

Case Officer: Rebekah Morgan

Applicant: Bicester Motion

Proposal: Outline:- Provide new employment units comprising B1 (Business), B2 (General Industrial), B8 (Storage) and D1 (Education) uses with ancillary offices, storage, display and sales, with all matters reserved except for access

Ward: Launton and Otmoor

Councillors: Cllr Timothy Hallchurch, Cllr Simon Holland and Cllr David Hughes

Reason for Referral: Major development

Expiry Date: 17 July 2020

Committee Date: 16 July 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

Proposal

The application seeks to provide new employment units comprising B1 (Business), B2 (General Industrial), and B8 (Storage) uses, with the option to provide skilled apprenticeship opportunities falling within use class D1 (Education). The proposal includes ancillary offices, storage and display/sales areas. The application is submitted in outline with all matters reserved except for access.

Consultations

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

- British Gliding Association, General Aviation Awareness Council, CPRE Oxfordshire, Launton Parish Council, Caversfield Parish Council, Sport England, Bicester Gliding Club.

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

- Historic England, OCC Highways, OCC Archaeology, Local Lead Flood Authority, Thames Water, Thames Valley Police (Crime Prevention Design Advisor), CDC Conservation, CDC Planning Policy, CDC Landscape Services, CDC Environmental Protection, CDC Building Control.

97 letters of objection have been received, 8 letters of support have been received and 6 letters of comment have been received.

Planning Policy and Constraints

The following constraints apply to the site:

- RAF Bicester Conservation Area;
- Listed Buildings and Locally Listed Buildings are located within the Technical Site;
- Scheduled Monument;
- Site of Special Scientific Interest (SSSI) within 2km of the site;
- Local Wildlife Site which extends around the perimeter of the airfield;

- Electricity distribution site to the south;
- Area of archaeological interest;
- A4421 Skimmingdish Lane to the south and Buckingham Road to the west;
- Residential properties to the south, south-west and west of the site

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:

- Principle of Development
- Impact on Gliding
- Parameters – heights, scale, massing and design
- Heritage Impact
- Landscape and visual impact
- Ecology Impact
- Highway Safety - Connectivity and Access
- Residential Amenity
- Flood Risk and Drainage
- Environmental Impacts
- Energy Efficiency
- Planning Obligations

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions and a s106 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. For the purposes of this application, the site area and redline relates to a parcel of land situated on the south-eastern edge of the existing flying field totalling 10.08 hectares. This site is bounded by the airfield to the north and west, a large industrial development to the east and Skimmingdish Lane to the south with residential areas beyond.
- 1.2. The site is part of the wider former RAF Bicester Airfield which is located to the north of Bicester on the outskirts of the town. The site is now occupied by Bicester Motion, a company specialising in historic motoring and aviation. The site occupied by Bicester Motion comprises the main 'technical site' area (where most of the buildings are located) and the flying field which extends to the north and east of the main technical site area, totalling around 141.5 hectares.
- 1.3. The whole of the site (including the flying field) is designated as a conservation area and most of the buildings within the main technical area are listed (Grade II). The remaining buildings are considered to 'make a positive contribution' to the area in the Conservation Area Appraisal and would therefore be considered as non-designated heritage assets. Existing vehicular and pedestrian access to the technical site is gained just north of the roundabout on Buckingham Road. A second access off Skimmingdish Lane serves as the gliding club access and provides

access to the application site. There are residential properties located to the west and southwest of the site. There are also several Scheduled Monuments located on the edges of the flying field and within the main technical area, including two within the application site.

2. CONSTRAINTS

2.1. The following constraints apply to the site:

- The site is located within the Conservation Area of RAF Bicester;
- The wider Bicester Motion site contains 22 Grade II Listed Buildings with the remaining buildings making a positive contribution to the character and appearance of the conservation area and are therefore considered to be non-designated heritage assets;
- The site lies within the setting of Scheduled Monuments;
- There is a Site of Special Scientific Interest (SSSI) within 2km of the site (the quarry to the north);
- The site is within a designated Local Wildlife Site which extends around the perimeter of the airfield;
- There is an electricity distribution site to the south, beyond Skimmingdish Lane;
- The site lies within an area of archaeological interest;
- The Bicester Motion site is bordered to the south by the A4421 Skimmingdish Lane and to the west by the Buckingham Road;
- There are residential properties to the south, south-west and west of the Bicester Motion site (opposite sides of the road);
- The site is allocated in the Cherwell Local Plan for mixed use development including employment uses (Policy Bicester 8).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks to provide new employment and training units comprising B1 (Business), B2 (General Industrial), and B8 (Storage) uses with the option for some D1 use (Education). The proposal includes ancillary offices, storage and display/sales areas. The development is referred to by Bicester Motion as the F.A.S.T. development, and the applicant's Planning Statement explains that "the vision for the Future Automotive Speed and Technology (F.A.S.T.) development is to create a world leading technology cluster in the heart of Bicester".

3.2. The application form states the development would create a maximum of 21,994 square metres of floor space. The precise mix of uses is not specified, although a parameter plan has been submitted showing a larger proportion of B1/B2 uses than B8 uses with only one potential building highlighted for B8 use.

3.3. The application is submitted in outline with all matters reserved except for access.

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
18/01253/F	Erection of hotel and conference facility with associated access, parking and landscaping.	Application Permitted

18/01333/F Extension to existing Technical Site to Application provide new employment units comprising Permitted flexible B1(c) light industrial, B2 (general industrial), B8 (storage or distribution) uses with ancillary offices, storage, display and sales, together with associated access, parking and landscaping.

- 4.2. It should be noted that subsequent Section 73 applications (19/02275/F, 20/00475/F, 20/00832/F and 20/00842/F) relating to application 18/01333/F have been granted consent to allow change of use and external alterations to individual buildings within the New Technical Site area.
- 4.3. The above site history represents the two major developments that have been permitted on the wider Bicester Motion site; the hotel and extension to the technical site area. The original technical site has a detailed planning history with several planning applications and listed building consent applications associated with individual buildings including a site wider consent for commercial uses.
- 4.4. The general approach taken on the technical site has been to allow changes of use that fit with the commercial nature of the site and minor physical changes to the buildings to ensure their long-term use and viability with an aim of conserving the heritage assets on the site.

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>
19/00186/PREAPP	New employment units comprising flexible B1 (business), B2 (general industrial), B8 (storage or distribution), D1 (education) uses with ancillary offices, storage, display and sales.

- 5.2. The pre-application response concluded that the principle of employment development in this location was considered to comply with the Cherwell Local Plan 2031 Part 1 and it recognised the economic benefits of the proposal.
- 5.3. Through pre-application discussions and the final report, detailed comments were provided. Specific areas were highlighted where additional information would be required, or concerns would need to be addressed at the application stage. The case officer concluded that if all the matters were satisfactorily addressed at the application stage, it was likely the application would be supported.

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 **17 March 2020**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. The objections or concerns raised by third parties are summarised as follows:

- Not sustainable in transport terms – car dominant access
- Increase in traffic
- Impact on highway safety
- Unsafe vehicular access onto Skimmingdish Lane
- Impact on plans to convert Skimmingdish Lane to a dual carriageway
- Bicester lacks the highway infrastructure to support development
- Construction traffic will impact on general traffic movements
- Need to preserve the historic airfield
- Historic airfield is being surrounded by high buildings – impact on openness
- Building around the site will make the green space less visible
- Altering the rural nature of the site
- Impact on gliding activities and aviation in general
- Gliding is part of the town's history and the gliding club is an asset to the town
- Objection to the overall vision/masterplan
- Vision suggests they want to surround the airfield
- Negative impact on ecology and biodiversity
- Impact on wildlife site
- Impact on residential amenity – reduce quality of life for those living nearby
- Noise impacts
- Offers very little recreation for the people of Bicester
- No benefits for the people of Bicester
- Air quality – emissions from traffic and old cars contributing to poor air quality
- The employment provided (outside of construction) will be negligible
- The jobs created will be low paid jobs
- Negative impact on local house prices
- Poor design – large, ugly buildings/industrial sheds
- Impact on the angling club (relates to masterplan)
- Adding to Bicester's carbon footprint

6.3. The comments made in support by third parties are summarised as follows:

- Improvements to the entrance would reduce any build up of traffic trying to enter the site
- Enhancement to local biodiversity
- Positive for Bicester in terms of jobs and prestige
- It will create jobs for local people
- More visitors will equal more money being spent in the town – good for the local economy

6.4. GENERAL AVIATION AWARENESS COUNCIL: **Object.** The GAAC provided detail comments on the following issues:

- Need to retain this unique and historic flying site for General Aviation Uses.
- Raise concerns with the assumptions used in the applicant's aviation report and the conclusions it reaches.
- Inconsistency between the applicant's aviation report and aviation statement regarding the proposed heights of the buildings. The height of the buildings would impact on the useable runway length.
- Concerns regarding the impact of the proposal on ecology around the perimeter of the airfield.

- Drainage issues highlighted in the applicant's aviation report have been generally caused by the use of the perimeter track by unsuitably heavy vehicles.

Officer comment: - The GAAC's response is listed under the publicity section of the report, as they were not formally consulted on the application.

- 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. LAUNTON PARISH COUNCIL: **object** on the grounds of impact on the street scene and visual impact on the protected airfield, highway safety concerns and impact on aviation.
- 7.3. CAVERSFIELD PARISH COUNCIL: **object** on the grounds of loss of view over the airfield, the significant change to the street scene along Skimmingdish Lane, overdevelopment of the airfield within the context of the historic setting, impact on heritage and highway safety concerns.

CONSULTEES

- 7.4. HISTORIC ENGLAND: Detailed **comments** have been provided in relation to the Scheduled Monuments within the application site and the potential impacts of the development.

Historic England conclude by stating they have 'concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 196 of the NPPF. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice'.

Officer comment: - The detailed comments provided by Historic England are discussed at length in appraisal section of this report. The comments are considered along with comments from the Council's Conservation Officer and the applicant's Conservation consultant. Clear information is provided to explain how the development has been considered in relation to the tests set out in the National Planning Policy Framework (chapter 16: Conserving and enhancing the historic environment).

- 7.5. OCC HIGHWAYS: **No objections** subject to Section 106 contributions, an obligation to enter into a Section 278 agreement to secure mitigation/improvement works and conditions in respect of a construction traffic management plan, travel plan, turning area details, car parking and cycle parking.

Officer comment: - An initial objection was received from highways. Following a meeting with the applicant's highway consultants and the submission of additional information, the objection was removed.

- 7.6. OCC ARCHAEOLOGY: Confirmed there are no below ground constraints and they support the advice of Historic England.
- 7.7. LOCAL LEAD FLOOD AUTHORITY (OCC): **No objection** subject to conditions. They set out three key issues:
- Infiltration test results required to be supplied for assessment
 - Groundwater monitoring results required to be supplied for assessment
 - Contamination investigation results required for assessment to inform infiltration proposals

Recommended conditions: SuDs, Completion and Maintenance of Sustainable Drainage and Outline Design Infiltration Condition.

There is a request for the applicant to complete an OCC Flows and Volumes Pro-Forma in order to facilitate full technical assessment of the infiltration, run-off and attenuation requirements of the proposal.

- 7.8. BRITISH GLIDING ASSOCIATION: **Object**. Three sets of comments have been received.

First submission – The BGA set out their position as a national governing body with Bicester Gliding Club being one of their member clubs. They highlighted the designation of the airfield as a Nationally Significant Area for Sport under the Sport England scheme. The comments state the ‘club says that they can live with these proposed buildings, with some reservations about their height; therefore, the BGA is not in a position to comment otherwise’. However, they do make it clear that without an independent aviation assessment it is not possible to fully understand any potential operational implications of the development. Other comments made relate to wider proposals for the airfield (that are not currently part of the planning application) and airfield management discussions between the site owners and the club.

Second submission (submitted after the publication of the independent aviation report commissioned by Cherwell District Council) – Raises concerns that the Council’s independent report was carried out without input from users of the airfield (namely Bicester Gliding Club). They request that further work is carried out in conjunction with the BGA Chief Executive Officer who has experience of the airfield at Bicester and is a current user of the airfield. The BGA also reiterate their support for the continuation of gliding at the airfield.

The comments specifically raise concerns about the impact on any development around the airfield on the omnidirectional nature of the airfield in terms of the impact on aviation use and impact on the character of the airfield.

Third submission (submitted following discussions between the LPA and Sport England regarding the independent nature of the report commissioned by the Council) – The BGA reiterate their offer for the Council’s independent expert to work with their Chief Executive Officer and disagree with the Council’s decision to decline.

The comments raise concerns with the proposal stating it ‘would impact negatively on the undershoot possibilities of an aircraft on that approach’ (this is referring to the northerly approach path). The comments go on to state ‘as available approach paths to airfields are reduced, the options available to operators are similarly reduced. That inevitably compromises the utility of the airfield. Furthermore, in this particular instance, the development proposals will inevitably restrict utilisation of the airfield

from certain directions and thereby compromise the very feature for which Bicester Aerodrome is renowned, that being its omnidirectional operations’.

- 7.9. SPORT ENGLAND: **Objection** – *‘It is clear that the development will have some impact on gliding to a lay person. However, a lay person cannot quantify that impact. Looking at the site after reviewing all the documentation submitted, I am of the opinion that some development, perhaps the quantum of development can take place, but the case has not been proven, to use the Scottish legal phrase, beyond reasonable doubt, that it can take place in the precise location it has been shown in without a small amount of further work’.*

Sport England defer to the comments made by the British Gliding Association as they believe they are best placed to provide advice regarding the impact on gliding. They support the BGA’s request to carry out further work with the Council’s consultant. Sport England’s officer states *‘As it stands I am persuaded by the BGA’s arguments and expertise that the impact of the proposed development will have a detrimental impact on the use of the airfield for gliding and as a result a negative impact on a National Significant Area for Sport (SASP)’.*

Sport England have also provided some comments in relation to the site wide masterplan, but do acknowledge this is not currently part of the proposal.

Officer comment: - An initial response advised the proposal did not fall within Sport England’s statutory or non-statutory remit. The Council responded seeking further input as we had been informed of the site’s recent designation as a Significant Area for Sport (SASP); a further response was then received from Sport England.

- 7.10. CPRE OXFORDSHIRE: **Object** on the grounds of the proposal not complying with the requirements of the Local Plan or national policy regarding ecology and biodiversity gain.
- 7.11. THAMES WATER: With regards to waste water infrastructure and water network infrastructure, Thames Water has been unable to confirm if there is sufficient capacity within the existing network to accommodate this development. They have recommended conditions requiring the applicant to submit information and agree a position on network capacity/any required upgrades prior to the commencement of development.
- 7.12. THAMES VALLEY POLICE (CRIME PREVENTION DESIGN ADVISOR): **No objection** to the proposal. Detailed comments have been provided regarding specific aspects of the proposal and how design can be used effectively to design out crime.

Officer comment: - The application has been submitted in outline with all matters reserved except for access. The detailed design, layout and landscaping of the development, if approved will be the subject of a reserved matters application. At this stage it would be appropriate to address the detailed comments when the full design of the development is being considered. The comments are publicly available, and the applicant will be aware of these; they will have the opportunity to address them as part of future applications.

- 7.13. CDC CONSERVATION: There are **concerns** regarding the impact on the character of the flying field character zone within the conservation area as a result of the proposals; any resulting harm needs to be weighed against the public benefit.

Officer comment: The Council's Conservation Officer has provided lengthy, detailed comments on the proposal. These comments are carefully considered within the appraisal section of this report.

- 7.14. CDC PLANNING POLICY: **No objection** in principle, subject to the specific requirement of Policy Bicester 8 being met.
- 7.15. CDC LANDSCAPE SERVICES: **No objection**. Having reviewed the LVIA, no objections have been raised. The applicant's intention to retain the existing vegetative screen along Skimmingdish Lane and reinforce with additional trees is considered to be appropriate.

Officer comment: - Landscape is a reserved matter. If approved, the full details of the landscaping proposals will be the subject of a future application.

- 7.16. CDC ENVIRONMENTAL PROTECTION: **No objection**. Comments have been provided in relation to noise, contaminated land, air quality, odour and light pollution. No objections have been raised and conditions have been recommended. Relevant detailed comments will be addressed in the appraisal section of this report.
- 7.17. CDC BUILDING CONTROL: Confirmed that a building regulations application will be required for the development.
- 7.18. BICESTER GLIDING CLUB: Two detailed submissions have been made.

First submission – The response raised concerns regarding the applicant's aviation report and set out 5 detailed comments relating to specific aspects of the report. The points detailed raise technical concerns with the report.

In conclusion, the submission states '*It is recognised that this application relates to an element of the airfield 'Masterplan'. It is clear from the comments above that Bicester Gliding Centre is a stakeholder and should be consulted to ensure accuracy in matters relating to aviation at Bicester airfield. The Bicester Gliding Centre recognises that when viewed in isolation, the proposed F.A.S.T development would have a limited impact on current flying operations but we object to the application pending full consideration and response to the comments above*'.

Second submission – This consists of a full aviation assessment of the proposals. The report sets out background information about the site, a number of operational considerations, factors affecting choice of runs, airfield utilisation and consideration of the masterplan proposals.

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)

- BICESTER 8: Former RAF Bicester
- BSC7: Education
- PSD1: Presumption in favour of Sustainable Development
- SLE1: Employment Development
- SLE4: Improved Transport Connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems
- ESD10: Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR1: Transport Funding
- C1: Protection of Sites of Nature Conservation Value
- C2: Development affecting Protected Sites
- C4: Creation of New Habitats
- C7: Landscape Conservation
- C23: Retention of features contributing to the character or appearance of a Conservation Area
- C25: Development affecting the Site or Setting of a Scheduled Ancient Monument
- C28: Layout, design and external appearance of new development
- ENV12: Development on Contaminated Land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- RAF Bicester Conservation Area Appraisal – November 2008
- RAF Bicester Planning Brief 2009
- Cherwell Non-Statutory Local Plan 2011
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

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

- Principle of Development
- Impact on Gliding

- Parameters – heights, scale, massing and design
- Heritage Impact
- Landscape and visual impact
- Ecology Impact
- Highway Safety - Connectivity and Access
- Residential Amenity
- Flood Risk and Drainage
- Environmental Impacts
- Energy Efficiency
- Planning Obligations

Principle of Development

Policy Context

- 9.2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.3. Paragraph 11 of the National Planning Policy Framework sets out a presumption in favour of sustainable development and states for decision taking, this means *'approving development proposals that accord with an up-to-date development plan without delay'*. The presumption in favour of sustainable development is reiterated in Policy PSD1 of the Cherwell Local Plan 2031.
- 9.4. The application site is allocated in the Cherwell Local Plan 2031 under Policy Bicester 8 for *'conservation-led proposals to secure a long lasting, economically viable future for the Former RAF Bicester technical site and flying field'*. Policy SLE1 supports employment development on new allocated sites within the plan; RAF Bicester is one of the sites allocated for employment development (B Use classes) within the plan.
- 9.5. Policy Bicester 8 refers to a Planning Brief for the allocation. This Brief was prepared in 2009 and is now somewhat out of date and superseded by both the CLP Part 1 itself, as well as national planning policy and guidance and material circumstances including the surrounding context and development that has taken place within the wider RAF Bicester site. The document provides only informal development principles and does not have the status of a Supplementary Planning Document and its stated purpose was *'to respond quickly to provide guidance on the future of this important site to advise potential purchasers'*. The document sets out the Council's aspirations for the site and future uses that would be considered appropriate. Therefore, given its age and status, the document can only be afforded limited weight.
- 9.6. The site has been occupied by Bicester Heritage (now part of Bicester Motion) since 2013, who have developed the site as a focus for historic motoring interests and technology with associated employment, leisure and apprenticeship opportunities. Paragraph 80 of the National Planning Policy Framework states *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'*. It goes on to suggest an approach where areas build on their strengths and is particularly important where Britain can be a global leader in driving innovation.

Assessment

- 9.7. The application site is part of the wider RAF Bicester site which is allocated under Policy Bicester 8 of the CLP 2031. The policy seeks to establish uses which will be complementary to, and help enhance, the character and appearance of the Conservation Area and the nationally important heritage value of the site whilst securing an economically viable future for the site. Policy Bicester 8 is a permissive policy setting out a number of acceptable uses including employment uses.
- 9.8. The land allocated within Policy Bicester 8 includes the technical site and the whole of the flying field. The policy is not specific about the type of employment uses that would be appropriate, or the form such development should take (conversion, re-use or new build for example); nor does it stipulate which parts of the overall site are suitable for development.
- 9.9. The Planning Brief for the allocated site identifies the application site as comprising part of the flying field, with part of the application site within an '*open vista to the bomb stores*'. The Brief is not supportive of development on any part of the flying field, on the grounds it would harm the Conservation Area. Accordingly, the submitted proposal cannot be considered to accord with the Planning Brief.
- 9.10. However, in your officer's opinion, there are material considerations which must be considered in the balance against the apparent conflict. Due to the age and status of the Planning Brief (which pre-dates the presumption in favour of sustainable development contained in the NPPF), it has been concluded that it can only carry limited weight. The context of the site and the surrounding area have changed significantly since the production of the brief; the site has been sold by the MOD with its acquisition, investment and re-use by Bicester Motion. Furthermore, the decisions to grant consent for the extension of the technical site and the construction of a new hotel and the granting of consent for employment development on the neighbouring site (Link 9) are also relevant. It should also be noted that neither Historic England or the Council's Conservation Officer has objected to the principle of allowing some built development on the edge of the flying field beyond the perimeter track. Therefore, it is not considered that conflict with the planning brief alone, would be sufficient to conclude that the proposal is unacceptable in principle.
- 9.11. In addition to Policy Bicester 8, proposals to provide additional employment uses on this allocated site are also supported by Policy SLE1 which permits new employment uses that are focused on existing and allocated sites. Furthermore, paragraph B.33 of the CLP 2031 sets out the aims for Bicester which include '*maintaining and increasing the motorsport industry and other performance engineering, encouraging high tech companies and improving its sustainability and self-sufficiency*'. The proposal is to create a 'future automotive, speed and technology' zone on the site that would focus on the motoring industry and performance engineering.
- 9.12. The proposal will bring many economic benefits, not just to Bicester and the wider District, but to Oxfordshire, the south-east of England and the UK contributing to building a strong economy and delivering positive growth. The proposal aims to become '*home to leading international innovation and technology businesses, inspire and excite the next generation and create skilled apprenticeship and employment opportunities in technology*'. The proposal will provide for highly skilled jobs in areas of knowledge driven, creative and high-technology industries.
- 9.13. The proposals include D1 (Education) use to enable the provision of additional apprenticeship schemes and/or the expansion of apprenticeship schemes that

currently run from the technical site. The existing model of providing on site apprenticeship opportunities, within the existing cluster of businesses (which focus on historic motoring) is highly successful at the site.

- 9.14. The provision of this type of employment development at the site is supported by the Policy Bicester 8 allocation and Policy SLE1 of the Cherwell Local Plan and the proposals will contribute towards the Council's economic growth objectives.

Conclusion

- 9.15. The NPPF states that achieving sustainable development means the planning system has three overarching objectives; an economic objective, a social objective and an environmental objective. The objectives need to be balanced to ensure they can be pursued in a mutual supportive way.
- 9.16. The application proposes the provision of additional employment development that will support the local economy and create additional jobs, providing an economic benefit. It is anticipated that the development will create a well designed and safe place for employees and visitors, allowing some access to this part of the historic site and the scheduled monuments. The creation of employment development contributes to creating vibrant communities. As will be set out in later sections of this report, the proposal would respect the historic and natural environmental context of the site, providing mitigation and enhancement where required, and the use of the site for gliding will not be unduly compromised. Therefore, the development is considered to constitute 'sustainable development' and the presumption in favour must apply.
- 9.17. The proposal will provide additional employment development on an allocated site in accordance with Policies Bicester 8 and SLE 1 of the Cherwell Local Plan 2031. The apparent conflict with the 2009 Planning Brief is not considered significant given the limited weight that can be attributed to the document and the significant change in context at the RAF Bicester site. The principle of employment development on the site is considered to be acceptable.
- 9.18. The proposal would constitute sustainable development on the site. Provided the proposal complies with other policies within the development plan (discussed below), it should be approved without delay in accordance with Government guidance contained within the NPPF and Policy PSD1 of the Cherwell Local Plan 2031.

Impact on Gliding

Background and Policy Context

- 9.19. A number of third-party representations, including comments from the Bicester Gliding Club and the General Aviation Awareness Council (GAAC) raised concerns/comments regarding the potential impact on gliding activities and deficiencies they identified in the applicant's aviation report.
- 9.20. Furthermore, the application site has been recently designated a National Significant Area for Sport (SASP) with regards to gliding. The Sport England website states '*The aim of significant areas for sport (SASP) is to help ensure that our most important sporting sites are fully recognised for the part they play in the delivery of individual sports. These sites have been identified by the individual national governing bodies of sport in partnership with us, describe why the site is important to the sport, and identify what specific features makes the site so special*'. The website gives an overview of the process and criteria for designation of sites;

however, it does not provide any specific details about the designation of the Bicester site.

- 9.21. The designation as a National SASP does not carry any additional weight in planning legislation but it is a material planning condition.
- 9.22. Government guidance contained in the National Planning Policy Framework (Open space and recreation) highlights the importance of access to a network of high-quality open spaces and how opportunities for sport and physical activity are important for the health and well-being of communities. There is an established gliding club on the site which has been in operation for a significant period of time.
- 9.23. The Council will seek to protect sports and access to sport as part of its wider healthy place shaping agenda and this is supported by Policy BCS 10 of the Cherwell Local Plan 2031.
- 9.24. Policy Bicester 8 of the Cherwell Local Plan 2011-2031 states '*The Council will encourage conservation-led proposals to secure a long-lasting, economically viable future for the Former RAF Bicester technical site and flying field*'. The policy goes on to state the type of uses that would be acceptable on the site, a requirement to accord with the approved Planning Brief and some other material planning considerations. In relation to aviation, the policy states only that '*The continuation of gliding use will be supported*'.

Assessment

- 9.25. The application site is located outside of the perimeter track, but this area is still considered to be part of the functioning airfield and the development proposal has the potential to impact on aviation use at the site.
- 9.26. The application was submitted with an aviation report prepared by ASA. The report set out the process for assessment, the constraints considered and conclusions regarding implications for airfield operations. The report's key conclusion was that the proposal would have a limited impact on current airfield operations.
- 9.27. Following receipt of the objections from the Bicester Gliding Club and others, the Council commissioned Eddowes Aviation Safety Ltd to undertake an independent review of the proposal, an appraisal of the submitted aviation report, and give consideration to third party comments. Eddowes were selected due to their experience with gliding opposed to just general aviation. The Council brief was very clear that consideration should only be given to the proposal contained within the application being considered (Bicester Motion's masterplan document and any comments relating to it should be discounted as the masterplan has no planning status and does not form part of the proposal).
- 9.28. Regarding the submitted aviation report, the independent review was critical of the methodology used by ASA and identified a number of concerns which supported a conclusion that the ASA report does not provide a sound basis for determining the application. The independent review therefore applied a different methodology to assess the aviation impact. It should be noted that this methodology for assessment has been successfully used in an appeal situation at another authority and has therefore undergone robust scrutiny, so the Council can be confident it is an appropriate method to use to assess impacts on gliding (and aviation in general) at the site.
- 9.29. The independent advice offered by Eddowes Ltd suggests that the proposal that is the subject of this application would have little or very limited impact on gliding

activities at the site. The advice does caveat however that it is informed by certain assumptions and states *'The interpretation of this information and the associated assumptions are considered to be reasonable though it is accepted that some details of the operational practices in use may differ from those assumed'*.

- 9.30. In its latest response, the British Gliding Association has reiterated its position that further work should be done in conjunction with a recommended expert. The comments raise technical points regarding impacts on undershoot possibilities on the northerly approach path, a reduction in available approach paths, with the proposal inevitably restricting the utilisation of the airfield in certain directions. In their opinion, this would compromise the very feature for which Bicester Aerodrome is renowned, that being its omnidirectional operations.
- 9.31. The independent report commissioned by the Council was deliberately carried out without input from the applicant or any third parties to ensure it offered truly independent advice, and Officers have no reason to doubt the veracity of the advice given. It is accepted that any development on the edge of the airfield or within close proximity to it would have some impact on glider operations at the site. The decisions taken by pilots when performing a take off or landing will need to take account of many factors including the built environment surrounding an airfield. Nevertheless, taking account of the comments provided by the British Gliding Association and others, whilst the impact on gliding could be slightly more than suggested in the independent review, it is reasonable to conclude that the proposal would not prevent gliding or other aviation activity at the site.
- 9.32. It is the case that Sport England have submitted an objection. In their response, they state *'it is clear that the development will have some impact on gliding to a lay person. However, a lay person cannot quantify that impact. Looking at the site after reviewing all the documentation submitted, I am of the opinion that some development, perhaps the quantum of development can take place, but the case has not been proven, to use the Scottish legal phrase, beyond reasonable doubt, that it can take place in the precise location it has been shown in without a small amount of further work'*. Sport England defer to the comments submitted by the British Gliding Association regarding specific impacts on gliding and support the view the proposal would have a detrimental impact on gliding and as a result would have a negative impact on a National Significant Area for Sport.
- 9.33. In this case Sport England are acting as an advisory (and not a statutory) consultee. Whilst the designation of the site a National SASP highlights its importance in terms of sport, the designation does not appear to offer any additional statutory protection in planning; the starting point for decision-making must be the policy position set out in the development plan. Policy Bicester 8 is the only policy that pays specific regard to gliding/aviation at the site. On this matter, the policy states only that *'the continuation of gliding use will be supported'*.

Conclusion

- 9.34. Policy Bicester 8 of the Cherwell Local Plan 2031 is a site wide allocation that expects development proposals to come forward for the site. Whilst the policy supports the continuation of gliding, it does not offer any specific protection that would prevent a proposal being considered where there is some impact on aviation activities. In this case, the independent advice is clear that gliding activities and general aviation could continue on site if this development is permitted. Based on the independent advice received, the proposal would not result in the loss of gliding (as a sport) from the site and the proposal does not result in the loss of the airfield itself. Whilst there may be some impact on gliding (as set out above), the policy

position and the planning status of a National SASP would not provide sufficient weight to refuse the application on the basis of impact on sport.

- 9.35. Therefore, with regard to gliding/aviation, the proposals are considered to fully accord with Policy Bicester 8 of the Cherwell Local Plan 2031.
- 9.36. The Council is aware of discussions between the land owner and the gliding club (as a lease holder) regarding the future operational control and management of the airfield. This matter is a separate issue to the application that is before members for consideration. Airfield management/operational arrangements are not controlled by planning legislation and are outside of the remit of the Local Planning Authority.

Parameters – heights, scale, massing and design

Policy context

- 9.37. Policy ESD 15 of the Cherwell Local Plan states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high standards and should respect the historic environment including conservation areas and listed buildings. Policy Bicester 8 of the Cherwell Local Plan also makes it clear that development at this site is to be 'conservation led', therefore meaning that it is what is appropriate for the site in terms of heritage related issues that must be at the forefront at all times.
- 9.38. Both of these policies are supported by Government guidance contained within the National Planning Policy Framework (sections on design and heritage) which states that good design is a key aspect of sustainable development to create better places (para. 124). Decisions should ensure that (amongst other factors) developments are visually attractive; sympathetic to the local character and history and optimise the potential of the site (Para.127). Section 16 on the historic environment acknowledges that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (Para. 184).
- 9.39. Saved policy C28 of the Cherwell Local Plan 1996, requires all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.40. With the above policy context in mind, whilst the principle of new employment development at the site is supported, it is imperative that it is appropriately sited and designed to ensure that it fits in with the historical context of the site and respects the existing pattern of development.

Assessment

- 9.41. The heritage impacts of the development are subject to detailed assessment in a later section of this report. It is important, however, to first establish whether the broad design principles and parameters are an appropriate starting point for guiding development on the site. The application is submitted in outline with all matters reserved except for access, therefore the proposal does not include full design details for the buildings, and these will be the subject of a separate application. However, at this stage it is still imperative that the Council is confident the site can accommodate the level of development proposed without causing harm.
- 9.42. Parameter plans have been submitted to demonstrate maximum heights, developable area, open space/landscape parameters and building uses. The combination of developable areas which are clearly identified, constrained spaces

for the location of buildings and the open space/landscape information, means that there will be very limited options in terms of building footprint at the reserved matters stage. Combined with the height parameters, the plans suggest a series of buildings which increase in size/height from west to east. The tallest building would be located closest to the neighboring employment development to the east and would not exceed its height.

- 9.43. The parameter plans would allow for potential gaps between buildings, which would be imperative to meet the suggestions made by Historic England in relation to views from the Scheduled Monument (see the heritage section of this report for further consideration of this point). Whilst the plans do not identify the locations or width of any gaps, the design will need to take a conservation-led approach to ensure any impact on heritage is minimised. The parameter plans, as currently set out, would not prevent this approach from occurring.
- 9.44. The parameter plans, as submitted, are considered to be appropriate. The heights would not exceed those of the neighboring buildings and the gradual change in heights would help to set the buildings within the context of the site.
- 9.45. The parameters should not be taken as a blueprint for the buildings. Design will be an important consideration at the reserved matters stage; architectural style can affect the feel of a building in terms of its bulk and massing. Therefore, the design, layout and scale will need to be considered as a whole.
- 9.46. Given the proposal shows the potential for a series of buildings on the site, there is a risk that proposals for each building could come forward separately, especially if individual occupiers have the opportunity to influence their building. Therefore, a cohesive design approach is going to be essential to ensure the buildings work collectively whilst potentially allowing some individuality or variation. On this basis, a condition has been recommended to require the approval of a design code for the whole site prior to the submission of any reserved matters application. The design code will need to be detailed, dealing with potential design features, materials palette, boundary treatment, hard and soft landscaping, building frontages and servicing arrangements.

Heritage Impact

Legislative and policy context

- 9.47. Paragraph 184 of the NPPF states *'Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'*.
- 9.48. The application site is within the RAF Bicester Conservation Area. There are Scheduled Monuments within the application site area and elsewhere on the RAF Bicester Site. A large proportion of the original buildings (including the hangars) within the technical site are Listed Buildings.
- 9.49. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

- 9.50. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.51. Scheduled Monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979 (as amended); any works to a Scheduled Monument require separate consent (with an application being made directly to the Secretary of State).
- 9.52. Paragraph 192 of the NPPF states '*In determining applications, local planning authorities should take account of:*
- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) *the desirability of new development making a positive contribution to local character and distinctiveness*
- 9.53. Conservation Areas, Listed Buildings and Scheduled Monuments are designated heritage assets, and 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.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

Assessment

- 9.54. Scheduled Monument: The proposed development is located adjacent to and to the south-west of a designated Scheduled Monument consisting of two seagull trenches and two mushroom pillboxes. Comments from Historic England explain the arrangement of the structures and how the complex would have included a position for an anti-aircraft Lewis gun. RAF Bicester was considered vulnerable to enemy invasion and this complex would have formed a significant part of the defence system that collectively offered all-round fire with the purpose of delaying enemy occupation long enough to allow reinforcements to arrive.
- 9.55. Historic England advise that '*most of the various elements of the defensive system were intended to cover the airfield (this being the most likely site for invasion), rather than being intended to defend the airfield from attack from the surrounding countryside. Because of this the indivisibility of the surviving defensive elements, the other components of the airfield and the flying field itself are critical. While critical to the understanding of the operation of the seagull/mushroom complex itself, the south-west facing aspect – the direction of fire from the south-west seagull trench – can be considered to be of less significance than the north-east aspect in understanding how the complex fitted in the overall system*'.
- 9.56. Scheduled Monuments are designated within the context of the Ancient Monuments and Archaeological Areas Act 1979 (AMAA 1979). This designation affords a higher

degree of protection than Listing, and decisions about proposed development potentially affecting them are assessed by Historic England.

- 9.57. Historic England considers that *'the proposed development will impact upon the appreciation of the function of the complex, insofar as it will make it harder to understand the operation of the south-west seagull trench because new buildings will effectively block much of the field of fire. It is the case that the setting in this direction has already been compromised to a degree by new buildings, but these are located some distance away across Skimmingdish Lane. There will therefore be harm to the significance of the historic asset'*.
- 9.58. Design of the buildings, including positioning/spacing, will be crucial to minimising the impacts of the setting of the Scheduled Monument. The application is currently submitted in outline, with design a reserved matter. Historic England acknowledge this position and comment that *'the location and spacing of the new buildings might be arranged in such a way as to allow an understanding of the original south-west aspect, and a clear architectural statement would need to be made to avoid any perception that the new buildings are part of the original complex. The landscaping would need to be carefully considered, in particular with significant tree and shrub planting avoided'*.
- 9.59. When considering 'harm' to an historic asset, the NPPF provides different approaches for considering 'substantial harm' and 'less than substantial harm'. On this matter Historic England advise *'The proposed development will cause harm to the significance of the Scheduled Monument. That harm will be less than substantial, but as a nationally important asset, great weight should be attached to the need to avoid harm'*.
- 9.60. Policy ESD15 of the Cherwell Local Plan 2031 requires development proposals that harm the significance of a heritage asset to meet the tests set out in the NPPF.
- 9.61. Paragraph 196 of the NPPF states *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.
- 9.62. Paragraph 200 of the NPPF states *'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'*.
- 9.63. As part of the proposal, the better management of the area around the Scheduled Monument, in terms of landscape management is offered as one benefit of the scheme. Historic England acknowledges the *'removal of the dense scrub will certainly allow a better understanding of the main purpose of the defences here. Those public benefits are significant, but could (at least theoretically) be delivered by another mechanism other than development'*. No details have been provided to suggest an alternative mechanism to deliver these benefits without development. It is most likely that the only route would be through the goodwill of the site owner. Whilst the scrub obscures views of the Scheduled Monument, it does not appear to be physically harming or causing deterioration to the structures and therefore, the normal options available to force owners to carry out work to prevent assets falling into disrepair, is unlikely to be an option. Furthermore, something more binding will be required to ensure the longer-term management of the landscape around the structures; the development has the potential to offer this benefit.

- 9.64. In conclusion, Historic England acknowledge the public benefits offered by improved management around the area of the Scheduled Monument and *'the wider economic benefits in terms of the overall management of a unique conservation area and its other designated assets'*. They go on to advise *'it is for the local authority to decide if those benefits outweigh the harm to the asset'* identified in their consultation response.
- 9.65. It is your officer's opinion that the design of the buildings (at the reserved matters stage) can be negotiated to reduce the harm caused to the setting of the Scheduled Monument. The parameter plans set out maximum areas for development, which have the flexibility to be adjusted with particular consideration to the Scheduled Monument, but which also show scope to provide gaps between some of the buildings to protect key views. Furthermore, the architectural style of the buildings can be carefully considered to ensure they are understood as a new yet complementary addition to the site rather than confusing the historic context; in this location the site would be capable of adopting a modern architectural style that takes references from the historic architecture rather than trying to replicate it.
- 9.66. The proposal offers the opportunity to ensure appropriate landscape management is agreed for the land surrounding the Scheduled Monument. This would better reveal the structures and their relationship with other structures around the site, therefore improving the understanding of the defence structures as a whole. Whilst this could theoretically be achieved without a development proposal, the application does offer the opportunity to secure this via condition and provide the Council with control over the detail of the landscape management plan. Furthermore, the development of this area of the site has the potential to provide access to the Scheduled Monument for staff/visitors at the site.
- 9.67. The proposal also offers other significant public benefits from an economic point of view. The proposal will provide business uses creating jobs and supporting the local economy. The site owners have a track record of supporting high quality apprenticeship schemes on the site and this proposal includes educational facilities to support further schemes.
- 9.68. When considering the proposal against the test set out in paragraph 196 of the NPPF, it is considered that the public benefits of the scheme would outweigh the 'less than substantial harm' caused by the proposal. Conditions can be imposed to secure the long-term landscape management of the area to ensure the Scheduled Monument is appropriately revealed and understood in the wider context.
- 9.69. It is noted that at the reserved matters stage, the application will need to take great care in the design and layout of the buildings; reducing harm to the Scheduled Monument should be at the forefront of the design process. There will be an expectation for gaps between the buildings to be carefully sited to ensure they allow the original 'field of fire' to be understood and this important view through the development to be retained.
- 9.70. Conservation Area: The significance of this site relates to this being one of the best-preserved examples of an inter-war airfield, developed after the First World War at a time when technological advances in aircraft led to a need for different philosophies in military architecture and urban planning, led by Sir Hugh Trenchard (founder of the RAF).
- 9.71. The Conservation Area Appraisal describes the military base at RAF Bicester as *'the quintessential airfield of its age; almost better than any other site it typifies the public perception of the World War II airfield'*. It goes on to say *'The character of RAF Bicester is unified by its function as a military station. There were principles*

underpinning the planning of airfields in the first half of the 20th century and these are key determinants of the character that remains today'. English Heritage (now Historic England) also states that 'RAF Bicester retains, better than any other military airbase in Britain, the layout and fabric relating to pre-1930s military aviation.....With West Rainham in Norfolk it comprises the best-preserved bomber airfield dating from the period up to 1945....it also comprises the best preserved and most strongly representative of the bomber stations built as part of Sir Hugh Trenchard's 1920's Home Defence Expansion Scheme'.

- 9.72. The base was designated a conservation area in 2002, its primary architectural and social historic interest being its interwar design, layout and use. The nature of the site is defined by the historic landscape character of distinct zones; the domestic site (to the west of Buckingham Road), the technical site and the flying field (to the east of Buckingham Road). The layout of the site is built to a 'trident' pattern – with 3 arms branching out from a central axis creating avenues. The location of buildings was deliberately spacious so that if any buildings were ever bombed other buildings may be preserved. The conservation area designation acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the military landscape are preserved.
- 9.73. It is in recognition of the significance of the site in the national context that Policy Bicester 8 of the Cherwell Local Plan requires a 'conservation-led' approach to the development to be taken. Policy ESD15 of the Local Plan also requires developments to conserve, sustain and enhance designated and non-designated heritage assets and their settings.
- 9.74. The proposed site is located on the edge of the airfield (beyond the perimeter track) in the southeast corner of the site. This area was originally part of a network of access roads and 'panhandles' used to store aircraft in a dispersed manner. Originally, the dispersal areas would have extended far beyond the current site. The expansion of Bicester for residential development and the re-alignment of Skimmingdish Lane has dissected the panhandles and significantly reduced the overall size of the airfield.
- 9.75. In terms of remaining physical evidence, there is some hardstanding remaining in the location of the panhandles within the application site, although the condition has eroded over time. The application seeks to incorporate the location of the access route and one of the panhandles into the design of the internal road layout to ensure this element of history can still be understood within the context of the site.
- 9.76. In terms of considering the visual impacts of the proposed development on the character and appearance of the Conservation Area, consideration needs to be given to views of the proposal from within the Conservation Area itself and the impact on current views into the Conservation Area.
- 9.77. Due to the openness of the airfield, there will be clear views of the proposal from within the Conservation Area; these views will be across the airfield and from the technical site. The height parameters have been set to ensure the buildings would be no higher than the buildings on the land immediately adjacent to the site. Design of the buildings can be carefully considered to ensure the new buildings are easily read as new additions to the site.
- 9.78. The designation of a Conservation Area does not serve to prevent any changes within the area, but is there to ensure any changes are sympathetic to its character and preserves its history. Furthermore, in allocating the site for development, Policy

Bicester 8 of the Cherwell Local Plan 2031 included the whole of the airfield and therefore it is not unreasonable to expect some potential development in this area.

- 9.79. The buildings proposed would sit in the context of the adjacent industrial buildings and the built development of the residential areas of Bicester. Due to the proposed location, a large gap will be left along the southern boundary; this will distinguish the new buildings from the technical site and maintain the open feel of the airfield on this side. With careful design, the buildings would not be overly intrusive and would respect the character and appearance of the Conservation Area.
- 9.80. When looking into the Conservation Area from the public domain, the main affected view will be that from Skimmingdish Lane. In this context the buildings will be clearly read in the context of the neighbouring industrial buildings. By maintaining a gap along the southern boundary, there will still be opportunities to view the wider airfield from this side.
- 9.81. Listed Buildings: The listed buildings on the site are clustered within the technical site, with the majority of the original buildings having a listed status including the hangars that form the 'waterfront' facing onto the airfield.
- 9.82. There will be points where the new buildings could be viewed within the context of the technical site (and the listed buildings) but these would be longer distance views.
- 9.83. It is considered that with careful design, the proposed buildings can be developed without causing significant harm to the setting of the listed buildings. Any harm would be less than substantial and therefore fall under the test set out in paragraph 196 of the NPPF. As set out when considering Scheduled Monuments, there are public benefits of the scheme that would outweigh this limited harm.
- 9.84. Archaeology: Oxfordshire County Council's Archaeologist has confirmed there are no below ground archaeological constraints to this development. With regards to Scheduled Monuments, they defer to Historic England to provide advice on this matter.

Conclusion

- 9.85. The proposed addition of new buildings in the southeast corner of the airfield is considered to cause less than substantial to the designated heritage assets; these being a Scheduled Monument, a range of Listed Buildings and the RAF Bicester Conservation Area. Paragraph 196 of the NPPF requires this harm to be '*weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'.
- 9.86. The public benefits of the scheme can be summarised under two key areas; 1) Improved landscape management of the area around the Scheduled Monument to better reveal its significance and relationship with the wider site, 2) Economic benefits including the creation of new jobs and apprenticeship schemes at the site. It is also acknowledged that development of the site would allow the Scheduled Monument to become accessible to staff/visitors of the new development.
- 9.87. It is acknowledged that high quality, good design will be essential in terms of reducing the level of potential harm and mitigating any impacts. At the reserved matters stage the design will need to be held up to high levels of scrutiny, but officers are convinced that a suitable design option is entirely possible. The site would be capable of accommodating a high quality contemporary development that ensures this phase of development reads as a new addition to the site history.

Furthermore, the applicant has demonstrated the ability to deliver high quality design on the existing site.

- 9.88. In conclusion, the public benefits of the scheme are considered to outweigh the 'less than substantial harm' and therefore the test set out in paragraph 196 of the NPPF is met. Appropriate conditions including the requirement for a detailed management plan (relating to the Scheduled Monument) and the requirement for a design code are included in the recommendation.

Landscape and Visual Impact

- 9.89. Policy ESD13 of the Cherwell Local Plan 2031 states '*Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.*

Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:

- *Cause undue visual intrusion into the open countryside*
- *Cause undue harm to important natural landscape features and topography*
- *Be inconsistent with local character*
- *Impact on areas judged to have a high level of tranquillity*
- *Harm the setting of settlements, buildings, structures or other landmark features, or*
- *Harm the historic value of the landscape*

- 9.90. The openness of the airfield at Bicester Heritage is one of the distinctive features of the site and significantly contributes to the overall character of the site. Consideration needs to be given to the landscape and visual impact of the proposal both from within the site and the wider area. There are no statutory landscape designations at the site, but careful consideration needs to be given to the character of the Conservation Area and the historic landscape.

- 9.91. The application has been submitted with a Landscape Character and Visual Impact Assessment. The report has resulted from a process of desktop study, site appraisal and analysis (based on current guidelines). The report addresses the landscape and visual impact of the FAST development on the site itself, on the wider setting of the former RAF Bicester, and the wider landscape.

- 9.92. The report acknowledges there will be some receptors that will experience more change than others. However, the parameter plans have been informed by the information collected. Heights are reflective of the adjacent industrial units, with a reduction as you move into the site along Skimmingdish Lane. In the context of Skimmingdish Lane, views from the public domain (closest to the site) will not be significantly harmed because of the wider context of the area.

- 9.93. In terms of the openness of the airfield, the site is deliberately chosen as it is set back beyond the perimeter track and the flying field. Given the backdrop of existing buildings, the report concludes '*The overall impact is therefore not considered to be so great as to overwhelm or to significantly harm the existing open character of the airfield*'. It should be noted that impact on the character of the Conservation Area and impact on heritage has been assessed in detail in the section above.

- 9.94. Due to the location of the proposed development, important views from the historic technical site and watchtower, out towards the open countryside would not be impacted.
- 9.95. It is considered that the former RAF Bicester Site does have some capacity to absorb some change, this is reflected in its allocation under Policy Bicester 8 of the Cherwell Local Plan. The location of the application site would mean that any development could be clearly read as an addition to the site without overwhelming or detracting from the historic character of the site. The proposed uses and the scale of the buildings proposed, are not considered to be inappropriate.
- 9.96. Policy ESD13 of the Cherwell Local Plan seeks to protect the unique character of landscapes within the district, but it is not intended to prevent change. The proposal would sit within the context of other buildings of a similar scale and appropriate landscaping can be effectively used to mitigate the longer term visual impacts.
- 9.97. The Council's Landscape Officer has reviewed the Landscape and Visual Impact Assessment, providing comments throughout the pre-application process and reviewing the final submission. No objections have been raised in relation to the methodology or the conclusions; comments provided at the pre-application stage have been incorporated within the final submission.
- 9.98. As is being highlighted throughout this report, the importance of design is recognised in the applicant's Landscape and Visual Impact Assessment which states *'the importance in landscape and visual terms of the detailed buildings design cannot be understated. The nature of the buildings form, massing and detailing can drastically alter the appearance and impact on character and views'*.
- 9.99. Your officers consider that the development can be designed to sit sensitively within its setting and design can be used to mitigate landscape impacts. To ensure this is adequately considered, a condition has been recommended requiring a further Landscape and Visual Impact Assessment to be submitted with each reserved matters application. In conjunction with a design code requirement, this will ensure the site is developed in a cohesive way and provides high quality design.

Ecology Impact

Legislative context

- 9.100. 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', and the adaptation of planning and other controls for the protection of European Sites.
- 9.101. 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.
- 9.102. 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.

9.103. 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.

9.104. 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

9.105. 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.

9.106. 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.

9.107. 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.

9.108. Policy ESD10 of the Cherwell Local Plan 2011-2031 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.

9.109. This policy 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.

9.110. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment – Impact on Protected Species

9.111. 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')

9.112. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains historic structures (seagull trenches and pillboxes), is within a Local Wildlife Site and there are a number of mature trees/hedgerows within and adjacent the site, and therefore the site has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.

9.113. 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.

9.114. 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.

- 9.115. The application is supported by a detailed ecological assessment which states that *'a number of protected species surveys and assessments have been undertaken across the wider site (including the FAST site). These surveys have identified the wider site to support a range of species, not least a notable invertebrate assemblage (of at least local value), a medium population of GCN and a small to medium populations of common reptiles. Of additional interest is the presence of a modest assemblage of wintering and breeding birds, badgers and low levels of foraging and commuting bats'*. When discussing the application site, the report states *'as a component of the wider site, (the application site) provides a subset of the wider resource for the above faunal assemblages, the FAST site itself only supports a relatively limited range of the habitat mosaic present within the wider site (with much of the biodiversity interest confined to the quarry area). Important opportunities nonetheless exist for common reptiles and a range of invertebrates within the FAST site, with limited opportunities for foraging and commuting bats, breeding and wintering birds'*.
- 9.116. The submitted ecological report concludes that *'the ecological survey work undertaken at the site has informed emerging masterplan proposals for the wider site, as well as the outline development proposals for the FAST site. Appropriate principles and measures have been identified to avoid impacts where possible and otherwise to guide appropriate mitigation and enhancement opportunities which may be implemented at a detailed design stage of planning. As such, it is considered that the FAST proposals may offer long term enhancements for biodiversity over the existing situation, in line with relevant legislation and planning policy'*.
- 9.117. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that 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.

Assessment – Impact on Biodiversity

- 9.118. Policy ESD 10 of the Cherwell Local Plan seeks to protect and enhance the natural environment by a number of measures. One requirement is *'in considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources'*.
- 9.119. The site is part of a Local Wildlife Site, some of which will be lost through this development. The Council's Ecologist has advised *'applicants have submitted a Biodiversity Impact Calculator which shows that despite the proposed habitat creation on site and enhanced management of areas of grassland there would be an overall net loss in habitat value on site. A cover note is included which outlines some of the specific circumstances on this site which make it more difficult to achieve a no net loss score through the use of a metric. I have no argument with much of this and the points made are all valid. Metrics are a tool to help assess overall biodiversity loss and gain and it is known that there are exceptions such as scrub removal/grassland management which may not be taken into account. I would conclude from this that long term a net loss is likely to be avoided here'*.
- 9.120. In short, the Council's Ecologist accepts the position that the proposal would not result in a loss of biodiversity overall. The Council aims to seek a net gain in the region of 10% of the original biodiversity value, but can only require a demonstration of clear and meaningful net gain. It is unclear if this net gain can be achieved as the

data appears to rely on green roofs being incorporated on buildings, but with appearance being a reserved matter, the design of the buildings is yet to be finalised. It is accepted if green roofs were included, they could give a greater score.

9.121. An alternative that has been discussed is the provision of biodiversity gain elsewhere on the Bicester Heritage site (on land within the applicants ownership). Given the design will not be agreed until the reserved matters stage, and there is the potential to provide biodiversity net gain on the wider site, it is considered that a condition would be an acceptable route to achieving this. It would give the applicant the flexibility to demonstrate net gain within the development if features such as green roofs are included in the building designs or they have the option of providing alternative habitat creation elsewhere on the wider site.

Highway Safety – Accessibility and Access

Accessibility

9.122. Initial objections were raised by the Local Highway Authority regarding the accessibility of the site and its connections to the wider public transport network. The Local Highways Authority commented that *'the proposed FAST site is not as well located in terms of access to sustainable transport as other areas of the wider Bicester Motion site, however improved options for sustainable travel could be made available for future occupiers and visitors to both the FAST site and the wider allocation site with a comprehensive sustainable transport strategy. The county council does not consider that the application demonstrates that appropriate opportunities to promote sustainable transport modes have been taken up, as required under para 108 of the NPPF, and therefore objects to the application'*.

9.123. It is important that the site connects well to the local public transport network and the wider pedestrian/cycle links in Bicester to link it up with residential areas and other leisure based areas such as Bicester Village and the Town Centre. To ensure the site maximises potential accessibility, it needs to demonstrate good links through the wider Bicester Heritage site to ensure maximum opportunities to access bus stops on the Buckingham Road side of the site.

9.124. Following ongoing discussions and the submission of further information, the Local Highway Authority have now withdrawn their objection. A transport Technical Note has been submitted which outlines the accessibility of the application site and proposals to enhance the access by sustainable transport. The Local Highway Authority comment that:

- *The proposed footway/cycleway connection between the site access and the existing facilities on Skimmingdish Lane is welcomed.*
- *Further information has been submitted to outline the internal footway/cycle connections that will be provided on-site*
- *The County Council welcome the proposed provision of secure and covered cycle parking.*

9.125. The County Council maintains the need for the proposal to be considered in the context of both the recently permitted developments and the extensive future masterplan for the site. Therefore, financial contributions have been sought. These are discussed below.

Access

9.126. The proposal includes a new vehicular access point on to Skimmingdish Lane which would be used to provide access for servicing and staff. An existing access

point (currently used by the Gliding Club) would be used for visitors and essentially provide the 'front of house' entrance. It is understood that the two accesses would be used separately and would not provide a through route within the site.

- 9.127. Highway works are proposed (which will require Traffic Regulation Orders) to ensure vehicles can only leave the site with a 'left turn only' on to Skimmingdish Lane. With the proximity of the Launton Road roundabout, this is considered to be acceptable as it would allow vehicles a convenient option for turning to access the opposite carriageway.
- 9.128. With regards to the new access, the Local Highway Authority have maintained a view that they do not believe the access is absolutely necessary to enable the development to proceed, however, they have concluded that *'while the county council does not necessarily support the creation of another access into the site from Skimmingdish Lane, it is not considered that this is a sufficient reason to object to the development'*.
- 9.129. Officers raised concerns at the pre-application stage that a separate access to the site would provide the potential for the site to be separated from the remainder of the former RAF site. However, refusing the new access on this basis would not necessarily prevent this from occurring; with access from the existing gliding club entrance, the site could still easily be separated. The key will be ensuring the design of the development provides strong links with the existing site rather than turning its back on the airfield.
- 9.130. Pedestrian and cycle access to the site will utilise the existing gliding club access with an informal tactile crossing with a pedestrian/cycle refuge island being provided on Skimmingdish Lane.

Strategic Transport - Skimmingdish Lane

- 9.131. As part of the wider strategic transport infrastructure for Bicester, proposals are being developed for the potential widening of Skimmingdish Lane. The Local Highway Authority have advised:

'Intensification of access from Skimmingdish Lane is not desirable, due to the strategy to dual the road. In these circumstances the junction could only be left-in, left-out, with appropriate acceleration and deceleration flares or may not even be possible at all depending on the eventual scheme layout.'

The site abuts the highway boundary and so it is difficult to determine what the future impact of such a scheme would have on the site or visibility from a site access onto Skimmingdish Lane. This should be taken into account in consideration of the location of the built area of the site, in order to reduce the potential visibility constraint between the access and Skimmingdish Lane'.

- 9.132. The proposal to dual Skimmingdish Lane is not yet fully developed or adopted by the Local Highway Authority as a future scheme. Therefore, whilst consideration can be given to ensure the visibility from the site takes account of this future potential scheme, it would not be reasonable to prevent the new access on this basis. The application must be determined on the basis of planning policy and material considerations as they exist at the current time.

Traffic Impact

- 9.133. The Local Highway Authority has advised *'the trip rate for the proposed development has been derived from surveys taken at the existing Technical Site.'*

This approach is acceptable on the understanding that the use of the proposed units will be restricted to that of a similar nature to the Technical Site, primarily as a campus dedicated to motoring and aviation or similar use as permitted under Policy Bicester 8. A planning condition is requested to ensure this'.

9.134. Following the junction assessments, the County Council states:

'mitigation schemes at the A4421 Buckingham Rd / A4421 Skimmingdish Lane / Buckingham Road / A4095 roundabout and the A4421 Skimmingdish Lane / Launton Road / Care Home roundabout junctions are considered necessary to mitigate the development's traffic impact. However, there is a need to limit the number of works taking place at these junctions to avoid unnecessary disruption to the highway network, bearing in mind the S278 mitigation schemes at these same junctions already permitted and required to mitigate the impact of the approved hotel development at the Bicester Motion site.

Furthermore, the proposed mitigation schemes for this (FAST) application do not take account of forthcoming applications that are expected, associated with the wider masterplan, meaning further mitigation may be required at the same junctions, causing further disruption to the network and, potentially, abortive works. An agreement is therefore required on an approach to delivering the mitigation that is required for all these developments while limiting the impact of works at these junctions. Minor alterations to these mitigation schemes will be required, for instance the proposed hatching at the existing deceleration lane on the east side of Buckingham Road will need to be altered to take account of the bus stop, however details such as these can be worked through at the detailed design S278 stage. As noted in the TA, the county council is collecting developer funding contributions towards a mitigation scheme for the B4100 Banbury Road / A4095 Southwold Lane / A4095 Lords Lane roundabout junction. Therefore, rather than the developer implementing a smaller scale 'nil-detriment' mitigation scheme, it is considered fair that a financial contribution to the equivalent value of the cost of the proposed mitigation scheme is made towards the larger-scale mitigation scheme that OCC is collecting towards. This financial contribution would be pooled with S106 developer contributions already secured towards that scheme and used to supplement forthcoming funding streams that become available (e.g. Bicester Garden Town funding)'.

9.135. Consideration of requests for financial contributions are set out in the section below.

Car and Cycle Parking

9.136. The Local Highway Authority acknowledge that the level of car and cycle parking will be provided in accordance with the County's guidance. As the application has been submitted in outline, the final detail, including number, type and location of provision will be determined at the reserved matters stage. The site is considered to be of a sufficient size to accommodate an appropriate level of provision.

Travel Plan

9.137. Detailed comments have been provided in response to the submitted Travel Plan and the applicant is advised to consider the Country Council's travel plan guidance. The current Travel Plan is unacceptable and therefore a condition will be recommended to ensure a revised plan is submitted.

Residential Amenity

- 9.138. Paragraph 127 of the National Planning Policy Framework includes, as a core planning principle, a requirement that planning should have a *'high standard of amenity for all existing and future users'*. This is reflected in Policy ESD 15 of the Cherwell Local Plan 2031, which states that *'new development proposals should: consider the amenity of both existing and future development, including matters of privacy, outlook, natural light, ventilation, and indoor and outdoor space'*.
- 9.139. The nearest residential properties are some distance away from the application site on the opposite side of Skimmingdish Lane. The type of employment development proposed is similar to the employment site (Link 9) immediately adjacent to the application site. The proposal would have no greater impact than the existing situation with employment uses in this area. Furthermore, it is not envisaged that this type of development would cause harmful levels of noise and the Council's Environmental Protection Officer has raised no concerns.
- 9.140. Representations have been received for this application which raise concerns relating to noise, but these concerns appear to be related to the masterplan proposals to utilise the airfield perimeter track for motor vehicles and this does not currently form part of the proposal before Members. The existing use of the site for event days is also outside of the scope of this application.
- 9.141. Given the above position, it is not considered that this development would cause any detrimental impact to residential amenity.

Flood Risk and Drainage

- 9.142. The application site is located within Flood Zone 1 which means it is at low risk of flooding from fluvial, tidal or groundwater flood events. However, Policy Bicester 8 requires development proposals to consider the Council's Strategic Flood Risk Assessment and as the proposal is a major development, the application has been supported by a Flood Risk Assessment. A flood risk and drainage assessment report has been submitted with the application.
- 9.143. The Flood Risk Assessment concludes the site *'is not identified as being at risk of flooding associated with fluvial, pluvial, tidal, sewers or groundwater. There is an overland pluvial flood risk within the south west part of the development but the proposed drainage strategy for the New Technical Site will manage the overland flows. However, should overland flows enter the site then the proposed infiltration swales will convey them to a shallow infiltration basin located in the southern corner of the site'*.
- 9.144. In terms of surface water runoff, the report concludes this *'should be managed using Sustainable Urban Drainage Systems (SuDS) as these will not only manage surface water run-off, but also offer benefits in pollution prevention creating and sustaining better places for people and nature. SuDS systems identified to manage the surface water run off from the Bicester Motion development have been detailed on the outline drainage strategy drawing provided in Appendix D. The local geology (cornbrash formation) suggests there is a high potential for infiltration which greatly benefits use of the SuDS systems. Infiltration testing undertaken as part of the site investigation for NTS identified that soakage systems are a suitable means of surface water disposal'*.
- 9.145. Oxfordshire County Council as the Local Lead Flood Authority have assessed the submitted information and raise no objection to the proposal. Conditions have been requested to ensure the required infiltration data is provided and that Sustainable

Urban Drainage Systems are implemented and maintained on the site. All of the suggested conditions have been included within the officer recommendation.

- 9.146. With regards to waste water infrastructure and water network infrastructure, Thames Water have provided comments raising potential capacity issues with network capacity. They have suggested conditions to ensure details and any required network upgrade works are agreed prior to occupation on the site. The applicant's Flood Risk Assessment acknowledges this issue and the need to carry out a pre-development enquiry with Thames Water.

Environmental Impacts

- 9.147. The proposals have been submitted with a Phase 1 Land Contamination and ground Condition Report which concludes that that the application site is of low risk from contaminants and it is unlikely that ground conditions or potential pollutant sources would have any significant impact on industrial or commercial development and the associated receptors identified.
- 9.148. The Council's Environmental Protection Officer has confirmed that he is satisfied with the findings of the Phase 1 report and its recommendations that the majority of the site is safe for this type of development.
- 9.149. Recommendations relating to the need for a Phase 2 study relating to the quarry site are beyond the remit of this application; the quarry site is on the opposite side of the airfield and outside of the application site area.
- 9.150. Conditions have been recommended to ensure that any mitigation and recommendations associated with the application site are carried out and to ensure that any unsuspected contamination found during construction is dealt with appropriately.
- 9.151. With regard to air quality, it should be noted that the Council's Environmental Protection officers have requested conditions requiring an air quality impact assessment and, if necessary, a mitigation strategy. No justification is provided for these conditions, and similar conditions have not been applied to the existing consents at the Bicester Motion site including the New Technical Site which is under construction. Therefore Officers consider these conditions do not meet the relevant tests in the NPPF and should not be applied.

Energy Efficiency

- 9.152. Policies ESD1-5 of the Cherwell Local Plan 2031 require development proposals to mitigate the impacts of climate change by providing a reduction in carbon emissions through sustainable construction by using decentralised energy systems and renewable energy.
- 9.153. No energy statement has been submitted with the application, but as the application is submitted in outline with all matters reserved except for access, and given the heritage constraints of the site, it is acceptable for this matter to be dealt with at the reserved matters stage when full design details are considered.
- 9.154. It should be noted that, whilst it is clearly important to ensure compliance with Policies ESD1-5, the energy proposals will need to be balanced against the heritage context of the development to ensure that all proposals are appropriate to its surroundings and will not adversely impact on the heritage assets. As noted above, the site is sensitive in heritage terms and design will play a key role in ensuring the

buildings are appropriate for the setting, therefore any energy proposals that impact on the external appearance of the buildings will need to be carefully considered.

Planning Obligations

9.155. OCC Highways have requested the following Section 106 contributions on the grounds they are necessary to fund improvements to the local transport network, to mitigate the traffic and transport impacts of the development:

- Strategic Highways Contribution (Skimmingdish Lane) - £219,397
- Traffic Regulation Order - £6,240
- Travel Plan Monitoring Fee - £2,040
- Highway Works 1 (Banbury Road Roundabout) – Cost TBC
- An obligation to enter into a Section 278 agreement

9.156. A strategic highways contribution is required towards:

Local Transport Plan Bicester Area Strategy Policy BIC 1 scheme:

'Upgrade link to dual carriageway on the A4421 between the Buckingham Road and Gavray Drive to complement the transport solution at the railway level crossing at Charbridge Lane and facilitate development in the area.'

The contribution would be used towards the dualling of the Skimmingdish Lane section of the above scheme.

The County Council has provided a detailed justification for this request and information setting out the calculation used to determine the financial contribution.

9.157. In respect of other Section 106 obligations requested, the changes to the Traffic Regulation Order are considered necessary in order to make the development safe in terms of highway safety and a contribution towards the monitoring of the Travel Plan for a period of 5 years is necessary to ensure that it remains up to date.

9.158. Section 278 highways works will also be required for works to the two access points on Skimmingdish Lane and two off-site roundabout mitigations. It is intended that these measures would also be secured via the Section 106 agreement.

9.159. OCC considers that all of these contributions are required in order to make the development acceptable in planning terms and that they are all justified and compliant with CIL Regulation 122. The applicant has informally agreed to the requested contributions and the County Council Officers will be instructing their solicitors to commence work on the Section 106 agreement.

9.160. Initially a Public Transport Service contribution (£187,200) and Highways Works relating to foot/cycleway connections (£86,190) were also sought. Following discussions with the applicant and the County Council, OCC Highways have withdrawn these requests as it was accepted the contributions were related to the wider masterplan proposals (the applicant's aspirations for the site) which do not form part of the current application and therefore were not considered to be compliant with CIL Regulation 122.

10. PLANNING BALANCE AND CONCLUSION

10.1. Achieving sustainable development comprises of three objectives; an economic objective, a social objective and an environmental objective. The objectives need to be balanced to ensure they can be pursued in a mutual supportive way.

- 10.2. The application proposes the provision of additional employment development that will support the local economy and create additional jobs, providing an economic benefit thereby meeting the economic objective. It is anticipated that the development will create a well designed and safe place for employees and visitors, allowing some access to this part of the historic site and the scheduled monuments. The creation of employment development contributes to creating vibrant communities thereby meeting the social objective. The buildings can be designed to ensure they meet the required energy efficiency standard. The proposal would respect the historic and natural environmental context of the site, providing mitigation and enhancement where required thereby meeting the environmental objective. Therefore, the development is considered to constitute 'sustainable development'.
- 10.3. Whilst it is acknowledged that the proposal is considered to cause less than substantial harm to the heritage assets at the site, this is considered to be outweighed by the public benefits derived from the proposal in terms of finding an economically viable use for this part of the site, providing many economic benefits to Bicester and the District and improving the historic relationship between the Scheduled Monument and the wider site to enable the defence structures to be appreciated in a collective manner and securing their long-term future.
- 10.4. The application site is an allocated site under Policy Bicester 8 of the Cherwell Local Plan. The proposal, including the uses applied for, complies with the details of the allocation. Whilst it is acknowledged there may be some limited impact on gliding/aviation at the site, the proposal would not prevent it entirely and therefore the policy support for the continuation of gliding is met.
- 10.5. As set out in the assessment above, the proposal is not considered to cause harm to residential amenity, highway safety (subject to infrastructure works and financial contributions), the wider landscape setting of the site, ecology, contaminated land or flood risk and drainage.
- 10.6. The proposal is therefore considered to comply with the relevant policies of the Development Plan set out in the report, specifically Policy Bicester 8 and the National Planning Policy Framework, and permission should be granted.

11. 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) Strategic Highways Contribution (Skimmingdish Lane) - £219,397
- b) Traffic Regulation Order - £6,240
- c) Travel Plan Monitoring Fee - £2,040
- d) Highway Works 1 (Banbury Road Roundabout) – Cost TBC
- e) An obligation to enter into a Section 278 agreement

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 17th JULY 2020. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS

BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate highway mitigation works required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, contrary to Government Guidance contained with the National Planning Policy Framework.

CONDITIONS

Time Limit and Plans

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

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 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

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).

3. 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:

Plans

- 5002854-RDG-Z05-ST-PL-A-0012 – Site Location Plan A
- 5002854-RDG-Z05-ST-PL-A-0010 Rev D – Site Location Plan B
- 5002854-RDG-Z05-ST-PL-A-0030 Rev H – Indicative Layout Plan
- 5002854-RDG-Z05-ST-PL-A-0090 Rev H – Parameter Plan: Proposed Land Use
- 5002854-RDG-Z05-ST-PL-A_0092 Rev K – Parameter Plan: Proposed Developable Area
- 5002854-RDG-Z05-ST-PL-A-0094 Rev K – Parameter Plan: Existing and Proposed Heights and Massing
- 5002854-RDG-Z05-ST-PL-A-0096 Rev F – Parameter Plan: Proposed Open Space/Landscape
- 5002854-RDG-XX-ST-PL-C-0503 Rev B – Surface Water Drainage Strategy

Documents

- Planning Statement prepared by Edgars dated November 2019
- Design and Access Statement prepared by Ridge and Edgars dated June 2019
- Heritage Report prepared by Worlledge Associates dated November 2019
- Archaeological Desk Based Assessment prepared by Oxford Archaeology dated September 2018
- Landscape Character and Visual Impact Assessment prepared by Anthony Stiff Associates Ltd dated November 2019
- Arboricultural Implications Assessment prepared by Brian Higginson (On Centre Surveys Ltd) dated April 2019
- Flood Risk and Drainage Assessment prepared by Ridge dated November 2019
- Phase 1 Land Contamination and Ground Condition Report prepared by Crestwood Environmental Ltd dated July 2018

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.

4. No development shall take place until a phasing plan covering the entire application site has been 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.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in the interests of well-planned development, in accordance with Policies ESD15, Bicester 8 and INF1 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.

Design

5. Prior to the submission of any reserved matter application, a Design Code shall be submitted to and approved in writing by the Local Planning Authority covering at least such matters as the distribution of land uses, forms of buildings, identification of building frontages, materials, boundary treatment positions and types, strategic landscape, servicing, parking and sustainability features. Thereafter the reserved matters shall be made in accordance with the agreed Design Code.

Reason: To ensure high quality development in accordance with Policies ESD13, ESD15 and Bicester 8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with

Policies ESD13, ESD15 and Bicester 8 of the Cherwell Local Plan 2011-2031 Part 1 and advice within Section 12 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.

7. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed 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.

8. A Signage Strategy for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external signage (either free-standing or on buildings). The signage shall be installed in accordance with the approved scheme thereafter.

Reason: In the interests of visual amenity, to preserve the character and appearance of the conservation area and to comply with Policy ESD15 and Bicester 8 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C18, C28 and C30 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

9. Full details of the refuse/recycling bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that work. Thereafter and prior to the first occupation of the development, the refuse/recycling bin storage area(s) shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse/recycling bins.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 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.

Landscaping

10. Each reserved matters application shall be accompanied by an updated Landscape Character and Visual Impact Assessment considering the impact of the final design of the building(s), identifying any changes to the level of impact, and setting out how the building(s) have been designed to reduce impact.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 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.

11. A schedule of landscape maintenance for a minimum period of 10 years starting from first occupation or completion of the development (whichever is sooner) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. Thereafter the approved landscaping shall be

maintained in accordance with the approved schedule.

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 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.

Highways

12. No development shall take place until a Construction Travel Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include the following:

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes 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.
- 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 onsite works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- 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.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times, in accordance with guidance contained in 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.

13. No development shall take place until full specification details (including construction, layout, surface finish and drainage) of the turning areas which shall be provided within the curtilage of the site so that motor vehicles, including HGVs, refuse vehicles and fire tenders may enter, can turn and leave the site in a forward direction, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the turning area shall be constructed in accordance with the approved details and shall always be retained for the manoeuvring of motor vehicles thereafter.

Reason: In the interest of highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and the 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.

14. No development shall take place until a plan showing car parking provision for an agreed number of spaces to be accommodated within the site to include layout, surface details, and drainage, has been submitted to and approved in writing by the Local Planning Authority. The number of spaces to be provide shall be based on an indicative breakdown of the Gross Internal Area (GIA) between the proposed land uses and in line with the County Council's car parking standards. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason: In the interest of highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and the 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.

15. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and the Government guidance contained within the National Planning Policy Framework.

16. Prior to the first occupation of the development, the submitted Framework Travel Plan shall be revised and resubmitted for approval in writing by the Local Planning Authority. Thereafter the development shall be carried out and operated in accordance with the measures and recommendations contained in the approved Framework Travel Plan.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and the Government guidance contained within the National Planning Policy Framework.

Drainage

17. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods, to include a fully detailed list of all SuDS features to be used on site, has been submitted to and approved in writing by the Local Planning Authority.

The detailed design shall be based on the principles as set out in: Ridge Flood Risk and Drainage Assessment, 12th November 2019. 5002854-RDG-XX-ST-PL-C-0503-B-F.A.S.T. - Surface Water Drainage DRAWING 5002854-RDG-XX-XX-DOC-C-0552 App D SW Drainage Strategy 5002854-RDG-XX-XX-DOC-C-0552 App E Source Control Calc 5002854-RDG-XX-XX-DOC-C-0552-3.0-F.A.S.T. - Flood Risk and Drain REPORT and shall include:

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation;
- e) Site investigation and test results to confirm infiltrations rates.

The surface water drainage scheme shall be implemented in accordance with the approved detailed design prior to the first use of any building commencing and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the development is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in 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.

18. No buildings hereby permitted shall be brought into use until confirmation has been provided to the Local Planning Authority that either:

- a) all water and wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
- b) an infrastructure phasing plan has been agreed with Thames Water to allow additional business units to first be brought into use. Where an infrastructure phasing plan is agreed no use of the buildings shall take place other than in accordance with the agreed infrastructure phasing plan.

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, to comply with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1.

Contaminated Land

19. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation (Stage 2 contaminated land report) 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 'Model Procedures for the Management of Land Contamination, CLR 11' 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.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and 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.

20. If contamination is found by undertaking the work carried out under condition 19, 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 'Model Procedures for the Management of Land Contamination, CLR 11' 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.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and 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.

21. If remedial works have been identified in condition 20, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 20. 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

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

22. 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.

Reason: To ensure that any ground and water contamination is identified and

adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Ecology

23. The development hereby approved shall be carried out in accordance with the recommendations set out in the Ecological Assessment carried out by Ecology Solution dated November 2019.

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.

24. No development shall take place until a Landscape and Ecology Management Plan (LEMP) including a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

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.

25. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm 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 mitigation scheme.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 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.

26. All site clearance (including the removal of any vegetation 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 alternative provisions have been previously agreed in writing by the Local Planning Authority.

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.

Noise

27. Prior to the first use of any building hereby permitted, all mechanical plant or machinery to be installed within the relevant building shall be identified and

assessed in accordance with BS4142:2014 and the report, along with any mitigation or acoustic enclosure required, submitted to and approved in writing by the Local Planning Authority. Where the approved assessment identifies the need for any mitigation or acoustic enclosure, these measures shall be put in place prior to the first occupation of any building.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained in the National Planning Policy Framework.

Electric Vehicle Charging

28. Prior to the commencement of the development of any phase, full details of Electric Vehicle Charging (EVC) points and EVC infrastructure to be provided in that phase shall be submitted to and approved in writing by the Local Planning Authority. The Electric Vehicle Charging (EVC) points and EVC infrastructure shall be installed and operational prior to the first use or occupation of any building within that phase of the development hereby permitted and retained thereafter.

Reason: To ensure energy and resource efficiency practices are incorporated into the development and sustainable modes of transport encouraged in accordance with Policies SLE4 and ESD 1 - 5 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.

Lighting

29. Details of all external lighting including the design, position, orientation, illumination and its intensity together with 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, operated and retained in accordance with the approved scheme at all times thereafter.

Reason: In the interests of visual amenity, to preserve the character and appearance of the conservation area, to accord with the findings of the ecological survey and to comply with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C18, C28 and C30 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

BREEAM

30. The development hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' standard.

Reason: To ensure sustainable construction, reduce carbon emissions and to ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to accord with Policy ESD3 of the Cherwell Local Plan 2011-2031.

Energy Strategy

31. No development shall take place until an Energy Strategy has been submitted to and approved in writing by the Local Planning Authority. This should include proposals to reduce energy demand, increase energy efficiency, and generate energy from renewable energy sources. It should also propose ways in which

carbon emissions will be reduced and low carbon measures be embodied into the proposals. The development shall proceed in accordance with the approved Strategy.

Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework and to ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to accord with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Use

32. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015 and subsequent amendments, the buildings hereby approved shall be used only for purposes falling within Class B1 (c), B2, B8 and/or D1 as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking, amending or reenacting that order and for no other purpose(s) whatsoever.

Reason: In accordance with Policy Bicester 8 of the Cherwell Local Plan 2011 – 2031 Part 1.

33. Any building hereby approved that is used for purposes falling within Class D1 shall only be so used ancillary to or in association with other permitted uses taking place within the land outlined in blue on Drawing No: 5002854-RDG-Z05-ST-PL-A-0010 Rev D – Site Location Plan B.

Reason: To define the permission, and in the interests of highway safety and well-planned development, In accordance with Policies SLE4, ESD15 and Bicester 8 of the Cherwell Local Plan 2011 – 2031 Part 1.

Planning Notes

1. **Condition 8** - In respect of condition 8 above, the requirement for a Signage Strategy does not replace or avoid the need for separate advertisement consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).
2. **Condition 24** – In respect of condition 27 above, the LEMP will be expected to clearly demonstrate a minimum 10% net biodiversity gain for the site.
3. **Condition 27** - In respect of condition 30 above, all mechanical plant or machinery should be assessed to ensure noise is not a problem at nearby noise sensitive receptors. Ideally there should be no increase on existing background levels when assessed as a rating level.