

**URGENT BUSINESS AND SUPPLEMENTARY INFORMATION**

**Planning Committee**

**20 May 2010**

Title
Written Update

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# Agenda Item 20

## CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

20 May 2010

### WRITTEN UPDATES

**Agenda Item 6**      10/00197/F      **Babbington Barn, Cropredy Lane, Williamscot**

- The County Archaeologist has indicated that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary.

Therefore Condition 9 is not necessary and the issue can be dealt with by an informative

**Agenda Item 7**      10/00270/OUT      **OS parcel 4100, S of Milton Rd. Adderbury**

1. **Thames Water** has responded to the application and makes the following comments (in summary)
  - With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. Further advice is given and the developers are advised if they are proposing to discharge into public sewers the approval of Thames Water must be sought.
  - Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. **The following condition is therefore requested;**  
'Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. Reason: The development may lead to sewage flooding; to ensure sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.'
  - **The following informative is also requested;**  
'Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.'
2. **The Environment Agency** has reviewed the revised FRA produced by Hannah Reed, dated May 2010. This has demonstrated that a greenfield runoff rate can be achieved and that sufficient attenuation storage is being

provided on the site to prevent increased flood risk in accordance with PPS25. The EA is therefore withdrawing the objection providing the **following condition is imposed;**

‘Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Limiting the surface water run-off so that it will not exceed the run-off from the undeveloped site. Section 4.4 of the FRA
- Permeable paving to be provided on roads and parking spaces. Page 4 of FRA. Attenuation to be provided using detention basins as shown on drawing no. X-210031/02 Rev A and described on page 13 of the FRA. Details of how the scheme shall be maintained and managed after completion
- A clear narrative should be included with the technical drawings to explain which SUDS methods have been selected and the reason for their selection.

Reason: The site is in flood zone 1 and the main risk is increased surface water runoff generated by the development. The FRA has recommended using SUDS techniques in accordance with PPS25 to limit the surface water runoff to the Greenfield rate. These SUDS could also improve and protect water quality and improve habitat and amenity. It is essential that any SUDS are adequately maintained in the future.

**The EA has also requested the following informatives;**

- ‘It is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. For projects estimated at over £500,000 (excluding VAT) the SWMP should contain details of the:
  - Types of waste removed from the site
  - Identify of the person who removed the waste and their waste carrier registration number
  - A description of the waste
  - Site that the waste was taken to
  - Environmental permit or exemption held by the site where the material is taken.

You must still comply with the duty of care for waste. You will need to record all waste movements in the SWMP. Further information can be found at [www.netregs-swmp.co.uk](http://www.netregs-swmp.co.uk)

- ‘The EA will require further detailed design and calculations to be submitted when we are consulted on reserved matters and the discharge of conditions.’
3. At the time of writing the report the applicants had agreed the terms of an ‘option agreement’ with the land owner. Confirmation has now been received from the land owners agent that the agreement has now been entered into and the applicants have the right to purchase the land if planning permission is obtained. The expectation is that house completions can begin in late 2011 and the site can be completed by mid 2012.
  4. Members have been sent letters by Peter Burrows. These have been copied to the Head of Development Control and Major Developments along with a

letter addressed directly to HDC&MD. These raise concerns about the consideration given to the capacity of Christopher Rawlins Primary School and the impact that the solution will have on residents for example;

- sense of belonging
- having to travel to take and collect children to school
- costs of school buses and potential future cuts in funding
- children from new estates forced to go to school in another village
- will this be explained to future residents
- how will this affect the catchment areas and who determines who goes to which school
- how can parents and children integrate
- potential for 'them and us' situation
- new residents of the village should expect that their children can attend the local school
- the principle of bussing children to schools is contrary to rules governing the reduction in the production of green house gases

He also queries the justification of the proposal as the housing land supply is not at risk if other applications are approved there is still potential to return to a 5 year rolling housing land supply.

5. **Savills on behalf of Banner Homes and Gleeson Strategic Land** submitted a letter of objection but this was later withdrawn.
6. **Banbury CPRE** has commented on the application and considers that the application is premature in relation to the provisions of the Core Strategy and might compromise the proposed requirements for affordable housing. They also feel some element of disquiet at the proposed use of incentives to enhance the application.
7. **5 further letters of objection have been received.** The reasons for opposing the development are issues already covered in the summary of responses contained in the committee report.
8. **In excess of 221 signed letters have been received objecting to the proposal.** These letters are of a standard format produced by Adderbury Conservation Action Group and signed by local residents. They refer to both applications on the north and south sides of Milton Road. The letters refer to issues that are already listed in the committee report.

**Agenda Item 8.            10/00293/F            OS parcel 3873, Cropredy**

The Council's Head of Building Control and Engineering Services has stated that there is insufficient justification to recommend refusal on the grounds of flooding as the area of hard standing is considered to be a permeable service

**Agenda Item 10            10/00359/F            Land on North Lane, Weston-o-t-Green**

Late representations received

- 1) Following publication of the agenda and recommendation for refusal on highway safety grounds, the applicant has submitted further information concerning the amount of development in North Lane in the last ten years and has submitted drawings showing the possibility of providing a turning head

- and passing point within North Lane.
- 2) As a result of this information, the County Council, as local highway authority, have withdrawn their objection, subject to conditions requiring the submission of detailed drawings showing the provision of the turning head and access.
  - 3) One follow up letter of objection has been received, expressing concerns over the ability of the Council to effectively discharge any conditions relating to the safeguarding of the pond.
  - 4) The full Ecological Appraisal of the site has been received; it concludes that the site is a “common grassland type of low species richness” which is “locally and nationally common, offers little to wildlife, and is easily re-creatable. It is therefore considered of negligible ecological value”. The report does not identify any protected species within the site, but recommends precautionary mitigation measures. The report concurs with the recommendations of the Head of Building Control and Engineering Services over the protection of the pond.

As a result of the above, the recommendation has been changed to;

**Approve**, for the reasons set out in paragraph 5.18 of the original report, subject to conditions summarised below;

#### **Conditions**

- 1) Time – 3 years
- 2) In accordance with submitted plans
- 3) Notwithstanding Condition 2, submit alternative garage design and relocate solar panels away from the front elevation
- 4) Defined domestic curtilage
- 5) Stone sample to be approved
- 6) Boundary details to be approved
- 7) Window details
- 8) Windows to be timber and retained as such
- 9) PD Restriction – extensions/structures
- 10) PD Restriction – no new windows
- 11) PD Restriction - enclosures (open fronts)
- 12) PD Restriction – solar panels/micro-gen
- 13) PD Restriction – garage conversions
- 14) No parking on footpath/obstruction
- 15) Submit details of gate for footpath
- 16) Submit details for parking surfacing
- 17) Submit details for highways/turning works (and implement)
- 18) Submit landscaping
- 19) Implement landscaping
- 20) Drainage scheme
- 21) Pond levels mitigation
- 22) Carry out development in accordance with ecology survey

#### **Planning Notes**

- 1) Third party rights
- 2) Contact OCC for info on footpaths
- 3) Archaeology
- 4) Protected species
- 5)

**Late representations received from :-**

- **GLHearn representing Lidl**

Further comment by letter dated 12 May includes a summary which says that there is no development plan policy, either current or emerging, that protects the loss of existing employment sites. Notwithstanding the application site has been marketed for a period of 6+ years without any commercial interest and therefore offers little prospect in terms of job creation. The Council's employment land review illustrates a significant over-supply of employment land and PPS4 makes clear that retail proposals constitute an employment use. In view of this we maintain that it is inappropriate and unsustainable to refuse the application on grounds of loss of employment.

- **Lidl**

A marketing report by was submitted on 13 May. Lidl state that this shows that the building has lain vacant since 2005 despite being marketed from both local and national agents. See comments below

An energy statement has been submitted proposing the use of a heat pump installation which will have a significant effect in reducing the CO2 emissions of the proposed development. The heat pump effectively works by reusing the expelled energy from the condenser units and is a commitment to reducing Carbon Dioxide emissions by nearly 15%. This will be the first such proposal in the UK for this type of Renewable Energy by Lidl and it is in recognisance of Bicester's status as an Eco-town and also resulting from comments received from Bicester Town Council.

A letter has been received from Lidl dated 18<sup>th</sup> May which has a conclusion which states that there is significant support in the town for our proposals which will stimulate economic development, improve consumer choice and provide employment opportunities. Furthermore, it will allow comprehensive development of an existing vacant and derelict building which is an obvious eyesore on a prominent site in Bicester and will provide around 80 jobs for local people.

There is clearly an ample supply of Employment land in Bicester as highlighted by the Council's own review, for the next 25-27 years. The sequential sites highlighted are unavailable at best in a reasonable timeframe and at worst not available at all in the long term, as well as similar in retail policy terms and not as accessible via a mode of range of transport to the large residential areas in the town. Both sites also suffer from Highway concerns whereas our proposal has attracted no objection from OCC Highways.

There is a need for a discount foodstore to be provided now and we can see no sustainable reasons why the application cannot be approved.

The Marketing Report

Mr Gardener purchased the property in late 2001. The then operators (Chiltern Press Ltd) ceased trading but the rent and maintenance was assumed by the guarantor MFK Group Ltd in 2005. The premises were marketed by Aitchinson Raffety between mid 2005 and Dec 2008 but failed to secure an occupier because of the high office content of the building and the repairs that were required.

Offers were received but no details have been provided.

During 2007/8 Mr Gardener noted that the building was not being maintained so tried to require MFK to effect the required repairs but were advised not to take legal action because it was too early in the lease to reasonably argue that their reversion was being affected. In December 2008, MKF was placed into administration but until that point the owner was receiving an income from the premises.

The property then went on the market with a local agent and there has been some interest but again no details have been supplied. Reasons for not progressing interest include the specialist nature of the building, large element of offices, dilapidated state of the premises. A few approaches related to developing the whole site. Mr Gardener has now chosen to redevelop the site himself.

- **Clarke Willmott representing Lidl**

There are no sequentially preferable sites and the Lidl formats are not inflexible.

There is no policy basis to refuse on loss of employment land and this site is not an allocated site. The Employment Land Review is dated not taking into account the recession or housing designations, but it does how a 25-27 year supply. It's a material consideration but shouldn't carry any significant weight.

- **Turley Associates representing Aldi**

Letter of objection received on the grounds that there are sequentially preferable sites so the application does not accord with relevant national and local plan policy. The National Grid site, Launton Road is viable, suitable and available for a discount food retailer. It is well located to serve both existing and proposed residential areas and within 10 minutes walk of the town centre and superior to the Telford Road site.

Aldi have submitted a planning application on the National Grid site for store of 990 sq m sales area.

- Agents acting for the **owners of the Launton Rd retail park** support the application. It is believed that this would assist in bringing people to both sites, improving the critical mass and it would certainly be an improvement on the existing site use.

## Responses

### **Head of Regeneration and Estates**

February 2010 – email confirmation that the cattle market site will be needed for car parking until 2012 at least after which time its future will be considered.

### **Economic Development Officer**

There is commercial interest in this site by at least 3 Bicester businesses that we are aware of. The price is too high. The site has been allowed to fall into disrepair over the last 2 years. It is normal practice to maintain the trees and shrubs whilst being on the market which has not been done. Enhancement of visual surveillance is also normal to reduce further

vandalism thereby avoiding the damaging impacts on neighbouring businesses.

Recent enquiries to the agent in charge of marketing the site reveal that only the building is available as the yard has been sold off. Not only is the price considered too high but the lack of yard space has made the site inoperable and inflexible. In seeking to locate along the Launton Road other site(s) are no longer available as they are looking at the outcome of this site being proposed for retail use.

### **Comments of HDCMD**

There are policies which address the issues raised by this application:

#### PPS 4: Planning for Sustainable Economic Growth.

This sets out the Government's policy for economic development. It is a material consideration which must be taken into account in development management decisions and can be applied directly by the decision maker when determining planning applications. It is only necessary for the development plan to reformulate development management policies in this guidance if there are specific factors justifying variation of these policies. Economic development includes development within the B Use Classes, public and community uses and main town centre uses

- Policy EC5: Site selection and Land assembly for main town centre uses. Specifically EC5.2 advises that with regard to out-of-centre sites, preference will be given to sites which are .....closest to the centre and have a higher likelihood of forming links with the centre.
- Policy EC15.1: All in-centre options should have been thoroughly assessed before less central sites are considered.

#### PPS1: Delivering Sustainable Development

This government guidance may be material to decisions on individual planning applications.

In order to deliver sustainable development developments that attract a large number of people especially retail should be focussed in existing centres to promote their vitality and viability, social inclusion and more sustainable patterns of development.

#### South East Plan 2009

Policy RE3: Employment and land provision

Accessible and well-located industrial and commercial sites should be retained where there is a good prospect of employment use.

Although jobs will result from the development there is a difference between retail and industrial/warehouse employment. A retail use on a site is principally there to sell goods from that unit so there can only be retail jobs. Business use employment such as industrial and warehousing use is far more diverse and wealth creating. The fact that retail is listed as contributing to economic development in PPS4 does not mean that is in an employment use. The use classes order distinguishes the 2.

The location of the site on a main road and being a principle focus for the rest of the industrial estate makes it a prime site for industrial employment and it should be retained particularly as it is available, serviced and established as part of the Launton Road employment area. Indeed Lidl note the prime nature of this site.

As Members are aware Bicester will experience considerable development over the next few years with planned growth in South West Bicester and the Eco-town expansion bringing an increase in population. One of the Council's objectives is to reduce out-commuting and it is therefore essential that commercial land is retained as such. Notwithstanding the apparent surplus of land in the Employment Land Review that document concluded that land/buildings so designated should be retained. Since that time the large tract of land at Gavray Drive which was included in those figures has been allowed on appeal to be used for residential development. The immediate shortage of developable industrial land was a factor in the Council losing the appeal at Skimmingdish Lane in the recent past.

In response to the further representations received, the suggested recommendation now reads:

**RECOMMENDATION Amended reason for refusal**

**The proposal is contrary to the general approach to delivering sustainable development as set out in PPS 1 (para 27(vi)) which seeks to focus retail development in existing town centres to promote their vitality and viability, social inclusion, and a more sustainable pattern of development. The proposal is also considered to be contrary to Policy EC 15 of PPS 4 in that the LPA considers that there are sequentially more preferable sites available which are better connected to the town centre by reason of proximity and pedestrian access. Furthermore the proposal is considered to be contrary to the thrust of Policy RE 3 of the South East Plan (2009) which seeks to ensure that accessible and well located industrial and commercial sites are retained for such uses where there is a good prospect of employment use. In the LPA's opinion this prominent site at the entrance to an industrial estate should be retained for B1, B2 and B8 uses to suit the needs of this town which is growing in accordance with the allocations in the Non-Statutory Local Plan and which has recently been designated as having an Eco-Town extension.**

**Agenda Item 13      10/00387/F      Publishing House, Telford Rd. Bicester**

- The Marketing report mentioned above in the written update upon 10/00385/F also refers to this application