



***Cherwell***  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **APPEAL BY FIRETHORN TRUST**

**LAND AT NORTH WEST BICESTER, CHARLOTTE AVENUE, BICESTER**

**LOCAL PLANNING AUTHORITY REF NO: 21/01630/OUT**

**PLANNING INSPECTORATE REF NO: APP/C3105/W/23/3315849**

**SUMMARY PROOF OF EVIDENCE Tom Webster BA (HONS) DIP TP MRTPI ON  
BEHALF OF Cherwell District Council The Local Planning Authority**

**MAY 2023**

- 1.1 My name is Tom Webster. I am a qualified town planner, working as a Principal Planner on behalf of Cherwell District Council, in their South Area Major Projects Team. I am familiar with the appeal site and the surrounding area.
- 1.2 I have made my own assessment of the planning merits of the proposed development, and I agree, in my professional judgement, with the council's putative reasons for refusal.
- 1.3 Having set out background information and details of post appeal submission amendments (to the Appellant's Site and Build Costs), my evidence refers mainly to the overall balance of planning considerations relevant to this appeal.
- 1.4 With regard to the overall balance of planning considerations, I suggest that the determination of this appeal rests in balancing the harm that would be caused by the proposal and the proposal's clear non-compliance with relevant planning policies, against the benefits that might arise.
- 1.5 The main planning issues relevant to this appeal are the failure to deliver, or get as close as is possible to delivering, a true Zero Carbon scheme, severe highways networks impacts, material harm to the character and appearance of Charlotte Avenue, potentially inadequate provision of affordable housing, and the failure of the proposal to mitigate its own impacts.
- 1.6 The benefits of the appeal proposal are listed in my proof of evidence. I note, however, that these could also be delivered as part of a policy-compliant development that would provide a true zero carbon scheme, potentially more affordable housing during the outline stage (depending on the outcome of further zero carbon discussions), would not result in severe Highways impacts, and was subject to a Section 106 agreement that mitigated its impact and secured compliance with the development plan.
- 1.7 Having regard to the Council's Five-Year Housing Land Supply, I confirm that there is no justification for approving the appeal proposal in order to ensure that Cherwell District Council's Five-Year Housing Land Supply is met. Indeed, the relevant figures provided in my colleague Jon Goodall's Proof of Evidence confirm that Cherwell District Council has a Five-Year Land Supply of at least 5.4 years (the published position). In fact, he concludes that the latest inputs show the position to be 5.67 years. Moreover, I am not aware of other material considerations that might outweigh the material harm the development would cause, and its non-compliance with planning policies.
- 1.8 I do not provide detailed evidence relating to Zero Carbon, Highways Matters, S106 Contributions, financial viability or Five-Year Housing Land Supply. The evidence relating to each of these planning matters are provided by **Lewis Knight** of Bioregional, Patrick Moss of IMA Transport Planning, Oxfordshire County Council and Cherwell District Council's CIL Compliance Schedules, Nigel Simkins of Highgate Land and Development, Ian Tarbett of MGAC, and Jon Goodall of DLP Planning Limited.

- 1.9 In conclusion, I assert that the proposal would achieve a poor level of compliance with the development plan, and would cause clear, demonstrable harm. As I am aware of no material considerations that outweigh the harm caused by the serious breaches of planning policies INF1, BSC3, BSC7, BSC8, BSC10, BSC11, BSC12, ESD1-5, SLE4 and Policy Bicester 1, I submit that the appeal should be dismissed.
- 1.10 However, if a true zero carbon scheme was secured, a level of affordable housing was provided as per the findings of the Council (post further zero carbon discussions), the Highways impacts were addressed, and if adequate Section 106 provisions were secured, the overall planning balance would be materially different, and I would not object to the appeal being allowed.
- 1.11 My submission ends with a declaration that the evidence I have presented reflects my genuine professional opinion.