

Oxfordshire County Council's response to Cherwell District Council's consultation on amended application for Phase One North West Bicester Eco-town (No: 10/01780/HYBRID)

Summary

1. Based on the amended information in the application, it is recommended that the County Council should submit an **objection** to the proposals to Cherwell District Council (CDC).
2. The main areas of concern, at this stage, are:
 - a. **Viability** – it is not possible to confirm that the Section 106 agreement is viable. Work is continuing to assess the viability of the proposal. Until, this is concluded however there can be no guarantee that the developer can financially meet the requirements set out in the S106;
 - b. **School** – we are still awaiting the information previously requested from the applicant that is necessary in order to assess whether the school site is acceptable. The latest information on earthworks suggests that the current plans for the school site will not be acceptable. There is also no commitment for the applicant to contribute towards the funding of the primary school building;
3. Our concerns may yet be resolved through further engagement with the applicant, more detailed information being forthcoming and a commitment from the applicant to fund measures that will ensure that the standards set for eco-towns are met. However at this stage in the officers opinion the risks remains too great for us to recommend support for the proposal.

Introduction

4. CDC has consulted the County Council on the amendments to P3Eco/A2 Dominion's (the applicant) application for the first phase of the 5,000 dwelling North West Bicester Eco-town.
5. These amendments have been submitted in an attempt to overcome the objections to the original application.
6. It is envisaged that CDC's Planning Committee will determine the amended application on the 16 June 2011.
7. The purpose of this report is to provide a brief assessment of the extent to which the submitted amendments overcome the County Council's original objections to the proposal. Further detailed comments can be found in Annex 1.

Comments

8. Since our initial response, discussions with the applicant and CDC have been on-going. As a result there has been some progress towards addressing our original concerns. However, we are still awaiting outstanding information on a number of key issues.
9. CDC and the County Council have jointly appointed independent consultants, Bruton Knowles, to carry out a viability assessment of the proposals. This work is underway and will inform the s106 discussions. Viability is clearly an issue that will have the biggest impact on whether or not this site is able to realise its full potential.
10. Accordingly, until the viability assessment is completed and officers have had the opportunity to understand its outcome, there remains a very real concern as to whether the application will support the proposed S106 requirements.
11. Officers' comments on the amended application are summarised below.

Economic Strategy and job generation

12. The applicant has submitted a revised economic strategy which provides some further information on the actions required to support job generation and economic development. However, the strategy remains light on detail as to how it will be implemented.
13. The total indicative jobs total is 430 of which 320 would be on-site, including 110 at the Eco-Business Centre and 50 home working with a further 50 construction jobs and 60 off-site jobs.
14. Although the applicant is willing to provide land for the Eco-Business Centre, it cannot be delivered without the public sector providing the funding to construct the Centre. Given that this is the first stage in a much bigger development it seems appropriate for the public sector to provide pump priming in this way. However, this decision needs to be made in the context of full agreement of the eco-town funding programme going forward and on the basis that the public sector's pump-priming investment is recovered as later phases of the development come on-stream.
15. The proposal to construct a good quality business building, supported by Oxford Innovation, a well-regarded organisation that provides innovation centres across the UK should help deliver high quality sustainable employment opportunities. However, a firm commitment will be needed for early delivery of the Centre to ensure that high-quality jobs are provided within the community itself at the earliest opportunity.
16. The revised strategy includes more realistic levels of home-working (down to 50 from 105); this will need to be supported by the applicant providing

high-speed broadband for every household and by business support and mentoring.

17. **Recommendation: SUPPORT**, subject to full agreement between the County Council and the District Council of the eco-town funding programme going forward and a mechanism is put in place to recover that initial investment through later phases of the development.

Social and Community Infrastructure

a) Primary School

18. The amended application provides land for a school but further detailed information is still needed to fix the size of the site, its shape and location. This is all critical in order to assess the acceptability of the proposal.
19. Officers have been requesting this information for a number of months but have yet to receive it from the applicant. In the last week, the applicant has submitted an earthworks plan, which would see a significant change in levels in and around the proposed school site. Officers' initial assessment is that this will make the school site unacceptable. As a consequence our objection on this issue should be sustained.
20. The application shows land for phase 2 of the school to the west of phase 1; we have previously stated our expectation for the extension to be to the south and this continues to be the case.
21. Discussions are ongoing about the timing of the opening of the school in relation to the occupation of the first housing and the need for temporary provision of places at an existing school.
22. Officers believe that, subject to advanced funding, it would be possible to accelerate the design, procurement and build programme so that a school could be operational within 12 months of occupation of first housing which is significantly faster than the normal four-year delivery programme.
23. Section 106 negotiations on this issue have yet to make any significant progress. The applicant's draft heads of terms offer land but no funding for the provision of the new one-form entry (1FE) school building with 2FE core facilities or the costs of temporary provision off-site, including transport.
24. **Recommendation: OBJECT**, unless the proposed site and land proposed for its extension are demonstrated to be acceptable and the S106 contributes appropriate funding towards the provision of the new 1FE primary school building with 2FE core facilities plus the costs of any temporary education arrangements, including transport required in the short term.

b) Community space

25. The new primary school will be designed to include an element of extended school space (the County Council's minimum standard is 90 sq m); additional community space will be required to meet the needs of a number of users, including service providers and local residents groups, to create a thriving community.
26. It has been the County Council's preference that the community space should be co-located with the school. The amended application continues to propose a community building above the commercial nursery. However, the applicant has indicated a willingness to explore co-locating the community space with the school. Officers will continue to work with the applicant with a view to seeking an acceptable solution.
27. The application is in outline only for the non-residential uses and there is no firm commitment to when the community facility would be delivered. Given the accelerated programme for delivery of the school, the school design brief will need to take account of the possible co-location of an integrated or stand alone community facility, should subsequent negotiations conclude this is the best, viable solution. If the facility is to be located on the school site, the site would need to be increased in size to accommodate it; this could be dealt with in later phases of the development through the Masterplan for the overall Eco-town site.
28. **Recommendation: SUPPORT**, subject to an acceptable solution being found as to where and when the community facility is provided.

Transport

a) Connection between the northern and southern fields

29. The applicant has met our requirement that the link between the northern and southern fields will be for pedestrians, cyclists and public transport only (with provision for emergency vehicles). The applicant has also agreed to provide this at the earliest available opportunity.

b) Bus frequency

30. It is essential that a high frequency bus service is provided from the beginning as part of the package to foster sustainable travel patterns. Such a package is critical to enabling the first phase to meet the target of 50% of generated movements being by non-car means.
31. The applicant's original proposal was for a 30-minute frequency to serve the development. The amended application now commits to a half-hourly service from the 50th to the 200th occupation and a 15-minute frequency thereafter.

32. Clearly this is an improved offer; however, officers remained concerned that the proposed provision is not sufficient to meet the agreed target. Discussions continue to attempt to resolve these issues. The County Council wants the provision of a community minibus, to be available up to the 50th occupation and a 15-minute frequency thereafter.
33. **Recommendation: SUPPORT**, subject to an acceptable solution being proposed for up to the 200th occupation.

c) Parking

34. The issue of undersized garages has been met, with them either increased to 6m x 3m or used for storage purposes. Although it looks as if the number of parking spaces per property has increased, this is because the figure in the original application did not include the garages.
35. The residential parking strategy is improved by these changes and our previous concerns are met. A greater variety of parking solutions, including the possibility of reduced parking frequency will need to be considered within the Masterplan for the remainder of the site once more services are provided on-site.

d) Rights of way

36. A general contribution will be required through the section 106 agreement towards the upgrading of and improvements to existing and new rights of way routes.

e) Drainage

37. Following our initial comments on the drainage proposals, improvements have been made to the strategy. However, further information is required before the officers can assess whether it meets the standards for Sustainable Drainage System (SuDS). More detailed information is also required before officers are able to agree to the lighting proposals.
38. **Recommendation: OBJECT**, unless further information is submitted to ensure that the drainage proposals meet the SuDS standards and the County Council's lighting standards.

Section 106 package

39. Section 106 requirements for on and off-site transport and social & community infrastructure have been sent to the applicant. The applicant has produced a list of items for inclusion in the draft set of heads of terms in response which are to be the subject of further negotiation. Agreement has yet to be reached on the population profile for the development on which infrastructure requirements are based.

40. For reasons set out elsewhere in this paper officers are unable at this stage to assess whether the proposal is viable. As a consequence there is a risk that the essential infrastructure required to support the development may not be affordable.
41. The work of Bruton Knowles, the independent viability assessor, will provide answers to many of the current questions. It will also inform the detailed negotiations. The work relies on the release of financially sensitive information by the applicant. It is not anticipated that this work will be completed and negotiations concluded ahead of the proposed date for CDC determining the application.
42. Given the importance of viability to the success of the overall proposal officers strongly advise that the planning application should not be determined until such time as the outcome of Bruton Knowles' work is known.
43. **Recommendation: OBJECT** on the basis that viability work is incomplete and that as a result it is not possible to take an informed view as to whether the development is able to afford the scale of infrastructure requirements.

Bio-diversity

44. Some amendments to the development design have been made (notably the re-design of the north fields to include more green space and an increase in the River Bure corridor). However, the proposed development still does not stand out as one that is demonstrating best practice by taking full account of the biodiversity present on the site or one by seizing the opportunity to maximise biodiversity within the proposed development.

45. **Recommendation: OBJECT**, unless:

- a) Further information is provided that demonstrates the development will deliver a net gain in bio-diversity; this should include a draft management plan;
- b) Changes to the Masterplan are made to remove encroachment of the proposed play area into the corridor of the River Bure and to redesign the bridge to maximise space underneath for commuting bats;
- c) The S106 agreement includes, off site compensation for residual impacts and mechanisms and funding for management of green space in perpetuity

Bridges/Waste and Energy

46. In the County Council's response to the original application (see annex 1), the recommendation for these areas was to "support subject to" further

information being provided. The County Council has yet to receive this information so our position remains unaltered.

47. Recommendations

It is **recommended** that the County Council informs Cherwell District Council that:

- a) it objects to the development proposed in application no. 10/01780/HYBRID as amended for the reasons outlined in paragraphs 12 - 46 of the above report;
- b) it has a number of detailed comments as outlined in annex 1 which should be taken into account in the determination of the application;
- c) if permission is granted, that it will delegate responsibility to its relevant Cabinet Member(s) to approve the final section 106 agreement.

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26 May 2011