

## **PLANNING & REGULATION COMMITTEE – 26 MARCH 2018**

### **Policy Annex (Relevant Development Plan and other Policies)**

#### **Cherwell Local Plan 1996 (CLP)**

##### **POLICY ENV1: DEVELOPMENT LIKELY TO CAUSE POLLUTION**

Development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.

##### **POLICY C31: COMPATIBILITY WITH RESIDENTIAL AREAS**

In existing and proposed residential areas any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted.

##### **POLICY TR7: DEVELOPMENT ATTRACTING LARGE NUMBERS OF VEHICLES**

Development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted.

#### **Cherwell Local Plan 2031 (CLP)**

##### **POLICY PSD 1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT**

When considering development proposals the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- specific policies in the Framework indicate that development should be restricted.

## POLICY BSC7: MEETING EDUCATION NEEDS

The Council will work with partners to ensure the provision of pre-school, school, community learning and other facilities which provide for education and the development of skills. New school buildings should be located in sustainable locations. The co-location of other services and facilities with schools should be considered to create community hubs.

## POLICY BSC12: INDOOR SPORT, RECREATION AND COMMUNITY FACILITIES

The Council will encourage the provision of community facilities to enhance the sustainability of communities, and encourage partnership working to ensure that built sports provision is maintained in accordance with local standards of provision by the following means:

- Protecting and enhancing the quality of existing facilities
- Improving access to existing facilities
- Ensuring that development proposals contribute towards the provision of new or improved facilities where the development would generate a need for sport, recreation and community facilities which cannot be met by existing provision.

## POLICY ESD 1: MITIGATING AND ADAPTING TO CLIMATE CHANGE

Measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include:

- Distributing growth to the most sustainable locations as defined in this Local Plan
- Delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars
- Designing developments to reduce carbon emissions and use resources more efficiently, including water (see Policy ESD 3 Sustainable Construction)
- Promoting the use of decentralized and renewable or low carbon energy where appropriate (see Policies ESD 4 Decentralised Energy Systems and ESD 5 Renewable Energy).

The incorporation of suitable adaptation measures in new development to ensure that development is more resilient to climate change impacts will include consideration of the following:

- Taking into account the known physical and environmental constraints when identifying locations for development
- Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling
- Minimising the risk of flooding and making use of sustainable drainage methods, and
- Reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).

Adaptation through design approaches will be considered in more locally specific detail in the Sustainable Buildings in Cherwell Supplementary Planning Document (SPD).

## POLICY ESD 2: ENERGY HIERARCHY AND ALLOWABLE SOLUTIONS

In seeking to achieve carbon emissions reductions, we will promote an 'energy hierarchy' as follows:

- Reducing energy use, in particular by the use of sustainable design and construction measures
- Supplying energy efficiently and giving priority to decentralized energy supply
- Making use of renewable energy
- Making use of allowable solutions.

## POLICY ESD 3: SUSTAINABLE CONSTRUCTION

All new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.

Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day.

All new non-residential development will be expected to meet at least BREEAM 'Very Good' with immediate effect, subject to review over the plan period to ensure the target remains relevant. The demonstration of the achievement of this standard should be set out in the Energy Statement.

The strategic site allocations identified in this Local Plan are expected to provide contributions to carbon emissions reductions and to wider sustainability.

All development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to:

- Minimising both energy demands and energy loss
- Maximising passive solar lighting and natural ventilation
- Maximising resource efficiency
- Incorporating the use of recycled and energy efficient materials
- Incorporating the use of locally sourced building materials
- Reducing waste and pollution and making adequate provision for the recycling of waste
- Making use of sustainable drainage methods

- Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example; and
- Making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

Should the promoters of development consider that individual proposals would be unviable with the above requirements, 'open-book' financial analysis of proposed developments will be expected so that an independent economic viability assessment can be undertaken. Where it is agreed that an economic viability assessment is required, the cost shall be met by the promoter.

#### POLICY ESD7: SUSTAINABLE DRAINAGE SYSTEMS (SuDS):

All development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.

Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems.

In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as LLFA and SuDS Approval Body, and proposals must include an agreement on the future management, maintenance and replacement of the SuDS features.

#### POLICY ESD 10: PROTECTION AND ENHANCEMENT OF BIODIVERSITY AND THE NATURAL ENVIRONMENT

Protection and enhancement of biodiversity and the natural environment will be achieved by the following:

- In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources
- The protection of trees will be encouraged, with an aim to increase the number of trees in the district
- The reuse of soils will be sought
- If significant harm resulting from a development cannot be avoided (though locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then development will not be permitted
- Development which would result in damage to or loss of a site of international value will be subject to the Habitats Regulations Assessment process and will not be permitted unless it can be demonstrated that there will be no likely significant effects on the international site or that effects can be mitigated
- Development which would result in damage to or loss of a site of biodiversity or geological value of national importance will not be permitted unless the benefits

of the development clearly outweigh the harm it would cause to the site and the wider national network of SSSIs, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity

- Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity
- Development proposals will be expected to incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity
- Relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site, habitat or species of known or potential ecological value
- Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution
- Planning conditions/obligations will be used to secure net gains in biodiversity by helping to deliver Biodiversity Action Plan targets and/or meeting the aims of Conservation Target Areas. Developments for which these are the principal aims will be viewed favourably
- A monitoring and management plan will be required for biodiversity features on site to ensure their long term suitable management

#### POLICY ESD 13: LOCAL LANDSCAPE PROTECTION AND ENHANCEMENT

Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.

Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:

- Cause undue visual intrusion into the open countryside
- Cause undue harm to important natural landscape features and topography
- Be inconsistent with local character
- Impact on areas judged to have a high level of tranquillity
- Harm the setting of settlements, buildings, structures or other landmark features, or
- Harm the historic value of the landscape.

Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance,

and the Oxfordshire Wildlife and Landscape Study (OWLS), and be accompanied by a landscape assessment where appropriate.

## POLICY ESD15: THE CHARACTER OF THE BUILT AND HISTORIC ENVIRONMENT

Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.

New development proposals should:

- Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions
- Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions
- Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity
- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting
- Conserve, sustain and enhance designated and non designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage's At Risk Register, into appropriate use will be encouraged
- Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation
- Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages

- Reflect or, in a contemporary design, response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette
- Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognizable landmark features
- Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles are set out in The Manual for Streets should be followed
- Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space
- Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation
- Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation
- Consider sustainable design and layout at the masterplanning stage of design, where building orientation and the impact of microclimate can be considered within the layout
- Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD 1-5 on climate change and renewable energy)
- Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality
- Use locally sourced sustainable materials where possible.

The Council will provide more detailed design and historic environment policies in the Local Plan Part 2.

The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application. The Council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design & Access Statement. Further guidance can be found on the Council's website.

The Council will require design to be addressed in the pre-application process on major developments and in connection with all heritage sites. For major sites/strategic sites and complex developments, Design Codes will need to be prepared in conjunction with the Council and local stakeholders to ensure appropriate character and high quality design is delivered throughout. Design Codes will usually be prepared between outline and reserved matters stage to set out

design principles for the development of the site. The level of prescription will vary according to the nature of the site.

### POLICY BICESTER 3: SOUTH WEST BICESTER PHASE 2

Development Area: 29 hectares

Development Description: 726 homes with associated services, facilities and other infrastructure:

#### Housing

- Number of homes – Approximately 726
- Dwelling mix – to be informed by Policy BSC4: Housing mix
- Affordable Housing – 30%
- The provision of extra care housing and opportunity for community self-build affordable housing.

#### Infrastructure Needs

- Education – 2 FE Primary School, contributions towards secondary school provision
- Health – to be provided at North West Bicester
- Open Space – to include general greenspace, play space, allotments and outdoor sports provision as outlined in Policy BSC 11: Local Standards of Provision – Outdoor Recreation
- Access and Movement – link to Phase 1 bus service to Bicester Village Railway Station and Park and Ride at Phase 1
- Community facilities – convenience store, a community facility/enhanced community facilities as part of Phase 1
- Utilities – extension of Phase 1 connections. Off site improvements to utilities may be required.

#### Key site specific design and place shaping principles

- Proposals should comply with Policy ESD 5
- A distinctive residential neighbourhood for Bicester that integrates well with the existing phase 1 development at South West Bicester
- Layout of development that enables a high degree of integration and connectivity with direct vehicular (including cycle) and pedestrian linkages between South West Bicester Phases 1 and 2 and to existing networks
- A transport assessment and Travel Plan to accompany development proposals
- A layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity between new and existing communities, with a legible hierarchy of routes, with new footpaths and cycleways provided on site that link to existing networks beyond the site
- Good accessibility to public transport services should be provided by ensuring that the bus routes and bus stops to be provided within the site are accessible by pedestrians and cyclists via effective footpaths and cycle routes



- Development that respects the setting of Chesterton Conservation Area and the wider landscape setting
- Retention of hedgerows and the preservation and enhancement of the biodiversity value of the site, with the enhancement, restoration and creation of wildlife corridors provided for through an ecological survey
- Development set back from the minor watercourse along the site's northern boundary to meet Environment Agency requirements
- A surface water management framework and the incorporation of infiltration Sustainable Drainage Systems (SuDS) to reduce surface water, control drainage and protect a Minor Aquifer (subject to further ground investigation)
- Public open space to form a well connected network of green areas suitable for formal and informal recreation
- Retention of the existing Public Right of Way which crosses the site
- Provision of opportunities for Green Infrastructure links beyond the development site to the wider town and open countryside
- A well designed approach to the urban edge, which relates development at the periphery to its rural setting and Chesterton village and affords good access to the countryside
- Development proposals should seek to protect cultural heritage and archaeology, including in the conversion of any important farm buildings where possible especially with regard to the conversion of Whitelands Farm and associated buildings, located to the southwest of the allocation
- The provision of public art to enhance the quality of the place, legibility and identity
- Land to be provided for and assist in facilitating a community woodland between Chesterton village and the Development Area
- Provision of sustainable drainage in accordance with 'Policy ESD 7: Sustainable Drainage Systems (SuDS)' taking account of the recommendations of the Council's Strategic Flood Risk Assessment
- Demonstration of climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of policies ESD 1-5
- An assessment of whether the site contains best and most versatile agricultural land, including a detailed survey where necessary
- A soil management plan may be required to be submitted with planning applications
- Take account of the Council's SFRA for the site
- Development proposals to be accompanied and influenced by a landscape/visual and heritage impact assessments.