

Case Officer: Caroline Ford

Applicant: Albion Land Two Ltd

Proposal: Variation of condition 13 (extent of employment development usage) of 19/00347/OUT - to enable the full employment development to be occupied for Use Class B8 in respect of the above site

Ward: Bicester North and Caversfield

Councillors: Councillor Mawer, Councillor Pratt and Councillor Slaymaker

Reason for Referral: Called in by Councillor Sibley (adjacent Ward – Bicester West) for the following reasons: concern regarding the proposal to amend the Use Class of the development (full objection reported in the appraisal)

Expiry Date: 3 March 2021 **Committee Date:** 11 February 2021

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

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

Proposal

The application is made under S73 of the Town and Country Planning Act 1990 (as amended) to vary planning condition 13 of outline approval 19/00347/OUT, which controls the uses for which the development can be used for. Specifically, the proposal relates to the use of the employment floor space with flexibility sought to enable the development to be used for up to 100% B8 (Storage and Distribution) uses.

Consultations

The following consultees have raised **objections** to this condition variation application:

- Bicester Town Council and Bicester West Ward Members

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

- CDC Landscape, CDC Building Control, CDC Environmental Protection, OCC Transport, Environment Agency and Natural England.

OCC have made strategic comments on the application.

2 letters of objection have been received.

Planning Policy and Constraints

The application site is within the extent of allocated site Bicester 1 and has outline planning permission subject to conditions and a S106 agreement. There are some natural constraints at the site including ecology, plus trees and hedgerows.

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

Conclusion

The key issues arising from the application details are:

- Environmental Statement
- Principle of the proposed change to the use class of the development
- Impact of the proposed change on the character of the area
- Impact of the proposed change on highway safety
- Impact of the proposed change on residential amenity
- Impact of the proposed change on other site constraints
- Impact of the proposed change on the Eco Town Standards
- Conditions and Planning Agreement

The report examines the key planning issues in detail, and Officers conclude that on balance the proposal is acceptable, subject to conditions and a legal agreement.

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site is situated to the northwest of Bicester, bounded by the Middleton Stoney Road (B4030) to the south, Howes Lane (A4095) to the east and land to the north and west forming part of the strategic allocation site at NW Bicester (Policy Bicester 1). To the east of Howes Lane is the existing developed edge of Bicester and to the southeast is Kingsmere, Phase 2 of which is currently being developed. The land extends to around 20ha in area.

1.2. The application site benefits from outline planning permission for, in summary, up to 53,000sqm of floorspace for mixed B1, B2 and B8 (use classes, i.e. offices/light industry; general industry; and warehouse/distribution) within two employment zones and up to 150 dwellings on 4.5ha of residential land, along with infrastructure, access and landscaping. The planning history is complicated and is explained below. Reserved matters permission has been granted for the two main employment phases, with Phase 1 completed, which has included the provision of the main access arrangements from the Middleton Stoney Road and Phase 2 due to commence in February 2021.

2. CONSTRAINTS

2.1. The application site is within an area with some potential ecological interest and the land also has some potential to be contaminated. There are trees protected by a preservation order on the site and there are other natural features such as a block of woodland on the north-western edge of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application is made under S73 of the Town and Country Planning Act 1990 (as amended) to vary planning conditions on the approved outline permission for the site (19/00347/OUT). The specific condition is number 13, which currently states:

No more than 53,000 sq m of employment floor space shall be constructed on the site, of which no more than 80% shall be utilised for purposes falling within Class B1c or B2 (including ancillary uses) and no more than 70% within Class B8 (including ancillary uses) of the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments) and none for any other purposes whatsoever.

Reason: In order to retain planning control over the use of the site, to ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement and in accordance with Government guidance contained within the National Planning Policy Framework.

- 3.2. The proposed changes are restricted to the uses for which the development can be used for only. There are no changes proposed to either the parameter plans approved through the outline permission or to any of the buildings approved via reserved matters in terms of their physical construction. The changes and reason for them are explained in further detail in this appraisal.
- 3.3. The original applications for the site were accompanied by EIA and therefore this S73 application is accompanied by an Environmental Statement Addendum and has been advertised in accordance with the EIA Regulations.

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>
14/01675/OUT	OUTLINE - Erection of up to 53,000sqm of floor space to be for B8 and B2 with ancillary B1 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access off Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (G1); provision of sustainable urban systems (suds) incorporating landscaped areas with balancing ponds and swales. Associated utilities and infrastructure.	Application Refused/but Allowed at appeal
17/00455/HYBRID	Hybrid (part full & part outline) application for: (1) Full - construction of a temporary vehicular and pedestrian access (including footway along Howes Lane), permanent highway works (part of proposed realigned Howes Lane) and pedestrian link to Howes Lane; (2) Outline - residential development,	Application Permitted

including landscaping, public open space, vehicular and pedestrian access.

17/01090/OUT	Development of B1, B2 and B8 (Use Classes) employment buildings, including landscaping; parking and service areas; balancing ponds and swales; and associated utilities and infrastructure. Construction of a new access off Middleton Stoney Road (B4030); temporary access off Howes Lane; internal roads, footways and cycleways.	Application Permitted
19/00348/REM	Reserved Matters to 14/01675/OUT - Layout, scale, appearance and landscaping details for Phase 1 of the employment development (21,684sqm flexible B1c/B2/B8 floorspace) and earthworks for Phase 2 of the employment development (pursuant to the Appeal Consent)	Withdrawn
19/00349/REM	Reserved Matters to 14/01675/OUT - layout, scale, appearance and landscaping details for Phase 1 of the employment development (21,684sqm flexible B1c/B2/B8 floorspace) and earthworks for Phase 2 of the employment development (pursuant to the Amended Appeal Consent)	Permitted
19/00347/OUT	Minor material amendment to planning permission 14/01675/OUT to vary conditions 6, 7, 8, 9 and 10 to refer to updated parameter plans and temporary access plan; variation of condition 14 to enable delivery of employment development in full in advance of strategic link road; and amendment of condition 20 to reflect removal of temporary access onto Howes Lane (Outline reference number 14/01675/OUT, granted at Appeal - Ref: APP/C3105/W/16/3163551 for the erection of up to 53,000sqm of floor space to be for B1, B2 and B8 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access off Howes Lane pending the delivery of the	Permitted

realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (GI); provision of sustainable urban systems (SUDS) incorporating landscaped areas with balancing ponds and swales; associated utilities and infrastructure)

20/02454/REM Reserved Matters application to Permitted
19/00347/OUT - layout, scale, appearance and landscaping details for Phase 2 of the employment development (23,226sqm flexible B1c and/or B2 and/or B8 floorspace), associated utilities and infrastructure and swale (SuDS) and strategic green infrastructure landscaping.

- 4.2. The Council refused planning application 14/01675/OUT in June 2016 due, in part, to the use classes of the development proposed (up to 70% B8 and 30% B2 uses). Following legal advice in response to a submitted appeal against this refusal, the Council granted planning permission for application 17/00455/HYBRID and 17/01090/OUT, which together formed substantially the same development as was refused and a condition was imposed to control the use class mix of the development to no more than 30% of the floorspace for use Classes B1c/B2 and no more than 70% of the floorspace for use Class B8.
- 4.3. The appeal against 14/01675/OUT was heard at Inquiry and focussed on the legal agreement (a Unilateral Undertaking (UU)) and planning conditions. The Inspector allowed the appeal and in doing so, allowed several of the suggested schedules in the UU but also declined to accept others, and imposed a set of planning conditions. On this basis, the applicant intended to implement 14/01675/OUT.
- 4.4. Following a further review of the scheme, the applicant submitted a S73 application against 14/01675/OUT (allocated reference number 19/00347/OUT). This proposed a number of important changes to the appeal permission and was approved under delegated powers with the changes agreed as generally beneficial changes to the original outline. The agreed changes can be summarised as follows:
- The allowed temporary access arrangement onto the existing Howes Lane was removed from the plan, with all access to the commercial development proposed to be taken from Middleton Stoney Road with a temporary access arrangement through into the small employment area.
 - An increase in height of the development plateau levels, but with a consequent reduction in proposed heights of the buildings themselves to ensure that the overall height of the development was no higher than the maximum height that was approved through the original outline if it were implemented to its maximum parameter.
 - A change to the Grampian condition restricting the level of development that could occur on the site until the realigned Howes Lane and tunnel were provided and opened was agreed. This change restricted the residential development, which cannot now commence until the strategic works are completed and opened. It also enabled all of the commercial development to

be delivered and occupied prior to the strategic roadworks being opened, but with a restriction whereby B1c and B2 uses would comprise no more than 18,020sqm of the total.

- Other conditions were varied to reflect the agreed main changes as described above.

The application was granted with a set of conditions that reflected the appeal decision and a S106 which reflected the UU as determined by the Inspector (and which added a schedule on the Community Management Organisation), but which was agreed between the parties.

- 4.5 The applicant has subsequently implemented outline application 19/00347/OUT and has made two submissions for reserved matters against this – 19/00349/REM for Phase 1 and 20/02454/REM for Phase 2, both of which have been approved. In combination, these reserved matters approvals permit 44,810sqm of floorspace, which represents 84.5% of the original floorspace consent.
- 4.6 Various discharge of condition and obligation applications have been made against both the outline and reserved matters applications, which have enabled Phase 1 to be completed and for Phase 2 to commence in February 2021.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1. The 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 **22 December 2020**, although comments received after this date and before finalising this report have also been taken into account in the assessment of the proposal.
- 6.2. Two letters of objection have been received and the comments raised by third parties are summarised as follows:
- Strongly object as one of the original proposals of the developer was that jobs would be created in B1 and B2 uses, to enable office/smaller type facilities as a balance of employment on the number and type of jobs available.
 - The developers are changing what was originally stated and how the development was to minimise the impact to nearby residents.
 - If the amendment is approved then there is nothing to say the developer would not move to build more, massive B8 warehouses rather than B2 facilities which would result in more HGVs, more light and noise pollution.
 - B2 facilities would give Bicester a wider range of employment opportunities and would mean that some Bicester residents would not have to travel outside of Bicester for employment. This would align with the concept of Bicester being an Eco Town that was environmentally friendly.
 - The developer should be made to provide better incentives for companies who will undertake B2 employment. Bicester is known as a warehouse town.

- Object to there being a breaking of agreements for the strategic road link to be built and open before fully occupying the site. Permission should not be granted to fill all the employment units in advance of Howes Lane being realigned and the new link road built.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BICESTER TOWN COUNCIL: Strongly object to this application and the variation of employment usage. The employment expectation at approval had already been increased to 70% B8, to increase to 100% is unacceptable as it does not accommodate a wide range of skills and employment as would be gained from a mixed B classes use. Employment variety from this and other sites is key to the achievement of Local Plan policy objectives and local expectations. In addition, the additional impact on the road network for a complete B8 use is significant and would be detrimental to the local area and nearby residential properties.

7.3. BICESTER WEST WARD COUNCILLORS (Sibley, Broad and Webster): Strongly object to the proposal to change condition 13 to enable the full development to be occupied for Use Class B8 in respect of the above site. It is essential for Employment Class Uses B1 and B2 to be retained on site, to provide a range/mix of employment opportunities.

CONSULTEES

7.4. CDC LANDSCAPE: The landscape and visual assessment included in the appeal scheme ES remains valid.

7.5. CDC BUILDING CONTROL: No adverse comments to make.

7.6. CDC ENVIRONMENTAL PROTECTION: No comments or objections to this variation of condition provided all other conditions on the original permission are met.

7.7. OCC Strategic Comments: There are no technical transport reasons to object to this application as long as detailed matters within the original permission still stand. There are concerns about the impact on the job offer locally from this changing to the whole allocation being Use Class B8. The original Local Plan intention was for B8 to be limited within this allocation.

7.8. OCC TRANSPORT: No objection subject to all other conditions and obligations on the original planning permission, which may require a linking agreement.

- The agreed peak hour trip rates for warehousing (B8) are considerably lower than for industrial so substituting warehousing for industrial over 30% of the floorspace would result in a net reduction of peak hour trips, so there would be no adverse impact on congestion on the network.

- Whilst there can be a wide variation in trip rates depending on the type of warehousing and distribution activity (for example those businesses using vans to deliver in the local area generate many more trips), the rates are still below the peak hour industrial trip rates agreed.
- It should be noted that the proportion of HGV traffic is larger with warehousing, which would be noticeable across a 12-hour day. However, the site is subject to an operational routing agreement secured on the original S106.

7.9. ENVIRONMENT AGENCY: No objection to the proposed variation of condition 13 providing all existing environmental conditions are included if this application is approved.

7.10. NATURAL ENGLAND: No comments to make.

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)

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE4: Improved Transport and Connections
- BSC1: District wide housing distribution
- BSC2: Effective and efficient use of land
- BSC3: Affordable housing
- BSC4: Housing mix
- BSC7: Meeting education needs
- BSC8: Securing health and well being
- BSC9: Public services and utilities
- BSC10: Open space, sport and recreation provision
- BSC11: Local standards of provision – outdoor recreation
- BSC12: Indoor sport, recreation and community facilities
- 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
- ESD8: Water resources
- ESD10: Biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD15: Character of the built environment

- ESD17: Green Infrastructure
- Policy Bicester 1 North West Bicester Eco Town
- Policy Bicester 7 Open Space
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR10: Heavy Goods Vehicles
- C28: Layout, design and external appearance of new development
- C30: Design Control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Eco Towns Supplement to PPS1
- North West Bicester SPD (February 2016)

9. APPRAISAL

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

- Environmental Statement
- Principle of the proposed change to the use class of the development
- Impact of the proposed change on the character of the area
- Impact of the proposed change on highway safety
- Impact of the proposed change on residential amenity
- Impact of the proposed change on other site constraints
- Impact of the proposed change on the Eco Town Standards
- Conditions and Planning Agreement

Environmental Statement

9.2. The original outline application 14/01675/OUT was accompanied by an Environmental Impact Assessment (EIA) which was re-done for the appeal and the decision was therefore based upon the EIA dated June 2017. The last S73 application was accompanied by an addendum, which concluded that the conclusions of the 2017 EIA remained valid and that no greater environmental effects would arise. The current application is also not a '*subsequent application*' as defined by the Environmental Impact Assessment Regulations but the development remains EIA development. As such, the application is accompanied by an addendum as well as the previous addendum from February 2019 and reference should also be made to the June 2017 full EIA (available on 14/01675/OUT and 19/00347/OUT). The current November 2020 addendum considers the amendments proposed to the development subject to this current application.

9.3. The EIA addendum concludes that the conclusions of the 2017 EIA remain valid and are not changed by the amendments proposed through this application with the proposed uses likely to have no greater environmental impact than the previously consented mix. No additional mitigation is identified or proposed. Where relevant through the appraisal of this report, reference is made to specific topics but overall, planning conditions are imposed as per the appeal decision, which secure the mitigation as identified in the June 2017 EIA as required. In this respect, regard has been paid to the submitted EIA information pursuant to this development and it is considered to be sufficient for the purpose of considering this application.

- 9.4. The original condition was required to control the development to that assessed by the EIA. As an addendum has been provided to assess an alternative mix, it is considered that sufficient information is available to consider such a change.

Principle of the proposed change to the use class of the development

Policy Context

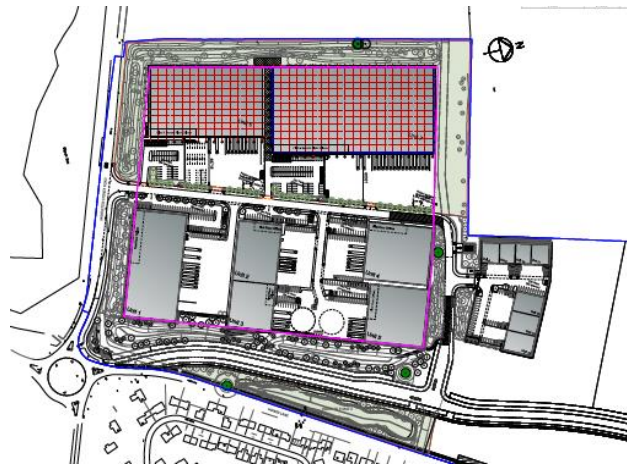
- 9.5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 (Part 1), the adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need, the saved policies of the Cherwell Local Plan 1996 and a number of Neighbourhood Plans.
- 9.6. The adopted Cherwell Local Plan 2011-2031 Part 1 includes strategic allocation Policy Bicester 1, which identifies land at NW Bicester for a new zero carbon mixed use development including 6,000 homes and a range of supporting infrastructure including employment land. The policy is comprehensive in its requirements and this, alongside the other relevant policies of the Development Plan are relevant to the consideration of this application. The application site forms part of the land allocated by Policy Bicester 1.
- 9.7. Policy Bicester 1 identifies that planning permission will only be granted for development at NW Bicester in accordance with a comprehensive masterplan for the whole area. A Masterplan has been produced for NW Bicester and this has been embedded within the North West Bicester SPD, adopted in February 2016. The SPD amplifies the Local Plan policy and provides guidance on the interpretation of the Eco Towns PPS and standards for the NW Bicester site.
- 9.8. Policy Bicester 1 identifies employment requirements for the wider site at NW Bicester. It identifies a minimum of 10ha, comprising business premises focussed at Howes Lane and Middleton Stoney as well as employment space in local centre hubs and as part of mixed-use development. With regard to the business park at the southeast corner of the site, the Policy anticipates that this would generate between 700 and 1,000 jobs in use classes B1, B2 and B8 early in the Plan period. There is a separate bullet point which identifies that across the site as a whole, Use Class B1, with limited B2 and B8 uses is expected. The SPD identifies a parcel of land at the corner of Howes Lane and Middleton Stoney Road for commercial/business uses and identifies it for business space for offices, workshops, factories and warehousing of a larger scale to provide employment space for target sectors including high value logistics, manufacturing and low carbon companies.
- 9.9. Policy SLE1 of the Cherwell Local Plan Part 1 (2011-2031) sets out that employment development on new sites allocated in the Plan will be the type of employment development specified within each site policy. The Plan has an urban focus to development, with allocated employment sites focussed predominantly at Banbury and Bicester.
- 9.10. The NPPF sets out that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Economic growth and productivity should be supported with significant weight placed on this. At paragraph 82, it is clear that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology

industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

- 9.11. In September 2020, amendments were made to the Use Classes Order. Use Classes B2 and B8 remain valid. However, Use Class B1 has been revoked and this use is now included within the new Class E. Class E is a broader Use Class relating to commercial, business and service uses (covering those uses previously in classes A1, A2, A3, B1 and D1(a-b) and is in 11 parts. Class E(g)(i), (ii) and (iii) essentially relates to what were previously classified as B1 uses. There are transitional arrangements in place which mean that from the 1 September 2020 onwards, if a building falls within uses A1, A2, A3, B1 and D1 (a-b), then it will be treated as though it is being used for a purpose specified in the new Class E and planning permission would not be required for changes of use to another use within Class E. This means that if any building on the site were used for Class B1c uses (allowed for by the original permission), then it could be used for any other purpose in Class E unless planning conditions are used to remove this permitted development right. These changes will be referred to within the appraisal where relevant.

Assessment

- 9.12. The planning history of the site is identified above. It is clear that the use of the development has been a concern of Members, as reflected by the refusal of the first application for development on the site (14/01675/OUT). However, taking into account the history and the allowed appeal for 14/01675/OUT, the current position at the site, is that a maximum of 53,000sqm floor space is allowable with up to 70% for uses within class B8 and up to 80% for uses within classes B2/ B1c. This would equate to up to 37,100sqm that could be used for B8 uses (with the balance B2/B1c) or up to 42,400sqm that could be used for B2/B1c uses (with the balance B8). B1a uses are approved only as ancillary floorspace to the predominant uses at the site of B1c, B2 and B8. This is controlled by planning condition 13 of the implemented outline permission 19/00347/OUT (which was a S73 application to 14/01675/OUT which was approved).
- 9.13. The reason for the imposition of the condition on development was related to the form of development assessed within the Environmental Statement. If an alternative, unassessed form of development was to be provided, it could have environmental implications which had not been adequately assessed. The wording of the reason was *'in order to retain planning control over the use of the site, to ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement and in accordance with Government guidance contained within the National Planning Policy Framework'*.
- 9.14. Since approval of the amended outline application, the applicant has submitted two reserved matters applications. The first reserved matters approval granted consent for 12 employment units, 5 on plot 4 (on the eastern plateau of the southern plot) and 7 smaller units on plot 3 (the northern plot). The total floorspace granted was 21,584sqm. All 12 units have now been constructed. The second reserved matters approval granted permission for 2 units on the western plateau of plot 4 with a total floorspace of 23,226sqm. Combined, the total floorspace currently granted is 44,810sqm. The layout of the site as approved is:



9.15. The floorspace granted (84.5%) is less than the total amount allowed for through the outline permission and, given the site layout, it is unlikely that any further commercial floorspace could be provided. The reserved matters permissions have assessed the proposals and the approved development complies with the outline parameters set including in relation to maximum building heights. In addition, the environmental impact assessment information already before the Council was taken into account in the consideration of the proposed development.

9.16. Through this planning application, the applicant seeks permission for the restriction on use Class B8 to be removed to enable them to benefit from flexibility to occupy the whole site for uses falling within Class B8, if they choose to. No changes are proposed to the quantum or scale of development including the detail as approved by the reserved matters (as referred to above).

9.17. The applicant's justification for seeking this change is to reflect known market demand and occupier requirements in a flexible way so that it can continuously meet the needs of the local employment market. They advise that this change would allow the second phase of the employment development to proceed by giving the forward funders (an Investment Fund called Mirastar), developers and future occupiers of the scheme the reassurance that they can occupy the development in line with market demand. The applicant has advised that the arrangement with the forward funders is, in part, conditional upon the approval of this application and it has also been confirmed that there is interest from occupiers for the two units yet to be built from B8 occupiers (which could not be fulfilled if the flexibility sought were not granted). Due to restrictions on floorspace occupation by condition 14 and the cap on B8, it is likely that if the flexibility now sought were not granted, then Unit 6 would probably not be developed.

9.18. In considering the implications of this proposal, the agent has identified that:

- Even if the main use of the site did fall into Use Class B8 at some point, there would more than likely always still remain an element of ancillary office use associated with those storage and distribution activities.
- It is likely (although not guaranteed), that some of the smaller units would always be occupied by 'cottage industries' and start up businesses, which often fall into Use Class B1c (as it was) [now part use class E].
- The current sales and lettings are for a range of uses demonstrating that 100% of the site may not always be used for B8 uses.

- Granting an additional level of flexibility such that more floorspace could be used for B8 uses puts Bicester in the strongest possible position to benefit from the growth of the logistics sector and associated job creation and investment.
- Continued provision of employment floorspace at the site would provide employment opportunities within sustainable travelling distance from new homes to be built at NW Bicester.

9.19. The applicant's agent also acknowledges that this amendment is sought at a particularly challenging time for the economy, both locally and nationally, brought about by the COVID-19 pandemic which is creating economic uncertainty and meaning businesses are having to evolve and change but where logistics is playing an increasingly important role in the economy.

9.20. Nationally, the logistics sector involves a growing number of businesses, supporting a significant number of employees. It is intended that the employment part of the site will continue to be brought forward.

9.21. The applicant has submitted further information from their agents regarding the need for flexibility which confirms that occupiers are anticipated to be concerned by the B8 limit and how this would be monitored such that it would give uncertainty around whether their operations could be deemed unlawful if other uses elsewhere on the estate change. The majority of queries received so far have been for B8 uses and this is a region wide trend. They confirm that serious pre-let interest has been expressed for Unit 6 from a major manufacturer, but their requirement is for the company's logistics operations in support of its main activity to also be possible on site.

9.22. Further information has been provided by the applicant relating to the interested occupier for Unit 6 – a company reported to be a market leader in the zero-emissions transportation sector. They currently occupy three buildings at Link 9 on the Skimmingdish Lane in Bicester which has enabled them to establish an electric vehicle manufacturing base alongside an R&D composites division and hydrogen technology unit. The company also has a main R&D facility in Banbury. The company require a dedicated logistic operation to support their production and R&D facilities which cannot be accommodated on site at Link 9 Bicester. They have been searching for an appropriate building and consider that Unit 6 meets their search requirements (Unit 7 is too large for them) with the timing and proximity to Link 9 attractive to them. Unit 6 would need to benefit from a B8 use to meet their requirements. The applicant has emphasised that this is a real enquiry from a market leader in zero carbon technology that would be a B8 use that fits with the zero carbon objectives of the NW Bicester site. It also demonstrates the essential interaction between manufacturing employment uses and B8.

9.23. Policy Bicester 1 refers to Use Classes across the site being B1, with limited B2 and B8. However, specifically in relation to the southeast corner of the site, it identifies use classes B1, B2 and B8. The permitted use classes for this site already allows for a significant proportion of B8 uses. This was thoroughly assessed at the time and this took into account the fact that other employment uses across the site are likely, including within local centres and small business uses which would likely be uses that would now fall within Class E, as well as home working, educational jobs, construction jobs and the Eco Business Centre. Across the whole site, this would create a wide range of work opportunities that would contribute to the mixed-use development sought and this position has not changed. This proposal relates to only part of the NW Bicester development.

9.24. Policy Bicester 1 refers to approximately 700-1,000 jobs being created at the business park at the southeast corner of the site. The consented development was anticipated to generate 900-1,200 jobs based upon 53,000sqm of B8 and B1c/B2 floorspace calculated in accordance with the Homes and Communities Agency 2015 Employment Density Guide. The applicant has calculated that the current proposal based upon wholly B8 use (47,700-53,000sqm) with ancillary office space could generate between 1,050 and 1,115 jobs (if B1c/B2 uses were present, then job numbers would likely be higher). Officers have calculated this to be more in the range of 550-750 jobs depending upon the type of B8 use (because there is a difference in job density between a national distribution centre and regional or 'final mile' distribution centres) and this includes a 10% allowance for ancillary office space. This does suggest an under delivery of employment opportunities when compared to what Policy Bicester 1 anticipated for the business park itself but this would contribute overall to the job numbers across NW Bicester as a whole (3,000). Nevertheless, Officers have been content with the design and layout of the site and the provision of less than the maximum floorspace permitted as the buildings particularly on the first phase have created a layout that responds well to its surroundings and the buildings allow for a range of floor space rather than only large profile warehouse buildings.

9.25. The key change now proposed is the removal of the restriction on a maximum proportion of B8 uses. Officers consider that the following points are of relevance to considering this proposal:

- The proposed layout, form and scale of the development is now approved and there are no changes proposed in this regard.
- Officers accept that even if B8 uses were allowed for across the site, there would most likely remain an element of ancillary office space within the larger units as the design for each of those buildings approved through reserved matters has included this.
- Officers also agree that whilst the small units could be potentially used for B8 purposes, they would not attract large logistics companies due to their scale and form and so any B8 uses would be smaller scale. In any event, these units may be more attractive for users within Use Class B2 or new Use Class E(g)(iii) (Industrial processes) due to their size and there would be nothing to stop those uses occupying either the small or larger units (providing no more than 80% of the site were occupied for those uses).
- The potential to use the application site for 100% B8 uses does not mean it will be (and for the reasons described above there is a strong chance it will not be 100% B8). This proposal allows the flexibility to do so, if that is required to meet market demand.
- There is a real risk that if flexibility is not allowed, that this would not enable the full commercial development area to be delivered (as confirmed through correspondence from the applicant's agents and the likely forward funders). Interest has been received for Unit 6 (the unit likely not to be constructed if flexibility is not granted) meaning that interested occupiers would look elsewhere for employment space to suit their needs.
- The restriction of up to 70% B8 relates to the total level of floorspace permitted by the outline permission of 53,000sqm. 44,810sqm has been approved and is planned to be delivered. As 37,100sqm is already permitted for B8 uses (70% of 53,000sqm), this proposal relates only to 7,750sqm of floorspace where flexibility is sought. To put it another way, 44,810sqm is

approximately 85% of 53,000sqm and so, whilst the proposal has been made to enable up to 100% of the site to be used for B8 uses, based upon the approved floorspace compared to the amount of floorspace that could be permitted, it is actually 85% of the total level of floorspace permitted by the outline permission of 53,000sqm that is sought to be used for B8 uses.

- 9.26. On this last point, if Members were concerned about allowing up to 100% of the site to be used for B8 uses, it would be possible to amend the condition to refer to the site being used for no more than 85% B8 uses. This would enable the whole site as it is planned to be used for B8 uses, but if further floorspace were proposed in the future, this would be restricted to B2/E(g)(iii) uses (as the up to 80% restriction on B2/B1c (now E(g) (iii) would remain in place). Officers recommend that Class E(g) (iii) is referred to as the grant of this permission would be a new permission for the site, but it is necessary to restrict change of use to other uses within Class E given the nature of this commercial site. The applicant has confirmed that they would agree to a condition of this nature, if Members were minded to impose it.
- 9.27. There are no other changes proposed to this development in terms of the principle either in respect to the commercial development or the residential parts of the site.

Conclusion

- 9.28. The current position as controlled by the outline permission, allows for a significant proportion of B8 uses on the site. This has previously been assessed against the requirements set out in Policy Bicester 1, which has had regard to the NW Bicester site as a whole. The applicant now proposes to remove the restriction for B8 uses at the site to enable flexibility to meet market demand. The consideration of this must be made taking into account the current controls at the site and whether this amendment would conflict with Policy or raise any other material concerns that could justify resisting this change.
- 9.29. The NPPF encourages support for economic growth and planning decisions should help create the conditions in which businesses can invest, expand and adapt. Whilst Policy Bicester 1 has a preference for Use Class B1, with limited B2 and B8, the application site already provides for only B2/B1c (up to 80%) and B8 (up to 70%) uses with B1a uses ancillary. The proposed change seeks to change the balance of uses to enable up to 100% of the site for B8 uses (85% when taking into account the level of floorspace to be provided as approved by reserved matters applications). In effect, this proposal relates to 7,750sqm of floor space only based upon what has been approved through reserved matters applications.
- 9.30. Phase 1 of the employment site is constructed and construction is due to commence on Phase 2 in February 2021. The applicant has confirmed that critically, Unit 6 could not be constructed without flexibility being granted and information has been submitted to demonstrate that a potential occupier is interested in the unit. Whilst the number of jobs that could be delivered on the site could be an under delivery of what the Policy requirement is for this part of the wider NW Bicester site, this application does not mean that the whole site will be used for B8 uses (it just allows flexibility for it to be). In addition, this proposal would enable flexibility but Officers are mindful that ancillary office space remains within the units, which is unlikely to be lost and that the small units due to their nature are more attractive to small businesses that could well be occupied by a mix of uses.
- 9.31. No other changes are proposed in terms of size, form, design and appearance of the buildings and indeed, given the first phase of development is constructed (which was built in some places to lower than the outline parameters would have allowed for and given the position of buildings has not created a mass of building on the

eastern boundary) and the second phase reserved matters has been granted, the character and form of the development can be appreciated. This proposal relates only to the use those approved buildings can be put to.

- 9.32. Taking into account the above assessment, Officers consider that the principle of the proposed development can be considered to accord broadly with Policy Bicester 1, particularly taking into account the difference between that now proposed compared to that previously approved. It provides for B-use classes on a site shown for such uses within the NW Bicester Masterplan, the SPD and as set out in Policy Bicester 1. Economic development should be supported, particularly in the current circumstances where logistics is playing an increasingly important role and enabling flexibility to meet market demand is reasonable. It is however necessary to consider the other impacts of this proposed change on the development and to ensure that the EIA has adequately assessed the proposed alternative.

Impact of the proposed change on the character of the area

- 9.33. The Eco Town PPS advises that planning applications should demonstrate that they have adequately considered their implications for the local landscape and historic environment to ensure that development compliments and enhances the existing landscape character. The adopted Cherwell Local Plan Policy Bicester 1 also requires development to respect its landscape setting and requires a well-designed development appropriate to the urban edge which relates development at the periphery to its rural setting. Policy ESD13 also seeks to ensure that development respects and enhances the local landscape character and that there is a need to secure appropriate mitigation where damage to local landscape character cannot be avoided. The NW Bicester SPD includes several development principles relating to reducing the impact upon landscape character and to secure the provision of Green Infrastructure (40% as a minimum).
- 9.34. The change proposed by this application relates only to the use class of development for which the buildings can be put to and no changes are proposed to the quantum, extent and scale of the development including the areas of strategic landscaping. Reserved matters approvals have been made for the commercial uses on the site and therefore the form and character of the development is known. No changes are proposed in this regard. There are also no changes to the parameters set for the residential part of the site. The ES addendum finds that the Landscape and Visual Impact Assessment remains valid and that there would be no additional environmental effects. Officers agree with this conclusion and therefore conclude that the requirements of the above policies continue to be satisfied.

Impact of the proposed change on highway safety

- 9.35. The NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Development proposals should promote sustainable transport, ensure safe and suitable access can be achieved and mitigate any significant impacts to an acceptable degree. Policy SLE4 of the Cherwell Local Plan Part 1 2011-2031 also requires development to facilitate the use of sustainable transport and confirms that new development must mitigate offsite transport impacts. At NW Bicester, and as confirmed by Policy Bicester 1 and the NW Bicester SPD through a series of development principles, the achievement of modal shift, infrastructure to support sustainable transport and for development to facilitate the provision of new strategic infrastructure (including contributions towards it) are clear requirements.

- 9.36. The transport limitations at NW Bicester prior to the delivery and opening of new strategic infrastructure at NW Bicester is well documented in the appraisals for the previous applications. Without repeating those issues, the application site is controlled by Planning Condition 14, which is a Grampian condition restricting the ability to deliver the whole development prior to that new infrastructure. In this case, none of the dwellings approved by the original outline permission can be occupied nor can more than 18,020sqm of B1c/B2 floorspace be occupied until the strategic works have been completed and the road opened to vehicular traffic. There is no restriction on B8 (i.e. the approved up to 70% of the 53,000sqm can be delivered and occupied prior to the strategic road works being completed and opened).
- 9.37. In light of the proposed change through this application, a technical note has been submitted relating to the transport impacts of the amended proposals. This has compared what number of peak trips would result from a B8 use across the full quantum of consented floorspace to the traffic that would be generated if 80% of the site were occupied for B1c/B2 uses with the balance occupied for B8 (which would be a permissible mix in accordance with the current wording of Condition 13). The peak trip rates for a scheme of 100% B8 would be significantly less (as B8 uses have a lower trip generation) and therefore in terms of traffic impact, no additional impacts on the local highway network would arise as a result of the proposed removal of the limitation on B8 uses at the site.
- 9.38. The Highway Authority have considered the proposal and the technical note and agree that a changed mix of development with up to 100% B8 uses would result in a net reduction of peak hour trips so there would be no adverse impact on congestion on the network. The Highway Authority have also considered the impact of a warehouse use that may have greater trip rates (i.e. a business that uses vans to deliver in the local area) but it is advised that in that scenario, the rates would still fall below the peak hour industrial trip rates agreed. It is also relevant to note that as trip rates could decrease if 100% of the floor area were used for B8 uses, this would not raise any additional environmental effects than already considered through the outline ES.
- 9.39. The Highway Authority note that B8 uses tend to generate greater proportions of HGV traffic which could be noticeable. In highway safety terms, the site is subject to an operational routing agreement secured on the original S106, but this matter should be considered in terms of other site constraints.
- 9.40. Given the above, Officers conclude that the proposal to amend the planning condition in terms of the impact of this in highway safety terms is acceptable.
- 9.41. No other changes are proposed in transport terms relating to access arrangements and linkages to other sites or to the S106 which secures various matters relating to transport including a licence to access the land required for the strategic infrastructure. This is discussed below.

Impact of the proposed change on residential amenity

- 9.42. Planning policy including Policy ESD15 and within the NPPF seeks to secure a high standard of amenity for existing and future residential occupiers. The proposed changes relate to the land uses that the development site can be used for. No changes are proposed to the outline parameters for the residential part of the site or to the reserved matters proposals for the commercial area, which have been assessed themselves in terms of how those proposals impact residential amenity. On this basis, there is no change from the physical development on the residential amenity of nearby residential occupiers. Future reserved matter applications for the

residential part of the site would be assessed as required upon the amenity of nearby residents.

- 9.43. The proposed change could result in a greater proportion of the site being used for B8 purposes which could generate greater proportions of HGV traffic compared to an alternative mix. The EIA addendum has not identified any greater impacts on noise or vibration impacts and it is also relevant that there is a routing agreement in place which directs all HGV traffic to the south along Vendee Drive to the A41 and not to use the existing Howes Lane. The Council's Environmental Protection Team have also raised no objections.

Impact of the proposed change on other site constraints

- 9.44. Again, given there are no changes to the parameter plans which control the quantum, extent and scale of development, including areas of strategic landscaping, there would be no changes to assessments already made in regard to ecological impacts, lighting, air quality, noise and vibration, water resources and drainage or natural constraints such as the site topography and trees/hedgerows including those protected by a TPO. The EIA addendum submitted confirms that the changes have been considered against each of the original topic assessments and no additional environmental effects would result, with existing mitigation sufficient, which can be secured in the same way as the original permissions.

Impact of the proposed change on the Eco Town Standards

- 9.45. In the same way that there would be no additional impact upon site constraints from the proposed change to the way the site can be used, the way that the site meets the Eco Town Standards would also not change. The standards are important and set out by Policy Bicester 1 and amplified by the NW Bicester SPD and a number of conditions and legal obligations are in place to secure the standards. No change is proposed to these matters. Indeed, it is relevant to report that information submitted to satisfy planning conditions for the two phases of commercial development have confirmed that true zero carbon will be achieved for those phases. There are also conditions relating to the provision of real time energy and travel information, the provision of high-speed broadband, details of embedded carbon of construction materials, a travel plan and measures to minimise water consumption. These have also been agreed for the two commercial phases and the conditions will remain in place to relate to the residential phases. Planning obligations require particular build standards and contributions are secured for a number of infrastructure requirements and these would continue to apply. The proposal will continue to meet the standards as far as possible, but consistently in respect to how it would if this amendment were not approved. The parameter plans are unchanged with regard to matters such as the quantum of green space to be secured (at no less than 40%).

Conditions and Planning Agreement

- 9.46. As a S73 application, it is necessary to re-impose all the originally imposed conditions to ensure that the development continues to be bound by those same requirements. The conditions are those originally imposed by the Planning Inspector as updated by the approval of 19/00347/OUT. In this case, whilst only amendments to condition 13 have been applied for, given it is now necessary to refer to the new Use Classes, condition 14 has also been updated.
- 9.47. A S106 agreement was completed pursuant to 19/00347/OUT (which consolidated two UUs from the appeal scheme). This planning permission would need to be tied to that S106 agreement to ensure those requirements also continue to bind the site, which included a number of further agreements relating to the strategic

infrastructure, with this site having secured a licence for the land through the application site for the route of the strategic infrastructure. Officers have reviewed the S106 and there seems no need to update the agreement as the proposed change does not affect it, so only a linking agreement is needed, subject to confirmation from the Council's Legal team.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously. The NPPF, at paragraph 11 confirms that development proposals that accord with an up to date development plan should be approved without delay.
- 10.2. Officers acknowledge that there has been a long history of concern regarding the use classes at the application site. However, this proposal is made to enable flexibility for up to 100% B8 uses, with the very real possibility that this will not be what results (on the basis that office space ancillary to the main uses would remain and the small units particularly could accommodate other uses but, in any event, would be unlikely to attract large logistics companies). The current circumstances with the COVID-19 pandemic are creating significant challenges for the local and national economy and the role of logistics has changed and become more important. There remains confidence in investment in Bicester at this site as has been evidenced by the applicant, which could enable the two last commercial units to be constructed and it is understood that occupiers have expressed interest in them. However, this does require flexibility to secure that investment. Officers have carefully considered this proposal in comparison to what the original outline permission has granted and against what has been approved through reserved matters and, taking into account that the site is part of the NW Bicester development but not all of it, where other opportunities are available, have concluded that the proposed amendment to the use class mix would be acceptable and comply with the relevant policies of the Development Plan. The NPPF encourages support for economic growth.
- 10.3. Officers are mindful that the reserved matters approval for the commercial areas has established the layout, form, scale and design of those areas of the development and therefore the type of development can be appreciated. There would be no change to the details of what is approved through this application with the change relating only to how the buildings can be used. Whilst an application to re-plan Phase 2 could be made, it is unlikely that significantly more floorspace could be permitted on this part of the site and Phase 1 is already complete. There are no changes to the parameter plans already approved for the residential parts of the site.
- 10.4. The assessment has considered all other material considerations that the proposed change to the use class mix could result in and it has been concluded that no other significant impacts would result particularly on the basis that the originally imposed planning conditions are re-imposed and the S106 for the site is linked to this planning permission if this is resolved to be approved.
- 10.5. On the basis of the above assessment, Officers therefore consider the proposal to constitute sustainable development and it is recommended for approval.
- 10.6. As is referenced above, the EIA is considered to be acceptable and sufficient to enable the determination of this application.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO LINK THE APPLICATION TO THE S106 THAT CURRENTLY BINDS THE SITE (other than in so far as to update the agreement to refer to this permission or and as otherwise advised by the Council's Legal department):

CONDITIONS

1. Details of the access (in so far as not approved in this decision), appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") of any phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development of that phase takes place and the development shall be carried out as approved.

Reason: This permission is in outline only and is granted 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. No development shall take place until a phasing plan for the whole development has been submitted to and approved in writing by the Local Planning Authority indicating the landscaping, open space, play facilities, affordable housing, cycle ways, footpaths and public transport facilities to be provided in each phase. Development shall be carried out in accordance with the phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

3. Application for approval of the reserved matters for the first phase of employment development shall be made to the Local Planning Authority not later than 3 years from the 19 December 2017.

Reason: This permission is in outline only and is granted 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).

4. Application for approval of the reserved matters for the remaining phases of development shall be made to the Local Planning Authority not later than 5 years from the 19 December 2017.

Reason: This permission is in outline only and is granted 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).

5. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: This permission is in outline only and is granted 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).

6. The access to the development hereby permitted shall be carried out in accordance with Parameter Plan 06, drawing number 17023/TP/106 Rev A and the following approved plans: 14042-30 revision B and 14042-56. No employment development on plot 4 shall be occupied until the access shown on drawing 14042-30 revision B has been completed to a standard capable of being adopted by the local highway authority.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

7. No development shall take place other than in accordance with the Land Uses shown on Parameter Plan 02, drawing number 17023/TP/102 Rev A.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

8. The height of the development hereby permitted shall not exceed the limits shown on Parameter Plan 03, drawing number 17023/TP/103.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

9. No development on any phase shall be occupied until the planting proposals shown on Parameter Plan 04_A, drawing number 4216_SK_204_A revision D and encompassed within that phase have been carried out.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

10. No site clearance, preparatory work or development shall take place on any phase until a scheme for the protection of the trees and hedgerows in that phase shown to be retained on Parameter Plan 05 (drawing number 17023/TP/105 (vegetation retention and removal plan) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees and hedgerows shall be carried out as approved. No tree or hedgerow shown to be retained shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner, other than in accordance with Parameter Plan 05, without the prior written approval of the local planning authority. If any tree or hedgerow shown to be retained is cut down, uprooted or destroyed or dies another tree or hedgerow shall be planted at the same place within the following planting season and that tree shall be of

such size and species as may be specified in writing by the local planning authority. Notwithstanding the detail shown on Parameter Plan 05, the element of hedgerow shown to be removed to the east of Plot 2 shall be retained and protected, which shall be demonstrated through the scheme for the protection of trees and hedgerows.

Reason: In the interests of the visual amenities of the area, to protect landscape features of importance, to ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive.

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 and Government guidance contained within the National Planning Policy Framework.

12. No more than 150 dwellings shall be constructed on the site.

Reason: In order to retain planning control over the use of the site, to ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement and in accordance with Government guidance contained within the National Planning Policy Framework.

13. No more than 53,000sqm of employment floor space shall be constructed on the site, which shall be used for uses falling within Class B8 or Class E(g)(iii) or B2 (with no more than 80% utilised for Class E(g)(iii) or B2) (including ancillary uses) of the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments) only and for no other purposes whatsoever, including no other categories of Class E.

Reason: In order to retain planning control over the use of the site, to ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement and in accordance with Government guidance contained within the National Planning Policy Framework.

14. No dwellings and no more than 18,020sqm of Class E(g)(iii)/B2 floor space may be occupied until the development work to realign Howes Lane and Lords Lane approved under application 14/01968/F (or any other such planning permission which may be granted for the Strategic Link Road) has been completed and the road is open to vehicular traffic.

Reason: Oxfordshire County Council as Highway Authority have advised that there is a need for a restriction on the quantum of development that can occur at North West Bicester prior to the opening of the Howes Lane/Lords Lane realignment. The maximum traffic that can be accommodated is a total of 900 homes (including 393 at Elmsbrook) and 40% of the proposed overall 10 hectares of employment land. The development identified to take place prior to the Howes Lane/ Lords Lane realignment would fall within this identified capacity in vehicular movement terms. Beyond this and without the

realignment, the highways impact of development over the identified capacity would be severe. A restriction on development is therefore necessary until such time that the tunnel is in place and open to vehicular traffic to mitigate the impact of traffic from the development in accordance with Government Guidance within the Eco Towns PPS and the National Planning Policy Framework.

15. No dwelling or employment building shall be occupied until it has been provided with devices showing real time energy and travel information in accordance with details which shall have been submitted to and approved in writing by the local planning authority prior to the commencement of their construction. The devices shall thereafter be retained in operational condition.

Reason: To support the delivery of modal shift towards sustainable modes and create high quality, inclusive, sustainable development in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

16. No dwelling or employment building shall be occupied until it has been provided with service connections capable of supporting the provision of high speed broadband from the building to the nearest broadband service connection outside the site.

Reason: To facilitate information provision to homes for energy monitoring, travel and home working change in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

17. Prior to the commencement of each residential phase, those areas of the phase that are likely to be subject to elevated levels of noise, e.g. from the Strategic Link Road, shall be identified and the dwellings that are constructed in those areas shall be designed and constructed in such a manner that they contain elements of sound insulation that will ensure that the internal noise levels contained within table 4 of BS 8233:2014 are achieved in accordance with details to be first submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

18. No phase of development shall commence until details of the embedded carbon of its proposed construction materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in compliance with the approved details.

Reason: To ensure the development achieves a reduced carbon footprint in accordance with Planning Policy Statement 1: Eco Towns.

19. No phase of development shall commence until details of the route of service connections (both under and over ground) for that phase, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 or its successor, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

20. There shall be no vehicular access created into the site from the existing A4095 Howes Lane and no existing field accesses from Howes Lane shall be used by any vehicular traffic whatsoever. Prior to the first occupation of the site, the existing field accesses on Howes Lane shall be permanently stopped up by means of planting and reinstatement of highway verge.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

21. No residential phase shall commence until details of directional signage between the dwellings proposed and both Shakespeare Drive retail and community facilities and Kings Meadow Primary School have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling on the phase concerned shall be occupied until the signage has been installed.

Reason: To ensure sustainable travel in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

22. Prior to the first occupation of any phase of the development, details of a Travel Plan setting out how at least 50% of trips originating within that phase will be made by non-car means, with the potential for this to increase over time to 60%, shall have been submitted to and approved by the local planning authority. The development shall be carried out and continued thereafter in accordance with the approved details.

Reason: To ensure sustainable travel in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

23. Prior to the commencement of any phase of development, details of bus stop locations for that phase shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

24. No development shall take place on any phase, including any works of demolition, until a Construction Method Statement for that phase has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

i) the parking of vehicles of site operatives and visitors;

ii) the routeing of HGVs to and from the site;

iii) loading and unloading of plant and materials;

iv) storage of plant and materials used in constructing the development;

v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

vi) wheel washing facilities;

vii) measures to control the emission of dust and dirt during construction;

viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

ix) delivery, demolition and construction working hours;

x) The mitigation measures recommended in the Construction section of table 6.6, paragraphs 7.5.2 and 7.5.3, table 9.10 and paragraphs 10.5.3 and 10.6.13 of the submitted Environmental Statement June 2017;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

25. If, during development of any phase, land contamination is found to be present at the site then no further development of that phase shall be carried out until details of a remediation strategy for that phase has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved remediation details.

Reason: To ensure that any unexpected contamination encountered is dealt with, such that it does not pose an unacceptable risk to controlled water quality as required by PPS1 Policy ET17, Policy ENV12 of the adopted Cherwell Local Plan and the National Planning Policy Framework.

26. The level of noise emitted from the employment development shall not exceed 58 dB LAeq, between 0700 and 2300 daily and 50 dB LAeq, at any other time on Mondays to Fridays (except public holidays) and 48 dB LAeq at any other time on Saturdays, Sundays and public holidays, as measured at a position of 1m in front of the façade of the nearest dwelling.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

27. Details of any external lighting on any phase of development shall be submitted to and approved in writing by the local planning authority before any development on that phase commences. Development shall be carried out in accordance with the approved details. The lighting shall be installed and made operational before any building on the relevant phase is first occupied.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings and to protect ecology in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

28. No phase of development shall commence until details of both surface water and foul drainage to serve that phase have been submitted to and approved in writing by the local planning authority. No building shall be occupied until it has been provided with its drainage in accordance with the approved details. The drainage shall thereafter be retained in an operational state.

Reason: To mitigate the risk of surface water flooding, protect water quality and biodiversity on the site and to ensure that sufficient capacity is available for sewage in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework.

29. No phase of employment development shall commence until details of the measures to be installed in that phase to minimise water consumption have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The measures shall thereafter be retained in an operational condition.

Reason: The site is located in an area of water stress and to comply with Government guidance contained within the Eco Town PPS.

30. The residential development shall be constructed so as to meet as a minimum the higher Building Regulation Standard for water consumption limited to 110 litres per day (lppd).

Reason: The site is located in an area of water stress and therefore reaching a higher level of water efficiency is required to comply with Policy ESD3 of the Cherwell Local Plan 2011-2031.

31. No development shall take place on the relevant phase until details of a Scheme of Investigation of the archaeological features identified in figures 6 and 8 of the submitted archaeological evaluation (report 13/43 of Northamptonshire Archaeology dated March 2013) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved investigation details.

Reason: To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

32. No development shall take place on any phase of development until details of measures (including off-phase and off-site measures if necessary) to achieve zero carbon energy use (as defined in paragraph ET7.1 of the eco-towns supplement to Planning Policy Statement 1) for that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the measures approved shall thereafter be retained in an operational condition.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government Policy contained in Planning Policy Statement 1: Eco Towns and Policy Bicester 1 of the Cherwell Local Plan 2011-2031.

33. No residential development shall take place until a scheme for the provision as affordable housing of 30% of the number of dwellings proposed in the

submission of reserved matters has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

Reason: To ensure that the development satisfactorily contributes towards the creation of mixed and balanced community as required by Policy BSC3 of the Cherwell Local Plan 2011-2031 and Government Guidance set out in the National Planning Policy Framework.

CASE OFFICER: Caroline Ford

TEL: 01295 221823