

URGENT BUSINESS AND SUPPLEMENTARY INFORMATION

Planning Committee

11 August 2011

Title

Written Update

If you need any further information about the meeting please contact Michael Sands, Legal and Democratic Services michael.sands@cherwell-dc.gov.uk (01295) 221554

Agenda Item 23

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

8 August 2011

WRITTEN UPDATES

Agenda Item 6 10/01780/Hybrid **Bicester Eco Town Exemplar site,
Caversfield**

Update to Application

As revised by;
River Corridor drawing 8043-UA001881-05

Revised house type drawings BIMP2-PA-05-070revH; BIMP2-PA-05-07revD;
BIMP2-PA-05-073revB

Revisions to the layout BIMP2-SK_171 REV A; BIMP2-SK_172 REV A

Heads of Terms to S106

Requirement	Terms
Overage Clause	After baseline add (23%) Delete all in brackets under this heading

Conditions

Delete from conditions 20 plots 16, 195, 240-02, 262-4, 258-261
Additional condition SC 9.6 (fire hydrants)

Further Representations

The **Environment Agency** have confirmed that ground water monitoring information received is satisfactory

Barton Wilmore (applicant's consultant) has suggested a revision to the travel plan monitoring targets to include more aspects of the travel plan. OCC as Highway Authority are currently considering the proposed changes. Therefore this will need to be finalised through the negotiation of the S106 Agreement.

OCC as Highway Authority advises that the highway boundary plans are now accepted. A telegraph pole may need to be moved and care taken to avoid damaging the wall adjacent to the Lodge. The existing farm access should be closed or the scheme revised to acceptably accommodate it.

2 Letters from local residents (also sent direct to Members) raising the following points,

- A masterplan should be in place before any decisions on the eco town
- The eco town proposes to hugely increase the population of Bicester by some 25% or 30% with huge and incidental impacts
- It is questioned how a relatively small development can be an example of 5000 houses to be built by different developers
- The roads around about will be much busier when the eco-town is built. And how can the council or the highways authority enforce the 50% (or is it 60%?) of trips by non-car means? What about congestion?
- The layout of the proposed exemplar looks strange as it is long and thin with a kind of neck between one part and the other part.
- The applicants say there will be frequent bus services. Do we have a frequency? It is questioned if the services are guaranteed?
- It is said the exemplar will provide one job per house. What if it doesn't and who will seek to enforce this intention? Most of the jobs are building jobs.
- We all want more eco-friendly developments and houses. But to launch into a huge scheme like this one on a large green field site seems risky and of doubtful long-term benefit to Bicester.
- The Council should wait until Kingsmere (SW Bicester) is complete before allowing more development
- Bicester's biggest problem is that it is a dormitory town with inadequate infrastructure and previous housing developments such as Bure Park have exacerbated this.
- The Exemplar is an awkwardly shaped plot of fairly dense housing nestled up against the already busy B4100. It has no direct link or connection to Bicester, it provides no meaningful jobs, or infrastructure.
- It is far from certain that the rest of the Eco project will go ahead
- There is nothing in the current application that will compel the developer to build the remaining homes rather than just walk away, and there is no explanation of how the remaining 4,607 houses will be built or the land procured from the local land owners who are against the project.
- It's Eco credentials are extremely dubious. The Government requires homes in Eco towns to be net zero CO2 emissions, but the homes in the proposed exemplar will be to a lower standard. Another example is that the developers say it will take 13 years after completion of the whole project before they reach the minimal requirements for "Eco" travel. Residents will use their cars.

- Its not eco to build on Greenfield sites when brownfield land is available.
- The Scheme will cause noise and disruption. No screening has been included to reduce the impact.

Response to previous consultations

Hyder, the applicants consultant in response to comments from ecologists reported to the last committee highlight that the existing site is of limited value to wildlife and the proposed scheme would benefit the following species; invertebrates, wetland habitat for aquatic invertebrates & amphibians, reptiles, birds, habitat for bat foraging and protection of badger setts and provision of foraging areas.

Future Development

P3Eco have confirmed that they are currently seeking an exclusive arrangement with Thames Valley Police for the next few months so that they can include their land within the masterplanning framework allowing time for P3Eco and the Authority to discuss and hopefully agree financial terms.

P3Eco see this as offering a pragmatic way forward and the Police Authority are actively considering this matter, including with the County Council, and hope to be in a position to come back to us soon.

P3Eco also advise with regard to future phasing that they will prepare detailed applications for the non residential elements of the current application, complete the work on the masterplan and subject to an outline planning permission develop land immediately adjoining the exemplar application. Else where on the site they are pursuing other opportunities on the Murfit/Henson land, concept of a residential care village and employment and educational uses.

The **Malins** (adjoining land owners) have confirmed that they have agreed option terms in principle with P3Eco covering their entire land holding within the NW Bicester site comprising 330 acres and these terms are currently being finalised with lawyers and it is anticipated it will be signed later this month.

The agreement includes a conditional sale of a minimum of 47 acres upon grant of outline planning permission so the next phase of development can be a natural extension to the current exemplar application.

Agenda Item 8 11/00266/F
Southam Rd

Unit 1 , Adj Topps Tiles,
Banbury

- In response to CBRE's critique and the Committee Reports before Members, Colliers (agent for the applications) have submitted further information in an attempt to address the limitations of the previous evidence submitted in relation to the impact assessment of Dunelm's proposals upon the town centre. With respect to impact they say (in summary) that other sites referred to in the report are at too early a stage to be taken into account; or are too small and will appeal to a different market sector. With regards to trade draw they say that there is not clear evidence that that the proposal is likely to lead to significant adverse impacts. They say that the turnover of the additional floorspace is likely to be drawn from many existing stores and they do not consider that any more precise assessments of impact than they offer would be reliable or consequently useful. They also make reference to the recently published NPPF which ushers in a presumption in favour of sustainable development and sends a strong signal to ensure that DC is proactive and is driven by a search for opportunities to deliver such development rather than to erect barriers.

Agenda Item 10 11/00617/OUT
Bodicote

Land NW Cotefield Farm,

Email received from Agent dated 27 July 2011

- Withdrew previous application on eve of committee in July 2010 in order to address some of the issues in draft set of reasons for refusal.
- Delayed resubmitting the application to await appeal decisions at Adderbury and Chesterton
- At time of previous application marginally less than five year supply of land for housing and following publication of the 2010 AMR there was marginally more.
- Agent's letter of 15 July (already summarised in report at Para. 5.7.8) sought to show that there is much less than 5 year supply in Banbury and North Cherwell, without even referring to the poor predictive capacity of the AMR.
- Land owner's extensive local knowledge strongly suggests that a start at Bankside will be further delayed
- Since letter of 15 July the NPPF (National Planning Policy Framework) has been released confirming that the recommendation in the Advisory Group's draft that housing land supply should include an additional allowance of at least 20% to ensure choice and competition in the market for land. The fact that it has a Ministerial foreword is also significant, reinforcing the message of the Ministerial statement of 23 March

- Proposal has been fine tuned to meet the Council's own requirement in relation to affordable housing. Bodicote has a need greater than the 32 units proposed
- Consider that the scheme is acceptable in all respects and consistent with the spirit and purpose of current Government policy.
- Inappropriate to evaluate the scheme against a Local Plan which was adopted fifteen years ago and whose end date was 2001

Email received from Applicant dated 30 July 2011

- Council does not have a 5 year housing supply in North Cherwell, a policy area that still continues as long as South East Plan remains extant – it was for this reason why the Inspector at Talisman Road appeal asked for the District Housing figures to be disaggregated.
- Concern that neither Planning for Growth Statement made in March, or the NPPF, are being given any weight.
- Many of circumstances outlined in guidance applies in this case and it is not appropriate simply to dismiss our proposal out of hand

Email received from Applicant dated 3 August 2011

- Reiterate view on the disaggregated land supply being a material consideration that needs to be given due weight
- Provide copy of an appeal decision in Winslow. Suggesting that so long as the South East Plan (SEP) remains extant the disaggregation of housing figures that appear in the District growth strategies in the SEP will continue to apply.
- In interests of fairness and natural justice CDC should await the Talisman Road decision to see the Inspector's findings on that case prior to asking committee to make a decision on Cotefield Farm. Therefore request that the application be taken off the agenda for 11 August committee.
- Request that the application be deferred.

Officers response

Members will note from the above that the applicants have requested that the application be deferred to await the outcome of the Talisman Road Inquiry which is currently pending. The applicants consider that the decision will shed light on whether or not the 5 year housing land supply figure should cover the whole district or be disaggregated to distinguish between Banbury/North Cherwell and the rest of the district. However the Council maintains the view that the figure is a district wide figure and this was the view taken in the recent appeal decisions at Adderbury and Chesterton.

The appeal decision at Talisman Road may also make reference to the way in which the Council has calculated the five year housing supply. But the Council is confident in its position that it currently has a five year supply of housing land across the district.

The Draft National Planning Policy Framework, which sets out the aspirations for a simplified and more accessible planning system, promoting sustainable growth, was published on 25 July but is only a consultation document and may be subject to change. Whilst it is a material consideration and some regard should be had to it your officers consider that it should not be afforded significant weight in this early draft stage.

It is therefore considered that it is not necessary to defer the determination of this application.

Agenda Item 11 11/00722/F St.Georges Barracks, Arncott

The applicant's agent has confirmed that a draft Unilateral Undertaking referred to in para.5.11 of the report has been submitted to OCC

Agenda Items12-16 11/000151/F etc Former DLO, Skimmingdish Lane, Caversfield

3 additional letters/emails have been received from local residents which are relevant to both 11/00151/F and 11/00805/F. They comment that;

- They are satisfied with City and Country's approach
- Pleased to see site being developed
- Proposed development blends in
- Refurbishment of buildings welcomed
- Planting to replace fence welcomed
- Additional housing units needed in Bicester
- Internal road layout and access onto Skimmingdish Lane well thought out
- The scheme will rescue a site that has not been maintained satisfactorily by previous temporary occupants
- Future opportunities for area to become part of tourist route
- Requirement for affordable units should not be required

One letter of objection has been received from a local resident concerning the positioning of a vehicular access and traffic calming on safety and noise grounds and concerning the loss of on-street parking opportunities.

The Chairman of the Civilian Committee **2507 (Bicester) Squadron ATC** has made further representations which can be summarised as follows;

- Personal endorsement of the C&C proposals
- Proposals reflect long association and rich heritage that Bicester shares with RAF whilst creating something unique and affordable
- As a result of the sale the Squadron are already and will moreso be enclaved on the remaining MOD land not forming part of the original sale – this will continue to create difficulties in terms of access and useable space

- Despite the above the Squadron has benefitted from support and patronage of C&C without which growth would have faltered and drill and band been almost impossible
- It has been confirmed that if consent is granted parade capabilities would be transferred from the parade ground to the north side of the site whilst building works commence – not a solution but demonstrates willingness to help
- The Civilian Committee, Thames Valley wing ATC and C&C are actively looking for alternative locations
- It is hoped that these comments are considered in reaching a balance with regard to the needs of the Squadron and C&C
- The Squadron needs a permanent home and C&C need to deliver their concept for the future of the site – somewhere between a balance exists.

Summary of Reasons for the Grant of Planning Permission in the event of an approval (missing from report)

The Council as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal secures the long term retention and preservation of the listed buildings and the site as a whole. Whilst the proposal does not comply with the Council's policy for new build dwellings in Caversfield it is considered to comply with guidance set out in English Heritage's Enabling Development document, guidance contained within PPS5 (Planning for the Historic Environment) and Part (i) of Policy H15 and Policies H21, C21, C23, C28 and C30 of the adopted Cherwell Local Plan.

11/00805/F - DLO Caversfield

- Bicester Town Council has no objections but wishes to see the all the extra houses constructed, but with any surplus units over the viability to be designated to affordable housing schemes.
- **The Council's Arborculturalist** raises no arboricultural objections subject to protective and mitigation measures.

Summary of Reasons for the Grant of Planning Permission in the event of an approval (missing from report)

The Council as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal improves the viability of the scheme helping to secure the long term retention and preservation of the listed buildings and the site as a whole. Whilst the proposal does not comply with the Council's policy for new build dwellings in Caversfield it is considered to comply with guidance set out in English Heritage's Enabling Development document, guidance contained within PPS5 (Planning for the Historic Environment) and Policies C28 and C30 of the adopted Cherwell Local Plan.

- If Members are minded to approve this application they are asked to

delegate to Officers the final agreement on the design of the squash court dwellings

11/00806/LB - DLO Caversfield

- Bicester Town Council raises no objections

All applications

If Members are minded to approve the applications they are asked to delegate to Officers final approval of the list of plan numbers, and the precise wording of the S106 agreement and the conditions.

Agenda Item 17 11/00875/F 144 Oxford Rd. Kidlington

Amended plans have been received setting out the amendments requested and as set out within the main report. These being:

1. The scale of the dormer windows has been reduced (originally they were to be 1.5m in width; they are now shown to be 1.3m in width). This is now considered to be acceptable.
2. The eaves of the building have been lowered, and although are not at exactly the same level as those on 146 Oxford Road next door, the amended plans are considered to be acceptable.
3. Two of the four car parking spaces to the front of 146 Oxford Road have been removed
4. The windows have been checked
5. The internal arrangement has been re-arranged so that in the two storey dwelling, all bedrooms are arranged to the rear of the building, leaving bathrooms at the side, served by windows that are obscurely glazed and fixed shut, apart from a top hung opening, which would be more than 1.7m from the floor level of the room that it serves. The lounge window to flat 1 is pushed forward on the side elevation and so would face against the blank gable elevation of 142 Oxford Road. Flat 3 has been made a one bedroom flat and roof lights have been installed, which are shown to be more than 1.7m from the floor level of the room in which they serve. Other roof lights have also been shown, but these would not be visible on the elevations.
6. Commercial waste has been shown to be provided at the front of 146 Oxford Road; however this is not considered to be acceptable as it would impact upon the residential amenities of this neighbour and would be unfortunate in the street scene. The Case Officer has spoken to the agent who has said the only other option would for it to be to the rear of the building close to the residential waste storage. As such, conditions have been imposed to ensure the bin store at the front of the site is not built and to ensure it is stored to the rear of the site.
7. A small level of cycle storage has been shown to the front of the site and 146 Oxford Road. It is considered necessary to have cycle storage at the front due to the local users of the commercial units possibly accessing the site by bicycle. The position at the front of 146 is considered to be acceptable as it would not result in the same level of

impact upon the residential amenities of 146 Oxford Road as a car parking space would.

It has also been noticed that there is a mistake in the Officer's report within paragraph 5.5. It is stated that the ridge height of the proposal is around the same as the existing semi detached property at 146 Oxford Road, however in fact it is 0.6m taller than 146 Oxford Road. It is considered however that the assessment made within paragraph 5.6 is still relevant as despite this height difference, the building will sit comfortably in the street scene.

The conditions are changed to:

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: application forms, design and access statement, drawing numbers 179610:1, 179610:2, 179610:6 submitted with the application and amended drawing numbers 179610:3A, 179610:4A and 179610:5A received in the department on the 3 August 2011. For the avoidance of doubt, the commercial rubbish area shall not be installed at the front of the site.
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 PPS1: Delivering Sustainable Development
6. 2.9AA (RC6A) [Obscured glass windows] replace 'the' with 'any' (no insert in gap) 'north and south' add an 's' to 'elevation' add at end 'and shall be fixed shut unless any opening element is at least 1.7m above the floor level in the room in which it serves except for the lounge window on the north elevation of the building shown on drawing number 179610:4A'
15. That a plan showing the commercial rubbish area removed from the front of the site and its proposed position to the rear of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details. (RC4A)

Agenda Item 18

11/00892/F

**Land N of DeeJay Farm,
Mollington**

- The Council's Rural Development and Countryside Manager has commented in respect of the footpaths which are on/adjacent to the site as follows

I have now had clarification from OCC re the definitive line of FP7 & FP8 (see attached e-mail). They both come inside the site's red line boundary. Footpath 8 clips the northern corner of plot six's front garden, runs across the top of the turning head and then turns northward through the open space, back out through the boundary,

then re-entering the site onto the access road to join FP7. Footpath 7 runs from FP8 along and across the access road in a southeasterly direction. The extent of proposed development over the lines of the paths is not sufficient to justify refusing the application, but neither is it sufficient to justify our making a Public Path Order under s.257 of TCPA'90. If consent is granted there should be a condition requiring the applicant to submit details of how the public rights of way will be accommodated through the site. I suggest that the boundaries of plot 6 should be redrawn so the public right of way runs through the adjacent open space, but not plot 6's front garden. Where FP8 comes through the site boundary I would expect clear gaps of 2m, with arrangements to maintain them at that width. Reason: to comply with Policy R4 of the adopted Cherwell Local Plan - "The Council will safeguard the existing public rights of way network. Development over public footpaths will not normally be permitted." If the applicant (or adjoining landowner) wants a diversion they will have to apply to OCC to get one under the Highways Act, but that is not something we can consider as relevant to the application.

Agenda Item 20 11/01052/F Land at SW Bicester

- Bicester Town Council strongly objects. If the site is no longer needed for a second primary school it should be designated as amenity land to include open space, allotments, play areas etc.
- Chesterton Parish Council raise no objections.