

Case Officer: Bernadette Owens

Applicant: Mr Kelvin Pearce

Proposal: 'Hybrid' planning application comprising: - Outline planning permission (all matters reserved except for access) for B1 development (Use Classes B1a and/or B1b and/or B1c); highway works (including provision of a new roundabout at the junction between Vendee Drive and Wendlebury Road); creation of a wetland and landscaped areas and associated infrastructure works. - Full planning permission for a health and racquets club, associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace, and associated landscaping.

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin; Cllr James Macnamara; Cllr Barry Wood

Reason for Referral: Major development

Expiry Date: 21st May 2020

Committee Date: 21 May 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT (AND ANY CHANGES TO CONDITIONS)

Proposal

The application is a Hybrid application seeking Outline planning consent for 16,800sqm of B1 development with all matters reserved except access and Full detailed planning consent for a health and racquets club with associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace

Consultations

The following consultees have raised **objections** to the application:

- Wendlebury Parish Council, Bicester Bike Users Group

The following consultees have raised **no objections** to the application:

- Bicester Town Council, Chesterton Town Council, CDC Planning Policy, CDC Economic Development, CDC Ecology, CDC Arboriculture, CDC Environmental Health, Banbury Ornithological Society, Natural England, Thames Valley Police, Thames Water, Environment Agency and OCC Drainage.

6 letters of objection have been received and 0 letters of support have been received.

Planning Policy and Constraints

The application site forms part of the CLP 2031 Part 1 Bicester 10 policy allocation. The site adjoins the Alchester Roman Town Scheduled Ancient Monument to the south of the site and the Bicester Wetland Reserve to the east.

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Environmental Impact Assessment
- Principle of development
- Transport and highway impacts
- Design, and impact on the character of the area
- Amenity and neighbouring land uses
- Heritage impact
- Ecology impact
- Flood Risk and Drainage
- Energy Efficiency and Sustainability
- Planning Obligations

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions and completion of a satisfactory S106 legal agreement.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises approximately 15.8ha of agricultural land to the southwest of Bicester and is comprised of mainly flat grassland.
- 1.2. The application site is bound by Wendlebury Road to the west and Bicester Avenue Garden Centre to the north. The site is bound to the east by an existing watercourse with railway track beyond. To the south is the Alchester Roman site Scheduled Ancient Monument and to the southwest of the site is an operating chicken farm comprising a series of poultry sheds.
- 1.3. The site is bound by mature trees and hedgerow with open countryside to the south. Wendlebury Road also has a rural character defined by hedge lined verges containing mature trees and vegetation.
- 1.4. The application site is allocated for employment development as part of Policy Bicester 10 (Bicester Gateway) of the Cherwell Local Plan (Part 1) (2011-2031).
- 1.5. The allocation has been brought forward in two parts. The frontage of the site, comprising two parcels to the west of Wendlebury Road, has outline planning permission for B1 employment development and a hotel. Reserved matters consent has been granted for the hotel which is now currently under construction. This permission also included a small area of unallocated land to the south outside of the Policy Bicester 10 allocation.
- 1.6. The remainder of the Bicester 10 allocation, comprising the parcel to the east of Wendlebury Road, is subject of the current application.

- 1.7. An Outline application (19/01746/OUT) has also been submitted simultaneously by the applicant for the adjacent poultry farm site to the south west which lies outside of the Bicester 10 allocation. That application proposes the re-development of the site for B1 development with access from Wendlebury Road through the current application site. That application is the subject of a separate report also included on this Committee agenda.

2. CONSTRAINTS

- 2.1. The application site adjoins the boundary of the Alchester Roman site Scheduled Ancient Monument (SAM) which comprises an approximate 10ha site to the south of the application site.
- 2.2. Part of the application site lies within flood zones 2 & 3 and is adjacent to the Bicester Wetland Reserve situated to the east of the site. The site itself is agricultural grazing land, part of which has been identified as a potential District Wildlife Site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is submitted in 'Hybrid' form and seeks;
1. Outline planning permission (all matters reserved except access) for B1 development (Use Classes B1a and/or B1b and/or B1c); highway works (including provision of a new roundabout at the junction between Vendee Drive and Wendlebury Road); creation of a wetland and landscaped areas and associated infrastructure works; and
 2. Full planning permission for a health and racquets club, associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace, and associated landscaping.
- 3.2. For the avoidance of doubt, B1a comprises most types of office use (but excluding those providing a service to visiting members of the public), B1b comprises research and development uses (e.g. involved in the development of products and processes) and B1c comprises light industrial uses (i.e. industrial uses that would be compatible in a residential area).
- 3.3. The health and racquets club, which has been put forward as a David Lloyd leisure club is proposed in the northern corner of the site with direct vehicular access from Wendlebury Road. The proposals comprise;
- Clubhouse building, incorporating sports hall, indoor tennis courts, fitness studios, fully equipped gym, indoor swimming pool, café/restaurant and member lounge areas, changing facilities, spa, ancillary offices and staff facilities;
 - 2 no. outdoor tennis courts and 3no. indoor tennis courts (permanent air dome enclosure);
 - Outdoor swimming pool;
 - Car parking (246 spaces) and service areas.
- 3.4. The application includes site access from Wendlebury Road by way of a new roundabout with the Vendee Drive link incorporating an upgraded footpath/cycleway

on Wendlebury Road with separate access for the proposed health and racquets club.

- 3.5. A large area of wetland will be formed, concentrating built development to the northwest adjacent to Wendlebury Road.
- 3.6. The application is accompanied by an Environmental Statement which covers the matters of Biodiversity, Water Resources and Flood Risk, Transport and Access and Cumulative Effects.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the application site. However, planning permission has already been granted for the first phase of the development of the Bicester 10 allocation on land to the west of the site between the A41 and Wendlebury Drive. The approved Hotel development is currently under construction. The following planning history for the adjacent site is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>
16/02586/OUT	Phase 1 of the proposed new business park ("Bicester Gateway") comprising up to 14,972 sqm (Gross External Area) of B1 employment-based buildings, plus a hotel (up to 149 bedrooms), with associated infrastructure, car parking and marketing boards. APPROVED
17/02557/REM	Reserved matters to 16/02586/OUT – Erection of hotel and associated works. APPROVED

An Outline application has now also been received for the remainder of the Phase 1 site (application ref. 20/00293/OUT) for B1 office space; 273 residential units including ancillary gym; Café space with an ancillary, mixed use co-working hub; multi-storey car park; multi-use games area; and amenity space.

The application will be considered for determination at a later Planning Committee.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
18/00287/PREAPP	Outline application for employment development (Use Class B1/B2/B8) and leisure club (Use Class D2)
19/00069/PREAPP	FOLLOW-UP PREAPP - Outline application for employment development (Use Class B1) and leisure club (Use Class D2)

- 5.2. The pre-application proposals included the re-development of the adjacent chicken farm site as well as the land within the Bicester 10 allocation. Whilst there was no significant objection to the inclusion of the chicken farm site, the proposals for the Bicester 10 site did not accord with the policy allocation through the inclusion of the leisure club and the predominance of light and general industrial warehouse units as opposed to the high tech knowledge development proposed through the allocation.

5.3. A follow up pre-application enquiry was submitted setting out revised proposals which included provision of B1 (a, b and c) uses with a focus on high tech, knowledge based industries. This included a flexible approach to accommodating the full range of B1 uses based on market research. Officers offered more positive comments based on the information submitted.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **3rd February 2020**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties to both applications are summarised as follows:

- Support for sport and recreation facilities and subsequent health benefits for residents;
- Support for high tech industries locating in Bicester and subsequent socio-economic benefits;
- Concern regarding Highway Safety and Traffic Impact on the A41 and Bicester generally;
- Inadequate provision for walking and cycling;
- Lack of connectivity to Bicester;
- Concerns about car parking provision;
- Concerns about amount, location and security of cycle parking;
- Other sites should be developed first;
- Concerns about the impact on the Alchester Roman Town SAM.

6.3. Objections have been received from Bloombridge LLP, the owners of the remainder of the Bicester 10 site. The objections are made on transport grounds raising the following issues;

- Significant underestimation of potential trip generation; underestimation of the baseline traffic conditions; overestimation of the available capacity of the local road network.
- Substandard provision for pedestrians and cyclists;
- Lack of improvements to the Vendee Drive (link);
- Road safety issues at the A41/Vendee Drive roundabout;
- Acceptability and deliverability of public transport contributions and subsequent improvements to bus services;

- 6.4. Objections have been received from Value Retail, the owners of Bicester Village. The objections are made on transport grounds raising the following issues;
- Proposed restriction of B1(a) use is not in accordance with CLP 2031 Part 1 policy Bicester 10;
 - Underestimation of potential trip generation and traffic flow;
- 6.5. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BICESTER TOWN COUNCIL: **No objection.** Welcome the application, particularly the proposal for additional leisure facilities, proposed B1b use and the proposed improvements to the wetlands. However, concerns are raised regarding highway and traffic concerns at the A41 roundabout at Vendee Drive and enhanced public access to wetland areas for educational and leisure purposes should also be considered.
- 7.3. CHESTERTON PARISH COUNCIL: **No objection.** Design, biodiversity and flood risk all appear to have been taken into account and the David Lloyd Club will be of benefit to residents of all ages in Bicester and local villages. However, concerns are raised regarding the resultant increase in traffic in the area and the lack of provisions for walking and cycling, lack of measures to safeguard areas of archaeological interest and impact on wintering/breeding birds in the wetlands from construction vehicles. Suggest that a contribution be sought through S106 to create a footpath/cycleway from Chesterton to the Park and Ride site and the proposed development.
- 7.4. WENDLEBURY PARISH COUNCIL: **Objection.** There was insufficient engagement at the pre-application stage, the traffic modelling appears inadequate, SEPR is only aspirational at this stage and funding should not be secured, major changes are required to the Vendee Drive roundabout, traffic should not be routed along Wendlebury Road which should be available for local traffic only to protect Wendlebury from rat-running, a robust Travel Plan needs to be secured through condition, the increase in traffic will have a detrimental effect on the rural character of Wendlebury Road and access to the village, impact on flood risk.
- 7.5. LANGFORD VILLAGE COMMUNITY ASSOCIATION: **No comments** received.

CONSULTEES

- 7.6. BICESTER DELIVERY TEAM: **No objection.** Comments made relating to the provisions for walking and cycling and travel plan targets and mechanism for delivery of reduced car trips and modal shift.
- 7.7. CDC ARBORICULTURE: **No objection.** A number of trees will be lost to facilitate the proposals which should be mitigated through proportionate replanting. Further information confirming tree removal should be submitted at the detailed design

stage along with a landscaping plan identifying mitigation measures. An Arboricultural Method Statement is also required.

- 7.8. CDC ECOLOGY: **No objection.** Some issues with the ecological information submitted with the application. Reasonable mitigation is proposed securing an acceptable level of net gain for biodiversity. A CEMP for biodiversity will be required, a bat licence, full lighting strategy, LEMP for the site including enhancement on the buildings and a Habitat Management Plan for the mitigation including funding, review timescale and full management details.
- 7.9. CDC CONSERVATION: **No comments.**
- 7.10. CDC ECONOMIC DEVELOPMENT: **No objections.** Supports the provision of a flexible mix of office, research and development, production and ancillary distribution to suit current market/occupier need. Supports the development of the site (including the poultry farm) being considered as a single potentially more viable site.
- 7.11. CDC ENVIRONMENTAL HEALTH: **No objections.** Conditions will be required in respect of contaminated land.
- 7.12. CDC LANDSCAPE SERVICES: **No comments** received.
- 7.13. CDC PLANNING POLICY: **No objection.** Subject to satisfactory justification for inconsistency with the Local Plan.
- 7.14. CDC PUBLIC ART: **No comments** received.
- 7.15. CDC RECREATION AND LEISURE: **No comments** received.
- 7.16. OCC HIGHWAYS: **No objection.** OCC Highways initially objected to the application on the basis of queries with the methodology of the Transport Assessment and provisions for pedestrian and cycle access including the design of the access roundabout.
- 7.17. Further amended information and revisions have been submitted in consultation with OCC to address their concerns and all objections to the application have now been removed subject to recommended conditions.
- 7.18. OCC DRAINAGE (LLFA): **No objection.** OCC Drainage originally objected to the application on the basis that insufficient drainage, flood risk and SuDS usage had been provided to enable a full technical assessment and audit of the proposal.
- 7.19. Further amended information and revisions have been submitted in consultation with OCC to address their concerns and these objections have now been withdrawn subject to conditions.
- 7.20. OCC ARCHAEOLOGY: **No objection.** The County's Archaeologist initially objected to the application due to a lack of assessment of the significance of identified archaeological features/heritage assets and the setting of the scheduled monument.
- 7.21. An updated Desk Based Assessment has been submitted and whilst the County's Archaeologist still has concerns, the objection has been removed and conditions are recommended to secure a programme of evaluation and mitigation.
- 7.22. WILDLIFE TRUST: **No comments** received.

- 7.23. BANBURY ORNITHOLOGICAL SOCIETY: **No objection.** Comments and observations made relating to existing species and habitats and the creation of the proposed Conservation Zone.
- 7.24. CPRE: **No comments** received.
- 7.25. ENVIRONMENT AGENCY: **No objection.** The initial objections raised by the EA have now been resolved and conditions are recommended.
- 7.26. HISTORIC ENGLAND: **No objection.** Historic England initially raised objections to both current applications on the basis of harm to the significance of the Scheduled Ancient Monument. Further information has been submitted and Historic England has revised their response to this application, although their objection is maintained in respect of the Outline proposals on the poultry farm site on the basis that the submitted assessment underestimates the harm to the significance of the Scheduled Ancient Monument and does not set out how the development will better reveal the significance of the monument which is a requirement of policy Bicester 10.
- 7.27. NATURAL ENGLAND: **No objection.** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Generic advice on other natural environment impacts is provided.
- 7.28. SPORT ENGLAND: **No objection.**
- 7.29. THAMES VALLEY POLICE: **No objections.** Condition suggested to require Secured by Design standards and advice given on measures required to meet those standards.
- 7.30. THAMES WATER: **No objections:** Conditions suggested in respect of waste and water infrastructure.
- 7.31. BICESTER BIKE USERS GROUP (BBUG): **Objection.** BBUG have raised concerns about the design and usability of the new access roundabout on the basis of incoherent design contrary to the Oxfordshire Cycle Design Standards impacting on the safety of cyclists.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- SLE1 - Employment Development
- SLE2 - Securing Dynamic Town Centres
- SLE3 - Supporting Tourism Growth
- SLE4 - Improved Transport and Connections

- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD4 - Decentralised Energy Systems
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure
- BICESTER 10 - Bicester Gateway
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide
- SPD Developer Contributions (2018)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Environmental Impact Assessment Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Environmental Impact Assessment
- Principle of development
- Transport and highway impacts
- Design, and impact on the character of the area
- Amenity and neighbouring land uses
- Heritage impact
- Ecology impact
- Flood Risk and Drainage
- Energy Efficiency and Sustainability
- Planning Obligations

Environmental Impact Assessment

9.2. The application is supported by an Environmental Statement (ES). The scope of the ES considers in detail the following topics: Biodiversity, Water Resources and Flood Risk, Transport and Access and Cumulative Effects. Having regard to the site's allocation for employment use, the nature and likely impacts of the proposed uses, and the site constraints, Officers are satisfied with the scope of the submitted ES. On this basis it is considered that sufficient information is before the Local Planning

Authority in order to consider the environmental effects of the development and any mitigation required to make the development acceptable.

- 9.3. Regulation 26 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires that Local Authorities must examine the environmental information, reach a reasoned conclusion on the significant effects of the proposed development on the environment and integrate that conclusion into the decision as to whether to grant planning permission.
- 9.4. The PPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. Proper consideration of these matters is integrated into the assessment of the application under the relevant sections below.

Principle of Development

Policy Context

- 9.5. Policy Bicester 10 of the CLP 2031 Part 1 allocates an area of land to the southwest of Bicester, described as Bicester Gateway, for the provision of B1 Business Use (office, R&D, light industrial), with development based on high-tech knowledge industries. The policy sets out that approximately 3,500 jobs could be delivered through development of the site in this way. It is envisaged that the Bicester Gateway development has the potential to be a major high quality employment area at a critical gateway into the town providing opportunities to encourage the knowledge economy associated with Oxford, with a key place shaping principle being "the provision of high quality property to attract and retain 'best in class' technology companies".
- 9.6. The policy also includes, as a key place shaping principle, "flood plain land in the eastern parts of the site to be used for informal recreation and ecological benefit in order to enhance Bicester's green infrastructure network".
- 9.7. Policy SLE1 of the CLP 2031 Part 1 applies to B use class employment development and supports the requirement for employment development as set out in policy Bicester 10.
- 9.8. The application includes provision of D2 use on the site – a 'Main Town Centre Use' – and so Policy SLE2 is also relevant. Policy SLE2 applies a sequential test to the location of Main Town Centre Uses, as set out in the NPPF. An impact assessment is also required for proposals over 1500sqm at Bicester.
- 9.9. The application is submitted in 'Hybrid' form and seeks;
1. Outline planning permission (all matters reserved except access) for B1 development (Use Classes B1a and/or B1b and/or B1c); highway works (including provision of a new roundabout at the junction between Vendee Drive and Wendlebury Road); creation of a wetland and landscaped areas and associated infrastructure works; and
 2. Full planning permission for a health and racquets club, associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace, and associated landscaping

Outline Application Proposals

- 9.10. The application site lies entirely within the Bicester 10 allocation where the development of the western part of the site for B1 business uses is considered acceptable. The application seeks outline consent for B1 (a, b and c) with access by way of a new roundabout on Wendlebury Road.
- 9.11. Whilst submitted in outline form, it is intended to create a high-quality business park in a landscaped setting comprising up to 16,800sqm of B1 development. The development will be brought forward with a maximum amount of B1a floorspace, capped at 35% of the overall development.
- 9.12. The application has been brought forward to reflect the requirements of the knowledge economy and the flexible mixed use premises that potential occupiers are seeking. The applicant has set out that, reserved matters applications are for the most part expected to be developed and submitted in response to specific occupier requirements of high-tech knowledge intensive industries.
- 9.13. This requires a flexible planning permission in accordance with CLP 2031 Part 1 policy, enabling a mix of B1 uses to be brought forward to respond to the needs of the knowledge economy, reflecting market requirements. This flexible market-led approach and the provision of flexible accommodation will enhance the attractiveness of the site for future occupiers. Any future reserved matters applications will also need to demonstrate accordance with policy Bicester 10 in bringing forward a high quality knowledge economy base on the edge of Bicester. Officers are supportive of this approach in principle, subject to agreeing a development framework plan to ensure a wholistic approach to key place making principles such as design, layout, transport integration and connectivity, and ecology and flood risk mitigation. This can be addressed by condition.

Full Application Proposals

- 9.14. Detailed planning consent is also sought, as part of the hybrid application, for a health and racquets club. Falling within use class D2 (Assembly and Leisure use), the development of part of the site for D2 use would not be in accordance with the policy Bicester 10 allocation and as such has been advertised as a departure from the development plan. This departure from the policy allocation would effectively result in the loss of circa 6,600 sqm of B1 development on the Bicester 10 site to accommodate the alternative use.

Assessment

- 9.15. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. As such, the detailed health club proposals would be viewed unfavourably in this regard, due to their apparent conflict with the development plan.
- 9.16. However, it is important to take into consideration the outline application (16/02586/OUT) for the first phase of the Bicester 10 allocation, which was also presented with a non B1 use in the form of the hotel (now currently under construction). In considering the hotel proposal, which did not accord with the local plan allocation, officers noted the considerable benefits that could be brought about and the complementary and supporting role the hotel could play in securing the development of an attractive and successful business park.
- 9.17. In further considering the hotel proposal, officers applied policy SLE2 which is supported by the requirements of the NPPF and define a hotel as a main town centre use. A sequential test was submitted by the applicant and whilst this was not considered to be completely robust, officers were content that the provision of a new

hotel would bring about economic benefits both generally and to Bicester 10 itself, that would outweigh the loss of part of the Bicester 10 site for B1 development. In addition, the application included a further area of unallocated land which would have the effect of off-setting the loss of B1 development at this location.

- 9.18. The health and racquets club proposed as part of this current application bears many similarities to the approved hotel proposal, comprising an alternative use for a small part of the application site which is not in accordance with the Bicester 10 policy allocation. The proposal is put forward based on a similar argument to the hotel use, in that it would act as a catalyst, supporting and bringing about benefits for the delivery of the wider development. Being closely related to the hotel, the development of the health club would increase the amenities on offer at this location, making the business park even more attractive to future occupiers.
- 9.19. Notwithstanding the potential role of the health club to support the development of the Bicester 10 site for business use, a sequential test has also been submitted with the application, at the request of planning officers. This sequential test clearly sets out that there are no suitable or available alternative sites located within the town centre. Other allocated sites considered by the applicant have also been identified as being neither suitable or available for the proposed health and racquets club use.
- 9.20. The sequential test sets out the key requirements of the health club including a minimum site area of 1.66ha or 1.12ha in a town centre location with reduced car parking requirements and an area of search was identified including town centre sites and allocated sites at policy Bicester 5, Bicester 8 and Bicester 4. The site search and assessment identified the following strategic sites and has discounted those sites for the reasons given;
- Bicester Sports Association Land – the site has been acquired by Value Retail for future development by them. The timescale for this would not meet DLL aspirations in addition, the value of the site also makes it unachievable for DLL Clubs.
 - Bicester Business Park – the site is a prime office location, delivery of which is central to the overall economic strategy for Bicester. DLL Clubs has been unable to agree commercial terms with the landowners.
 - Former RAF Bicester – the land within the technical site is unavailable as it is being promoted for alternative development. A health and racquets club does not form part of these proposals and there would not be scope to introduce them without detrimental impact to the historic significance of the site.
- 9.21. In addition, and as similarly put forward in the case of the hotel proposal, the applicant is proposing the further development of unallocated land adjacent to the application site for B1 development (planning application ref. 19/01746/OUT) which is being considered in tandem with this application and would provide for some 10,200 sqm of B1 development which would more than compensate for the 6,600sqm which would be lost as a result of the health club proposal. That application is included as a separate item on the agenda for this Committee and is also recommended for approval.
- 9.22. Taking into account all of the above, officers are of the view that the provision of the proposed health and racquets club is justified in this location and would support the development of the site as a high quality business park. Whilst the health club use would be in conflict with the specific provisions of policy Bicester 10, it has the potential ability to facilitate B1 development on the site and delivery of the wider long

term objectives of the policy allocation. The health club would also complement the approved hotel use and support its role in providing a strong catalyst for delivering the aspirations of the local plan allocation at Bicester 10.

Job Creation

- 9.23. Policy Bicester 10 sets out the potential of the site to bring about the creation of 3,500 jobs – although it is noted that site constraints may reduce this number. It is now clear that the flood risk constraints of the site will reduce the developable area within the site and as such the number of jobs created will be reduced.
- 9.24. Based on the information submitted, it is estimated that the Bicester 10 allocation (in its entirety) could deliver up to approximately 2,050 jobs based on the consented scheme for Phase 1 of the allocation and the current application proposals. Within that figure, the health and racquets club proposals would generate approximately 110 jobs comprising a range of roles including personal training; sports coaching and fitness instruction; health, beauty and well-being; childcare; sales, marketing and administration; food and drink preparation and service; cleaning, grounds-keeping and maintenance and facilities management.
- 9.25. A revised application for development of Phase 1 has now been submitted with an amended mix of uses including residential, resulting in a slight reduction in job creation across the allocation to approximately 1,925 jobs.
- 9.26. Whilst the estimated number of jobs created across the Bicester 10 allocation falls short of the anticipated 3,500 jobs set out by the policy, it is accepted that this shortfall has come about due to the constraints of the site which has substantially reduced the developable area within the allocation. Additional areas of land outside the allocation have been included for development which have resulted in a boost to the overall employment figures and the resultant 1,925 job estimate is considered reasonable in meeting the policy Bicester 10 requirements.

Conclusion

- 9.27. The application site forms part of the CLP 2031 Part 1 policy Bicester 10 allocation. As such, the B1 proposals put forward under the outline proposal are acceptable in principle in accordance with the policy. The mix of B1 uses proposed presents a flexible permission which will enable the site to respond to market need, creating a more viable and successful development, bringing forward the aspirations of the policy allocation. Whilst the full proposal for the health and racquets club does not specifically accord with the policy allocation it passes the sequential test and the submitted impact assessment demonstrates that the impact on Bicester town centre will be limited. On balance, it is considered that the provision of this alternative use would assist in achieving the wider economic objectives of the development plan and the benefit would outweigh any harm. The principle of the proposed development is therefore considered to be acceptable.

Transport and Highway Impact

Policy Context

- 9.28. Policy SLE4 of the CLP 2031 Part 1 requires that new developments maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development.

- 9.29. Policy Bicester 10 of the CLP 2031 Part 1 requires the consideration of traffic and highway impact through the submission of a detailed transport assessment to assess the impact of the proposed development on the highway network. The development should be well integrated providing connectivity for pedestrians and cyclists to include the provision and upgrading of footpaths and cycleways that link with the existing network to maximise opportunities for walking and cycling. The development should also accommodate bus stops to link to the wider town.

Assessment

Outline Application Proposals

- 9.30. The outline element of the application is submitted with all matters reserved except access. Access is to be taken from Wendlebury Road, to include minor re-alignment of Wendlebury Road to accommodate a new four arm roundabout which connects with the existing Vendee Drive link and provides access to the application site. The roundabout design was subject of previous discussions and consultations with OCC and was considered an acceptable arrangement in terms of capacity and safety. However, further consideration by OCC against provisions for prioritising pedestrian and cyclist movements resulted in new objections to the proposed roundabout design as originally submitted.
- 9.31. In order to slow traffic and give priority to cyclists, OCC recommended that a more compact design be utilised in this location. The applicant has submitted a revised roundabout design which is more compact and provides good quality off-carriageway cycle provision and pedestrian crossing points to address the objections raised by OCC.
- 9.32. To further support access to the site by pedestrians and cyclists, the applicant has proposed improvements to Wendlebury Road to include a 3m shared footpath/cycleway. It is noted that a short section of this provision is constrained by land take, where a 3m wide shared facility may not be achievable. OCC highways have agreed that narrowing along the route will be acceptable, provided that this is for short distances only and must not be less than 2.5m wide. The submitted plans indicate that this would be achievable.
- 9.33. The application drawings for the proposed upgrades to Wendlebury Road also include the provision of a southbound bus stop on the frontage of the site, and a financial contribution has also been requested by OCC towards public transport to extend the local bus service closer to the development. A further contribution is also sought for the provision of a bus shelter including standard flag pole and information case. These will be secured by S106 agreement.
- 9.34. OCC have subsequently removed their objection to the applications. However, concerns have been raised by Bicester Bike Users Group (BBUG) to the revised roundabout design. BBUG consider the proposed roundabout to be incoherent, incorporating multiple diverse crossing points and junctions which could cause confusion for users. BBUG also considers that cycle links to the north and west and connections to the adjacent Phase 1 development are lacking. The bike group also consider that there should be horizontal separation between shared footpath/cycleways and the carriageway and recommends that waiting areas be provided at crossing points. A suggested alternative design is suggested based on a standard roundabout design from the Netherlands.
- 9.35. Whilst the comments of BBUG are noted and the safety of cyclist and pedestrians is of great importance in securing an acceptable design solution, the proposed scheme has been subject of discussion between the applicant and OCC including

consideration through an independent safety audit which has concluded that the proposed roundabout arrangements are safe. The intentions of BBUG to create optimum connections and a safe environment for cyclists and pedestrians is supported but must be considered taking into consideration the location and context of the site and surrounding highway network.

- 9.36. Wendlebury Road is a rural lane and not a heavily trafficked route. The busiest arm of the proposed roundabout junction, in terms of vehicle movements, will be the Vendee Drive Link Road with the eastern and southern arms of the roundabout being the quietest. The design of the roundabout takes this into consideration in routing cyclists along the safest route around the roundabout and extending into the wider network. The roundabout has also been designed as a compact single carriageway junction which provides for a safer option for cyclists who may choose to remain on the carriageway. Pedestrian links are provided to all arms of the roundabout and will connect in to the existing footpath on the Vendee Drive link. The provision of the roundabout and the pedestrian and cycle infrastructure proposed as part of this application will make a significant contribution towards access arrangements for the benefit of the whole of the Bicester 10 allocation and any further links between the application site to the Phase 1 development and to the west will need to be considered through the development of Phase 1.

Full Application Proposals

- 9.37. The Full (detailed) element of the application refers to the health and racquets club site which takes direct access from Wendlebury Road and incorporates raised crossing treatments as part of proposed upgrades for cyclists and pedestrians on Wendlebury Road. OCC have raised no objection to the proposed access arrangements in this regard. Concerns were raised in relation to the detailed layout of the site and OCC requested that vehicle tracking at the access be revised to ensure that any overrun of the kerb by large vehicles accessing the site is avoided; it was also requested that the proposed barrier controlled access to the health club be set back further into the site to ensure that large vehicles do not overhang the footpath/cycleway when stopping to access the site. These revisions have been made by the applicant and the concerns of OCC addressed in this regard.
- 9.38. Other matters raised by OCC include cycle parking, which is detailed in the application but was considered to be under provided for at 20 cycle spaces. The applicant has agreed to make provision for secure and covered parking of 30 cycles within the site which is acceptable to OCC highways.

Traffic Impact

- 9.39. An Environmental Impact Assessment has been submitted with the application. The transportation chapter of the ES has been informed by a Transport Assessment and Travel Plans which address the traffic impact of the development.
- 9.40. The proposed development has been brought forward by the applicant to respond to the market requirements as identified by them and set out in the application. This has resulted in a flexible B1 use which caps B1(a) use at 35% of the development which also limits the effects of the development on the strategic and local highway network.
- 9.41. In their initial response to the application(s), OCC raised concern regarding the trip rates applied to the proposed development. As a result, and in consultation with OCC highway officers, revised figures have been incorporated into a revised Transport Assessment and their objection on this basis has subsequently been removed. On the basis of these revised parameters, revised operational appraisal of

the highway has been undertaken, assessing the impact of the proposed development traffic at the site access junction, Vendee Drive roundabout and the A41 corridor. Beyond this study area, it has been shown that the material impact from this development would be sufficiently low as not to require junction assessment.

- 9.42. OCC are satisfied that the proposed development would not have an adverse impact on the surrounding road network. Modelling outputs however show that the northern A41 corridor junctions are already saturated and are likely to operate outside of their capacities. This is expected to improve with the introduction of the South East Perimeter Road (SEPR). The proposed development will therefore be required to make a contribution towards the SEPR to mitigate the impact of the development on the highway network. The applicant has confirmed that they are willing to make a proportionate contribution which shall be secured through a S106 agreement.
- 9.43. In addition, a Framework Travel Plan has been submitted to cover the employment floorspace proposed and a detailed Travel Plan has been submitted for the health and racquets club setting out measures to maximise opportunities for sustainable modes of travel to and from the site. Compliance with these Travel Plans and the submission of further detailed measures to promote sustainable travel will be secured through condition.
- 9.44. It is noted that there have been a number of accidents at the A41/Vendee Drive roundabout in the last five years and the addition of vehicle movements through the junction generated by the development is likely to exacerbate the risk. In order to address the safety of this junction, OCC are developing a scheme that comprises gradual speed reduction measures on approach to the roundabout to include road marking, signing and lane improvements. A financial contribution is sought towards the cost of implementing these measures and will be secured through a S106 agreement.

Conclusion

- 9.45. The development would be accessible by a range of modes of transport through the provision of bus stops in close proximity to the site and contributions towards the local bus service, and by way of a shared footpath/cycleway along Wendlebury Road. The development would not give rise to severe traffic congestion or highway safety risks but contributions are required towards the South East Perimeter Road and the proposed improvements to the A41/Vendee Drive roundabout.
- 9.46. There have been a number of detailed objections raised on highway grounds through third party representations as set out earlier in the report. These have been considered by the applicant and OCC, as local highway authority, through the revisions which have been made to the Transport Assessment and access arrangements to the site and it is considered that the concerns raised have been satisfactorily addressed.
- 9.47. The proposals are therefore considered to be in accordance with the requirements of policies SLE4 and Bicester 10 of the CLP 2031 Part 1 as well as national planning policy set out within the NPPF.

Design and impact on the character of the area

Policy Context

- 9.48. Policy Bicester 10 requires development on the site to be of high quality, modern design and finish with careful consideration given to architecture and layout and with care given to building heights to reduce overall visual impact. Policy Bicester 10 also requires development on the site to provide structured open spaces and planting that provides a strong landscape setting.
- 9.49. Policy ESD15 of the CLP 2031 Part 1 requires new development to respect its context and take the opportunities available to improve the character and appearance of the area and the way its functions. These development plan policies are consistent with national planning policy in the NPPF which places great weight on the importance of good design achieving sustainable development.

Assessment

- 9.50. The Outline application proposals are submitted with all matters reserved except access. Notwithstanding this, the application is supported by indicative drawings illustrating the layout and appearance of the proposed B1 development to demonstrate that the type and amount of development proposed can be satisfactorily accommodated on the site. In support of the full application proposal, full details of the proposed health and racquets club have been submitted.
- 9.51. The submitted drawings and indicative information submitted with the Outline scheme, propose a modern and attractive development within a landscaped setting reflecting the policy requirements and context of the site. The development proposals comprise two storey development (approximately 11m in height) of modern design and appearance which could reasonably accommodate a mix of B1 uses.
- 9.52. The development proposals for the Outline element of the application indicate significant opportunities for landscaping and tree planting within the development, which will create a high quality environment within the site and a positive transition between the development to the north and west of the site and the open countryside to the south.
- 9.53. Whilst noting the desired flexibility to enable a mix of B1 uses to be brought forward to respond to the needs of the knowledge economy, reflecting market requirements, it is nevertheless important to ensure that a Development Framework Plan is agreed which establishes the key place making principles for the site taking into account the wider Bicester 10 proposals. Reserved matters applications would then need to be made in accordance with the framework plan. The framework plan will need to consider key place shaping principles such as the relationship between buildings, landscaped spaces and key movement corridors, the creation of attractive and well-defined streetscapes, the distribution of uses across the site, and set minimum and maximum height parameters. The framework plan can be secured by condition, prior to submission of reserved matters.
- 9.54. The health and racquets club is submitted in full detail and sets out a two storey building, set back within the site behind a large car park accessed from Wendlebury Road. Whilst the form of the building is generally designed around its function and the spatial requirements of the internal spaces, the external appearance of the building is modern and has been designed using modern material finishes to achieve a high quality external appearance and address the scale of the building, responding positively to its surroundings.
- 9.55. Due to the flood risk constraints of the site, a large area of the site to the east has been removed from the developable area. This has positive benefits to the development, providing a substantial area of open space which has the opportunity

for further landscaping around flood compensation areas which will incorporate species rich wetland, capable of delivering significant biodiversity gain. This greatly enhances the environment within the site.

- 9.56. The visual impact of the development has been considered through the submission of a Strategic Landscape Assessment. It is noted that the visual effects of the development are likely to appear in the context of existing development and that which has been consented or is currently under construction, as such the development would appear as a natural extension to the wider development proposals in the area.
- 9.57. The high-quality design approach to the site and incorporation of integrated landscaping and green infrastructure has the effect of assimilating the development within its urban-rural setting thus reducing the wider visual impacts.

Conclusion

- 9.58. The development as proposed is of a scale and design which would be sympathetic to the context and setting of the site. Whilst the majority of the proposals are in Outline form, the indicative details satisfactorily indicate careful consideration to achieving a landscape led scheme in accordance with the requirements of CLP 2031 Part 1 policy Bicester 10. The key site specific design and place shaping principles set out in policy Bicester 10 can be secured at reserved matters stage, informed by a development framework plan.

Amenity and neighbouring land uses

Policy Context

- 9.59. Policy Bicester 10 requires development to comply with policy ESD15 of the CLP 2031 Part 1. Policy ESD15 in turn, requires new development to consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

Assessment

- 9.60. As set out above, an Outline application has also been submitted for development of the adjacent poultry farm site for B1 use, which includes the demolition of existing residential properties. Whilst the application is recommended for approval, in the event that the poultry farm is not developed, the amenity of adjacent residential occupiers needs to be considered.
- 9.61. Within the poultry farm site, two residential dwellings are shown – Lakeside House and Lakeside Bungalow. These dwellings are located in the south of site set back from Wendlebury Road. The dwellings would be separated from the proposed employment development by at least 110 metres and would be well screened by the existing mature trees within the poultry farm site. Notwithstanding the commercial scale of the proposed development, given the physical separation and existing features within the site, there is unlikely to be any adverse impact to residential amenity as a result of the proposed development, particularly taking into consideration the use of the poultry farm site itself and the adverse impacts which arise from this existing use.
- 9.62. The parameter plans submitted with the application also set a significant set back of built development from Wendlebury Road providing some 30 metre separation to the adjoining Phase 1 development which now proposes residential uses. This set back provides for a satisfactory relationship between the adjoining development

allowing for appropriate landscaping and buffer planting if required. It should also be noted that B1 uses are generally considered to be compatible with residential uses.

- 9.63. It is proposed to secure a Development Framework Plan to consider key place shaping principles such as the relationship between buildings, landscaped spaces and key movement corridors, the creation of attractive and well-defined streetscapes, the distribution of uses across the site, and set minimum and maximum height parameters. The framework plan can be secured by condition, prior to submission of reserved matters.

Conclusion

- 9.64. A satisfactory relationship with adjacent and proposed development is considered to be achievable. Parameter Plans submitted with the application secure areas of built development and maximum building heights so that the development would be compatible with adjacent land uses and the key site specific design and place shaping principles set out in policy Bicester 10 can be secured at reserved matters stage, informed by a development framework plan. On this basis, the application is considered to be in accordance with policies Bicester 10 and ESD 15 of the CLP 2031 Part 1 and the NPPF.

Heritage Impact

- 9.65. The application site adjoins the designated boundary of the Alchester Roman Town Scheduled Ancient Monument (SAM) which comprises an approximate 10ha site to the south of the application site.

Policy context

- 9.66. Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* The NPPF also states that, where a development proposal leads to harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.
- 9.67. Policy Bicester 10 acknowledges the adjacent Alchester Roman Town and requires conservation and enhancement of its setting and the setting out of opportunities to better reveal its significance.
- 9.68. Policy ESD15 of the CLP 2031 Part 1 sets out that new development proposals should conserve, sustain and enhance designated heritage assets and ensure that new development is sensitively sited and integrated in accordance with the advice contained in the NPPF and NPPG.

Assessment

- 9.69. The application site lies to the north of the Alchester Roman Town SAM. The monument consists of buried remains and earthworks. The application is supported by a Written Scheme of Investigation for Archaeological Investigation which has been informed by a Heritage Desk-Based Assessment and Archaeological Field Evaluation.

- 9.70. Historic England and OCC Archaeology initially raised objections on the basis of insufficient information and the impact on the adjacent SAM and the applicant has consulted with these external consultees in order to address the objections raised.
- 9.71. Specifically, OCC Archaeology initially advised that the results of the archaeological evaluation and trial trenching, which has already been undertaken, need to be incorporated into the desk based assessment and will need to examine the significance of the archaeological features identified within the context of the wider environs. Also, as there has been no archaeological investigation of the area of the existing poultry farm, it is important that the assessment considers the wider context and the potential for significant archaeological deposits being present on this part of the site.
- 9.72. An updated Desk-Based Assessment has been submitted and whilst the County's Archaeologist still has concerns, the objection to the applications has been removed and conditions are recommended to secure a programme of evaluation and mitigation.
- 9.73. OCC Archaeology and Historic England also consider that the development has the potential to significantly impact on the designated SAM and Historic England have raised objections on this basis.
- 9.74. In response, the applicant has submitted a supporting statement. This sets out the limited contribution the application site currently makes to the setting of the SAM and the currently interrupted viewpoints into the SAM. The statement confirms that the land to the east of the existing poultry farm will remain completely clear of any built development with all development concentrated on the western part of the site and that the built development proposed within the poultry farm site (considered under 19/01746/OUT) would be within the footprint of the existing buildings; a landscaped no-build zone is also proposed to provide a buffer to the SAM boundary.
- 9.75. The statement also sets out that the proposals would have a positive impact on the setting of the SAM by increasing public access, understanding and knowledge, and by ensuring a more sensitive design approach and the introduction of a green buffer adjacent to the SAM boundary. It is argued that this would better reveal the significance of the heritage asset.
- 9.76. Whilst Historic England maintain their objection in this respect, Planning Officers are satisfied that the effect on the SAM has been adequately considered given the location of the proposed development and taking into account the surrounding context and the detail of the proposals.
- 9.77. Planning Officers agree with the position set out by the applicant and consider that there would be no harm to the setting of the SAM as a result of the proposed development. It is clear that the application, which is in accordance with the scale and form of development envisaged by the allocation, would bring about positive effects by setting back the proposed built form through the inclusion of a landscaped 'no build zone' providing an improved edge to the SAM. Public access will also be provided through the large area of open green space within the eastern half of the application site which will allow for greater appreciation of the SAM than currently exists.
- 9.78. The applicant has also agreed to include interpretation boards within the application site providing explanation and information about the Alchester Roman Town SAM. These can be secured by condition.

Conclusion

- 9.79. Despite the objections raised by OCC Archaeology and Historic England in respect of the setting of the Alchester Roman Town SAM, in the opinion of Officers the proposals would not lead to harm to the significance of the heritage asset. The proposed development would enhance the setting of the SAM by securing a more considered approach to development along its boundary, by maintaining the open nature of the eastern part of the site and by including opportunities for public access through the site to better reveal the assets significance.
- 9.80. On this basis, the application is considered to be in accordance with policies Bicester 10 and ESD 15 of the CLP 2031 Part 1 and the NPPF.

Ecology Impact

Legislative context

- 9.81. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European Protected Species (EPS)', and the adaptation of planning and other controls for the protection of European Sites.
- 9.82. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.83. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.84. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.85. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.86. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.87. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.88. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.89. Policy ESD10 of the CLP 2031 Part 1 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value. This policy approach is supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

9.90. Policy Bicester 10 of the CLP 2031 Part 1 requires that applications be supported by an ecological survey and that there is adequate investigation of, protection of and management of priority and protected habitats and species on site given the ecological value of the site. The policy requires that biodiversity be preserved and enhanced.

Assessment

9.91. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

9.92. The Standing Advice sets out habitats that may have the potential for protected species. In this regard, the site is close to the Langford Brook and there are a number of mature trees and hedgerows within and adjacent the site, which have the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.

9.93. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.

9.94. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.

9.95. The application is supported by an Environmental Impact Assessment which includes detailed protected species surveys and botanical surveys. These surveys confirmed that the site is of limited value to protected species, except for bats and flora and fauna interest was also limited. The development of the adjacent poultry farm site (considered under 19/01746/OUT) involves the demolition of buildings which are currently used for bat roosting. Both sites have been identified as foraging and commuting for bats.

9.96. A licence will therefore be required for the demolition stage of the development and mitigation is proposed to be built into the development proposals including bat tubes and a sensitive approach to external lighting proposals.

9.97. A proposed district wildlife site would also be lost as a result of the proposals constituting a significant loss of grassland. The site is adjacent to the Bicester Wetland Reserve and the grassland on site currently offers resources to a range of birds and its loss has the potential to affect the reserve's ecology if not appropriately buffered.

9.98. The proposed development will include the creation of a wetland/species rich wet grassland within the eastern part of the site. The Council's Ecologist has considered these proposals and is satisfied that they will deliver adequate mitigation and enhancement for ecology and biodiversity as part of the development, providing water attenuation for the development and habitat creation compatible with the adjacent Bicester Wetland Reserve which will strengthen the wetland corridor along the watercourse and enhance an important wildlife corridor resulting in a net biodiversity gain.

Conclusion

- 9.99. Reasonable mitigation is proposed to protect roosting bats and by way of the wet grassland habitat which will result in an acceptable level of net gain for biodiversity on the site. On the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, the proposed development is considered to be acceptable subject to conditions, and the welfare of any European Protected Species present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. Therefore, the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Flood Risk and Drainage

Policy Context

- 9.100. The NPPF states at paragraph 163 that *when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.* Paragraph 165 also requires that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 9.101. Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.
- 9.102. Policy Bicester 10 of the CLP 2031 Part 1 also identifies the area within the east of the site as flood plain and requires that a sequential approach be followed. Where possible buildings should be located away from areas at high risk of flooding. The development should be made safe without increasing flood risk elsewhere requiring full mitigation of flood risk in accordance with policies ESD 6 and ESD 7.

Assessment

- 9.103. An Environmental Impact Assessment has been submitted with the application which addresses flood risk and drainage. The site lies within Flood zones 1, 2 and 3 and a significant area of the site is at risk of flooding. The development proposals have been developed so as to avoid built development within the functional flood plain and flood compensation areas are proposed as part of the development.
- 9.104. The Environment Agency and OCC Drainage initially raised objections to the proposals based on insufficient information. The applicant has submitted additional information and a revised Flood Risk Assessment which have satisfactorily addressed the objections raised. Conditions are recommended.

Conclusion

- 9.105. The application site is allocated for development through the CLP 2031 Part 1, a process which was informed by a strategic flood risk assessment. Policy Bicester 10 of the CLP 2031 Part 1 sets out specific and detailed requirements for addressing flood risk as part of any development on the site. It is clear from the form of the application and the information submitted to support it that the applicant has sought to comply with these policy requirements. The objections of the EA and OCC Drainage have been overcome and the application is considered to be acceptable in this regard.

Energy Efficiency and Sustainability

Policy Context

- 9.106. Policy Bicester 10 expects development on the allocation to demonstrate climate change mitigation and adaption measures including exemplary compliance with the requirements of policies ESD1 to 5. ESD 5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD 4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated.
- 9.107. Policy ESD 3 of the CLP 2031 Part 1 also requires that all new non-residential development shall meet at least BREEAM 'Very Good' standard.

Assessment

- 9.108. To support the health and racquet club proposals, the applicant has submitted a detailed Energy Strategy which sets out a commitment to achieving carbon savings within the proposed development. As part of the development it is proposed to improve the building fabric and install high efficiency equipment to provide improvements against building regulation targets. In addition, CHP and Air Source Heat Pumps will be installed providing a low carbon and renewable energy saving of 35.8%. Overall it is set out that the health club will achieve a 39% improvement on Part L 2013 building regulations and the development as a whole will achieve CO₂ savings of 159 tonnes per annum.
- 9.109. An Outline Energy Statement has been submitted to support the Outline proposals for both applications which addresses how the development will seek to comply with Building Regulations and Policies ESD1 – 5 of the CLP 2031 Part 1 and the achievement of BREEAM 'Very Good' standard. This sets out a staged energy hierarchy which would employ passive design solutions such as natural daylight and improved building fabric performance to maximise energy saving. Low and zero carbon technologies have also been assessed to attain further carbon reduction where required. The assessment confirms that Air Source Heat Pumps and/or Photovoltaics could feasibly be utilised on this development.

Conclusion

- 9.110. Subject to the imposition of suitable conditions requiring compliance with the submitted Energy Strategies, Planning Officers are satisfied that the proposed development will be able to be designed to achieve sustainability through construction in accordance with the requirements of policies ESD 3, ESD 4 and ESD 5 of the CLP 2031 Part 1

Planning Obligations

- 9.111. Policy INF1 of the CLP 2031 Part 1 requires that development proposals demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.112. Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for mitigatory infrastructure or funding to be secured through a planning obligation (S106 agreement). Obligations within a S106 agreement must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Where planning

obligations do not meet the statutory tests, they cannot be taken into account in reaching a decision.

9.113. Officers have had regard to the consultation responses, the Council's SPD for Developer Contributions (2018), and the statutory tests in considering the application and recommend that the following financial items be secured through a joint S106 legal agreement to cover both the current Outline and Hybrid planning applications in the event that planning permission is granted in order to mitigate the impact of the proposed development. The applicant has agreed to these financial obligations.

Contribution	Amount £	Price base	Index	Towards (details)
Highway works (1)	£598,404.24	October 2019	Baxter	The Strategic Highway Infrastructure contribution (SEPR)
Highway Works (2)	£50,000	October 2019	Baxter	Towards highway safety improvement measures at Vendee Drive roundabout
Public transport services	£375,000	October 2019	RPI-x	Towards bus service enhancements to extend a local bus service to/from this site at peak times
Public transport infrastructure (if not dealt with under S278/S38 agreement)	£10,000	October 2019	Baxter	A bus Shelter including a standard flag pole and information case
Travel Plan Monitoring	£3,280	October 2019	RPI-x	Travel plan monitoring fees of £2,040 for the B1 employment floorspace.
Total	£1,036,684.24			

9.114. The developer is also required to enter into a s278 agreement with the local highway authority to deliver safe and suitable access to the development to include the vehicular access onto the site; the shared use cycle/footway; realignment of Wendlebury Road to form new roundabout access; new single bus stop on Wendlebury Road.

9.115. An obligation will also need to be included to ensure that the development permitted under planning permission ref. 19/01746/OUT shall not commence until the development permitted under this consent is substantially complete, so that the development does not come forward in advance of or jeopardise the delivery of the Bicester 10 strategic policy allocation.

9.116. In addition, the District Council and County Council will require monitoring contributions to be secured to cover the cost of monitoring and enforcing the obligations within the S106 agreement, the final amounts to be negotiated. The

District Council and County Council will also require an undertaking to cover their reasonable legal fees incurred in the drafting of the S106 agreement.

9.117. In addition to the above, the Council's Developer Contribution SPD seeks to secure construction apprenticeships, skills and training. It has been agreed with the applicant that this can be secured through condition attached to the planning consent. Similarly, the provision of public art within the site will also be secured by condition.

10. PLANNING BALANCE AND CONCLUSION

10.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports the plan-led system and advises that planning applications which accord with an up to date development plan should be approved without delay.

10.2. The application proposes development that, with respect to the B1 use class employment development, is considered to be in accordance with the development plan in principle. With respect to the proposed health and racquets club development, which is not a B1 use, this would not be in accordance with the development plan. However, Officers are persuaded that the proposal passes the sequential test and there would not be adverse impacts on Bicester town centre. The proposal would also bring about benefits as a result of the development of this part of the site for a high quality leisure use, that would outweigh the potential harm which may have resulted from the loss of employment development. The application is also submitted concurrently with a further Outline application for additional employment development on the adjacent poultry farm site (ref: 19/01746/OUT and recommended for approval on the agenda for this Committee) which would assist in making up for any deficit in employment development at this location if approved.

10.3. The development is therefore considered to be acceptable in principle in accordance with the development plan and where the proposals depart from the development plan, there are other material considerations which on balance outweigh the conflict. The submission and approval of a development framework plan, to ensure that reserved matters deliver the key site specific design and place shaping principles set out in policy Bicester 10, can be secured by condition, and for the reasons set out above, the impacts of the development in other respects (e.g. transport, ecology, archaeology, flooding and drainage) can also be adequately addressed by condition and/or legal agreements. Approval is thus recommended subject to conditions and planning obligations.

10.4. The information in the ES and the consultation responses received have been taken into account in considering this application and preparing this report. The ES and amendments to it, identify mitigation to overcome any adverse environmental impacts as a result of the development. This mitigation will need to be secured through conditions and/or legal agreements. As such, the conditions and obligations proposed incorporate the mitigation identified in the ES.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE

CONDITIONS AS DEEMED NECESSARY) **AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Highway Works (1) - £598,404.24 (index linked)
- b) Highway Works (2) - £50,000 (index linked)
- c) Public Transport services - £375,000 (index linked)
- d) Public Transport infrastructure - £10,000 (index linked)
- e) Travel Plan Monitoring - £3,280 (index linked)
- f) Payment of the District Council and County Council monitoring costs – (TBC)
- g) That the developer commits to enter into a s278 highway agreement

CONDITIONS AND REASONS RELATING TO THE FULL PLANNING PERMISSION

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1 Statutory Time Limit

The development to which this planning permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Compliance with plans

Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

- A-PL-04-010xP01_Proposed Ground GA Plan
- A-PL-04-011xP01_Proposed First GA Plan
- A-PL-04-012xP01_Proposed Roof GA Plan

- A-PL-05-010xP01_Proposed GA Elevations
- A-PL-05-020xP01_Proposed Air Dome Elevations
- A-PL-05-030_Proposed Sauna Elevations

- A-PL-06-001_Proposed GA Sections
- A-PL-06-010_Proposed Site Sections

- A-PL-09-000_Existing Site Plan
- A-PL-09-010xP05_Proposed Site Plan
- A-PL-09-020xP04_Proposed Site Tracking Layout
- A-PL-09-100_Proposed Tree Pit Detail
- A-PL-09-101_Proposed Entrance Barrier Detail
- A-PL-09-102xP02_Proposed Bike Shelter Detail

- A-PL-95-010xP04_Proposed Surfacing Plan
- A-PL-97-010xP04_Proposed Boundary Treatment

	<p>Bicester Design and Access Statement Rev02 Bicester Material Samples_P02</p> <p>Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.</p>
3	<p>Site Clearance (nesting season)</p> <p>The removal of or works to hedgerows should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the vegetation or hedgerows at the site have first been checked by a suitably qualified ecologist to ensure that there are no nesting birds that would be disturbed by the development. If nesting birds are found, no development shall commence in the area around the nest until the last young has fledged.</p> <p>Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.</p>
4	<p>BREEAM/Energy Strategy</p> <p>The development hereby permitted shall be implemented in accordance with the DLL Bicester Energy Strategy (ref. 41602/JT dated December 2019) and shall be constructed to at least a BREEAM 'Very Good' standard.</p> <p>Reason - To ensure exemplary energy and resource efficiency practices are incorporated into the development in accordance with Policy Bicester 10, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.</p>
5	<p>Travel Plan</p> <p>The development hereby permitted shall be implemented and operated in accordance with the David Lloyd Leisure Ltd Health and Racquets Club Travel Plan (ref SKP/RJM/19539-08a dated 22nd July 2019).</p> <p>Reason: In the interests of highway safety and to promote sustainable transport, to comply with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the NPPF.</p>
6	<p>Flood Risk</p> <p>The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Assessment, prepared by Bailey Johnson Hayes Consulting Engineers (ref. S1358 issue/revision 3 dated 13 February 2020 and the following mitigation measures it details:</p> <ul style="list-style-type: none"> • Finished floor levels are set no lower than 64.49m above Ordnance Datum (AOD); and • 7878m³ of compensatory floodplain storage shall be provided as shown in table 4.2 – Floodplain compensation volumes vs floodplain loss volumes.

	<p>The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.</p> <p>Reason: In accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.</p>
<p>7</p>	<p>Maintenance of planting</p> <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development (whichever is the sooner) and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.</p> <p>Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.</p>
<p>8</p>	<p>Land Contamination not Previously Identified</p> <p>If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.</p> <p>Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.</p>
<p>PRE-COMMENCEMENT CONDITIONS</p>	
<p>9</p>	<p>Construction Management Plan (CMP)</p> <p>No development shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be appropriately titled (site and planning permission number) and shall provide for at a minimum;</p> <ul style="list-style-type: none"> • Routing of construction traffic and delivery vehicles including means of access into the site;

	<ul style="list-style-type: none"> • Details of and approval of any road closures needed during construction; • Details of and approval of any traffic management needed during construction; • Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway; • Measures to control the emission of dust and dirt during construction; • Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions; • The erection and maintenance of security hoarding / scaffolding if required; • A regime to inspect and maintain all signing, barriers etc; • Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided; • Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc; • Details of arrangements for site related vehicles (worker transport etc); • Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc; • A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted; • Any temporary access arrangements; • Delivery, demolition and construction working hours (which must be outside network peak hours); • Storage of plant and materials used in constructing the development; • A scheme for recycling/ disposing of waste resulting from demolition and construction works. <p>The approved Construction Management Plan shall be adhered to throughout the construction period for the development.</p> <p>Reason: In the interests of highway safety and to ensure that the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p>
10	<p>Construction Environmental Management Plan (CEMP) for Biodiversity</p> <p>No development shall take place (including demolition, ground works, or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:</p> <ol style="list-style-type: none"> a) Risk assessment of potentially damaging construction activities; b) Identification of 'Biodiversity Protection Zones'; c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); d) The location and timing of sensitive works to avoid harm to biodiversity features; e) The times during construction when specialist ecologists need to be present on site to oversee works;

	<ul style="list-style-type: none"> f) Responsible persons and lines of communication; g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; h) Use of protective fences, exclusion barriers and warning signs <p>The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p>
11	<p>Landscaping Scheme</p> <p>No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:</p> <ul style="list-style-type: none"> (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas, (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation, (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps. <p>Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.</p> <p>Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p>
12	<p>Arboricultural Method Statement (AMS)</p> <p>No development shall take place until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.</p> <p>Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the</p>

	development as it is fundamental to the acceptability of the scheme.
13	<p>Sustainable Drainage</p> <p>No development shall take place until a detailed design and associated Management and Maintenance Plan for surface water drainage for the site, using sustainable drainage methods, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved detailed design prior to the first occupation of the site and in accordance with the following, and the development shall be managed and maintained in accordance with the approved Management and Maintenance Plan.</p> <ul style="list-style-type: none"> • S1358 - Ext - 34B - Tech Scheme Option 8 Drainage Layout • FRA (Issue 3) - Main Body Text (PART 1 OF 11) • Appendix A (PART 2 OF 11) • Appendix B (PART 3 OF 11) • Appendix C (PART 4 OF 11) • Appendix D (PART 5 OF 11) • Appendix E (PART 6 OF 11) • Appendix F (PART 7 OF 11) • Appendix G (PART 8 OF 11) • Appendix H (PART 9 OF 11) • Appendix J (PART 10 OF 11) • Appendix K (PART 11 OF 11) <p>Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p>
	THAMES WATER CONDITIONS – awaiting response from TW to confirm recommended conditions
14	<p>Land Contamination: Desk Study/Site Walk Over</p> <p>No development shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's '<i>Model Procedures for the Management of Land Contamination, CLR 11</i>' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.</p> <p>Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p>
15	Land contamination: Intrusive Investigation

	<p>If a potential risk from contamination is identified as a result of the work carried out under condition 14 no development shall take place until a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals has been documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i> and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.</p> <p>Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p>
<p>16</p>	<p>Land Contamination: Remediation Scheme</p> <p>If contamination is found by undertaking the work carried out under condition 15 no development shall take place until a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been prepared by a competent person and in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i> and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.</p> <p>Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p>
<p>17</p>	<p>Archaeological WSI</p> <p>Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).</p>
<p>18</p>	<p>Archaeological Evaluation and Mitigation</p> <p>Following the approval of the Written Scheme of Investigation referred to in</p>

	<p>condition 17 and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.</p> <p>Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).</p>
<p>CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE</p>	
<p>19</p>	<p>Piling Method Statement</p> <p>No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning. Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.</p> <p>Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure and so this condition is necessary to protect that infrastructure, in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and the NPPF.</p>
<p>CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION</p>	
<p>20</p>	<p>Landscape and Ecological Management Plan (LEMP)</p> <p>Prior to the first occupation of the development hereby permitted, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.</p> <p>Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.</p>
<p>21</p>	<p>Details of Lighting</p> <p>Details of the external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed prior to the first occupation of the development and operated in accordance with the approved details at all times thereafter.</p>

	Reason: In order to safeguard the visual amenities of the area and to achieve a suitable lighting scheme which would minimise the impact to ecology and biodiversity in accordance with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.
22	<p>Electric Vehicle Charging</p> <p>The development hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve the development. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).</p> <p>Reason – To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework</p>
23	<p>Land Contamination: Carry out Remediation</p> <p>If remedial works have been identified in condition 16 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 16. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.</p>
<u>CONDITIONS AND REASONS RELATING TO THE OUTLINE PLANNING PERMISSION</u>	
TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS	
24	<p>Quantum of Development</p> <p>The development hereby permitted shall comprise a maximum floorspace of 16,800sqm and shall be used only for purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), of which no more than 35% (5,880sqm) shall be developed for purposes falling within Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended).</p> <p>Reason: In order to retain planning control over the use of the site, to ensure that the significant environmental effects arising from the transport impacts of the development are mitigated, as set out in the Environmental Statement and in accordance with Policy SLE4, Bicester 10 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning</p>

	Policy Framework.
25	<p>Reserved Matters</p> <p>No development shall commence on a phase identified within an approved phasing plan until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that approved phase have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).</p>
26	<p>Phasing Plan</p> <p>No development shall take place until a phasing plan covering the entire application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.</p> <p>Reason - To ensure the proper phased implementation of the development in accordance with Government guidance contained within the National Planning Policy Framework.</p>
27	<p>Development Framework Plan</p> <p>Prior to the submission of any reserved matters application, a Development Framework Plan to include landscaped spaces, the distribution of land uses, form of buildings including height parameters, street frontage, key movement corridors and the creation of attractive and well-defined streetscapes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, each reserved matters application shall be submitted in accordance with the approved Development Framework Plan.</p> <p>Reason - To ensure a coherent and high quality development of the Bicester 10 strategic allocation as a whole in accordance with policy Bicester 10 of the Cherwell Local Plan 2011 – 2031 Part 1 and the Government guidance contained within the National Planning Policy Framework.</p>
28	<p>Statutory Time Limit</p> <p>Application for approval of all the reserved matters for the first Phase of the development shall be made to the Local Planning Authority not later than three years from the date of this permission.</p> <p>Application for approval of all the reserved matters for the remaining phases of the development shall be made to the Local Planning Authority not later than five years from the date of this permission.</p> <p>The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason - To comply with the provisions of Section 92 of the Town and Country</p>

	<p>Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).</p>
29	<p>Compliance with plans</p> <p>Except where otherwise stipulated by conditions attached to the Reserved Matters Permission(s) the development shall not be carried out otherwise than in complete accordance with the approved plans</p> <p>18022/TP/101 Rev B, Site location plan 18022/TP/102 Rev B, Parameters plan 01 18022/TP/103 Rev C, Parameters plan 02 18022/TP/104 Rev B, Parameters plan 03 18022/TP/105 Rev B. Parameters plan 04</p> <p>Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.</p>
30	<p>Site Clearance (nesting season)</p> <p>The removal of or works to hedgerows should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the vegetation or hedgerows at the site have first been checked by a suitably qualified ecologist to ensure that there are no nesting birds that would be disturbed by the development. If nesting birds are found, no development shall commence in the area around the nest until the last young has fledged.</p> <p>Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.</p>
31	<p>Prohibition of Outside Storage</p> <p>No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.</p>
32	<p>BREEAM/Energy Strategy</p> <p>The development hereby permitted shall be implemented in accordance with the Outline Energy Strategy (ref. 1463/ESC/00/ZZ/RP/Z/0014 dated February 2020) and shall be constructed to at least a BREEAM 'Very Good' standard.</p> <p>Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.</p>

<p>33</p>	<p>Flood Risk</p> <p>The development shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Assessment, prepared by Bailey Johnson Hayes Consulting Engineers (ref. S1358 issue/revision 3 dated 13 February 2020 and the following mitigation measures it details:</p> <ul style="list-style-type: none"> • Finished floor levels are set no lower than 64.49m above Ordnance Datum (AOD); and • 7878m³ of compensatory floodplain storage shall be provided as shown in table 4.2 – Floodplain compensation volumes vs floodplain loss volumes. <p>The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.</p> <p>Reason: In accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.</p>
<p>34</p>	<p>Maintenance of planting</p> <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development (whichever is the sooner) and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.</p> <p>Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.</p>
<p>35</p>	<p>Land Contamination not Previously Identified</p> <p>If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out within that phase until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.</p> <p>Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.</p>

PRE COMMENCEMENT CONDITIONS

36 Construction Management Plan (CMP)

No development shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be appropriately titled (site and planning permission number) and as shall provide for at a minimum;

- Routing of construction traffic and delivery vehicles including means of access into the site;
- Details of and approval of any road closures needed during construction;
- Details of and approval of any traffic management needed during construction;
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
- Measures to control the emission of dust and dirt during construction;
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;
- The erection and maintenance of security hoarding / scaffolding if required;
- A regime to inspect and maintain all signing, barriers etc;
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
- Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
- Details of arrangements for site related vehicles (worker transport etc);
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted;
- Any temporary access arrangements;
- Delivery, demolition and construction working hours (which must be outside network peak hours);
- Storage of plant and materials used in constructing the development;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of highway safety and to ensure that the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

37 Construction Environmental Management Plan (CEMP) for Biodiversity

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP):

	<p>Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:</p> <ul style="list-style-type: none"> a) Risk assessment of potentially damaging construction activities; b) Identification of 'Biodiversity Protection Zones'; c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); d) The location and timing of sensitive works to avoid harm to biodiversity features; e) The times during construction when specialist ecologists need to be present on site to oversee works; f) Responsible persons and lines of communication; g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; h) Use of protective fences, exclusion barriers and warning signs <p>The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p>
<p>38</p>	<p>Arboricultural Method Statement (AMS)</p> <p>No development shall take place until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Thereafter, all works on site shall be carried out in accordance with the approved AMS.</p> <p>Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p>
<p>39</p>	<p>Training and Employment Plan</p> <p>No construction shall take place until a Training and Employment Plan for the development has been submitted to and approved in writing by the Local Planning Authority. As a minimum this Plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed Plan.</p> <p>Reason: Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage sustainable economic growth. Para B14 of the adopted Cherwell Local Plan 2011- 2031 recognises that it is important to ensure the population is</p>

	<p>sufficiently skilled to attract companies and investment to Cherwell and supports proposals to strengthen the skills base of the local economy. Strategic Objective 3 of the adopted Cherwell Local Plan seeks to support an increase in skills.</p>
40	<p>Sustainable Drainage</p> <p>No development shall take place until a detailed design and associated Management and Maintenance Plan for surface water drainage for the site, using sustainable drainage methods, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved detailed design prior to the first occupation of the site and in accordance with the following, and the development shall be managed and maintained in accordance with the approved Management and Maintenance Plan.</p> <ul style="list-style-type: none"> • S1358 - Ext - 34B - Tech Scheme Option 8 Drainage Layout • FRA (Issue 3) - Main Body Text (PART 1 OF 11) • Appendix A (PART 2 OF 11) • Appendix B (PART 3 OF 11) • Appendix C (PART 4 OF 11) • Appendix D (PART 5 OF 11) • Appendix E (PART 6 OF 11) • Appendix F (PART 7 OF 11) • Appendix G (PART 8 OF 11) • Appendix H (PART 9 OF 11) • Appendix J (PART 10 OF 11) • Appendix K (PART 11 OF 11) <p>Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p>
	<p>THAMES WATER CONDITIONS – awaiting response from TW to confirm recommended conditions</p>
41	<p>Land Contamination: Desk Study/Site Walk Over</p> <p>Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i> and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.</p> <p>Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.</p>
42	<p>Land contamination: Intrusive Investigation</p>

	<p>If a potential risk from contamination is identified as a result of the work carried out under condition 41, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i> and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.</p> <p>Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p>
<p>43</p>	<p>Land Contamination: Remediation Scheme</p> <p>If contamination is found by undertaking the work carried out under condition 42, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i> and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.</p> <p>Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p>
<p>44</p>	<p>Archaeological WSI</p> <p>Prior to the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).</p>
<p>45</p>	<p>Archaeological Evaluation and Mitigation</p> <p>Following the approval of the Written Scheme of Investigation referred to in</p>

	<p>condition 44, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.</p> <p>Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).</p>
<p>46</p>	<p>Estate Roads, parking and turning areas</p> <p>Prior to the commencement of each phase of the development hereby permitted, full specification details of the site roads, parking and turning areas to serve the development, which shall include swept path analysis, construction, layout, surfacing, lighting, drainage and visibility splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each phase of the development, the site roads and turning areas shall be constructed in accordance with the approved details.</p> <p>Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.</p>
<p>CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE</p>	
<p>47</p>	<p>Piling Method Statement</p> <p>No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water). Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.</p> <p>Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.</p>
<p>CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION</p>	
<p>48</p>	<p>Framework Travel Plan</p> <p>Prior to the occupation of any unit within the development hereby approved, an updated Framework Travel Plan, prepared in accordance with the Department of Transport’s Best Practice Guidance Note “Using the Planning Process to Secure Travel Plans” and its subsequent amendments, shall be submitted to and approved</p>

	<p>in writing by the Local Planning Authority. This Framework Travel Plan to be based on the draft document 19539-07a dated 22nd July 2019. The travel plan shall be implemented in accordance with the details approved.</p> <p>Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.</p>
49	<p>Landscape and Ecological Management Plan (LEMP)</p> <p>Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.</p> <p>Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.</p>
50	<p>Electric Vehicle Charging</p> <p>The development hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve the development. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).</p> <p>Reason – To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework</p>
51	<p>Scheduled Ancient Monument Public Information</p> <p>Prior to the first occupation of the development hereby permitted, details of a Public Information Scheme relating to the Scheduled Ancient Monument and to be provided on the site, including arrangements for members of the public to access the information and a timings for its provision, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.</p> <p>Reason – To increase public awareness of the Schedule Ancient Monument and assist in revealing its significance as part of the development in accordance with Policy ESD 15 and Policy Bicester 10 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.</p>
52	<p>Land Contamination: Carry out Remediation</p> <p>If remedial works have been identified in condition 43, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 43. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.</p>

	<p>Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.</p>
<p>NOTES TO APPLICANT</p>	
<p>1</p>	<p>Environmental Impact Assessment</p> <p>In accordance with Regulations 3 and 9 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), Cherwell District Council as Local Planning Authority in this case, is satisfied that the environmental information already before it remains adequate to assess the environmental effects of the development and has taken that information into consideration in determining this application.</p>

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