

**Site Address: Site C Ploughley Road,
Upper Arcott & Site D & E Ambrosden
Road, MOD Bicester**

11/01494/OUT

Ward: Launton

Case Officer: Laura Bailey

Recommendation: To accept the recommendations as set out in section 6 below.

Applicant: Secretary of State for Defence

Application Description: Outline - Redevelopment of former MOD sites including demolition of existing buildings, development of 1900 homes; local centre to include a 2 form entry primary school (class D1), a community hall of 660sqm, five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling 1358sqm, 1000sqm gross A1 uses, a pub/restaurant/hotel (class A4/A3/C1) 1000sqm and parking areas; employment floorspace comprising B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20520sqm and B8 uses up to 66960sqm; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure. Erection of a 70400sqm fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking and circulation areas

Committee Referral: Major

1. Site Description and Proposed Development

- 1.1 This application is for outline consent for effectively two proposals on two separate sites, but submitted as one application. The first relates to the redevelopment of Graven Hill, Bicester (sites D & E) for a mixed use scheme comprising employment and residential uses (as specified above). The second relates to the redevelopment of C Site (in Upper Arcott) involving the construction of a 70,400 square metre warehouse, titled a 'Fulfilment Centre' by the MoD, outside storage and road/rail transfer area, to contain their logistics functions. This is an outline application with all matters reserved, except access.
- 1.2 Members will recall that this application was discussed at a special committee on the 11th April 2013, where Members resolved to grant planning permission, subject to resolution of the Section 106, conditions and departure procedures.
- 1.3 This report is therefore an update to the original report (attached as Appendix A) in relation to the recommendations set out in Section 8 of that report.

2. Application Publicity

- 2.1 Refer to section 2 in appendix A.
- 2.2 Further representations have been received from Thames Valley Police and in summary, raise the following points:
 - Police Infrastructure should be afforded due weight in producing the final S106. I acknowledge that Police Infrastructure is considered a "low" priority within your draft Planning Obligations SPD – however so are items such as Public Art, Library contributions, cemetery contributions, fire and rescue adult education, adult care, waste bins and recycling – yet all of these items are to

be included in the HoT's of the S106.

- I am fully aware of the issues surrounding viability and we appreciate that the Council has a difficult task in balancing the needs of the community with the requirement to deliver development. However what was clear at the committee was the desire of members to deliver as wide range of community infrastructure as possible and in the light of my comments on police infrastructure being a valid recipient of S106 monies, the inference from members was that TVP should receive funding where necessary, reasonable and justified.
- Concerned that the impact of 1900 dwellings on policing has been ignored.

3. Consultations

3.1 Refer to section 3 in appendix A.

4. Relevant National and Local Policy and Guidance

4.1 Refer to section 4 in appendix A.

5. Appraisal

5.1 This update deals with the following matters:

- Progress on the Section 106 legal agreement
- Conditions
- Amendments

Dealing with each in turn;

Section 106

5.2 The applicants are now in agreement with the Council's full Heads of Terms, which are set out in full in Appendix B of this report.

The Heads of Terms include (inter alia) the provision of 30% affordable housing, a new community hall, informal open space provision (including management and maintenance), contributions towards primary and secondary education and highways.

5.3 As Members will recall, a long list of mitigation items were originally identified by the District, County Council and Thames Valley Police. For some of these items there remains a lack of evidence of how funding requested could be spent on deliverable schemes and as such there is no clarity they would currently meet the tests identified below. Accordingly, a number of items were removed from the list of S106 requirements in view of the impact of all the items identified on the viability of the scheme.

5.4 Members may recall that considerable viability work has been undertaken with regard to this site. This highlighted the difficulty in funding all of the infrastructure requested for the site. As a result, the S106 requirements were reduced to those demonstrated to be essential for the development to go ahead. One of the contributions not proceeded with is the request by Thames Valley Police (TVP) for £141,084. In a recent appeal case the Secretary of State in determining the appeal did not support the need for a contribution to policing considering that the growth was identified in

plans and should have been taken into account. Since the application was considered at the last meeting TVP have written further stating their case for contributions including an appeal decision where a request for contributions was accepted. However in this case it is not considered the scheme can support additional contributions above those which have now been agreed which are considered the priorities for the site.

- 5.5 Officers consider that the community infrastructure identified to be secured through the S106 is:
- (a) necessary to make the development acceptable in planning terms
 - (b) directly related to the development
 - (c) fairly and reasonably related in scale and kind to the development

Conditions

- 5.6 Following the consideration of the application at the last committee, Members requested certain amendments to the draft conditions. These amendments included an uplift in the Code for Sustainable Homes level from 4 to 5, addition of the finish of the materials to be used in the construction of the Fulfilment Centre at C site and a strengthening of the wording relating to submission of the employment strategy for redevelopment of Graven Hill. These changes are reflected in conditions 37, 38, 8 and 41 (respectively), within the full schedule of conditions attached as Appendix C to this report.
- 5.7 Members also raised queries regarding the standard of construction of the building on C site. The building will be built for the MOD and they have specific standards they build to similar to the BREEAM standards used in other circumstances. These standards are referred to as DREEAM. Details from DIO are currently awaited of details of the standard. This will then need to be reflected in condition 7.
- 5.8 The applicants have also requested amendments to the conditions following the committee, including amendments to condition 24 (retained trees), the requirement for access details for C site and the requirement for the submission and approval of water infrastructure studies for C site.
- 5.9 Officers have reiterated the need for appropriate building standards, access details and water supply arrangements and as such, these conditions remain. In relation to retained trees, the applicants are in the process of formulating suggested wording for Officers to consider; this should be available before the meeting and any changes will be reported verbally to the Committee.
- 5.10 The applicants have also requested, for clarity, that each condition explicitly states whether it relates to either C site or Graven Hill; this amendment has been incorporated into the changes.
- 5.11 From the 30th May 2013, the Permitted Development regime for England will be amended to allow, subject to certain caveats, the change of use of B1 (a) office buildings to dwelling houses. Officers consider that given the extent of the B1 (a) development proposed in the application (2160sqm), this permitted right should be removed, to allow the Planning Authority to retain full control over any additional residential units created.

The proposed condition is as follows:

Notwithstanding the provisions of Class J of Part 4, schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and its subsequent amendments, the approved B1 (a) development on Graven

Hill shall not be converted to provide residential accommodation, without the express planning consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of the Graven Hill site, in order to ensure an appropriate level of services and amenities will remain for the development, in accordance with central Government advice contained the National Planning Policy Framework.

- 5.12 In all other respects, Officers consider that the revised conditions are necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects.

Amendments

- 5.13 During negotiations with the applicants, it was agreed that the area of the grocery store would be reduced to 1000sqm, but that the additional local centre units would be increased to 1358sqm, to accommodate the 858sqm removed from the grocery store footprint.

- 5.14 As such, the description of development should now be as follows:

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- 5.15 Condition 42 has also been updated accordingly and now reads as follows:

The local shops or facilities (use classes A1, A2, A3, A5 or D1) shall not exceed 1358m² in total or comprise of any single unit exceeding 150m² in area, with the exception of a single additional retail unit (use class A1) which shall not exceed 1000m² gross area. The local shops and facilities thereafter shall not be amalgamated to form larger units without the prior written consent of the Local Planning Authority. The 1000m² retail unit shall not be used for any purpose outside of use class A1.

Engagement

- 5.16 With regard to the duty set out in paragraphs 186 and 187 of the Framework, Officers have sought to address the problems and issues throughout the application process, by working with the applicants and ATLAS. It is considered that the duty to be positive and proactive has been discharged through consistent negotiation and discussion with the applicants over the course of the application process.

Conclusion

- 5.17 Officers are satisfied that the Heads of Terms appropriately mitigate the impact of the development and meet the tests set out in the Community Infrastructure Levy Regulations. Officers are also satisfied with the schedule of conditions and amendment to the description of development.

6. Recommendation

1. To accept the Heads of Terms set out in Appendix B
2. To delegate the completion of the S106 legal agreement to Officers in consultation with the Chairman
3. To accept the amendments to the conditions and delegate minor changes to the conditions to Officers, in consultation with the Chairman

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