

# Planning and Development

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Your Ref:

24th November 2022

Dear Hannah

## TOWN AND COUNTRY PLANNING ACT 1990

**Application No.:** 21/01630/OUT

**Applicant's Name:** Firethorn Developments Ltd

**Proposal:** Outline planning application for up to 530 residential dwellings (within Use Class C3), open space provision, access, drainage and all associated works and operations including but not limited to demolition, earthworks, and engineering operations, with the details of appearance, landscaping, layout, and scale reserved for later determination

**Location:** Land at North West Bicester  
Home Farm, Lower Farm and SGR2  
Caversfield

I write with reference to the above application.

We are currently working on the committee report with the intention to report the application to Planning Committee on the 08 December 2022.

At this point, we believe there to be three main outstanding issues which are likely to be presented as recommended reasons for refusal. These are summarised as follows alongside our thoughts as to where these have got to:

### Transport

As it stands, the latest response from Oxfordshire County Council as the Local Highway Authority is from the 11 November 2022 in which an objection, due to the resulting severe traffic congestion impact at the junction of Howes Lane and Bucknell Road, is raised. Officers have enquired with Oxfordshire County Council who have confirmed that they will defend their position at appeal on this basis and that the Bicester Transport Model is robust.

It is acknowledged that you have responded to this latest objection and a response from OCC is awaited. We therefore do not have clarity as to whether their response will remain one of objection or whether this position will have changed.

This issue is critical to the recommendation that would be made and so there is a risk in proceeding to finalise a committee report in advance of the latest response being received. A written update is not a suitable way to change what might be said with respect to a significant issue such as this.

### Viability

The HLD report was received in its final form on the 21 November 2022 and shared with you that day. As you will note, the report identifies that there is a viability gap but that in sensitivity testing a value engineered scheme, that there could be an option which significantly closes the gap and that with some further adjustments, that the scheme could deliver a True Zero Carbon development and 30% Affordable Housing.

It is noted that your Viability Advisor has raised some queries with the report, most notably with respect to whether the costs of triple glazing have been accounted for. It is also noted that there are some costs accounted for within the S106 list which are unlikely to be required – such as the cost of the 'Howes Lane Interim Scheme' (and there may be others).

Whilst it is appreciated that some matters remain with the Council with respect to this matter (S106 specific), it would seem that the viability position is not yet settled. In addition, it would be helpful to understand, in light of the HLD sensitivity testing, whether you wish to revise your viability offer which is currently before the Council? If so, there will be time needed to consider this and reach a conclusion as well as potentially some time needed to settle the viability position.

This too, is not a matter that could be changed significantly through a written update to Committee and so in order to finalise a report to Committee, we would need to proceed based upon your current offer. Taking into account the advice of the Council's appointed Consultant, we are minded to recommend a refusal reason based upon this matter.

It is also likely that we would need to include the lack of a completed S106 agreement as a reason for refusal to protect the Council's position in this respect moving forward to an appeal situation.

### Parameter Plans/ Environmental Statement

You will recall that through early discussions, questions were raised regarding the consistency of the parameter plans. This was discussed in quite some depth and your proposal was to deal with this matter via written explanation through a development parameters schedule document. In considering this matter in formulating the report as well as it having been reviewed by a colleague with experience elsewhere, it is concluded that the inconsistency of the plans is a matter that could result in a reason for refusal. This is because it would be difficult to resolve planning condition wording to deal with this matter, the plans remain inconsistent with each other, and they therefore do not form a suitable basis for the delivery of future reserved matter applications.

In addition, the proposal is EIA development and therefore it is critical that matters before the Council are correct and align with the submitted EIA. At this stage this is not the case. Any change to the parameter plans would be a matter that would likely require re-consultation under the EIA Regulations.

If all other matters were resolved at this stage then this is a matter which we may have considered possible to be dealt with post-committee with a recommendation made 'subject to' this issue being resolved. However, in the scenario that the proposal is recommended for refusal, this is likely to appear as a refusal reason.

### Other matters

Please confirm your position on the ecological matter and that you would be willing to accept a planning condition relating to pre-commencement surveys in the way suggested by the Council's Ecologist.

I trust this is helpful at this stage, however I must stress that this is provided without prejudice to any formal decision of the Local Planning Authority.

Your response to this letter is sought urgently to enable the Council to consider its next steps and to understand whether it is still your position that you wish for the application to be considered at Planning Committee on the 8<sup>th</sup> December 2022 with a recommendation for refusal.

Yours faithfully

Caroline Ford – Team Leader – South Area Major Projects