. Gavray Drive is a site within the urban framework of Bicester and is defined by clear physical features, including roads, railways and the Langford Brook.

2.2 The whole of Gavray Drive has a long and complex history. It has been allocated for development since 1996. The principle of residential development has been accepted since 2006 following a planning appeal. Since then the Gavray Drive residential allocation has been considered by the Inspector into the Cherwell Local Plan in 2015. Arguments about the designation of the site were presented at the Public Examination. However, the Inspector assessed all the arguments and concluded in Paragraph 141 of his report that Gavray Drive provided:

...the most suitable balance between the need to deliver new housing locally and to protect and enhance environmental assets hereabouts...

- 2.3 The original site allocation policy was Policy Bicester 13. That policy was the subject of a legal challenge. CDC would not determine the planning application until the position over the legal challenge was resolved. The legal issues were the principal reason why there was a delay in the application coming before CDC's Planning Committee. After a legal challenge Policy Bicester 13 was re-adopted with revised wording to clarify the approach to the Conservation Target Area.
- 2.4 The outline planning application was recommended for approval and considered by CDC Planning Committee on 18th May 2017. At that time officers were clearly of the view that it was possible to make a proper assessment of the likely implications of Bicester Policy 13 for the whole site. The Planning Committee resolved to defer consideration of the outline planning application and invited the submission of an Ecological Management Plan.
- 2.4 In response to that outcome DLA wrote in reply on 24th May 2017 setting out why the submission of an Ecological Management Plan for the whole of Gavray Drive was not necessary in these circumstances. The appellants clearly stated an acceptance that a Landscape, Ecology and Arboricultural Management Plan (LEAMP) was an integral part of the ecology strategy for the appeal site. This requirement, relating to the appeal site, was properly addressed by prospective Condition No. 17 as set out in the Committee Report. Having considered the appellants' response CDC officers maintained their view that the outline planning application should be approved and found no reason to reach a different conclusion.
- 2.6 The outline planning application was considered again at the Planning Committee on 15th June 2017 and refused with two reasons of refusal. Again, the committee report had recommended the planning permission be granted.

3.0 POLICY CONTEXT

3.1 The appeal proposals comply with the National Planning Policy Framework which promotes sustainable development and urges Local Planning Authorities to approach decision making in a sustainable way. The appeal proposals seek to deliver 180 dwellings and their phased completion is already included in the CDC's assessment of available housing sites. The indicative capacity of Gavray Drive – East is about 120 dwellings, but that capacity will be determined when a planning application is submitted for that part of the whole of Bicester Policy 13.

3.2 Policy Bicester 13 is a comprehensive allocation policy which sets out an extensive list of requirements. These have been assessed in detail in my main proof with a commentary on how each requirement has been addressed in the appeal proposals. This robust approach demonstrates compliance with policy. I also assess the appeal
Proposals against Policy ESD11: Conservation Target Areas and conclude that the appeal proposals are compliant.

4.0 OVERALL BALANCE OF CONSIERATIONS

4.1 The Main Proof outlined the benefits of the appeal proposals significantly including the provision of much needed market and affordable housing together with a S106 agreement and Unilateral Undertaking to secure the necessary supporting physical and social infrastructure. Importantly development in this sustainable location will bolster the town centre and other businesses located in the town.

Reason for Refusal One:

4.2 The crux of the issue between the appellant and CDC are the points raised in the first reason for refusal. The reason for refusal deprecates what it refers to as "piecemeal" development. This term is unhelpful because it does not assist in analysing the relevant planning and legal principles. The appeal

proposal is for a clearly defined sector of the Gavray Drive allocation – hence it is identified as *Gavray Drive – West*, with the Langford Brook providing a clear physical definition to its eastern boundary. In my view, this creates a logical and well-defined development area. There is no policy that requires the entirety of the site to be brought forward for development in one composite planning application. The information provided as part of the outline planning application demonstrates that the level of development proposed on the appeal site is appropriate. This is tested through the Development Framework, other drawings and capacity analysis. The capacity point is not contested by CDC.

- 4.3 There is no evidence that demonstrates that allowing the appeal proposals will lead to an unacceptable form or density of development on GDE, or that the policy objectives of Bicester 13 will be compromised or not achieved. The appeal proposals represent a step towards achieving those policy objectives. This point is dealt with in the CDC Committee Report (para 7.7) responding to third parties who raised issues about the influences on the capacities of GDW and GDE. Should a future planning application determine that the capacity of GDE was less than 120 units it would not result in any change to the development capacity of GDW.

Reason for Refusal Two:

- 4.4 The appellant is currently working with officers at CDC and Oxfordshire County Council to prepare and sign a S106 and Unilateral Undertaking (UU), respectively, based on the Heads of Terms set out in the original Committee Report. It is the intention of the appellant that agreements will be signed by the relevant parties prior to the close of the Public Inquiry.

5.0 CONCLUSIONS

- 5.1 I conclude that the appeal should be allowed for the following reasons.

- The appeal proposal complies with the up to date Development Plan which is the Cherwell Local Plan and its relevant policies.
- The appeal proposal would result in the construction of up to 180 homes within the urban area of Bicester on a part of a site allocated for development since 1996 and contribute to housing land supply.
- There are no substantive technical issues which limit or would prevent the development proposed.
- The appeal proposals comply with the requirements of Policy Bicester 13 and will make an important contribution towards achieving its environmental objectives, as well the delivery of much needed new homes in the area consistent with NPPF.
- There is no policy basis on which to refuse planning permission.
- The concerns raised by CDC and the Rule 6 Parties relate primarily to the development of Gavray Drive East which will require its own planning application in due course. If those proposals do not comply with the policies of Policy Bicester 13, planning permission will be refused.

5.2 I, therefore, respectfully request the appeal be allowed and planning permission granted.