

SUPPLEMENTARY INFORMATION

Planning Committee

9 June 2016

Agenda Item Number	Page	Title
As set out in the update	Pages 1 - 23	Written Update

If you need any further information about the meeting please contact Aaron Hetherington, Democratic and Elections aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

9 June 2016

WRITTEN UPDATES

Agenda Item 7 14/01675/OUT Albion Land, NW Bicester

- The report at paragraph 4.1 refers to the relevant National and Local Policy and Guidance as being set out at paragraphs 4.1 – 4.8 of the January 2016 committee report provided at Appendix 1. Paragraph 4.5 of the January 2016 committee report needs to be updated as follows:

NW Bicester Supplementary Planning Document

The NW Bicester SPD provides site specific guidance with regard to the development of the site, expanding on the Bicester 1 policy in the emerging Local Plan. The NW Bicester SPD was adopted by the Council on Monday 22 February 2016. The SPD is based on the A2Dominion master plan submitted in May 2014 and seeks to embed the principle features of the master plan to provide a framework to guide development.

The SPD sets out minimum standards expected for the development, although developers will be encouraged to exceed these standards and will be expected to apply higher standards that arise during the life of the development that reflect up to date best practice and design principles.

All references to 'Interim Draft SPD' through the report should be substituted for 'Adopted SPD'.

Representations

The applicant's agent has provided an email dated 06/06/2016 in respect to the application and this is attached to the update. Members have also received this directly by email on the 8th June 2016. The Officer response to this is:

- *OCC Highways have accepted that in transport technical terms and based on Transport Assessment work submitted by the Applicant that a condition restricting the proportion of B2/ B8 floor space to 80% B2 and 20% B8 would be acceptable in the long term. OCC have also accepted a level of development within the 80% B2 and 20% B8 floor space split that could be constructed in advance of the realignment of Howes Lane and the provision of the tunnel. OCC have not therefore advised that this application should be refused on transport grounds (subject to other specific matters being addressed such that their objection could be removed).*
- *The Environmental Statement is clear that the transport section of the Environmental Statement is based upon a split of 30% B2 and 70% B8 being applied on the employment land. Confirmation has been further sought from the applicant's agent that this is correct and this has been confirmed. This means that the assessment of the environmental impacts of the development in respect of transport matters have been assessed on that particular proportion split of development as far as Officers can ascertain. The ES does not consider the increased number of vehicular movements through the junction in the circumstance that the proportion of uses is restricted to 20% B8 or the impact that would result. Modelling shows the*

total number of peak hour trips from 20% B8 and 80% B2 development would increase by 32% in the am peak, 35% in the pm peak and 24% in the 12 hour period.

- 1 further email of objection received:
 - Object strongly to the development again. The wording of the notice appears to be exactly the same that was submitted in January and rejected.
 - House purchased because of its location on the edge of Bicester. It is a residential location and not a business one. Warehousing and distribution should be located in more suitable areas of the town, not next to a residential area.
 - The size of the development is inappropriate and will cause nearby properties to be overshadowed. I do not wish to wake up to see a warehouse from my bedroom window. Residents do not want to sit in their gardens and see a warehouse.
 - The nature of the development i.e. industrial/warehousing/distribution is inappropriate for location next to a residential location. It should be located nearer to major roads and existing warehousing on the other side of Bicester and not in the proposed area.
 - The increase in air pollution through additional traffic next to a residential location is unacceptable and detrimental to the welfare of people sitting in their gardens etc.
 - The increase in noise pollution through additional traffic next to a residential location is unacceptable and detrimental to the welfare of people sitting in their gardens etc. It will become more like living in a town centre location rather than on the edge of the town.
 - The increase in vibration through additional traffic next to a residential location is unacceptable.
 - The likely light pollution caused by night-time operation is unacceptable and will be detrimental to resident's wellbeing.
 - The reduction in property prices that will result for current residents in the locality is unacceptable.
 - Having an access off Howes Lane is unacceptable, as it will increase the already high volumes of traffic on this road which is already increasing because of (a) the Kingsmere Development and (b) The Eco Town. If anything it should be a long way up the Middleton Stoney Road well away from residents.
 - The continual erosion of green spaces on the edge of town with building on many sides of Bicester is creating a large urban sprawl.
 - Not only would the development itself create all the negative points raised above, but the construction phase, spreading over several years will cause a huge detriment to the local area.
 - I appeal in the strongest possible terms for this proposal, which would cause a huge detriment to the environment for many, many local residents, to be declined.
- Councillor Sibley
Has provided a letter dated 06/06/2016 and forwarded his correspondence dated the 28 January 2016, this is attached to this written update and the Officer response is summarised below:
 - Policy Bicester 1 states that in respect of employment, a minimum of 10ha is required, including business premises focussed at Howes Lane and Middleton Stoney Road, employment space in the local centre hubs and as part of mixed use development. It states that at least 3,000 jobs (1,000 on B use class land on the site) within the Plan period and Use classes B1 with limited B2 and B8 uses. These requirements apply site

wide and apply to all employment development across the site in the view of Officers.

- The current application site is the largest employment area of the site but employment development is also proposed across the rest of the Masterplan site within local centres, within other areas set aside for B1 uses, within the Eco Business Centre and other related opportunities, such as home working and construction jobs. Having considered employment numbers specified within all other applications at NW Bicester (the Exemplar site, the two A2 Dominion proposals, the Albion Land proposal and the Himley Village proposal), the number of jobs to be provided within uses other than B2/B8 numbers around 5141 compared to an average of 920 jobs within the B2/B8 uses. It is on this basis that Officers reached the conclusion at 5.45 of the January committee report that this level of employment, in uses other than B1 is acceptable.
- However, Officers also accept that when considered on its own merits, this proposal is predominantly B2 and B8 uses with B1 uses being ancillary to these. If the requirements of Policy Bicester 1 is applied solely to this application, as opposed to the site as a whole it does not accord with Policy Bicester 1 that states the employment development sought is within Use Classes B1 with limited B2 and B8. However, Officers consider that the proposal accords with the main thrust of Policy Bicester 1 and that there are good planning reasons to support it. It would provide employment opportunities early in the development and would support sustainable economic development in the District and town. It would further contribute to the PPS requirement for access to one employment opportunity per new dwelling that is easily accessed by walking, cycling and/ or public transport.
- The type of employment has been shown to meet a market demand, by a reputable firm – Colliers International. There is no evidence to demonstrate that there is a demand for larger scale B1 development. The logistics sector is acknowledged as important in the UK economy and within the Adopted Cherwell Local Plan, which notes at paragraph B.32 that the Council will support the logistics sector recognising the jobs it provides and the good transport links that attracts it.
- In the circumstances, Officers consider that on balance, the proposal complies with the thrust of the policy but that it would be advertised as a Departure from the Local Plan. Should Members resolve to approve the application, this advertisement would be undertaken.
- The report explains that B8 uses do not necessarily imply low job numbers but rather modern B8 logistics companies provide a range of skilled, as well as unskilled jobs resulting in a range of employment opportunities.
- The January 2016 committee report discusses a number of Economic Strategies that support the Local Plan at paragraphs 5.28 to 5.30 and in relation to NW Bicester at paragraphs 5.31 to 5.36. These strategies all see a role for high value logistics companies in the District.
- Officers note the other B8 schemes around Bicester; however each is supported by information demonstrating market demand. Most B8 units will not be constructed speculatively and therefore the market will lead when they are constructed to meet demand.
- It is understood that warehouse units at Banbury have attracted interest and in relation to the Central M40 site, a reserved matters application has recently been granted for the next phase indicating continuing demand.
- The definition of zero carbon within the PPS excludes emissions from transport therefore the achievement of zero carbon applies to the

buildings only. There is no reason that the buildings proposed could not meet zero carbon requirements. It is further worth noting that alternative employment uses tend to have higher vehicular movement numbers attributed to them.

- As addressed within the report, there are no technical objections to the development in respect of issues around 24 hour working, noise, disturbance or congestion.
 - The report also addresses the visual impact of the development and the potential impact upon neighbouring properties. In the view of Officers, there is limited harm from the proposed development and that this is acceptable.
 - The update report considers in detail the transport implications of the development including a level of development that could be accommodated in advance of the road and tunnel. Officers are satisfied that this has been carefully assessed.
 - The report notes that there are a number of areas where Officers are not yet satisfied that all issues fully demonstrate policy compliance and the recommendation is made subject to these issues being resolved satisfactorily.
- Turley on behalf of the applicant for 14/02121/OUT
The full letter is attached separately to this update. The points made are addressed within this update and the full reports therefore Officers do not intend to provide a full response, however in relation to the note prepared by Alan Baxter, this will be dealt with verbally at the meeting following comments being sought from OCC
 - Planning conditions
Officers recommend a change to planning condition 1 to remove the reference to 'access' as this is a matter for consideration at the outline stage. Condition 1 would therefore read:
 1. No development shall commence on any phase of the development until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) for that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

Agenda Item 8 14/01685/F former Burgess building, Canal St, Banbury

- Following the publication of the agenda and discussions which have taken place between the applicant's agent and the Case Officer, written notification was received from the applicant's agent on 4 June withdrawing application 14/01685/F.

Application withdrawn

Agenda Item 9 16/00043/F Old Place Yard, Bicester

1. 5 letters of objection received regarding the latest amended
 - Questions how the application has been processed allowing additional time for repeated amendments and questions whether this would have been allowed if a private developer instead of Cherwell District Council was involved.
 - Proximity to and impact on Conservation Area.
 - Design of revised elevations and impact on surroundings – poor massing/layout and details of buildings - no reference to archaeology, setting of Conservation Area and listed buildings.
 - Impact on archaeology – demonstrably of equivalent significance to a scheduled monument. Concerned that the archaeology is not being properly addressed.
 - Impact on listed dovecote – compromises setting.
 - Intrudes/encroaches on public open space and prevents access to the western side of the Dovecote.
 - Objects to building on 'green field' site in Bicester.
 - Suggests re-using the site as a heritage site bringing visitors and revenue to Bicester. Another site should be found for the development.
 - Loss of trees.
 - Questions competency of archaeological consultants.
 - Irregularities in the consultation process – Historic England (HE) consultations not recorded on the Council's website.
 - Questions whether HE objection triggers referral to Secretary of State?
 - Vital that correct procedures are followed and seen to be done as the application is submitted by and is being assessed by the same Council.
 - Local government is there to represent the community not bulldoze schemes through against their wishes.
2. Conservation Officer: Objections as set out in the report still stand

Agenda Item 10 16/00363/F Banbury Academy, Ruskin Road, Banbury

- Following the preparation of the committee report further correspondence from residents of Stanbridge House and comments from the Council's Ecologist have been received in relation to the application at the Banbury Academy.
- No new planning issues are raised in the correspondence from the residents of Stanbridge House above that which has been identified in previous submissions; reiterating that the proposals will detrimentally impact on the peaceful enjoyment

and value of their homes and that further noise impact assessments should be undertaken. A copy of the speech to be given on behalf of residents of Stanbridge House is attached as appendix 5

- The Council's Ecologist considers the ecological statement submitted in support of the application is acceptable; commenting: 'The lighting will largely be on in winter and for limited periods and will not affect The Saltway'.
Comment is also made that there are historic records of Pipistrelle Bats roosting at the adjacent BGN School. This is a fairly old record but a roost may still be present. However, given the context of this site and the existing floodlit pitch at BGN School it is considered that the proposals would be unlikely to impact to any greater extent on protected species than the current situation and the proposals are therefore considered acceptable in this regard

Agenda Item 12 16/00619/F Land W of Horn Hill, Adderbury

- Whilst his comments were noted within the assessment of the application, **Cllr Randall**, as Ward Member has requested that his position on the application is reported to committee.

"I have reviewed the application paperwork available via the Internet on the CDC Planning Portal and, unfortunately, am not convinced that this application meets current CDC planning policy nor would offer any morally acceptable benefit to the community. Indeed, I see no significant change from the previous application other than the number of supporting documents that now accompany the proposal.

The main difference I can differentiate between this and the previous application (15/01048/F) is that the intended position of the building has been moved just over 15 metres closer to Horn Hill Road. However, this position still extends development into open countryside beyond the current limit formed by the former railway embankment, and is therefore backland development to Horn Hill Road. I do note that many maps are submitted that purportedly show otherwise, and even the introduction of the nonsensical term "Perceived Settlement Edge": however, an accurate plotting of the position will show the building remains outside the actual settlement boundary of Adderbury.

The proposal can neither be considered as infill as the site is too narrow for a new property to be squeezed into the building line of other buildings on the west of Horn Hill Road and, in any event, this would then be located within the conservation area and, as such, still an unacceptable position.

I note from previous Historic England comments that the Friends Meeting House is a significant Grade II historic building whose tranquil semi-rural setting enhances its simple aesthetics, and that this sense of isolation should be preserved. This new application actually moves the proposed development closer to the Friends Meeting House and, despite the considerable effort put into the various carefully worded supporting assessments provided on behalf of the developer, this large building would impact on this isolated and tranquil setting.*

I accept that the contribution offered towards funding repairs to the Friends Meeting House, together with the provision of land to extend the burial Ground, do offer benefit to the community. However, I see these offers as no more than incentives (bribes in other words) to obfuscate the otherwise clear shortcomings of this application. I believe that the application must be considered on the merits of the proposed design and layout alone, together

with adherence to current planning policies regarding development in villages. To this end there should be no undue weight given to these apparently generous offers of improved community amenity: if Messrs Gough and Colegrave are such generous philanthropists then let them donate the said funds and land without tying them to this specific development.

I therefore do not feel that I can support this application, and certainly have ethical issues with the use of incentives in this way”.

Items of correspondence received after writing the report

- A further 18 no. copies letters of the pro-forma letter of objection prepared by Adderbury Conservation Action Group (ACAG);
- Correspondence from the agent (dated 31st May 2016) commenting on issues raised within objection letters;
- 2 no. letters of support from local residents; stating that the benefits to the community of the £100,000 contribution towards the up-keep of the listed Friends Meeting House and extension to the burial ground would out-weigh the harm that would be caused by developing outside of the built-up limits of the village.
- An email from Local Parish Councillor (Tony Gill) objecting to the proposals raising the following points:
 - An important policy of the Adderbury Neighbourhood Plan (ANP) Pre-Submission version was the establishment of a Residential Settlement Boundary (RSB) which was uncontested by the community at the pre-submission stage. While the ANP is being redrafted with the help of an external consultant, at this time the RSB still expresses the community view in spite of what developers or agents may say.
 - The land offered to extend the cemetery is not fit for purpose due to springs in the area and flooding.
 - While you may have support for this development in writing from the parish council be aware that this decision to support (5 for; 4 against; 1 abstention) the development was made at an extraordinary parish council meeting to discuss this development and one further item. The date of this extraordinary parish council meeting was 4th May when the “old” parish council was still elected. At the time of calling this extraordinary parish council meeting it was already known that the “new” parish councillors would be elected on an uncontested basis on the 5th May 2016. I suspect that there is a high probability that the “new” parish council would not support this development.
 - I strongly support the comments made by District Councillor Nigel Randall on this development on ethical and moral grounds. I together with several other parish councillors did not support the decision to back this development.
 - Support for this development together with land still waiting to be given to Adderbury Parish Council along the Milton Road North for community use (an inducement for the Aynho Road development) may well lead to further development on the western edge of the village. There needs to be reasonable gaps between settlements.

Agenda Item 13 16/00704/F Glebe Leisure, Glebe Court, Fringford

- Additional documents were received from the Agent on 02 June 2016, consisting of a letter summarising the information relating to the application, confidential accounts including profit and loss information and forecast information, a 2016 Business Plan, a 2016 AA report and drone aerial photograph of the site.

The letter asserts that there have been mixed messages from the Local Planning Authority with regard to what information it would take into account in consideration of the current application, including reference to documents that have been mislaid by the department.

The agent refers to a recent Appeal decision APP/F4410/A/01/1072952 (although the Planning Inspectorate website does not return an Appeal decision with this reference.)

The agent refers to a High Court Appeal Decision [R on the application of Embleton Parish Council & Anor v Gaston (2013)] where the Court noted that Government guidance was a material planning consideration, and concluded that the requirements of the National Planning Policy Framework are *significantly less onerous* than the previous guidance under Planning Policy Statement 7: Sustainable Development in Rural Areas. It is important to note that the above case relates to a temporary dwelling (mobile home) and not a permanent dwelling. There have been numerous appeal cases since then where financial considerations have been found relevant to applications for permanent dwellings.

The agent contends that the site history, including the time and investment made by the applicant in creating the site and in growing the business and in improving its quality and standing provides evidence that the intentions to engage in the rural-based business are clearly genuine and capable of being sustained for a reasonable period of time.

The agent contends that, in terms of the existing functional need, the presence of a full-time warden is required to respond quickly with emergencies, including security and maintenance issues. The agent asserts that this type of evidence has been accepted at Appeal by Inspectors.

There is reference to the fact that the applicant works full-time or is primarily employed in the business, as confirmed by the affidavit. Also that a mobile home has been permitted for occupation by a site warden at Barnstones. This is a separate property unrelated to the application property and will have been subject to consideration on its own merits.

With regard to viability, the agent asserts that the profit and loss figures demonstrate the enterprise has existed for sufficient time and that it has grown in profitability. Since 2010 the turnover of the site has doubled and the profitability increased threefold. The agent contends that the enterprise is financially sound and has a clear prospect of remaining so. It is considered that living off-site would be an extra financial burden and an un-viable option. These are tests relevant for a temporary dwelling, not a permanent one.

In terms of agricultural dwellings, the agent contends that the viability test is one in respect to providing adequate funds to pay a full-time warden. The agent considers the fact that the owners are investing their own money in building the dwelling is a sign of their confidence and raises the asset value of the site accordingly.

The agent contends that the functional need could not be fulfilled by another existing dwelling on the unit or in the area. Living at Glebe Farm [Glebe Court]

was not considered suitable, nor conveniently located given the separate access. Reference is made to the criticism in the earlier applications that the proposed dwelling was considered too far away and hidden from the site access; Glebe Farm is even further away and more hidden.

The agent suggests a condition is imposed to tie the new dwelling to Glebe Leisure.

A Business Plan for Glebe Leisure has been submitted dated 01 June 2016, although given that this includes new information, and the limited time the Local Planning Authority has had in which to assess the application, this has not been accepted for consideration as part of the current application.

An AA Inspection report has been submitted dated 14 April 2016, although given that this includes new information, and the limited time the Local Planning Authority has had in which to assess the application, this has not been accepted for consideration as part of the current application.

The journal detailing incidents on site between 2005 and 2014 referred to in the submission was received on 07 June 2016.

An additional document providing details of 4 incidents during 2015 and 2 incidents during 2016 was also supplied on 07 June 2016.

- Officers respond as follows:

The profit/loss accounts, which are very brief, do show small profits through 2010-2015. However, the profits shown are not sufficient to fund a wage for the warden let alone the construction of a new dwelling.

A Business Plan is considered more relevant for an application for a temporary dwelling (mobile home) for a new enterprise. The Business Plan submitted predominantly relates to plans for the business rather than what has happened, and is not sufficient for a permanent dwelling.

The information "lost by the Council" refers to information sent to Aitcheson Raffety when they dealt with a previous application; information that they appear not to have forwarded to CDC.

With regard to the Appeal/High Court decision, the agent appears not to appreciate that economic sustainability is still very much a material consideration. The requirements are now less onerous for a temporary dwelling for a new business in light of that decision but, importantly, are not less onerous in respect of a proposed permanent dwelling.

The information with regard to functional need, security, maintenance and the need for a full-time worker is not new and does not alter Officers' conclusion of the proposal.

The economic viability of the business is a relevant test for a permanent dwelling. The profit/loss accounts suggest that the business is not viable (i.e. without supporting funds from outside of the business) and is not capable of supporting a wage for a warden and other employees, and this is an additional reason for not supporting the proposal.

The agent appears not to appreciate the need for the business to support the dwelling proposed to serve it. It is not considered that the need for an on-site presence has been sufficiently demonstrated.

Natasha Clark

From: Jenny Barker
Sent: 06 June 2016 17:28
To: Caroline Ford
Subject: FW: Albion Land - employment land provision at NW Bicester

From: Peter Frampton [<mailto:Peter.Frampton@framptons-planning.com>]
Sent: 06 June 2016 17:20
To: Jenny Barker
Cc: Kelvin Pearce; Peter Bateman
Subject: Albion Land - employment land provision at NW Bicester

Our ref: PJF/nss/PF/8841

Dear Jenny,

Town and Country Planning Act 1990
Planning Application 14/01675/OUT
Albion Land - employment land provision at NW Bicester

I ask that this correspondence is provided to the Planning Committee with the Update Papers. Firstly, I welcome your Recommendation to grant planning permission for the application as submitted.

Secondly, I recall that the basis of the deferment of the planning application at the Committee in January 2016 was specifically to enable further consideration to be given to the proposition, first raised by Councillor Hughes, as to whether the split between Class B2 and B8 uses could be controlled by a planning condition to no more than 20% Class B8.

You will be aware it is not for an Applicant to justify the imposition of planning conditions. However in response to the deferment my Client has helpfully provided to your Authority, Technical Notes prepared by their Highway Consultants which have considered the impact of traffic generation, arising from such a condition, on the highway network - and further in the context of a limit on the scale of development which may proceed in advance of the completion of the tunnel under the railway.

The impact of the 80% B2 and 20% B8 split (for the entire scheme) - which would amount to 42,400 sq m of Class B2 floorspace and 10,600sqm for Class B8 floorspace - was set out in the Technical Note 14042-15c. This confirmed that the 2031 assessments presented in the ES had already assessed a higher level of traffic generation from the full site than the 80% B2/ 20% B8 split. This situation arises because the Hyder traffic model which has underpinned traffic assessments envisaged a disproportionately high Class B1 (office) content for this site.

Joy White on behalf of OCC - Highways acknowledged in her email of the 23rd March 2016 that:

*'The revised split does make a material impact on the local road network, which is unacceptable in advance of the new strategic link road and tunnel. With this new infrastructure in place ,however , the impact is not **severe**.'* (My emphasis on the word 'severe' has reference to national planning policy at paragraph 32 of the Framework, to which I refer below.)

My Client has acknowledged the imposition of a planning condition to limit the scale of development that would be allowed in advance of the completion of the strategic link road and tunnel. DTA identified (email to Joy White and Caroline Ford dated 24th March 2016) that the condition (Condition 22) may limit the scale of development in advance of the above infrastructure to:

135 dwellings and 10,600 sq m (Class B8) and 12,190 sq m (Class B2)

Your Report at paragraph 5.4 refers to the wording of a condition suggested by Albion Land to respond to the deferment by the Committee for the full scheme.

In my opinion the Highway Authority is reasonably informed to reach a conclusion as to the impact of the condition suggested by the Committee. The Highway Authority consider that the impact would NOT give rise to a situation where development may be refused on transport grounds i.e. in circumstances where 'the residual cumulative impacts of development are severe' (Framework 32).

I believe the LPA is sufficiently informed as to the planning consequences of a condition that limits the amount of Class B8 floor space within the scheme. As you state in your Report it is for the Committee to decide whether such a condition should be imposed.

With kind regards,
Peter J Frampton

Cc: Kelvin Pearce
Peter Bateman



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6th June 2016

Dear Jon,

Albion Land Planning Application 14/01675/OUT at NW Bicester

Following deferral back in January this year, I understand that the above application is being taken back to planning committee on Thursday 9 June, and that no change has been made to the proposal or the recommendation for approval.

I attach at Annex 1 my letter to you dated 28th January 2016, for which I am yet to receive a reply. I note that the current officer's report fails to address any of the issues that I raised in that letter and when I spoke at planning committee. Furthermore, I understand a planning condition is now proposed that requires 30% B2 floor space and 70% B8 floor space, making this development entirely contrary to Local Plan Policy Bicester 1 which states that at NW Bicester, use classes will be B1, with limited B2 and B8 uses. I would like to request that this fundamental point is addressed at planning committee along with the other points raised in my original letter. I would also like to request a meeting with officers prior to planning committee.

Regards
Les
Cllr Les Sibley
Cherwell District Councillor for Bicester West
Oxfordshire County Councillor for Bicester West

Cc. Cllr David Hughes, Planning Committee Chairman
Cllr Lawrie Stratford
Cllr Catherine Fulljames
Cllr Michael Waite
Cllr Tim Hallchurch

January 28th 2016

Albion Land Planning Application 14/01675/OUT at NW Bicester

I write with regard to the decision to defer the above application at Planning Committee on 21st January 2016 on the basis of allowing further negotiations with the agent over the proportion of B8 uses across the application site.

Firstly I wish to raise concerns with the officer's report. The proposals are clearly contrary to Local Plan Policy Bicester 1 which states that at NW Bicester, use classes will be B1, with *limited* B2 and B8 uses. This fundamental point was not adequately addressed in the officer's report. Neither was the level of objection to the application. Officers stated during planning committee that "[we] don't take objections lightly". Clearly this is not the case given that many of the objections were on the basis of B8 use being contrary to the Cherwell Local Plan.

Secondly I wish to raise concerns with the way in which the motion was steered by officers. It was clear from discussions that members of the committee were inclined to refuse the application until officers interjected with the suggestion to defer, with the intention to take the item back to the March committee meeting. This could have been interpreted as an interference with the democratic process. Furthermore, changing the proportion of Class B8 & B2 uses across the application site is likely to result in material changes to the proposals which would need to be thoroughly reassessed and re-consulted on. If the proposals are to be compliant with the Cherwell Local Plan and the NPPF, they will require considerable material changes. A more appropriate course of action could be for the application to be withdrawn and a new proposal submitted.

Thirdly, as you are aware I spoke at committee and for the record I would like to reiterate my concerns with the proposals in writing as follows:

B8 Use

With predominant B8 use, the proposals are contrary to Local Plan Policy Bicester 1 which states that at NW Bicester, use classes will be B1, with *limited* B2 and B8 uses. The officer's report at para 5.45 tries to argue that B8 uses will be limited across the wider NW Bicester site as a

whole. However, Policy Bicester 1 stipulates that employment land across the wider site should be a minimum of 10 hectares. This application is for 9.45 hectares of predominantly B8 use (70%), which cannot reasonably be considered to be 'limited'. For comparison, the commercial employment area in A2 Dominions applications 1 & 2 (north and south of the railway line) amounts to a combined total of just 1.4 hectares.

70% of the site is for B8 uses which will result in very low ratios of number of jobs to land / floor space. The development is expected to create up to 1000 new jobs, but this is inconsistent with the North West Bicester Masterplan Economic Strategy which states that up to 2,000 jobs, double the amount being proposed, could be accommodated on the application site.

Such development at NW Bicester is not in keeping with the ambitions for Bicester as articulated in the Oxfordshire Strategic Economic plan. It is also contrary to Para B.7 (page 38) of the Cherwell Local Plan which encourages investment in hi-tech industries at new sites in Bicester. It is also contrary to Policy SLE1 of the Cherwell Local Plan and the NPPF.

Furthermore, there are already numerous B8 proposals/permissions at more appropriate locations around Bicester that are all supported by the Cherwell Local Plan:

- ☐ Bicester 11: Skimmingdish Lane (application no 15/01012/OUT)
- ☐ Bicester 12: Akeman Park (application no 15/02316/ OUT)
- ☐ Bicester 12: Wretchwick Green (application not yet submitted)
- ☐ Bicester 2: Graven Hill (permission 11/01494/OUT)
- ☐ MOD Fulfillment Centre, Arcott (permission 11/01494/OUT)

See below – Copy of Planning Permission granted by CDC

District: Cherwell Application no: **11/01494/OUT**

Proposal: Outline - Redevelopment of former MOD sites including demolition of existing buildings, development of 1900 homes; local centre to include a 2 form entry primary school (class D1), a community hall of 660sqm, five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling 500sqm, a grocery store (class A1) 1000sqm gross, a pub/restaurant/hotel (class A4/A3/C1) 1000sqm and parking areas; employment floorspace comprising B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20520sqm and B8 uses up to 66960sqm; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure. **Erection of a 70400sqm fulfillment centre on 'C' site and associated on site access improvement works, hard standing, parking and circulation areas**

Location: **Site C Ploughley Road & Site D & E Ambrosden Road, MOD Bicester, Upper Arcott, Oxfordshire**

The demand for further B8 development is questionable. This is exemplified by the fact that two large B8 warehouse buildings at Junction 11 of the M40, Banbury have remained vacant for many months.

Environmental Impact

HGVs and van movements 24 hours a day cannot be classed as zero carbon development.

The proposals for the temporary use of the existing Howes Lane would generate a substantial increase in traffic of heavy goods vehicles (HGV) and vans 24 hours a day 7 days a week leading to an increase levels of congestion, noise, vibration and pollution.

At a height 16.75m the scale of these buildings will have an unacceptable landscape impact which will in turn impact on the amenity of existing and new residents.

In light of the above I consider the proposals are contrary to Chapter 7 paras 56 - 68 NPPF and contrary to the Cherwell Local Plan para B42 which states that “in all cases very careful consideration should be given to locating employment and housing in close proximity and unacceptable adverse effects on the amenity of residential properties will not be permitted”.

Traffic Impact

The developer asserts that most of this development could come forward in advance of the strategic link road/tunnel. This would result in a severe traffic impact and is contrary to the County Council's position that no more than 900 homes (including the Exemplar Site) and 40% of Employment land can be delivered before the strategic link road and tunnel are in place. Allowing the full pre-trigger allocation of employment on this application site will exhaust employment land that can come forward over the wider masterplan site. Allowing housing on this site could compromise A2 Dominion's ability to deliver the tunnel and realigned road.

Additionally the proposals do not demonstrate safe and suitable access arrangements on Howes Lane. The proposals are therefore contrary to Local Plan Policy SLE 4 which states that development which is not

suitable for the roads that serve the development and which have a severe traffic impact will not be supported.

Ecology

The application fails to demonstrate a net gain in biodiversity and is inconsistent with the NW Bicester Masterplan approach to biodiversity mitigation and enhancements.

Summary

I consider the proposal to be unacceptable in principle and it would unnecessarily and unjustifiably erode the Local Plan employment strategy for Bicester. The proposed development would therefore be contrary to Policy SLE1 and Policy Bicester 1 of the Cherwell Local Plan Part 1, and the NPPF in particular paragraph 17 'Core planning principles' and section 1 'Building a strong, competitive economy'.

The proposal is also contrary to Local Plan Policy SLE 4 in terms of severe traffic impact and its suitability for the roads that will serve it.

These points alone constitute enough reasons to refuse this application in its entirety.

Please could the above points be fully addressed in the report that goes to the next planning committee meeting?

Regards

Les

Cllr.Les Sibley

Bicester West

Cc. Cllr Colin Clarke, Planning Committee Chairman

Cllr Lawrie Stratford

Cllr Catherine Fulljames

Cllr Michael Waine

Cllr Tim Hallchurch

07 June 2016

Delivered by email

Caroline Ford
Cherwell District Council
Bodicote House
Bodicote
Banbury
OX15 4AA

Dear Caroline

OS PARCEL 4200 ADJOINING AND NORTH EAST OF A4095 AND ADJOINING AND SOUTH WEST OF HOWES LANE, BICESTER (REF: 14/01675/OUT)

We write in respect of the above application which is scheduled to be re-presented to Committee on 9th June 2016. We have reviewed the officers' report and wish to raise the following points of clarification which we duly request you bring to the express attention of members at the Committee.

The Committee is being asked to reconsider the original proposals despite having previously requested that the Applicant amend the scheme, explicitly to reduce the quantum of B8 uses proposed within the outline parameters. In fact, it is our recollection that the Committee felt that B8 uses were wholly inappropriate in this location.

It is evident from the summary of the dialogue between the Applicant, CDC and OCC since January 2016 (paras 5.3-5.5), that subsequent discussions were undertaken in this vein. Indeed, the report highlights that the long-term impacts of a modified split of employment uses (20% B8 / 80% B2) would not lead to a severe impact in the long-term with the strategic road link in place (para 5.6). This would seem to confirm therefore that 80% B2 and 20% B8 uses on the Site would be acceptable in highways terms, reflecting the Committee's wishes. A short-term phasing was also agreed (para 5.8) to enable some development to come forward on the Site in advance of the strategic link road.

Despite these seemingly productive discussions, the Committee are now being asked to reconsider the original proposals (not an amended split as requested) on the basis of the Applicant's failure to update the Environmental Statement (ES) accordingly in order to reflect the changes and ensure compliancy with the ES Regulations.

It is therefore wholly premature for the Committee to be asked to re-consider the application in advance of this work having been undertaken to reflect the changes explicitly requested by the Committee in January. To do so would be to entirely disregard the Committee's wishes and render all the discussions which have taken place in the interim, meaningless.

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It would be entirely appropriate in this context for the application to be deferred again to enable this work to be completed.

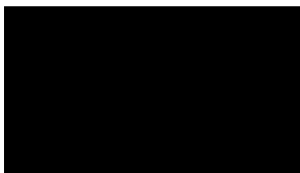
In any event, for the more technical reasons outlined in the attached note prepared by Alan Baxter (Ref: 1665/75/MT/mt) the impact of the development on the local highways network in advance of the strategic link road must be properly re-examined before this application can be determined on sound reasoning that may withstand challenge.

This is because it has to be considered against the background that the District Council is currently minded to locate all 900 homes (including the Exemplar) to be developed prior to the new road scheme to north of the railway. We have pointed out repeatedly that this approach is not consistent with the Hyder technical report and will in itself result in a very different and more severe highway impact to that which OCC have accepted. If a formal decision is made by the District Council to locate 900 homes north of the railway any development taking place on the Albion Land Ltd site will compound the traffic congestion at the critical Howes Lane/Bucknell Road junction. **This is a significant issue which the Committee should be made aware of and any decision regarding a first phase at the Albion Land Ltd site must be taken in the context of understanding the consequences of 900 homes being located north of the railway.**

More generally, we remain concerned that the proposals are inappropriate in terms of its massing, height and, in particular, the intended predominantly B8 use which is not in accordance with the adopted Local Plan or the NW Bicester SPD and will detrimentally impact on the wider eco-town in terms of its un-neighbourliness. As such, the Albion proposals will not deliver optimal development on this key gateway site to the eco-town.

We trust you will bring this to the Committee's attention through the appropriate channels. If you have any queries or wish to discuss the above in more detail, please do not hesitate to contact me.

Yours sincerely



Susie Stephen
Associate Director

susie.stephen@turley.co.uk

Himley Village, North West Bicester**Comments on Planning Committee Report for Albion Land Ltd Application (14/01675)**

- 1.1 The short notes sets out important transport related comments in relation to the Planning Committee Report recently issued in relation to the Albion Land Ltd application. This is against the background of Alan Baxter undertaking substantial traffic modelling work in connection with the Himley Village planning application. This includes a detailed analysis of the Hyder Technical Note of December 2014 and the differential impact of development north and south of the railway on the critical Howes Lane/Bucknell Road junction. This work also includes the use of future traffic flows from the Saturn model supplied by OCC's consultant WYG.
- 1.2 The Report makes reference to a first phase of development that could be delivered on the Albion Land Ltd site in advance of the strategic link road and tunnel being completed. The conclusion accepted by OCC is that 12,190 sq m of B2, 10,600 sq m of B8 and 135 residential dwellings could be delivered on the basis that it would not exceed the modelled impact set out in the Hyder Technical Note of December 2014.
- 1.3 The Hyder Technical Note concludes that 900 homes (including the Exemplar) and 4 ha of employment land could be delivered in advance of the strategic link road and tunnel being completed. Information received recently by OCC's consultant WYG shows that the modelled distribution of the 900 homes is 494 units north of the railway (including the Exemplar) and 408 units south of the railway. However, notwithstanding this the District Council is currently minded to locate all 900 homes (including the Exemplar) north of the railway but this approach is not consistent with the Hyder Technical Note and will in itself result in a very different and more severe highway impact to that which OCC have accepted. If a formal decision is made by the District Council to locate 900 homes north of the railway any development taking place on the Albion Land Ltd site will compound the traffic congestion at the critical Howes Lane/Bucknell Road junction. This is a significant issue which the Committee should be made aware of and any decision regarding a first phase at the Albion Land Ltd site must be taken in the context of understanding the consequences of 900 homes being located north of the railway.
- 1.4 The Report makes reference to the Environmental Statement and the impact of revising the allocation of employment space to 80% B2 and 20% B8. The conclusion drawn by officers in paragraph 5.10 is that the ES is robust in its conclusion as the assessment for the ES has used the higher traffic flows generated by the Masterplan. Paragraph 5.11 then goes on to consider the traffic impact element of the ES and concludes that it does not adequately address the revised allocation of 80% B2 and 20% B8. However, this conclusion is not consistent with that drawn in paragraph 5.10 as it would be expected that a common traffic base is used as the basis for all elements of the ES i.e. the higher traffic flows generated by the Masterplan would have been used for traffic, air quality and noise and disturbance assessments. Clarification is required as to why officers from CDC have come to this conclusion. If this conclusion is correct then the ES should be updated as appropriate.

Prepared by Malcolm Turner
Reviewed by [Click here to enter text.](#)
Issued 7th June 2016

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Opposition to application reference number is 16/00363/F on the grounds of;

1. Noise, disturbance and light pollution.
2. National and Local planning policy and guidance.

"Residents of Stanbridge House, an Extra Care Residential development immediately adjacent to the proposed ATP development, are all elderly people; often with high levels of care and support needs. The proposed floodlighting and more especially, inevitable noise from the intended use will have an unavoidable impact on the health of all residents. Fear that light pollution and especially sounds of balls being kicked, particularly against net fencing, with accompanied shouting, WILL cause a considerable nuisance at the 3 storey building which has Amphitheatre acoustics, and have a significant adverse impact on the amenity of the many neighbouring residential properties. Stanbridge residents - being especially sensitive to such things - will be affected most."

The associated Planning Practice Guidance sets out a 'noise *(definition 'unwanted sound')*' exposure hierarchy, based on the likely average responses and defines "noticeable and disruptive" thus:

- 1) The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; having to keep windows closed most of the time because of the noise.
- 2) difficulties getting to sleep; potential of disturbing sleep, premature awakening and difficulty returning to sleep.

Quality of life would be diminished due to "the change in acoustic character of the area". WE strongly suggest that noise from the intended development would de-finitely be "noticeable and disruptive", and the Planning Practice Guidance requires **that**

"in such circumstances the committee refuses the application before them."

Paragraph 123 of the National Planning Policy Framework and World Health Organisation's guidelines consider that meeting the criteria outlined in BS8233 requires that decisions must aim to avoid noise giving rise to "significant adverse impacts on health and safety and quality of life", and to mitigate such impact through stringent conditions. (No further guidance is given as to what a 'significant' impact would entail - it only *provides very brief guidance on planning and noise but identifies protected areas of tranquillity which have remained relatively undisturbed by noise, and are prized for their recreational and amenity value*).

The sound report, outlines; living room day time ambient sound levels should be between 30 to 40 Dbs. (Readings, in Maggie's 2nd floor flat, with no inside noise, are upwards of 50 Dbs daily, especially when Blessed George Napier School's ATP is in use.

The Sound report is flawed because there are no proper guidelines for dealing with noise from an ATP (especially at a 2nd floor level - and Miss Williams has vehemently requested that a more in depth acoustic sound test is carried out from Stanbridge House grounds near the building; as it is akin to an Amphitheatre. Cllr Clark -the only Councillor willing to

come to Miss Williams' home to see for himself - and agrees with residents. (see video sound monitoring. [at Miss Williams' flat](#)).

2.2 Local Authority Guidance and Criteria

Mr Atherton, at Cherwell District Council Environmental Health Department, was contacted 28th April last with the following email from Sport England as part of the consultation process, whose response states:

'Before work commences on Site to create the Artificial Turf Pitch an acoustic survey will be carried out to ensure that the noise from the Artificial Turf Pitch does not adversely impact on the existing residents at Stanbridge - or new residents to the north eastern boundary of the playing fields.'

The sound report stated that "Recommended Mitigation Measures are not required." We disagree.

Public Law principles dictate that the Committee ask the right questions and to undertake sufficient enquiry to obtain the necessary information on which a proper decision can be based. You can only approve this application after having considered persuasive evidence confirming conclusively that these issues have been properly addressed and that the residents of Stanbridge will not suffer as a result of this proposal. That evidence does not exist! The residents of Stanbridge will suffer unavoidable harm if this proposal is allowed. We ask that the committee refuses this application "until they visit Miss Williams' home to hear for themselves, before any decision is made. (The ambient noise levels have been recorded in my flat average approx. 55 Dbs, more when Blessed George Napier ATP is in nightly use.)

On lighting issue, the Planning Practice Guidance suggests that the Planning Committee asks itself this question - "does the development proposal materially alter light levels outside the development and/or have the potential to adversely affect the use or enjoyment of nearby buildings or open spaces?" (Assistance to the committee in answering that question suggests factors such as: the impact of light-spill on sleep; the timing of light use; and the character of the area.)

The Council's Final Report implies that the application will be **passed** but with "conditions" The drainage system has yet to be sorted out, et al. (Fact; during heavy rain the run-off floods Stanbridge garden. [See picture email](#)).

If the ATP is approved in its current situation, MOST Residents of Stanbridge House "WILL LOSE PREACEFUL ENJOYMENT OF THEIR HOMES", and several homes WILL be devalued.

Housing & Care 21 Legal Team together with Stanbridge residents WILL take this matter to the European Court Of Human Rights if the ATP is placed where the planners want it to go and ignore our suggestions to place it further away on the other side of the

playing field's centre line of hedges (thus allowing the existing trees to act as a natural barrier) which is our only means of protection.

Stanbridge House Residents therefore respectfully request that the Planners/the Academy provide:-

1. Large trees (e.g. Horse Chestnut (which leaf & flower early and drop their leaves quite late).
2. A SOUND PROOF BARRIER/FENCE around the ATP to subdue the noise -e.g. one that soaks up the noise or one as used by the L.C.C. on the M25 that bounces it back.
3. A water course on **our** side of the fence to 'cascade' to help reduce the noise (to be discussed with Housing & Care 21 legal team.)

If these Conditions are met then Stanbridge residents would not object to the application and might just like to remind all Councillors that one day they may be put in a retirement home - would they live here?