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URGENT BUSINESS AND SUPPLEMENTARY INFORMATION

Planning Committee

18 February 2010

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Agenda Item 17

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

18 February 2010

WRITTEN UPDATES

Agenda Item 6

09/01687/F

Bicester Town Centre development

- A letter has been received from the owners of a property in Sheep St. noting that they have not reached agreement with the developers about the demolition of a building or about rear accessing
- A letter of objection has been received from a resident of Hanover Gardens expressing the view that the proposal is too large for the town, and that it will cause traffic problems
- A local trader has expressed concern about the cattle market car park having to become short and long stay parking; that visitors to the town will have difficulty finding the town centre from that car park; and concerned about the safety of pedestrians on that route
- The agent acting for Taloncross has written again with the following comments

As stated earlier, the recent permission 07/00422/F, granted in September 2009, constituted a comprehensive scheme for the whole site within the guidelines set out by the Council's Supplementary Planning Guidance published in November 2004. The current application is not a comprehensive proposal, and leaves many issues unresolved. For this reason the application originally drew three significant objections. That from the County Council as strategic planning authority (3.6) has been explained away by virtue of a "commitment" by the Council to deliver a further phase of development outside the application site. The objection from the County Council as highway authority (3.7) is overcome because of potential conditions and a legal agreement to prevent further development beyond phase 1 works until land outside the application site has been acquired. Finally, the concerns expressed by the Council's Design Officer (3.15) have been taken care of by suggesting that these concerns on behalf of the character and appearance of the town centre and the Conservation Area need to be "balanced" against "the significant advantages that the scheme will bring" (5.15): it is clear from your report that this balance is struck principally because, as you state, the applicants "have declined to make any significant alterations" (5.14).

There are other unresolved issues that affect land currently owned by Taloncross Ltd and which will impact detrimentally on land that they are to retain, including the future of 7/8 Wesley Lane (5.19), crucial to the agreement required by the County Council as highway authority but again outside the application site. That confirmation is currently being sought for the applicants' intentions merely adds to the considerable uncertainty over the prospects for the comprehensive development as required by development plan policy. It is furthermore our clients' view wholly insufficient to state that the current proposal "allows the fulfilment of the SPG's suggested requirements" when the relevant scheme is yet again outside the application site and that its development in a superior way to the permitted scheme is only "probable" (5.23).

Taloncross Ltd wish to maintain their objection to application 09/01687/APP in the strongest terms,

- The applicants agent has commented upon the suggested conditions and as a consequence the following changes are proposed

1. Condition 7 redrafted to read “That prior to the first use of the retail/leisure premises hereby approve a scheme for the overall approach to the installation of advertising material on those premises shall be submitted to and approved by the LPA. That scheme shall include details of the siting and extent of the material and its illumination”.
2. Condition 30 redrafted to read “That within six months of the first use of the Sainsburys superstore retail units C1-C4, EY1-EY4, WEB1 and ET1 together with kiosks 1-3 along the new street shown on the approved plans as Bure Place shall be constructed and completed to a shell capable of use in accordance with the details approved under planning permission ref. no. 07/00422/F
3. Condition 37 Delete reference to civic building

- Alteration to recommendation (i) to read “the applicants entering into a legal agreement to secure the same highway infrastructure **and other matters which remain appropriate** as secured through the legal agreement relating to 07/00422/F

Agenda Item 7 **09/01776/F** **Orchard Way shopping parade, Banbury**

The recommendation to approve subject to (a) a legal agreement is amended to add the inclusion of the provision of 100% affordable housing as part of the S106 agreement rather than a condition as stated at paragraph 5.39 of the report.

The housing element of the development is currently undergoing a viability test using the Council's housing viability toolkit. If following this exercise, it is found that the scheme is not economically viable at current levels of grant contribution the level of financial contributions sought as part of the S106 will need to be reconsidered.

The recommendation of Approval is therefore subject to

- The Head of Development Control and Major Developments having delegated authority to negotiate the extent of the financial contributions requested as part of the S106, if necessary, and to approve the application subject to the concurrence of the Chairman of Planning Committee

Agenda Item 8 **09/01859/OUT** **Land at Brookhill Way, Banbury**

Consultation responses

- **Thames Water** raises no objection to the application
- **The Environment Agency** raise no objections
- **Head of Building Control and Engineering Services** raises no objection to the proposal, stating that the drainage infrastructure has been designed to accommodate development of this site.
- **Banbury Town Council** raises no objection to the proposal.
- **Highways Agency** raises no objection to the proposal.
- **Council's Public Art Advisor** confirms that an off site contribution of £10 per

square metre of floor space will be sought through a Section 106 legal agreement.

- **OCC as highway authority** have today responded by advising that they will require within a Section 106 agreement contributions towards the monitoring of the Green Travel Plan, bus provision improvements and potentially towards BITLUS improvements. These requirements are unfortunately not clearly defined, and may duplicate payments previously made when the wider area was first developed.

The applicant's agent has provided an additional statement in support of the proposal, which is summarised below:

- The site is allocated in the adopted Local Plan as a 'Proposed Site for Employment Generating Development' under Policy EMP1. The outline application, as submitted, accords fully with this policy.
- The site is again allocated for employment generating uses in the Non-Statutory Local Plan 2011 (B1/B2/B8 – Banbury Cross Business Park). The Non-Statutory Local Plan states that "given the consent for B1, B2 or B8 development, it would be unreasonable to try to limit development to solely B1 uses, and it is therefore allocated for B1, B2 or B8 uses but B1 will be the Council's preferred use." (para 4.25).
- The development of this site, in close proximity to a major transport network, and other employment generating uses, will enhance the character of the Banbury Cross Business Park, and establish the principle to attractively develop a currently un-used plot. The flexible consent will offer the potential to attract a variety of developers, in a currently challenging market, to enable the development of this vacant plot at the earliest opportunity.
- A review of the planning history for the site has confirmed that an application for B1/B2/B8 development on the site has previously been supported by the Council, incorporating a significantly greater scale of B8 floorspace than is proposed in this application.

As a result of OCC's comments it is therefore **recommended that the application be DEFERED** for a maximum of two cycles to enable negotiations between the applicant and OCC with regards to highway/transport contributions to be concluded.

Agenda Item 9

09/01867/F

**Land W of Network 11, Thorpe Way,
Banbury**

The applicant has amended the proposal to remove the rendered plinth to the lower level of each elevation and to replace it with EH Smith Worcestershire Red Multi Brick brickwork to match the remainder of the proposed brickwork on the building. Amend condition 2 as below

Condition 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: 2008/1007/P01 Rev.C, 2009/1007/P05 Rev.B, 2008/1007/P06 Rev.B, 2008/1007/P02 Rev. A, 2008/1007/P03 Rev. A, 2008/1007/P04 Rev.A

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.

Agenda Item 11 **10/00109/F** **Land at The Garth, Bicester**

Thames Valley Police Crime Prevention Design Advisor - seeks reassurance that the building envelope will meet the requirements of Secured by Design principles.

The agent has commented that the doors and windows will be to Secured by Design standards.