

# Planning Committee

## Progress on the Exemplar Application at NW Bicester 10/01780/HYBRID

P22 March 2012

### Report of Director of Development

#### PURPOSE OF REPORT

To advise Members of the progress that has been made towards the completion of the S106 agreement for NW Bicester

This report is public
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#### Recommendations

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The Planning Committee is recommended to:

- (1) Note the progress towards completion of the legal agreement for the exemplar development at NW Bicester which, once signed, will enable the planning permission to be issued.
- (2) Note the progress with regard to the masterplan for NW Bicester.
- (3) Consider the requirement of Section 143 of the Localism Act 2011 to take into account local finance considerations.

#### Executive Summary

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##### Introduction

- 1.1 Members will probably recall that there was a resolution to grant planning permission for the Exemplar application at NW Bicester. The August 2011 committee reports can be viewed at <http://modgov.cherwell.gov.uk/mgChooseDocPack.aspx?ID=1687>. This report is to update Members on the progress of matters that needed to be addressed prior to the issue of the planning permission.
- 1.2 The report further considers material changes that have taken place since the resolution to grant planning permission in August 2011, specifically the enactment of the Localism Act and the duty to take into account local financial considerations, so far as material to the application, when handling

applications for planning permission.

## **Proposals**

- 1.3 The resolution to grant planning permission was subject to the following matters;
- Confirmation that the scheme meets building for life Silver Standard
  - The conclusion of a review of the viability work (carried out on an open book basis)
  - Completion of a S106 agreement (in accordance with the Heads of Terms set out below but subject to the clarification of the infrastructure fund as identified above)
  - Conditions set out in the report
- 1.4 In addition the report contained the following paragraph;
- The applicant will note that concerns around funding for infrastructure and service needs must be addressed through the masterplan and an outline application for the whole of the NW Bicester site. Prior to the completion of the s106 agreement satisfactory progress on the masterplan must have been made including an agreed way forward for the wider development to fund the necessary service needs arising from the increase in population from the NW Development as a whole.
- 1.5 Since the resolution to grant planning permission the Localism Act has also been enacted. This includes the amendment to S70 of the Town & Country Planning Act to include 'any local finance considerations, so far as material to an application' as a matter to which the local planning authority shall have regard in dealing with applications for planning permission.
- 1.6 These matters are considered further below.
- 1.7 **Building for Life**
- 1.8 Building for Life is a method of appraising the design of schemes developed by Cabe. The PPS requires Eco Towns to meet at least silver standard. The scheme works on a scoring basis and at the time that the application was reported to committee the scheme did not meet silver standard as certain details were not available. However following the resolution to grant planning permission further work has been carried out relating to the method of construction of dwellings and building for life awards points in relation to the inclusion of modern methods of construction. These details have now been provided to ATLAS who carried out the original assessment on behalf of the Council, and their confirmation that the scheme now meets Silver Standard is

awaited and Members will be updated verbally at committee.

**1.9 Conclusion of Viability Work**

1.10 In August 2011 when the application was originally considered viability work had been undertaken. Further work has since been completed to check that the build costs within the original appraisal were appropriate. The Councils consultant has confirmed this is the case and therefore there is no amendment to the position set out in the original report with regard to viability.

**1.11 Completion of the S106 Agreement**

1.12 Although detailed Heads of Terms (see attached) were part of the resolution to grant planning permission there has still been considerable work to be undertaken in the detailed drafting of the agreement. This work is now largely complete and it is anticipated that the outstanding issues in relation to the drafting will be resolved by the date of the committee.

**1.13 Conditions**

1.14 Conditions were included in the original committee report for the application. Following the resolution to grant planning permission some minor changes have been sought to the conditions to allow for the discharge of the conditions on a phased basis and to address some detailed development of the design that has taken place since the resolution to grant permission. It is recommended that the final agreement of the wording is delegated to the Head of Public Protection and Development Management in consultation with the Chair of the Planning Committee.

**1.15 Master Plan Progress**

1.16 The exemplar application is accompanied by a framework masterplan. It shows how the proposals can fit with a scheme for the wider site. Never the less it was acknowledged that further work was required to develop the masterplan for the NW Bicester site as a whole. Since August further work has been done with regard to the masterplan including work on energy and water strategies for the site, archaeological work, updating of ecological surveys and potential housing mix. However there remains further work necessary to develop a comprehensive masterplan to accompany an outline application for the site. This includes further work on energy, waste and water, employment, transport, green infrastructure and design. It is anticipated that the masterplan will be developed during 2012 to accompany an outline application for the site.

1.17 In August 2011 the committee report was clear that not all the contributions sought in connection with the Exemplar application were affordable from the scheme. The report advised;

1.18 *Oxfordshire County Council objected to the application at the committee on the 14 July raising concerns about the lack of funds to meet the full level of obligations they have sought to address the needs of the population of the development. The delivery of community infrastructure is a concern for all the public bodies that have sought contributions that may not be able to be met. Most public bodies are facing reduced resources at the current time making it particularly important that new development mitigates the impact of the increased population that it brings about. There is therefore a need to*

*balance the reasonable requirements for funding for community infrastructure and the need to ensure that development, that in other respects is acceptable and will bring benefits through investment, employment and homes to meet identified needs, can go ahead. In the case of the current application as a first phase of a development it is potentially carrying higher costs than later phases may need to and therefore it is envisaged that current concerns around funding may be addressed through the masterplan and an outline application for the whole of the NW Bicester site. It is proposed, with the applicants agreement, to commence work on identifying the necessary development to serve the whole site and the mechanism for delivery of the necessary infrastructure in parallel with the completion of the drafting of the S106 agreement for this application. Oxfordshire County Council would want to see that there has been progress on the masterplanning and funding for infrastructure before they would complete a joint S106 Agreement.*

- 1.19 Since August more work has been done with regard to the viability of masterplan proposals as well as progressing base line assessments and work to feed in to an amended plan.
- 1.20 The viability work has considered the likely costs associated with developing the scheme and values arising from the development. As with most large schemes this has shown some difficulties in demonstrating viability in the current market. However a number of approaches have been looked at to ensure the scheme is viable. This includes looking at land values, costs, potential growth in sales values, design and density and reduction in the costs of providing community infrastructure by looking at options for joint use and co location, town wide provision and different methods of procurement. This demonstrates that there are a number of ways in which the scheme could be viable whilst still delivering the high sustainability standards the PPS on Eco Towns set out.
- 1.21 The comments of the County Council will be reported verbally at the meeting.
- 1.22 Ultimately proposals to develop land beyond the exemplar application site will need to be the subject of a planning application. Accompanying any application, the Council would expect detailed Heads of Terms setting out the level of infrastructure to be provided to support the proposed development. At this stage therefore it is not looking to prejudge the outcome of such consideration but merely ensure that a scheme supported by essential community infrastructure could be delivered. The current work provides such reassurance.
- 1.23 **Localism Act 2011**
- 1.24 The Localism Act introduces a number of changes to the planning system. With regard to the consideration of planning applications it places additional requirements for developers to consult before submitting major application proposals and a requirement for local planning authorities to have regard to local financial considerations, so far as material to the application, when dealing with applications for planning permission.
- 1.25 Although the new consultation obligation applies only to prospective applications for permission the Exemplar application was the subject of extensive pre-application discussions details of which are set out in the original committee report. This would have complied with the Act's

requirements had they been in force at the relevant time.

- 1.26 The Localism Act through the amendment of S70 of the Town & Country Planning Act inserts a new requirement to have regard to local finance considerations so far as material to the application when dealing with applications for planning permission alongside the existing requirements of consideration of the development plan and other material considerations. The Localism Act further defines Local financial considerations as;
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy;
- 1.27 Grants or financial assistance includes New Homes Bonus (NHB) which is now provided to the Council on the basis of the number of new homes provided within the District. It could also include The Eco Town Grant Funding that has been provided. The District does not currently have a Community Infrastructure Levy.
- 1.28 The receipt of NHB will be of benefit for the district. As the Exemplar development would contribute to meeting the District Housing need, and if this need was not met on this site it would need to be met elsewhere in the District it is not considered that the grant of NHB by this provision adds any significant weight in the consideration of the merits of the application. However HCA funding for affordable housing has been identified for the delivery of affordable housing specifically in relation to the current application.
- 1.29 The Eco Town Grant Funding was received on the back of proposals to develop a 5000 dwelling eco development at NW Bicester. However the grant is not tied to any particular planning application. Therefore in considering the current application it is considered that the development plan and other material considerations, as set out in the original committee report, continue to be the matters that carry greatest weight in the determination of the application.

### **Conclusion**

- 1.30 Since the original resolution was taken in August 2011 there have been no material change in circumstances that would lead to a different recommendation on the application.
- 1.31 Significant progress has been made since August and that the requirements set out at that time for the entering of the legal agreement have now been met. It is anticipated that the S106 agreement will shortly be signed enabling the planning permission to be issued

## **Background Information**

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- 2.1 Application 10/01780/HYBRID
- 2.2 PPS1
- 2.3 Localism Act 2011

## **Key Issues for Consideration/Reasons for Decision and Options**

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- 3.1 To consider the progress that has been made to enable the issuing of the planning permission for application 10/01780/HYBRID

The following options have been identified. The approach in the recommendations is believed to be the best way forward

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| <b>Option One</b> | To note the progress towards the issuing of the planning permission  |
| <b>Option Two</b> | To ask for the report into the application to be brought back to the committee to amend the requirements for the issuing of the planning permission. |

## **Consultations**

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| <b>Oxfordshire County Council</b> | To be reported verbally at the meeting. |
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## **Implications**

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| <b>Financial:</b>       | <p>This report does not raise any new financial considerations but does highlights the requirements for the Localism Bill to have regard to the local financial considerations in planning decisions.</p> <p>Comments checked by Karen Muir, Corporate Systems Accountant 01295 221559</p>                       |
| <b>Legal:</b>           | <p>The resolution to grant planning permission was subject to various matters. This report updates the Planning Committee on progress on those matters and other material considerations that have arisen since the Committee's resolution.</p> <p>Comments checked by Ross Chambers, Solicitor 01295 221690</p> |
| <b>Risk Management:</b> | <p>This report does not raise any new risk management considerations</p> <p>Comments checked by Ross Chamber, Solicitor 01295 221690</p>   |

**Wards Affected**

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Caversfield

**Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Plans
<b>Background Papers</b>	
Application 10/01780/HYBRID, PPS1, Localism Act 2011	
<b>Report Author</b>	Jenny Barker , Team Leader Development Management & Major Developments
<b>Contact Information</b>	01295 221828 Jenny.barker@Cherwell-dc.gov.uk