

**CHERWELL DISTRICT COUNCIL
TOWN & COUNTRY PLANNING ACT 1990
RULE 6 STATEMENT**

Appeal by Countryside Properties (Bicester) Ltd against the decision of Cherwell District Council to refuse outline planning permission for the erection of up to 46 dwellings with associated amenity space, car parking, access roads and public open space on land South West of Bicester and adjoining Oxford Road and Middleton Stoney Road, Bicester.

Cherwell District Council Ref: 10/01381/OUT

Planning Inspectorate Ref: APP/C3105/A/11/2154300

1.0 Site Description and Location

- 1.1 The appeal site comprises 1.4ha within the wider 116ha South West Bicester mixed use development which was granted outline planning consent in 2008 under application number 06/00967/OUT. The site is roughly triangular in shape and comprises undeveloped agricultural land.
- 1.2 The site is approximately 0.3km from the current southern boundary of Bicester which is defined by the Middleton Stoney Road and the village of Chesterton 0.8km to the south west. A triangular copse just to the north will be retained. The site is flat and there are no trees or features within the site itself.
- 1.3 The site will be accessed via the new internal main principal spine road. This site was originally allocated within the larger South West Bicester development as a reserve school site for a second primary school should it be required. This appeal proposal now seeks to develop this site for residential purposes and illustrative schemes submitted identify that it could accommodate up to 46 units.
- 1.4 The application is in outline only with all matters to be reserved.

2.0 Relevant Planning History

- 2.1 The whole South West Bicester development, of which the appeal site is part of a strategic housing allocation which was identified for mixed use development under Policy H13 of the non-statutory Cherwell Local Plan 2011. Outline planning permission was granted in June 2008 under application number 06/00967/OUT which was also subject of a planning obligation. Within the description of development, reference is made to 2 No. primary schools, the reserve school site being the second. The reserve school site is also identified as such in the land use plan within the approved Design Code relating to the South West Bicester development.

3.0 Policy Considerations

- 3.1 Central Government Policy
 - PPS1 'Delivering Sustainable Communities'
 - PPS3 'Housing'
 - PPS9 'Biodiversity'
 - PPG13 'Transport'
- 3.2 The South East Plan 2009 was adopted in May 2009. The following policies are relevant to the consideration of the proposed development. Policy CO3 promotes Bicester as a main location for housing development.

Policies CC1, CC4 and CC6 seek sustainable development and a high quality design. Policy

NRM4 seeks the incorporation of SUDS.

- 3.3 The Adopted Cherwell Local Plan (adopted November 1996 but remains the current adopted Local Plan as the Cherwell Local Plan 2011 could not meet the adoption timetable prior to the Government introduction of the Local Development Framework system) contains relevant saved Policies C28, C30 and H5. Copies of these are attached at Appendix 1.
- 3.4 The Non-Statutory Cherwell Local Plan 2011 (adopted by the Council in December 2004 for development control purposes following the Council's decision to proceed with the Local Development Framework, in the light of the inability to attain statutory adoption of the Local Plan 2011) contains several relevant Policies H1a, H7, H13, TR1, TR4, TR6, TR9 TR11, TR19. Copies of these policies are attached at Appendix 1.

4.0 The Council's Case

- 4.1 Application 10/01381/OUT was submitted to the Local Planning Authority and validated on 21 September 2010 and was publicised under the Council's normal procedures for a major application. The Planning Committee of Cherwell District Council resolved to refuse the outline planning application at the meeting on 24 March 2011 for the following reason:-

"In the opinion of the Local Planning Authority, it is premature to consider the release of this land for housing development, in that until the density and housing mix of the surrounding developments have been established, it is not possible to establish beyond reasonable doubt whether this land will be needed for its original possible use as a second primary school site".

- 4.2 The Local Planning Authority's evidence will relate to the grounds set out above and will expand as follows:

- 4.3 The South West Bicester urban extension was allocated as a strategic site within the Council's Non-Statutory Cherwell Local Plan under Policy H13. One of the requirements within that policy was to provide a primary school and land for a secondary school within the development. At that time the County Council thought that potentially 2 primary schools would be required to meet the needs of the development. The outline application as submitted in 2006 (06/00967/OUT) identified land for 2 primary schools. However, following assessment (in 2006) of the likely pupil generation and examination of the then extant and forecast capacities in local schools it was considered that the appropriate need for the 1,585 homes was for a 2FE primary school (i.e. no second primary on the development). That meant that any residual need (over the 420 pupils aged 4-10yrs at a 2FE) for primary places would be expected to be provided at existing schools. The appellants however chose to leave the second primary school within the application. They further chose to seek 2 primary schools within application 06/02225/OUT submitted on 13 November 2006 (Subsequently withdrawn as 06/00967/OUT was granted). The permission granted in June 2008 therefore referred to the provision of 2 number primary schools within the description of development, and the two primary school sites were indicated within the approved master plan and within the planning statement dated November 2006 at paragraph 3.332 reference is quite clearly made to the appeal site as follows:-

'In addition, approximately 1.3ha of land will be reserved for a secondary primary school, at the western end of the site, and made available if Oxfordshire County Council justifies the requirement'.

The Local Planning Authority will contend due to the nature of first and second reserved matters applications submitted for the development, that densities differ from housing envisaged at the outline stage for the whole development, having a far greater proportion of 4 and 5 bedrooms; that if this mix continues throughout the remainder of the development, the previous estimate of up to 4,040 bedrooms will be greatly exceeded, thereby resulting in

a higher number of children within the development. That together with expected reduced spare capacity at other schools in Bicester, would require further primary education provision possibly on the application site.

Further evidence will be submitted to the inquiry by Oxfordshire County Council relating to pupil numbers and future projections relating to primary education.

5.0 Conclusion

5.1 Following an assessment of the identified issues, the case for the Local Planning Authority will conclude that the appeal should be dismissed.

6.0 Conditions and Statement of Common Ground

6.1 The suggested conditions and Heads of Terms relating to the Section 106 Agreement is included within the statement of Common Ground and is currently under discussion with the appellant.

It is hoped that the conditions and Section 106 Agreement will be agreed prior to the Inquiry.

7.0 List of Documents which the Local Planning Authority may refer

- 7.1
- a) Decision Notice
 - b) Decision Notice 06/00967/OUT and Section 106 Agreement
 - c) Report to Planning Committee and minutes of that Committee Meeting of 24 March 2011.
 - d) Site Location Plan
 - e) Approved Design Code for the South West Bicester Development
 - f) Approved Planning Statement 06/00967/OUT
 - g) Approved proposals plan 06/00967/OUT
 - h) Development plan and Secretary of State Direction of 25/9/07 regarding the Saved Policies in the Adopted Cherwell Local Plan
 - i) Central Government Guidance referred to is Section 3
 - j) Oxfordshire County Council documents relating to surveys and data for education
 - k) Planning Obligations Interim Guidance 2007 and Interim SPD March 2011.