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**For the attention of: Ms Jenny Barker**

**By Email and by Post**

jenny.barker@cherwell-dc.gov.uk  
Our ref: PPG/CD/JMC/AMW/45095424/  
Kleinman  
Your ref:

17 March 2011

Dear Ms Barker

**Objection to planning application: 10/01780/HYBRID**

We act for Mr and Mrs Kleinman of Caversfield House, Caversfield, Bicester, Oxfordshire, OX27 8TQ, who have instructed us to write and file an objection to the above application on their behalf.

**National Policy**

Planning Policy Statement: Eco Towns, A Supplement to Planning Policy Statement 1 states that:

**Homes**

As well as being zero carbon as part of the whole built environment, homes in eco-towns should:

- a) achieve Building for Life Silver Standard and Level 4 of the Code for Sustainable Homes<sup>10</sup> at a minimum (unless higher standards are set elsewhere in this Planning Policy Statement)
- b) meet lifetime homes standards and space standards
- c) have real time energy monitoring systems; real time public transport information and high speed broadband access, including next generation broadband where possible. Consideration should also be given to the potential use of digital access to support assisted living and smart energy management systems
- d) provide for at least 30 per cent affordable housing (which includes social rented and intermediate housing)
- e) demonstrate high levels of energy efficiency in the fabric of the building, having regard to proposals for standards to be incorporated into changes to the Building Regulations between now and 2016 (including the consultation on planned changes for 2010 issued in June 2009 and future announcements on the definition of zero carbon homes); and

GA: 1180681\_2

- f) achieve, through a combination of energy efficiency and low and zero carbon energy generation on the site of the housing development and any heat supplied from low and zero carbon heat systems directly connected to the development, carbon reductions (from space heating, ventilation, hot water and fixed lighting) of at least 70 per cent relative to current Building Regulations (Part L 2006).

## **Employment**

It is important to ensure that eco-towns are genuine mixed-use communities and that unsustainable commuter trips are kept to a minimum. An economic strategy should be produced to accompany planning applications for eco-towns that demonstrate how access to work will be achieved. The strategy should also set out facilities to support job creation in the town and as a minimum there should be access to one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport.

## **Transport**

Travel in eco-towns should support people's desire for mobility whilst achieving the goal of low carbon living. The town should be designed so that access to it and through it gives priority to options such as walking, cycling, public transport and other sustainable options, thereby reducing residents' reliance on private cars, including techniques such as filtered permeability. To achieve this, homes should be within ten minutes' walk of (a) frequent public transport and (b) neighbourhood services. The provision of services within the eco-town may be co-located to reduce the need for individuals to travel by private car and encourage the efficient use of the sustainable transport options available.

Planning applications should include travel plans which demonstrate:

- a) how the town's design will enable at least 50 per cent of trips originating in eco-towns to be made by non-car means, with the potential for this to increase over time to at least 60 per cent
- b) good design principles, drawing from Manual for Streets<sup>14</sup>, Building for Life, and community travel planning principles
- c) how transport choice messages, infrastructure and services will be provided from 'day one' of residential occupation, and how the carbon impact of transport in the eco-town will be monitored, as part of embedding a long term low-carbon approach to travel within plans for community governance.

Planning Policy Statement 3 (PPS3): Housing requires that the following criteria must be considered when assessing design quality if the extent to which the proposed development:

- is easily accessible and well connected to public transport and community facilities and services, and is well laid out so that all the space is used efficiently, is safe, accessible and user-friendly;
- provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies;
- is well integrated with, and complements, the neighbouring buildings and local area more generally in terms of scale, density, layout and access;
- facilitates the efficient use of resources, during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change;

- takes a design-led approach to the provision of car parking space, that is well integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly;
- creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity; and
- provides for the retention or re-establishment of the biodiversity within residential environments.

PPS3 also states that it is the Government's policy to ensure that 'housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure'.

PPG17: Planning for Open Space, Sport and Recreation, provides the following definition of open spaces that may be of public value:

- i. parks and gardens - including urban parks, country parks and formal gardens;
- ii. natural and semi-natural urban greenspaces - including woodlands, urban forestry, scrub, grasslands (eg downlands, commons and meadows) wetlands, open and running water, wastelands and derelict open land and rock areas (eg cliffs, quarries and pits);
- iii. green corridors - including river and canal banks, cycleways, and rights of way;
- iv. outdoor sports facilities (with natural or artificial surfaces and either publicly or privately owned) - including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields, and other outdoor sports areas;
- v. amenity greenspace (most commonly, but not exclusively in housing areas) - including informal recreation spaces, greenspaces in and around housing, domestic gardens and village greens;
- vi. provision for children and teenagers - including play areas, skateboard parks, outdoor basketball hoops, and other more informal areas (eg 'hanging out' areas, teenage shelters);
- vii. allotments, community gardens, and city (urban) farms;
- viii. cemeteries and churchyards;
- ix. accessible countryside in urban fringe areas; and
- x. civic spaces, including civic and market squares, and other hard surfaced areas designed for pedestrians

### **Local Policy**

The current Local Plan was adopted by the Council in 1996. Policy H18 applies to new dwellings in the countryside stating that:

'Planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under Policy H1 when:

- (i) it is essential for agriculture or other existing undertakings; or

- (ii) the proposal meets the criteria set out in Policy H6; and
- (iii) the proposal would not conflict with other policies in this Plan.'

We also note that the draft Core Strategy which, although not yet adopted, may be regarded as a material consideration in the planning process. Policy NWB1 of that document provides for the allocation of an Eco Development in North-West Bicester. The policy provides that the development will be for 5000 homes and states that the Eco Town proposals should ensure:

- the Eco Town will be a net zero carbon development as defined in the PPS;
- delivery of a high quality, local environment, taking into account climate change adaptation;
- homes should achieve Level 6 of the Code for Sustainable Homes;
- access to one employment opportunity for each new dwelling within easy reach by walking, cycling and/or public transport;
- at least fifty per cent of trips originating from the development to be made by means other than the car, with potential to rise to sixty per cent; and
- forty per cent of the total gross site area will be provided as green space, of which half will be public open space.

### **Assessment under National Policy**

Under National Policy suitable locations for eco towns should provide for a minimum 5,000 homes. The Applicant does not have control over the remainder of the site identified for the eco town and has provided no information regarding the progress of negotiations with landowners to acquire such an interest. The current application should not be assessed under National Policy relating to eco towns as it relates only to a development of 394 homes and does not provide evidence as to how the remaining 4606 homes will be delivered.

Under National Policy eco town developments should enable 50% of trips originating within eco towns to be made by non-car means with the potential over time for this to rise to *at least* 60%. The Applicant's proposals fall significantly short of the policy, proposing only 45% transport by non-private car by 2016, and rising only to 50% by 2026. The Applicant by its own admission acknowledges that in terms of non-private car use, it will take at least 15 years before it meets the minimum levels set out in National Policy.

National Policy also states that homes in eco towns should be within 10 minutes walk of *frequent* public transport. The Applicant states that only a half hourly bus service will be provided. The Applicant itself acknowledges that this is insufficient to achieve the modal shift to public transport required under National Policy.

National Policy also requires that at least one job opportunity should be provided per dwelling. The Applicant states that 460 new jobs will be created, which is nominally higher than the number required under National Policy. Closer inspection, however, shows that the true number of sustainable jobs created is far lower than 460 and also lower than the 394 required under National Policy. The Applicant has in its figures included the number of

construction jobs in building the proposed development. These are not sustainable long term jobs and these jobs will not be available to the occupiers of the proposed houses. The Applicant has further estimated that 105 FTE jobs will be comprised of people working from home on the basis that 'the assumption of one FTE worker per three dwellings is reasonable'. These are not jobs created by the development; instead this figure relies upon one worker per household either having or obtaining a job which permits home working. This is nonsense. The figure for home working nationally is tiny; certainly nowhere near one in three. Furthermore the figure of 105 jobs assumes one worker in every three households working from home full time. There is no evidence to support these figures and, furthermore, many jobs permit working from home only for part of the week, not full time. The home working figures should also be disregarded when assessing the employment opportunities created by the development.

It is highly likely that residents of the proposed dwellings will have to travel into Bicester to work, or to catch trains elsewhere, particularly to London. The proposed half-hourly bus service is too infrequent to accommodate commuters. This will lead to an over-reliance on the private car, contrary to both National and Local Policy.

### **Assessment under Local Policy**

It is clear that the proposed development is contrary to the current adopted Local Plan. The site of the proposed Eco Town Exemplar Development is not one identified under Policy H1 of the current Local Plan, and nor does it fall within the provisions of Policy H6 as it does not relate to small scale, low cost housing.

The proposed development is also contrary to Policy NWB1 of the draft Core Strategy. The dwellings proposed by the Applicant will achieve only Level 5 under the Code for Sustainable Homes and not Level 6 as required by Policy NWB1.

For the reasons stated above, the deficiencies of the site in relation to transport and employment mean that the proposal fails to secure the high quality design required under Policy NWB1 of the Draft Core Strategy.

The Applicant states that the proposed development will achieve a modal shift of at least 45% transport by non-private car use by 2016, rising to 50% by 2026. Policy NWB1 of the draft Core Strategy, however, requires 50% of trips by means other than car with potential to rise to 60%. The Applicant's proposals will fail to meet the *minimum* requirements of the draft Core Strategy for at least 15 years.

The proposed development fails to provide 40% of the gross site area as green space, as required under Policy NWB1. In its Landscaping Assessment, the Applicant has included the 'Exemplar Homezones' in its calculation of open space. The Applicant states that these Exemplar Homezones are 'areas where vehicle access is minimal and usually one way in and out' and goes on to add that 'sheltered play environments are incorporated to wholly encourage young children to occupy and claim the homeszone as their immediate outdoor natural play realm'. This second statement is disputed. The Applicant acknowledges that the development will provide an average 1.38 car parking spaces per dwelling. Given the poor transport links to and from the proposed development, it is likely that car ownership will exceed this figure. As the "Exemplar Homezones" are open to vehicles, it is extremely likely these areas will be used for car parking and will not form the open space areas claimed by the Applicant. Once this more realistic approach is adopted, the gross site area provided as open space is actually 35.41%. This is below the minimum open space requirement set by Policy NWB1 of the draft Core Strategy.

### **Other Issues**

The shape of the proposed site is irregular and does not lend itself to a cohesive and well designed site. It is also noted that the Applicant does not control the other land which has

been identified for an eco development. In design terms there is nothing exemplary about the application site. It simply represents an opportunist attempt by the Applicant to cash in on the land which it has been able to acquire. There is no commitment or clear strategy on the part of the Applicant to acquire the remainder of the land allocated for the eco town. There is a real risk that the remaining land will not come forward for development and the Council will be left with a poorly designed, densely developed and car dependent housing estate blighting the countryside.

If the Council is genuinely seeking to promote a sustainable development in this part of its district, it would make sense to wait until a developer had assembled a much more sustainable site on which to proceed. The initial first stage, far from being an 'Exemplar', is severely compromised both by the shortage of land under the Applicant's control, and by its irregular layout.

These constraints manifest themselves in several ways: the Applicant's limited highway frontage has led to the access being placed almost opposite the only access (to our clients' property) on the other side of the road, which will inevitably maximise the impact upon our clients; there is no provision for bunding or landscaped buffer strips to isolate, screen, or even mitigate the development and its impact upon its neighbours; the internal layout is severely compromised, especially at the pinch-point at the 'waist' between the two fields the Applicant has happened to acquire; and the whole thing is hideously linear and markedly unsustainable.

As stated, it would make far more sense, if the Council wishes to see a large scale sustainable development to the north-west of Bicester, to wait until the developer or a suitable consortium has acquired enough of the land to be able to promote a sensibly designed and sustainably laid out development. What is before the Council at the present time is an 'Exemplar' of poor planning constrained by opportunist timing.

## **Conclusion**

For the reasons set out in this letter, the proposed development by the Applicant should not be regarded as an eco town under existing national and draft local policy. It has failed to satisfy the basic requirements which eco town developments must meet. The Council should, therefore, treat the proposals as one for a large housing development in the open countryside, which is contrary to both local and national policy and should be refused accordingly.

Yours sincerely



**Carl Dyer**

Partner  
for and on behalf of Thomas Eggar LLP

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