

<b>Application No:</b> 11/01494/OUT	<b>Ward:</b> Launton	<b>Date Valid:</b> 03/10/11
<b>Applicant:</b>	Secretary of State for Defence	
<b>Site Address:</b>	Site C Ploughley Road, Upper Arncoth & Site D & E Ambrosden Road, MOD Bicester	

**Proposal:** 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 500sqm, 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

## 1. Site Description and Proposal

- 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 Arncoth) 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. Various works are proposed to both sites to improve/upgrade existing access points, which will be discussed in more detail in the highway section below.
- 1.2 C Site is located to the west of Arncoth Hill. It is bound to the north by residential properties off Ploughley Road with Norris Road to the east. Residential properties on Green Lane also bound the eastern edge of the site as part of the Upper Arncoth settlement, with Murcott Road forming the south eastern boundary of the site. The western boundary is formed by railway lines within the site and agricultural fields adjoining the site. The site is 57ha in total and contains numerous large warehouses, most with road and rail access. Access to the site is off Norris Road. A further access point (currently gated) is to the south off Murcott Road. The main rail access into the site is from the north-west corner and a link to other sites leaves the south-east corner of the site. A further link leaves the site in the north east corner.
- 1.3 Sites D and E, referred to collectively as Graven Hill, comprise an area of 207.23ha. E Site is the closest to Bicester, north west of Graven Hill and measures circa 70 ha, of which 48.6ha is currently within B8 Storage and Distribution use. D site is to the south east of Graven Hill and measures circa 60ha, of which circa 36.8ha is currently in B8 Storage and Distribution use. The sites form a donut shape around

Graven Hill itself. St. David's Barracks, to the south-west of the Hill, is self contained and excluded from this area. The site is currently used as part of the LCS (Logistics, Commodities and Services, formerly known as DSDA (Defence Storage and Distribution Agency)), logistics hub. Under this proposal the LCS operation would be rationalised and moved to C Site.

- 1.4 Graven Hill is bounded to the north east by the A41 Aylesbury Road, the railway line to the west, railway tracks and sidings to the south-west. The southern and eastern boundaries of the site are formed by adjoining agricultural fields with a railway line within the site on both these edges. The site includes the Bicester International Freight Terminal (BIFT) which is in the north of the site along the A41 and in total extends to circa 6ha. There are two main vehicular access points to the site. The main access currently is the roundabout in the north east corner off the A41 Aylesbury Road, the A4421 Neunkirchen/Seelscheid Way and Gravenhill Road North. The ghost island priority junction at the A41/Pioneer Road junction and a further access point to the south off Langford Lane, which in turn leads out to join the A41 to the west, are currently gated for security reasons. Rail access into the site is from the south near the sidings area. The main rail route forms the majority of the northern and western edges of the site. Adjoining uses include Wretchwick Farm to the north east and a sewage treatment works to the north west on the opposite side of the Chiltern railway line. Langford Park Farm adjoins the site to the north west. A stables business and residence is located to the south west of the site at Langford Lane.
- 1.5 Whilst this application is in outline only, indicative plans have been submitted along with, Planning Statement, Draft Heads of terms for s.106, Statement of Community Involvement, Sustainability Appraisal, Plans document, Design and Access Statement, Environmental Statement Volume 1:Non-technical summary, Environmental Statement Volume 2: Main report, Environmental Statement Volume 3: Appendices, Graven Hill & C Site Flood Risk Assessment, Energy Strategy, Transport Assessment (including appendices), Graven Hill & C Site Travel Plan, Graven Hill & C Site Drainage Strategy, Graven Hill & C Site Utilities Strategy and Graven Hill & C Site Tree Surveys. Further addendums to the Environmental Statement have also been submitted, the details of which are outlined in the consultation section below.
- 1.6 There is no relevant planning history associated with these sites.
- 1.7 By way of background, it is important to understand the applicant's (DIO - Defence Infrastructure Organisation) basis for the submission of this application as a 'linked' application, i.e. the determination of the proposals at C Site and Graven Hill as one application. The Operational Efficiency Programme (OEP), published in late 2008, charged the MOD with looking at its storage and distribution function, along with the estate it occupies to determine whether there were any opportunities to release funds back to Her Majesty's Treasury (HMT). The OEP identified the opportunity to rationalise the logistics function at Graven Hill, by withdrawing (in a phased manner) from Graven Hill and to redevelop C Site, using the value of the surplus land to develop a specifically designed, fit for purpose logistics hub.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and press notice. Site notices were located at various points along the A41, the A41/Ploughley Road junction, bus stop at Rodney House, on a road sign adjacent to C Site and on a telegraph pole at the Ploughley Road/Green Lane junction. A notice was also posted to the Bicester Link Point. The final date for comment was 17 November 2011. However correspondence received after this date but prior to determination has been taken into consideration.
- 2.2 17 letters/emails of objection have been received from neighbouring residents. The main material planning reasons for objecting are summarised below;
- Impact from 'fulfiment' centre on views, sunlight, noise and disturbance from increased activity on occupants of 3 Norris Road, Upper Arncott.
  - Noisy and unsociable building (C site)
  - Adverse impact from flood lighting
  - Concerns about flooding, skylines and air quality
  - Accessibility of the application – the application is deliberately long winded
  - Concerned about MoD's stance to withdraw from Bicester if plans rejected
  - Access around C site was supposed to be for emergency access only.
  - Question the need for additional housing
  - Question the need for more warehouse space when many of the buildings on C site are let out to private companies and many others are empty.
  - If this application is implemented, C Site will be built before Graven Hill is sold. Construction was meant to depend on the sale of Graven Hill.
  - Congestion and trucks queuing at the entrance to C Site.
  - Application lacks any detail regarding road improvements in the actual villages
  - Application does not demonstrate how security will be maintained around the rail line or barrack area around Graven Hill. Does not mention whether the use of the rail line will be for main line or internal freight use.
  - Lack of detail regarding the proposed bund at C site.
  - Air quality will be affected at Arncott.
  - C site will put additional pressure on the River Ray.
  - There will be no visual gain for the village for 10-15 years until the landscaping matures.
  - Development will impact views from properties on Norris Road, particularly 3A Norris Road.
  - Structure will dominate the entrance to the village.
  - Development could increase our unemployment figures rather than reducing them.
  - There must be a mandatory HGV route via Palmer Avenue, with weight restrictions placed on Ploughley Road through Ambrosden and Arncott, Murcott Road, and Norris Road.
  - Both villages would also gain greatly from a blanket 20 mph speed limit.
  - The site entrance and its environs, especially the area opposite, should be brought up to an acceptable standard.
  - A proper footpath enabling pedestrians to walk along one side of Ploughley Road and Norris Road, with a safe full width path across the level crossing, should also be part of the plan.

- Sufficient housing is provided by the SW extension (Kingsmere) and Eco Town to satisfy demand for a considerable period.
- Further provision will damage the values of existing stock and the viability of consented schemes.
- Granting consent for this development will realise the relief road.
- Insufficient mitigation to accommodate increased demands
- No mention of rail links and any potential upgrading of railways sidings
- Can the operations not be based at Graven Hill and the housing at Arccott?

1 letter of support has been received. The main points are summarised below:

- Great opportunity to stream line the logistics supply chain for the MOD, securing a number of jobs for the local community and increasing the likelihood of visitors to the area.

Terrance O'Rourke Ltd have written on behalf of Countryside Properties (Bicester) Ltd to object to the proposal and in summary, raise the following points;

- The proposals are extremely premature and could seriously undermine the emerging spatial strategy for Bicester
- This prematurity would have significant implications for the delivery of the existing strategic development sites at Kingsmere and North West Bicester.
- Incorrect to seek to justify the release of Graven Hill on the basis that the saved policies do not include provisions for the growth of Bicester.
- The proposal needs to be backed up by a clear and robust evidence base, including viability case.
- The applicant has failed to provide any compelling reasons why either the adopted planning policies or the emerging spatial strategy should be set aside.
- Infrastructure requirements of the development have not been considered at a strategic level.

### 3. Consultations

The consultation responses in relation to the originally submitted proposal are summarised below, the full versions can be found on the council's website.

3.1 **Bicester Town Council** objects to the proposal. Their objections are summarised below;

- The 1900 homes planned are over and above the approx. 7500 homes already accepted and in the planning process for the town. The town cannot keep growing at this rate.
- Increased traffic flow has not been adequately addressed in the application.
- Employment figures are not robust enough to support the application & questions the number of jobs created in the claim.
- Visual impact of large 'Fulfilment Centre' on the surrounding area.
- Concerned that a full Environmental Impact Study has not been carried out.
- Any development must support and enhance Bicester's status as an Eco Town.

3.2 **Chesterton Parish Council** are of the opinion that the application offers the

opportunity to review the NW Bicester location and consider this brownfield site as an alternative.

3.3 **Merton Parish Council** does not object to the proposal, but offers the following comments:

Extra HGV Traffic particularly in Arncott as operations move from GH (present freight point). Whilst there is a MOD HGV circuit from A41 via B 4011 (Thame rd) and then down Palmer Avenue to the main C site entrance just past The Plough, this will be more heavily loaded and there will be an increased risk of HGV cutting the corner from A34 (By mistake! or Sat Nav guidance) via Islip, Merton & Ambrosden.

3.4 **Wendlebury Parish Council** object to the application, and in summary, raises the following points:

- Adequate housing provision for Bicester already achieved
- Transport mitigation measures are insufficient
- Increase in HGV movements will be potentially detrimental to village
- Will detrimentally affect rural local residential areas
- The link road will have a detrimental environmental impact
- Pollution creation
- Adverse landscape impact
- Scheme extends beyond existing and planned areas of Bicester town and is incompatible with the rural location
- Historic environment enhanced by our archaeological heritage with Alchester town links across fields surrounding Wendlebury will be damaged and compromised.

3.5 **Ambrosden Parish Council** objects to the proposal. No further comments received.

3.6 **Arncott Parish Council** object to the proposal, and comment (in summary) as follows:

- Floodlighting, noise pollution and traffic flow will impact those living adjacent to the site. The fulfilment Centre will have an overbearing impact; will affect the amenity and street scene whilst generating clearly audible noise during silent hours: 2300 to 0600 hrs.
- What will be the impact for the residents of Arncott in terms of vehicle or train movements?
- Insufficient detail in relation to traffic movements, particularly if there is an 'operational ramp up'
- Not enough thought given to HGV routing and consequential highway safety
- The fulfilment Centre building size and location in relation to the properties in Green Lane and Norris Road.
- ·The noise and light pollution caused by a 24/7 operation.
- ·The effect of this pollution on properties at the Northern end of Ploughley Road, particularly Brook Farm, and potentially parts of Ambrosden, that will not be shielded from the building.
- Flooding - the worst case water runoff from a hard area this size must be fully understood and catered for: not just as a once in a lifetime chance

calculation.

- Traffic: there must be a weight restriction through Arncott and Ambrosden forcing all HGVs (except buses etc) to use the designated route via Palmer Avenue only. We would also like to see a 20 mph speed limit introduced in both villages as a disincentive to both MoD and 'rat run' traffic using Ploughley Road and Murcott Road.
- A much greater provision for improving the appearance of the site, particularly opposite the main entrance, the site of the old railway workshop and a decent footpath along both sides Norris Road and Ploughley Road.
- The level crossing by the site entrance must be improved so that pedestrians do not have to cross the road at the level crossing or have vehicles within inches of an individual.

3.7 **The Council's Head of Strategic Planning and the Economy** and in summary, comments as follows:

#### **C Site – Arncott**

- In broad policy terms the principle of the development is considered to accord with the content of the National Planning Policy Framework (NPPF) with regards to proactively driving and supporting sustainable economic development (in terms of the job retention and job creation proposed),
- In relation to landscape, highway and neighbour impact issues, specialist consultee input is being sought.

#### **D & E Sites - Graven Hill**

##### Principle of Development:

- In terms of the principle of development, the application represents a departure from the adopted development plan (the Adopted Cherwell Local Plan 1996) and the South East Plan since it is not yet formally allocated for development.
- Redevelopment at Graven Hill is allocated in the Proposed Submission Local Plan<sup>1</sup> and forms a key element of the draft Bicester Masterplan SPD. Given the stage of preparation of the Local Plan, this proposed allocation can be given limited weight in the decision making process though it demonstrates the emerging acceptability of the principle of the site's release in planning policy terms.
- The South East Plan currently represents the most up to date development plan policies. In very general terms the principle of the proposal complies with the spatial policies of the South East Plan (Policy SP3: Urban Focus and Urban Renaissance) in that the focus for development should be in urban areas in order to maximise accessibility, and also that at least 60% of all new development should be on previously developed land (the site is predominantly previously developed).
- In terms of material considerations, the Non Statutory Cherwell Local

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<sup>1</sup> Proposed Submission Draft Local Plan approved for consultation by CDC's Executive on 28 May 2012

Plan 2011 remains a valid consideration. The Proposed Submission Local Plan 2012, the Council's latest expression of emerging policy, has limited weight but is an important consideration in the process given its specific content on Graven Hill, and is discussed in more detail over the following pages. The National Planning Policy Framework (NPPF) is also a material consideration.

- The NPPF sets out a generally 'pro growth' approach to decision taking. The NPPF's 'presumption in favour of sustainable development' is defined in para 14 as meaning, in decision taking terms, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted.

### Housing

#### - Housing Supply

- The site is not allocated for development in the 1996 Adopted Cherwell Local Plan. Presently the Council cannot demonstrate a five year housing land supply, therefore the housing policies in the 1996 Local Plan are rendered out of date, and the guidance of the NPPF takes precedence<sup>2</sup>.
- The Proposed Submission Local Plan 2012 (PSLP) however sets out a new strategy and vision for the district to 2031, with the allocation of a mixed use redevelopment at Graven Hill a key part of the development strategy. The housing trajectory projects 1900 dwellings to be delivered at the site with a proposed minimum of 50 dwellings 2014/15, 100 dwellings in 2015/16 and 100 in 2016/17, and, from 2017/18, 150 dwellings per year until 2027/28.

#### - Affordable Housing

- The Proposed Submission Local Plan 2012 (PSLP), supported by a recent viability study, contains a requirement of 30% on sites suitable for 10 or more dwellings in Bicester.
- Only 380 of the 1900 homes proposed in the application would be affordable (20%) although there are references to 'up to 30%' in supporting documents. This would be insufficient to meet local policy requirements of 30% without clear evidence that the development would not be viable with a 30% requirement. Liaison with the Strategic Housing Team is required to determine an appropriate tenure mix for this particular proposal.
- Also in consultation with that team, consideration should also be given to the need for extra care housing and the opportunities for self build

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<sup>2</sup> Note: A review of housing land supply will be presented to the Council's Executive shortly, to reflect the new housing trajectory in the Proposed Submission Local Plan 2012 (which includes development at the Graven Hill site) and the new housing land supply guidance of the NPPF.

affordable housing as set out in PSLP policies BSC3: Affordable Housing, BSC4: Housing Mix and Bicester 2: Graven Hill.

- Housing Mix

- An assessment of the type and size of housing needed in Cherwell informs the Proposed Submission Local Plan 2012 (PSLP) Policy BSC4: Housing Mix. Although at this stage the policies carry limited weight, they do set out the size and type of housing expected to be required to meet the needs of Cherwell's future population. It is noted that the proposed mix of market housing differs significantly from that envisaged in the policy. The proposal is for 10% 2 bed' flats and houses compared to the policy's 30%, and for 85% 3, 4 & 5 bed' homes compared to the policy's 45% (excluding extra care housing).
- Given the heavy reliance on the provision of medium and larger homes and the need to provide an appropriate mix of housing that helps meet diverse requirements and helps with improving affordability, consideration should be given as to how a range of housing closer to that in the PSLP can be achieved.

Employment

- The allocation of the site in the Proposed Submission Local Plan 2012 (PSLP) requires the provision of high quality job opportunities through mixed employment uses, with a focus on creating a more knowledge based economy in Bicester specifically, yet the development proposes a reliance on B8 use.
- Information should be provided as to how the proposed development would contribute to the development of a coherent economic strategy for Bicester and complement other planned employment to seek to change the image of the town, in line with the Eco Bicester – One Shared Vision document and the Council's Economic Development Strategy (and, now, in accordance with the Proposed Submission Local Plan 2012).
- The application contains no details with regards to the focus on a low carbon economy for Bicester. Sustainable transport connections (including the use of rail freight) are a key part of the low carbon economy so there is potential for the site to enable low carbon economic development, but, again, there are no firm commitments to the use of rail infrastructure in the application.
- The employment density multipliers used appear to correlate broadly with recent HCA guidance on employment densities, but some of the calculations seem unclear. For example if a density of 1 job per 36sqm is used for B1b, B1c and B2 uses (22,920sqm in total), as set out in the DAS, this should equate to 636 jobs rather than the 770 jobs stated in the DAS & the Planning Statement. It would be helpful to set out clearly the calculations on the multipliers used to justify indirect/direct jobs, home working, the split between full time/part time jobs etc to enable the proposed economic impacts to be fully understood.

Local Centre and Retail



- The Proposed Submission Local Plan 2012 (PSLP) Policy SLE2: Securing Dynamic Town Centres is clear that that the Council does not support out of town office and retail development outside of the district's town centres. The provision of new local centres within proposed allocated sites is supported but the grocery store proposed in the application appears to be of a different scale to local centre provision and is in addition to local centre facilities.
- The Council's 2010 Retail Study identifies that there is no additional capacity for convenience retail in Bicester on top of that approved as part of the Bicester town centre expansion.

### Transport and Accessibility

- In strategic terms, the key requirements of the Proposed Submission Local Plan 2012 (PSLP) on Graven Hill (Policy Bicester 2: Graven Hill, and SLE4: Improved Transport and Connections) are use of the rail tracks on site to serve commercial logistics and distribution and development of an expanded rail freight interchange; maximisation of transport connectivity and non car accessibility in and around the site; contribution to capacity improvements to the surrounding road networks; and significant sustainable access provision. Each of these elements should be provided for in the proposal.
- The DAS highlights that the rail line could be retained to 'potentially' serve the commercial warehouse functions, with the detail to be determined at Reserved Matters stage. The applicants should be aware that the delivery of rail linked warehousing is a key element of the allocation of the site for development in the PSLP as indeed is the retention and use of this spur line off the Bicester – Oxford line in its entirety. The future use of this rail spur is a key element affected by this proposal and should form part of the outline application.
- The delivery of a new relief road for south east Bicester is also a key aim of the PSLP, enabling traffic to bypass the Bicester Village roundabout to access the A41. Policy Bicester 2: Graven Hill requires that the development will provide a peripheral road within the site to function as the relief road, whilst also contribute to the funding of the relief road beyond the site.

### Open Space

- The amount of amenity open space and children's playspace to be provided exceeds what would normally be required under the policy, though the level of playing pitch provision proposed is less than what would be expected (5.87ha compared to 7.7-8.3ha required by the policy).
- The level of children's playspace provision proposed as part of the application meets the requirements of policy R8 but the outdoor sports provision is below what would normally be required.
- The Proposed Submission Local Plan 2012 (PSLP) Policy BSC11 (Local Standards of Provision – Outdoor Recreation) sets out updated local

standards of provision for general greenspace, playspace, outdoor sports provision and allotments. The amount of open space proposed in the application exceeds the standards set out in this policy.

- Whilst the level of outdoor sports provision is below what would be expected under the 1996 Cherwell Local Plan it does meet the PSLP 2012 standards. The amount of open space provision is therefore considered to meet policy requirements in quantity terms. There is however some concern that the accessibility standards are not met – i.e. not all the proposed residential areas lie within the PSLP's recommended walking distances for play space, or allotments.
- There is also no mention of cemetery provision in the proposed Heads of Terms. Policy Bicester 9: Burial Site in Bicester in the PSLP requires developer contributions from new development in Bicester towards the establishment of a new cemetery facility although at the current time the PSLP envisages the cemetery site itself to be provided at the North West Bicester development.
- Level of Green Infrastructure (GI) to be provided (98.4ha, equating to 47% of the total site area) is comparable to the level of GI provision expected of eco-developments, accords with PSLP policy ESD18: Green Infrastructure, and is to be welcomed. The provision of green infrastructure is a fundamental component of the PSLP's vision for Bicester to 2031.

### Biodiversity

- The woodland is a Local Wildlife Site (LWS) and contains ancient woodland and a number of protected species and habitats of value. In order to comply with Adopted Cherwell Local Plan policies C1 and C2, Non-Statutory Cherwell Local Plan policies EN22, EN24 and EN25, the NPPF and PSLP policies it is important that the right balance is struck to ensure that increased public access to woodland is not detrimental to those features of value.
- Para 12.7.10 of the Planning Statement indicates that the recreational use of the LWS and the surrounding habitats will be managed through the implementation of an integrated recreation and habitat management plan. It is noted that this management plan does not currently form part of the application and therefore must form part of subsequent Reserved Matters applications. Arrangements for long term management will be key to ensuring compliance with the policy.

### Sustainable Construction

- There are no firm commitments to this in the application documentation although land is proposed to be safeguarded for two potential energy centres, and it is not clear therefore whether this policy is met.
- The sustainability policies (ESD1 – 5) in the Proposed Submission Local Plan 2012 (PSLP) require Code for Sustainable Homes (CSH) Level 4 (for all aspects of the Code – not just the energy elements) on all residential developments (the Council's One Shared Vision document seeks CSH Level 5); BREEAM 'Very Good' for all non residential

developments; a feasibility assessment for district heating for developments of 400 dwellings or above 1000 sqm (where the assessment demonstrates that district heating is deliverable, this will be required as part of the development); and a feasibility assessment for the potential of significant on site renewable energy provision for developments of 400 dwellings or above 1000 sqm (again, where the assessment demonstrates that renewable energy is deliverable, this will be required as part of the development).

- The DAS refers to CSH Level 4 but the applicants should be aware that the proposed policy relates to the achievement of Code levels as a whole, not only the energy element.
- This Council also seeks the achievement of wider sustainability standards.
- No sustainability standards for the non residential buildings are referenced in the Energy Strategy.
- Potential links to the Energy from Waste plant at Ardley are mentioned but not discussed in any detail and this is a missed opportunity.
- Overall, the Energy Strategy is not sufficiently detailed to meet the aims of the PSLP policies on sustainability.

#### Design and Conservation

- Whilst the application is in outline only, there needs to be agreement on a single masterplan for the whole development to ensure that the development takes place in an integrated, coordinated and planned way, including in the funding and delivery of infrastructure, and that development integrates with and complements the urban form and function of Bicester and enables connectivity between new and existing communities.

#### Landscape and Visual Impacts

- PSLP Policy ESD16: The Character of the Built Environment sets out a district wide policy on development design. In terms of concerns over the detail of the documentation submitted with the application, the visual impact work does not show any visual effects for nearby villages including effects for Chesterton, Merton, Blackthorn and Wendlebury.
- The extent of the visual impact on these villages should be made clear. Secondly, the Environmental Statement does not consider if St David's Barracks would have an adverse visual or functional effect on the residents of the new properties proposed at Graven Hill.

#### Flood Risk and Drainage

- The site is within flood zone 1 apart from a very small part in the north west where there is proposed to be no residential development.

#### Conclusion

The proposal for the redevelopment of Graven Hill broadly accords with the new

proposed development strategy for the district and for Bicester specifically, although, as this response highlights, issues of strategic significance need to be resolved. These include maximising the opportunities presented by the existing rail links and the contribution the site makes to a 'low carbon', knowledge based and high value economy for Bicester; adequately mitigating adverse landscape, visual and heritage impacts; achieving a net gain in biodiversity, ensuring the development adequately mitigates and adapts to climate change; and, ultimately, delivering the benefits for the town envisaged in the Proposed Submission Local Plan. Such considerations include maximising accessibility connections and permeability between Bicester and the development site as highlighted in the draft Bicester Masterplan SPD, and securing the South East Bicester relief road.

3.8 The **Council's Design and Conservation Team Leader** has made the following comments (in summary);

In relation to C Site

- In terms of direct impact on heritage assets within C site, the initial findings of Roger Thomas of EH are that there are two groups of Bolero buildings of interest (C30 and C31) but these are not directly affected by the proposed development and will remain.
- the proposed mitigation measures as well as the building itself will have an impact on the character of the wider landscape
- Viewpoint 12 illustrates that it is not only the height of the proposed building that will be of significance but also its sheer unrelieved scale and constant flat horizon, which could have a looming presence behind domestic properties, listed and unlisted, of more intimate scale.
- I cannot agree that there will be no significant effect on the setting of Miropa, 16 Green Lane or on Arccott Methodist Chapel.
- Given the scale of the building, its proximity to existing properties and the potential visual impact, I consider further information is required both on the intended appearance of the building, how its mass might be broken down and how its visual impact is intended to be mitigated from all directions of view, to enable a proper assessment of the visual impact of a building of this volume.

In relation to Graven Hill

- The significance of Second World War heritage is only now being researched and documented fully. We encouraged English Heritage to bring forward its assessment of the relative significance of the former military buildings on the site as part of its Heritage Protection Review.
- In my view setting has been too tightly defined and therefore impacts not properly assessed.
- In principle I consider that this site has the potential to make a positive contribution to the growth of Bicester:
- How footpath access would be achieved over the retained rail line to Ambrosden needs to be considered. Pedestrian movement within the site

appears to be satisfactory, but this is insufficient in isolation.

- I had asked that visualisations should test the impact of development-creep up the sides of Graven Hill but I cannot see reference to this in the submission. The night time effects will also need to be assessed. It appears to be proposed that the existing employment areas will remain but this is far from clear as there is also reference to these being replaced over time. I cannot see an assessment of the visual effects of the employment buildings.
- It seems likely that one at the entrance will be dominated by parking for the grocery store.
- Reference is included to the use of solar thermal on roof slopes but it is not clear how this will integrate with the use of traditional materials that is suggested. Roof pitches will need to be orientated to maximise south facing slopes so it would be useful to understand how this will be dealt with vis a vis local distinctiveness. Character areas are indicated but it is not clear other than in terms of location and land use how they will differ in character from each other.

Further comments have also been provided by the **Council's Design and Conservation Officer**, with specific regard to heritage matters and are summarised below:

- Full and proper assessments including setting, context and significance analysis should be submitted for the affected heritage assets, with the setting drawn more appropriately this time. This is required under NPPF s.128.
- Full justification in line with the NPPF s.132, 133, 134 and 135 should be given for EACH heritage asset to be lost, designated or otherwise. It should outline the reasons why the building cannot be retained and reused. A condition survey should be submitted if building condition is thought to be in too poor a condition to be saved, and an explanation of why the building has not been maintained by the current owners.
- I would strongly urge that a design code is sought to place restrictions on height (including graduation across the site), scale, massing, basic layout etc to enable developers to mitigate the impact on the historic environment.

3.9 The **Council's Landscape Planning Officer** has made the following comments (in summary):

In relation to D&E site (Graven Hill)

- Disappointed with the consideration of landscape within the D&A statement. No information about a landscape strategy for creating different character areas in which the housing and industrial activity sits. The site contains a substantial amount of existing woodland but this is not analysed and the findings used to inform landscape character at a local level.
- Longer distance views are of the wooded part of Graven Hill which will remain undeveloped. Closer views of the proposed development will be of a developed landscape. However, I don't feel that there will be a significant impact on the landscape. The pattern of development will be altered but should appear more cohesive.

- Early perimeter planting will help mitigate localised effects of the development over time and should, if planted upfront, screen the development by the time it is completed.
- In principle I cannot see any substantial negative landscape impacts from this development, although I would like to see a decent landscape strategy produced for all aspects of the site.

In relation to C Site

- This is a very, very large building. It is tall, deep, long and will form a very solid mass in the landscape. No detail of the design has been provided.
- The existing sheds are quite dominant from some viewpoints and they are relatively small compared with this 'super-shed' It is also sited roughly parallel with the boundaries unlike the sheds which it replaces which are at varying angles, thereby varying the impact from any one point. The MOD clearly recognise that this is a very large structure as they have proposed to both sink the building and build bunds round it.
- While there are obviously buildings in this landscape at present, replacing 5 large buildings with one enormous one is not in my opinion appropriate on this site.

- 3.10 **Oxfordshire Country Council** has provided a comprehensive response relating to all aspects under the County Council's jurisdiction. In summary, the County Council **SUPPORTS** these proposals. However, this is subject to further clarification being provided, in particular how the viability issues can be collectively addressed. More detailed comments in relation to highways are provided in the highways section below.

**The full response is attached to this report as appendix A.**

- 3.11 **The Council's Strategic Housing Officer** states that the draft SPD for Planning Obligations states that in areas outside of Bicester, Banbury and Kidlington 35% of new housing development on sites of over 3 units will be affordable. However as this scheme is likely to be more urban in nature and sales values are likely be more akin to Bicester developments, the Council will be prepared to accept a 30% contribution. Of these the standard tenure mix is 70% for rent and 30% for shared ownership. We would therefore be seeking a contribution of 570 units based on the following size mix which has been established from the standard size mix matrix modified by reference to the housing register.

All properties will meet the HCA design and quality standards and lifetime homes standards and secured by design standards. Properties should be designed to be 'tenure blind' and will be well integrated with the rest of the development in clusters of no more than 10 units and with rent and shared ownership mixed within the clusters.

Properties will need to be transferred to an approved provider with a local management presence in the District.

3.12 The **Council's Ecologist** has commented (in summary) as follows:

- The delivery of a holistic mitigation/enhancement strategy across the whole site is fundamental to avoiding a net loss of biodiversity from the scheme, and thus maintaining compliance with PPS9, local plan policy and EU protected species legislation.
- It cannot confidently be said that the necessary licences for some or all of the European protected species affected by the current application would be granted by Natural England.
- Further information in the form of a detailed Habitat Creation and Management Plan is needed, including a statement detailing how the three derogation tests are likely to be met, prior to determination.
- A Construction Environment Management Plan should also be produced, detailing all the measures to take place before and during construction to ensure the development complies with UK & European protected species legislation.
- Should the current application be approved, many of the biodiversity measures recommended in Table 3.3 of the ES can be covered by ensuring that the following documents are approved by the Council prior to the commencement of any development on site, and that works proceed in accordance with the approved version:
  - a Construction Environment Management Plan
  - a Habitat Creation & Management Plan

3.13 **The County Council as the Lead Flood Authority and SUDs Adoption Body** – Detailed comments are provided within the County Council's full response, at **Appendix A**.

**Network Rail** raises no objection in principle, but has commented on the application as follows (in summary):

- Application lays more emphasis on the proposed bus service without recognising the value of the Bicester Town railway station.
- Under the Chiltern Railway Evergreen III "Bi-Ox" scheme Bicester Town will gain hugely improved rail service frequencies yet the application seems to ignore this fact, Network Rail regard this omission as odd.
- Concerns that as a result of siting the residential housing closer to Bicester, any freight activity serving the warehousing zones will pass by the housing with resultant noise implications particularly if as a result of Evergreen III rail access is at times different to the current early afternoon service.

3.14 **The Environment Agency** raises no objections but only if the suggested planning conditions are imposed and implemented appropriately.

3.15 **Thames Water** makes the following comments;

C Site -

- Inability of the existing waste water infrastructure to accommodate the needs of the application. However this can be resolved by the inclusion of a planning condition.

- No objection with regard to water supply infrastructure.

#### Graven Hill

- Inability of the existing waste water infrastructure to accommodate the needs of the application. However this can be resolved by the inclusion of a planning condition.
- Inability of the existing water supply infrastructure to accommodate the needs of the application. However this can be resolved by the inclusion of a planning condition.

3.16 **Natural England** raises no objection to the proposal, subject to the inclusion of conditions. They also make the following comments (in summary)

- Landscape and visual impacts are a matter for the LPA to consider. However, the photomontages do not make it especially clear what the visual impacts of the development will be. Recommend that LPA request wireframes and pictures of how the development will appear in the landscape.
- Detailed conditions should be imposed in relation to each protected species identified.
- Recommend LPA review literature relating to Green Infrastructure provision
- LPA should consult BBOWT in relation to County Wildlife Sites.
- Potential to affect Ancient Woodland – LPA should refer to Standing Advice on ancient woodland.
- Developers must obtain permission to remove certain hedgerows.
- More consideration should be given to biodiversity enhancements.

3.17 **Berks, Bucks & Oxon Wildlife Trust (BBOWT)** has made the following comments (in summary)

- The Trust does not object in principle to the application. I generally have few concerns regarding the surveys undertaken, baseline data gathered and the conclusions of the ecological impact assessment given in the Biodiversity chapter.
- A decision has been made on whether the conservation status of identified potential ecological receptors would be compromised based on 'professional judgement drawing on the results of the assessment' and significant effects on a number of ecological features are dismissed through a 'high level scoping assessment'. Whilst all impact assessments are inherently not objective, I think that the lack of a geographic frame of reference makes this approach too arbitrary.
- However, I think the decisions arrived at are generally acceptable, although the approach results in a brief concluding section to the assessment with no clear consideration of residual impacts.
- It is stated in error that the wood is currently managed by BBOWT and that the future baseline in the 'do nothing' scenario is that the LWS will continue to be managed by BBOWT and remain in a similar condition. This is not the case, and I can only assume that the confusion has arisen from the non-statutory designation.
- The measures proposed to mitigate the effects of human disturbance on the



site such as instructions to remain on designated paths, keep dogs on leads, and also leaflet drops regarding pet cats and wildlife are unlikely to be very effective and will be very difficult to enforce. Furthermore, it is not stated how public access to the southern half of the wood could be restricted and enforced. Short of an impenetrable security fence bisecting the LWS (which would bring its own difficulties and impacts), it is not clear how this could be achieved or policed.

- Some degradation of the ecological value of the LWS is inevitable given its presently undisturbed nature and the magnitude of the proposed development, and that attempts to improve habitat connectivity beyond the site will not have any significant beneficial effect.
- In order to at least minimise adverse residual impacts, it is of paramount importance that these habitat creation and management ideas are submitted in detail with explanation of a suitable delivery mechanism to ensure that they can be achieved. This should be appended to a S106 agreement for any permission granted.
- An on-going management plan should be written in sufficient detail to allow it to be accurately costed and appended to the S106 agreement so that any developer is clear of the requirements and commitment to biodiversity enhancement measures obliged within the scheme.
- I would consider the existing newt population to be an important ecological resource of at least district wildlife value, as it is another notable example of the species apparently successfully exploiting a particular landscape niche that is specific to the district, and several similar sites are also under consideration for significant future land use changes.
- The applicant proposes to devise a suitable mitigation strategy in agreement with Natural England in advance of any works commencing. I would recommend that such a strategy is rigorous in its scope and assessment of potential future impacts on the relocated viviparous lizards and grass snakes. If it is still considered a real possibility that reptiles relocated within the development will fail to survive in the long term, then very serious consideration should be given to relocating the populations to a more suitable off-site location.
- I would recommend that a more detailed habitat creation plan should be submitted by the applicant prior to determination, along with a reasonably detailed outline for a future management plan. The latter should ideally contain information regarding on-going annual habitat management work plans, an appropriate ecological monitoring schedule, details of a biodiversity steering group and review process, and fairly accurate costings to achieve these aims. This document should be appended to a S106 legal agreement.
- Should the application be granted consent, BBOWT would support all of the biodiversity-related planning conditions proposed in Table 3.3 of Chapter 3 of the ES. In addition, I would recommend that the following documents are finalised and approved by the Council prior to commencement of any development work on the site:
  - a Construction Environment Management Plan
  - a Habitat Creation Plan
  - a Habitat Management Plan

3.18 **CPRE** has made the following comments (in summary)

- The proposal falls outside of the 12,751 new household target for CDC for the period 2006-26.
- Bicester already has committed development in the form of the Eco town, SW Bicester, Gavray Drive and Talisman Road sites.
- Disagree with the stance that the Draft Core Strategy will carry less weight in light of the NPPF.
- There is no case for a further site around Bicester. Although the site is technically brownfield, it is outside the built up area of the town.
- It would be preferable to bring forward the infrastructure to support the already committed sites.
- It may be that this application has merit for the period beyond 2026, although remain to be convinced how the development would adequately meet the eco standards to which the vision of 'Eco Bicester' aspires.

3.19 **Highways Agency directs that conditions should be attached to any planning permission which may be granted;**

- No development shall be occupied unless and until a programme of highway improvements works has been fully implemented at M40 junction 9 under the auspices of the pinch point funding programme.

3.20 **Sport England raises no objection, subject to the completion of a S106 agreement.** They have also made the following comments (in summary)

- Satisfied that the quantum of playing pitch provision is in accordance with Draft Core Strategy policy and welcomes level of provision proposed.
- 5.78ha of playing pitch provision should be secured by S106 agreement and be constructed in accordance with Sport England Guidance.
- Seeks more detail on how the development contributes towards built sports facilities made necessary by the development, as it is noted that this is excluded from the draft Head of Terms

3.21 **English Heritage** has made the following comments (in summary)

English Heritage have recommend that the hanger, associated air raid shelters at Graven Hill and the 'Bolero' group of Romney and Iris huts, C30 and C31 at C Site should not be listed. The Secretary of State for Culture, Media and Sport concurs.

3.22 **The Council's Anti-Social Behaviour Manager** has made the following comments (in summary):

- I can confirm that the methodology used to carry out the noise appraisal has used the appropriate British Standard techniques to acquire and predict existing and future noise levels.
- A number of issues to be addressed at the Reserved Matters stage of the application have been identified. These include details of acoustic glazing to dwellings that may fall within NECs B and C and the orientation of dwellings

to provide an acceptable external living environment.

3.23 **The Council's Arboriculturalist** has not commented on the proposal.

3.24 **Thames Valley Police** have made the following comments (in summary):

- design the public car parks and parking squares to the principles of the Park Mark Safer Parking Award
- encouraged to see that there are relatively few rear parking courtyards
- Where rear parking courtyards are absolutely necessary they should be protected by a gate and where rear gardens abut the parking area an appropriate boundary treatment should be used. The local Crime Prevention Design Advisor should be consulted to advice on suitable boundary treatments.
- Secured by design recommends that all street lighting for adopted and private highways, footpaths and car parks must comply with BS 5489-1:2003.
- The affordable housing allocation for this development will be expected to achieve the Secured by Design Award but it is important that the security of the privately owned homes is not compromised by poor quality doors and windows.

Encourage the developers to consult with the local Crime Prevention Design Advisor prior to the submission of any reserved matters applications.

3.25 **Design Council (CABE)** – Due to limited resources, unable to comment.

3.26 **Environmental Statement - Addendum**

On the 30<sup>th</sup> December 2011, the Council issued a Regulation 22 request in relation to the Environmental Statement, pursuant to the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). DIO provided an **Addendum to the Environmental Statement** dated April 2012.

The Addendum was advertised by way of press notice and site notices for a period of 21 days.

Three further letters of objection were received in relation to the re-consultation. No additional material planning considerations were raised.

3.27 The following summarised consultation responses were received in relation to the ES Addendum dated April 2012:

3.28

**Arcott, Merton, Wendlebury, Chesterton and Ambrosden Parish Councils and Bicester Town Council** – No comments received.

3.29 **Oxfordshire County Council consultees**

**Highways** - In general, the issues that were raised in November last year remain unresolved in terms of traffic modelling and the underpass route.

3.30 **Cherwell District Council consultees**

3.31 **The Council's Anti Social Behaviour Manager (ASBM)** in relation to the noise and vibration section of the ES Addendum, has commented (in summary) as follows:

- In general terms the methods used to predict construction noise levels accord with recognised good practice in that BS 5228:1990 is the most commonly used tool for predicting and assessing construction site noise.
- In order to be certain that the barrier will perform as claimed the full calculations for its performance should be presented. These comments apply equally to the use of temporary acoustic barriers to protect noise sensitive locations prior to the creation of the bunds.
- With regard to construction traffic noise the methods used are appropriate and although the impacts predicted are low in objective terms I would anticipate the effects being noticeable to members of the community.

Subsequent to this response, AMEC (DIO's consultant) provided further clarification in support of the noise assessment carried out. Consequently, the ASBM stated the following:

- I have discussed my observations in respect of the noise assessment submitted in support of an outline planning application for the redevelopment of the above site with Amecs' consultant Mr George Gibbs.
- In respect of my observations in relation to proposed dwellings and in particular those that may be subject to environmental noise that would place them within Noise Exposure Category C as defined by the former PPG 24, Mr Gibbs pointed me towards section 8.12 of the ES. Table 8.19 sets out how, using a suitable combination of glazing elements, good or reasonable, levels of internal noise can be achieved.
- The good and reasonable are terms derived from BS 8233. The outstanding point for debate is which is the appropriate level to set for this development. Beyond this point I can confirm that the ES addresses my concerns in respect of recognising that some of the proposed dwellings fell within NEC C and providing a credible means of achieving at least a reasonable internal noise environment at these properties.
- My concerns in relation to the external noise environment are addressed through paragraphs 8.12.31 - 8.12.33. In this text it is recognised that good design and the reserved matters stage of the process should be employed to maximise the opportunities that the layout of a residential site can give in achieving acceptable external noise levels.
- I am content that my concern in this respect has been addressed.
- With regard to the sound attenuation being offered by the bund to be created between the proposed warehouse and Norris Road and Green Lane Arncott I note that no sound attenuation characteristics are being attributed to the bund during the site preparation and demolition phase of the project. As a

consequence the predicted impacts on the nearest noise sensitive receptors are high during that phase of the scheme.

- The attenuation being claimed for the bund once constructed and therefore the affect the bund will have during the construction phase of the warehouse is between 0 and -15 dB depending on the receiving position. This is not an unrealistic claim for a feature of the size and position of this bund. I am therefore content that its effect has been predicted in a reasonable manner.

3.32 **The Council's Landscape Officer** in relation to the landscape and visual effects section of the ES Addendum, has commented (in summary) as follows:

In relation to C Site (Arcott)

- More, smaller buildings create less impact than one large one due to fractured visual appearance of separate blocks. This can be seen by looking at figures 5 and 8 of the photomontages. A 26.5% increase in area is not insignificant.
- Mounding locations are clarified. I was using the Water Tower as a height comparison. I agree that the existing buildings are prominent in the landscape and the new one will be more so due to its solid nature.

In relation to Graven Hill

- No change to the built form since the original submission so my comments remain the same. The buildings visible from point 5 are in my view too high for a semi-rural periphery.

3.33 **The Council's Environmental Protection Officer** in relation to the air quality section of the ES Addendum, has commented (in summary) as follows:

- The conclusions within the AMC addendum are acceptable with regard to local air quality management from traffic emissions and dust relating to the construction and demolition phase.

3.34 **Other consultees**

3.35 **English Heritage, Natural England, Network Rail and the Environment Agency** – No comments received.

3.36 **Secretary of State** – No comments received.

3.37 **Environmental Statement – Further Addendum**

DIO provided further information pursuant to the Environmental Statement, comprising two technical notes; 'Redevelopment of MOD Bicester: Historic Environment' and 'Redevelopment of MOD Bicester – Graven Hill Walking and Cycling Access Strategy (v2)'

The additional Addendum was advertised by way of press notice and site notices for a period of 21 days.

No further representations were received.

The following summarised consultation responses were received in relation to the two technical notes stated above:

- 3.38 **Arcott, Merton, Wendlebury, Chesterton and Ambrosden Parish Councils and Bicester Town Council** – No comments received.
- 3.39 **Oxfordshire County Council consultees**
- 3.40 **Highways** – No formal response received.
- 3.41 **Cherwell District Council consultees**
- 3.42 **Conservation Officer** – The historic analysis is now satisfactory.
- 3.43 **Other consultees**
- 3.44 **Network Rail** - The transportation statement, section 3.4.4 states: *Chiltern Railways' Evergreen 3 scheme comprises proposals to dual the track between Oxford and Bicester and to provide an additional station adjacent to the Water Eaton Park & Ride facility (to the north of Oxford) and a new Bicester Town Station. The proposed works include the replacement of all level crossings with bridges, with the exception of the London Road level crossing adjacent to Bicester Town Station. The plans include proposals to upgrade the London Road level crossing as part of wider proposals to enhance this "gateway" to Bicester and which forms the direct link between Graven Hill and the town Centre*.  
  
Providing the above bridges replace the level crossings then Network Rail offers no objection to this scheme.
- 3.45 **Natural England** - The proposed amendments to the original application relate largely to the amended Historic Environment report and details of an updated Walking and Cycling Access Strategy, and are unlikely to have significantly different impacts on the natural environment than the original proposal.
- 3.46 **Environment Agency** - We have no detailed comments to make on these additional elements of the statement as they have low environmental risk associated with them.
- 3.47 **Secretary of State** – Acknowledges receipt – no further comments supplied.

## **4. Relevant Planning Policies**

### **4. National Planning Policy Framework**

Core planning principles and the delivery of sustainable development and a presumption that where plans are absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, with particular regard to the following sections:

- 1: Building a strong, competitive economy
- 2: Ensuring the vitality of town centres
- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change, flooding and coastal change
- 11: Conserving and enhancing the natural environment
- 12: Conserving and enhancing the historic environment

#### 4.1 **South East Plan 2009**

The South East Plan was formally revoked on 25 March 2013, with the exception of Policy NRM 6 (Thames Basin) and is therefore no longer a material planning consideration.

#### 4.2 **Adopted Cherwell Local Plan**

- H5 – Affordable housing
- H18 – New dwellings in the countryside
- EMP4 – Employment generating development in rural areas
- TR1 – Provision of highways improvements or additional public transport
- TR10 – Heavy goods vehicles
- R12 – Provision of public open space
- T5 – Provision of hotels, motels, guest houses and restaurants beyond built up limits
- C1 – Nature conservation
- C2 – Protected species
- C7 – Topography and character of landscape
- C8 – Resist sporadic development in open countryside
- C14 – Trees and landscaping
- C25 – Development affecting site or setting of important archaeological sites and scheduled ancient monuments
- C28 – Standards of layout, design and external appearance
- C30 – Character of built environment
- C31 – Development in residential areas
- ENV1 – Pollution control
- ENV12 – Contaminated land

#### 4.3 **Non-Statutory Cherwell Local Plan**

- H1a – Availability and suitability of previously developed sites

- H4 – Types/variety of housing
- H7 – Affordable Housing
- H19 – New dwellings in the countryside
- EMP4 – Existing employment sites
- S1 – Town centres and local shopping
- TR2 – Traffic generation
- TR4 – Transport mitigation measures
- EN1 – Impact on natural and built environment
- EN22 – Nature conservation and mitigation
- EN25 – Development affecting legally protected species
- EN30 – Sporadic development in the countryside
- EN31 – Development size, scale and type in a rural location
- EN34 – Conserve and enhance the character and appearance of the landscape
- EN44 – Setting of listed buildings
- D1 – Urban design objectives
- D3 – Local distinctiveness
- D9 – Energy Efficient design
- R6 – New or extended sporting and recreation facilities
- R8 - Provision of children’s play space
- R9 – Provision of amenity open space
- R10A – Provision of sport and recreation facilities
- OA1 – General Infrastructure policy

#### 4.4 **The Cherwell Local Plan Proposed Submission August 2012**

##### **Employment development**

SLE1: Employment development

SLE2: Securing dynamic town centres

SLE4: Improved transport connections

##### **Sustainable communities**

BSC1: District wide housing distribution

BSC2: Effective and efficient use of land

BSC3: Affordable housing

BSC4: Housing mix

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



## **Sustainable development**

ESD1: Mitigating and adapting to climate change

ESD2: Energy Hierarchy

ESD3: Sustainable construction

ESD4: Decentralised Energy Systems

ESD5: Renewable Energy

ESD6: Sustainable flood risk management

ESD7: Sustainable drainage systems

ESD8: Water resources

ESD10: Biodiversity and the natural environment

ESD13: Local landscape protection and enhancement

ESD16: Character of the built environment

ESD18: Green Infrastructure

## **Strategic Development**

Policy Bicester 2 – Graven Hill

## **Infrastructure Delivery**

INF1: Infrastructure

# **5. Appraisal**

## **5.1 Context**

The application covers two separate sites; Graven Hill (D&E Sites) and C site (Arncott), but both are to be considered as part of this one application. The consideration of the application will be split into the main issues for each site.

## **5.2 Main Planning Considerations**

The main issues to consider in the determination of this application are as follows –

- Environmental Statement
- Planning Policies and principle of development
- Community Infrastructure, Planning Obligations and Viability
- Landscape impact
- Historic impact
- Ecological impact
- Retail impact
- Design and neighbouring amenities

- Highway impact
- Other material considerations

Each of the above points will be considered in turn, by site.

### 5.3 **Environmental Statement**

The application is accompanied by an Environmental Statement (ES). The ES covers the application site and contains information describing the project, outlining the main alternatives considered, aspects of the environment likely to be significantly affected by the development and measures to prevent or mitigate any identified impacts. Where an ES has been submitted with an application the Local Planning Authority must have regard to it in determining the application and can only approve the application if they are satisfied that the ES provides adequate information.

- 5.4 The applicants submitted an application for a scoping opinion prior to submitting the current application. The ES accompanying the application covers the areas identified in the scoping report. The areas covered are landscape and visual assessment, biodiversity, water resources, air quality, noise & vibration, historic environment, land quality, socio economics and community & traffic and transport. An addendum to the ES was submitted in April 2012 providing additional information on the description of development, traffic and transport, air quality, noise and vibration, landscape and visual effects, water resources, alternatives and mitigation and monitoring.
- 5.5 A further addendum to the ES was provided in November 2012, comprising two technical notes (as set out in the consultations section above).
- 5.6 The ES, Addendum and Further Addendum for each chapter consider the impacts and the significance as well as the cumulative effects. It is not possible within this report to set out all of the impacts identified but below is a summary of the areas covered. The full reports and technical notes can be viewed via the web site.
- 5.7 **Traffic and Transport** - Conclusions relating to construction traffic, modelling and impact on the network are acceptable.

**Air Quality** - Conclusions are acceptable with regard to local air quality management from traffic emissions and dust relating to the construction and demolition phase.

**Noise and vibration** - In general terms the methods used to predict construction noise levels accord with recognised good practice in that BS 5228:1990 is the most commonly used tool for predicting and assessing construction site noise. However, full calculations in relation to the proposed acoustic barrier and bunds performance need to be presented. With regard to construction traffic noise the methods used are appropriate and although the impacts predicted are low in objective terms, it is anticipated that the effects will be noticeable to members of the community.

**Community and socio-economic Impacts** – The ES identifies significant positive

effects for the economy in terms of job creation. It states that the existing and proposed community would experience positive effects, through the creation of community facilities, open space and affordable housing. However, as highlighted in the viability section below, the applicants Section 106 offer, with particular regard to the provision of open space maintenance, and community facilities, falls considerably short of the Council's requirements and the mitigation identified in the ES (as shown in Table 9.6). However, the viability section below sets out how the gap in provision has been significantly reduced over a period of negotiation with the applicants and Officers remain optimistic that a satisfactory S106 package can be delivered to mitigate the impacts of the development in this regard.

**Landscape and visual impacts** – Chapter 11 of the ES gives a transparent appraisal of the likely impacts. However, the significant positive effects identified during the operational phase once landscape planting has become established are open to debate. Furthermore, C site involves the construction of a very large structure and arguably, paragraph 11.10.10 downplays the significance of the landscape effects. Significant negative effects on landscape character, patterns and elements during the 13 year construction period.

**Biodiversity** – Further information in relation to the derogation tests is required.

**Water resources** – Identifies need for 'appropriate upgrades' to the Bicester STW, which may require additional land for physical infrastructure. It is possible that the parcel of land adjacent to the STW may be put forward as the best alternative, which is immediately adjacent to a proposed area of residential development.

**Land Quality** – Where contamination is likely, it is localised and present in 'hotspots' which will be investigated further, prior to commencement and treated accordingly. As a result, the ES concludes that there is unlikely to be any significant effects.

**Alternatives** – Environmental considerations appear to have been the influencing choice of favoured alternatives, although there is a contradiction between the ES and the masterplan, which states that in commercial terms, the Graven Hill site is best placed to accommodate residential development and speculative commercial/employment uses and should be promoted *to maximise potential disposal receipts*.

**Mitigation and monitoring** – Initially, monitoring arrangements were considered limited in scope and the environmental effects of mitigation were not given full consideration. The addendum clarifies these issues to an extent, although acknowledgement must be given to AMEC's approach to the ES, which is *'to assess the effects of the proposed development as they stand at the design freeze, i.e. incorporating the environmental measures that have been designed into the proposed development.'* It is therefore fundamental that the indicative drawings submitted as part of the application are tied to the outline consent by planning condition.

All new development has some impact. The ES has not identified major adverse impacts and where impacts, for example from construction, have been identified mitigation measures are proposed. Should the application be approved, the

proposed mitigation measures would need to be secured through conditions and the planning obligation. The ES, addendum and technical notes are considered to contain 'adequate information' to enable the determination of the application.

## 5.8 **Planning Policy and principle of development**

### Graven Hill (D & E sites)

## 5.9 Policy Position

- 5.10 The development plan for Cherwell comprises the saved policies in the adopted Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the development plan unless material planning considerations indicate otherwise.
- 5.11 The adopted Cherwell Local Plan contains no specific allocation for the application site. It is therefore defined as an existing land use, where there is no specific allocation.
- 5.12 Policy H18 of the adopted Local Plan states that new dwellings beyond the built up limits of settlements will only be permitted where they are essential for agricultural or other existing undertakings. The proposal clearly does not comply with this policy criterion and therefore represents a departure from the adopted development plan (the Adopted Cherwell Local Plan 1996).
- 5.13 In terms of material considerations, the Non Statutory Cherwell Local Plan (NSCLP) 2011 was approved by the Council for development control purposes. The site is not allocated for development within this plan and therefore, is, a location where new residential development is restricted to where they are essential for agricultural or other existing undertakings (Policy H19 refers). The development must also therefore be considered a departure from the NSCLP.
- 5.14 The Proposed Submission Local Plan 2012, the Council's latest expression of emerging policy, has limited weight but is an important consideration in the process given its specific content on Graven Hill. The site is also identified for development within the draft Bicester Masterplan which provides background information to the emerging plan and in due course is proposed to be adopted as SPD. Given the stage of preparation of the Local Plan, this proposed allocation can not carry the weight of adopted policy, but never the less sets out the Council's intentions to see the site developed to meet the future growth needs of the area.
- 5.15 Policy Bicester 2 of the Proposed Submission Local Plan (PSLP) 2012 contains specific policy criteria for the development of Graven Hill. The Planning Policy consultation response above deals with each aspect in detail and ultimately concludes that the proposal for the redevelopment of Graven Hill broadly accords

with the proposed development strategy for the district and for Bicester specifically. However, it highlights that issues of strategic significance need to be resolved, including maximising the opportunities presented by the existing rail links and the contribution the site makes to a 'low carbon', knowledge based and high value economy for Bicester; adequately mitigating adverse landscape, visual and heritage impacts; achieving a net gain in biodiversity, ensuring the development adequately mitigates and adapts to climate change; and, ultimately, delivering the benefits for the town envisaged in the Proposed Submission Local Plan. Such considerations include maximising accessibility connections and permeability between Bicester and the development site as highlighted in the draft Bicester Masterplan SPD, and securing the South East Bicester relief road.

- 5.16 Countryside Properties, in their representation, suggest that the release of the site at this time is premature, pending the consideration of the emerging Local Plan.
- 5.17 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (para' 7). It also provides (para' 17) a set of core planning principles which, amongst other things, require planning to:
- proactively drive and support sustainable economic development
  - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
  - support the transition to a low carbon future in a changing climate
  - encourage the effective use of land by reusing land that has been previously developed
  - promote mixed use developments
  - conserve heritage assets in a manner appropriate to their significance
  - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are of can be made sustainable; and
  - deliver sufficient community and cultural facilities and services to meet local needs.
- 5.18 Local Planning Authorities (LPAs) are expected to set out a clear economic vision and strategy for sustainable economic growth and to identify priority areas for economic regeneration, infrastructure provision and environmental enhancement (para' 21). Local Plans are considered to be the key to delivering sustainable development that reflects the vision, aspirations and agreed priorities of local communities (para's 150 & 155). An adequate, up-to-date and relevant evidence base is required (para' 158).
- 5.19 LPAs are expected to create sustainable, inclusive and mixed communities (para' 50). Paragraph 52 advises, "*The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving*

*sustainable development*".

- 5.20 As well as allocating sites to promote development and the flexible use of land, LPAs are expected to "*identify land where development would be inappropriate, for instance because of its environmental or historic significance*" (para' 157). Para' 126 of the NPPF emphasises the importance of seeking to conserve heritage assets in preparing Local Plans; the wider social, cultural, economic and environmental benefits of doing so; and, the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.21 The Proposed Submission Local Plan seeks to meet the NPPF's objectives. A clear development strategy has been set out in the interests of securing growth and achieving sustainable development. Overall housing requirements are in line with those previously set by the South East Plan and the Plan includes proposals for major land releases to meet employment, housing and other needs and to achieve place specific objectives. An urban focused approach to growth is proposed with the major expansion of Bicester and large scale development at Banbury.
- 5.22 The strategic sites identified in Bicester comprise new greenfield urban extensions, and the redevelopment of Graven Hill and DLO Caversfield (both brownfield sites).
- 5.23 Although the Plan is at a fairly advanced stage, its evidence base is not yet complete. Further work is in progress and changes to the plan are currently being consulted upon. It is therefore accepted that the Plan can only be given limited weight at this stage.
- 5.24 The National Planning Policy Framework (NPPF) at paragraph 14 states 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking...for decision taking this means<sup>3</sup>:
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted<sup>4</sup>
- 5.25 The proposal seeks to enhance economic growth in the area, by providing land for employment uses, potentially providing ~2,000 new jobs. Core planning principle 3 within the NPPF makes it clear that planning should proactively drive and support

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<sup>3</sup> Unless material considerations indicate otherwise.

<sup>4</sup> For example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Specific Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast, or within a National Park; designated heritage assets and locations at risk of flooding or coastal erosion.

sustainable economic development to deliver homes, businesses and industrial units. Paragraph 19 states that 'significant weight' should be given to the need to support economic growth. However, the Council has concerns with regard to DIO's calculated job retention and job creation figures, in that there is no information relating to how a market has been identified for the floor space proposed and the commitment to bring forward land and premises.

- 5.26 In order to meet the strategic objectives within Policies SO1 and SO3 of the PSLP, there will be a need to shape the provision, attract appropriate business and also create the opportunities for local people to access jobs created. It is possible that a suitably worded condition could be imposed to require the submission of an economic strategy prior to the submission of any reserved matters application for employment use. The strategy could meet the following objectives: More diverse local economy, Attracting and developing knowledge & higher technology industries, Supporting skills and innovation, Self-containment, Higher value job opportunities and Reduce out-communities.
- 5.27 Five Year Housing land Supply
- 5.28 The NPPF includes a presumption in favour of sustainable development and states that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole*" (para. 14).
- 5.29 LPAs are required to boost significantly the supply of housing by meeting assessed needs and identifying key sites critical to the delivery of the housing strategy over the plan period (para' 47).
- 5.30 They are expected to "*identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land*" (para' 47).
- 5.31 Footnote 11 to paragraph 47 states, "*To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans*".
- 5.32 Para' 49 states, "*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot*

*demonstrate a five-year supply of deliverable housing sites.”*

- 5.33 The Council cannot currently demonstrate a five year housing land supply. However, in this case, the proposal will only make a very limited contribution to the current five year supply position, given that the site will not be available for development until 2015. Furthermore, it is the applicant’s intention to sell the site on and so the intentions of any future owners with regard to housing delivery are unknown.
- 5.34 Housing Mix
- 5.35 An assessment of the type and size of housing needed in Cherwell informs the Proposed Submission Local Plan 2012 (PSLP) Policy BSC4: Housing Mix. Although at this stage the policies carry limited weight, they do set out the size and type of housing expected to be required to meet the needs of Cherwell’s future population.
- 5.36 It is noted that the proposed mix of market housing differs significantly from that envisaged in the policy. The proposal is for 10% 2 bed’ flats and houses compared to the policy’s 30%, and for 85% 3, 4 & 5 bed’ homes compared to the policy’s 45% (excluding extra care housing).
- 5.37 Officers suggested that the applicants explore an alternative mix of housing that is closer to the range contained with the PSLP policy, but were reluctant to do so on the basis that the applicant’s viability consultants maintain that in order to achieve the Council’s suggested housing mix, the S106 package offered would be significantly reduced, to the extent that they say the scheme could only afford £18 million of costs.
- 5.38 A balance must therefore be struck against the emerging policy requirement, which in any case, is a guide and the viability of the scheme. In this case, Officers consider that the suggested housing mix would not achieve a mixed, well balanced community, which is one of the key requirements within the NPPF. However the applicants have stated that the housing mix proposed maximises the viability of the development and a mix closer the emerging policy would further reduce the viability of the site.
- 5.39 Whilst the proposal is not considered to comply with the Council’s development plan, nor does it fully comply with the emerging Graven Hill Policy as set out in the PSLP 2012, in the context of the presumption in favour of sustainable development set out within the NPPF, it is considered that the proposal (subject to suitable conditions) could result in sustainable development and the harm as set out in the sections below would not outweigh the benefits of granting consent.
- 5.40 C Site (Arncott)
- 5.41 The comments in relation to the status of the development plan and other material considerations noted above, also apply to C Site.
- 5.42 C Site is not an allocated site in either the development plan or emerging Local



Plan. Given its location on the periphery of the village of Arncott, it is considered to lie within a rural area.

- 5.43 Policy EMP4 of the ACLP 1996 relates to employment generating development in rural areas and is generally permissive of such development providing it is within an existing, acceptable employment site, constitutes the conversion of an existing building or group of buildings and for minor extensions to an existing employment site, providing the proposal and any associated activities can be carried out without undue detriment to the appearance and character of the rural landscape and without harming the amenities of settlements, the historic environment and is compliant with other relevant policies in the plan. Given the scale of the development proposed, it cannot be regarded as a minor extension to an existing employment site and as such, does not comply with the requirements of the ACLP 1996.
- 5.44 In general terms the principle of redevelopment of C site in terms of providing for economic growth including through the retention and creation of jobs, is considered acceptable, as is the proposal for the new Road and Rail Transfer Area in terms of providing for sustainable transport options for the transport of goods during construction and operation. The National Planning Policy Framework places 'significant weight' on the need to support economic growth through the planning system. However there are a number of areas of potential policy conflict in the detail of the proposal particularly in terms of adverse landscape and amenity impacts arising from the proposed Fulfilment Centre building, which does not appear to accord with the Council's design criteria for employment buildings in terms of its scale and its proximity to residential uses. There are also potential adverse impacts on heritage assets and their settings
- 5.55 However, it is considered that the adverse impacts identified in more detail in the sections below could be mitigated through the imposition of suitably worded conditions and would therefore, on balance, not significantly and demonstrably outweigh the potential economic benefits. The details of these conditions are outlined in the relevant sections below.
- 5.56 **Community Infrastructure, Planning Obligations and Viability**  
All large scale development, with the resulting increase in population, would put pressure on existing facilities. Some facilities may have spare capacity but others will require expansion, improvement or new provision to enable them to accommodate the increase in population from the proposed development. Work has been undertaken to identify the necessary community infrastructure to support the application proposals and mitigate its impact. This has identified a mixture of on site and off site provision, direct provision of facilities and financial payments.
- 5.57 Section 106 of the Town & Country Planning Act allows for planning obligations to be entered into in connection with development. Specific regulations (linked to the introduction of Community Infrastructure Levy) introduced in 2010 & 2011 make it unlawful for a planning obligation to be taken into account when determining a planning application if the obligation does not meet the following tests;
- (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

- 5.58 The community infrastructure identified as necessary, (meeting the tests set out above), covers a wide range of items, some the development could not go ahead without, for example the need to provide safe highway access, whilst others are necessary to meet NPPF and PSLP requirements, for example the measures to achieve bio diversity mitigation. A long list of mitigation items were originally identified by the District, County Council and Thames Valley Police. For some of these items there was a lack of evidence of how funding requested could be spent on deliverable schemes and as such there was not clarity they would currently meet the tests identified above. Accordingly, a number of items were removed from the list of S106 requirements.
- 5.59 The applicants have consistently maintained that they are unable to meet the full range of contributions that have been sought. Consequently, an open book approach to the assessment of viability of the scheme has been sought to identify the level of contributions the scheme can reasonably afford to support. The viability appraisal prepared for the applicant's has been reviewed by a consultant working on behalf of the Council. Despite strenuous efforts to reach agreement on the viability there remains differences between the advice the Council has received from its consultant on the viability of the scheme and DIO's position.
- 5.60 The Council's consultant advises that based on the information provided and evidence of costs and values from other sites, that scheme can afford to meet the cost of the S106 contributions identified whilst achieving the return that DIO seek. However DIO using their consultant's model have offered two scenarios; the first is to provide 30% affordable housing but not the full S106 costs and the second is to provide 27.5% affordable housing and meet the S106 costs identified. At the time of writing this report progress has been made in narrowing the differences in the modelling but DIO's consultant has not been able to share the detail behind their model to explain the differences and therefore there remains no agreement yet over the viability of the proposal at the current time and this is therefore reflected in the recommendation to this report.
- 5.61 **Landscape and Visual Impact**
- 5.62 **Graven Hill (D & E Sites)**  
Paragraph 9 of the NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment. One of the core planning principles enshrined within paragraph 17 of the NPPF requires planning to recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- 5.63 More specifically, paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, [inter alia] protecting and enhancing valued landscapes, geological conservation interests and soils.
- 5.64 The following policies of the Adopted Cherwell Local Plan are relevant to the consideration of the landscape impact of the proposal:

C7 – Development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.

C9 – Beyond the existing and planned limits of the towns of Banbury and Bicester, development of a type, size or scale that is incompatible with a rural location will normally be resisted.

C28 – Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development.

C31 – In existing and proposed residential areas, any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion, will not normally be permitted.

5.65 The Non Statutory Local Plan also contains relevant policies as set out below;

Policy EN31 (Countryside Protection) (like its equivalent policy C9 in the Adopted Cherwell Local Plan 1996) states that beyond the existing and planned limits of the towns of Banbury and Bicester, development of a type, size or scale that is incompatible with a rural location will be refused.

Policy EN34 (Landscape Character) sets out criteria that the Council will use to seek to conserve and enhance the character and appearance of the landscape through the control of development. Proposals will not be permitted if they would:

- cause undue visual intrusion into the open countryside
- cause undue harm to important natural landscape features and topography
- be inconsistent with local character
- harm the setting of settlements, buildings, structures or other landmark features
- harm the historic value of the landscape

5.66 Given its rural location and the presence of heritage assets in the vicinity, the proposal has the potential to cause harm and each of these criteria needs to be carefully considered.

5.67 Policy ESD13 (Local Landscape Protection and Enhancement) of the Proposed Submission Cherwell Local Plan seeks to avoid damage to local landscape character, and mitigation where damage cannot be avoided. Development proposals will not be permitted if they would:

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

- 5.68 Each of these criteria needs to be assessed in turn as to whether harm is caused by the proposal.
- 5.69 Policy ESD16 (The Character of the Built Environment) of the PSLP of the sets out that where development is in the vicinity of any of the district's distinctive natural or historic assets, delivering high quality design will be essential. New development should preserve, sustain and enhance designated and non designated heritage assets. Again, the impact of the proposal on heritage assets in the wider vicinity therefore needs to be considered.
- 5.70 Bicester Policy 2: Graven Hill within the PSLP sets out some key site specific place shaping principles, including; ensuring the layout of the development maximises opportunities for views of Graven Hill within the site and protects views of the hill from outside the site, a well designed approach to the urban edge and the careful design of the employment units to limit adverse visual impact on the new development and wider area.
- 5.71 Graven Hill is one of a series of isolated hills (Poundon Hill, Arncott Hill and Muswell Hill) that rise above the surrounding landscape. Graven Hill, 115 metres above ordnance datum (AOD) provides a central, high point to the site, which is visible from long distances. The hill is broadly elliptical in shape and orientated with its long axis broadly east to west. The lower parts of the hill slope gently with a gradient of around 1 in 30. The gradient increases in steepness in the central band to 1 in 14 gradient and at its steepest towards the top of the hill at a 1 in 10 gradient. Elsewhere around the site, the landscape is predominantly flat.
- 5.72 The landscape character area of the Graven Hill environs is defined in the Council's Landscape Assessment (1994) as Otmoor Lowlands. The site is specifically designated as Landscape Character Type R5a – Isolated Hills with Woodland and Mixed Uses. The main characteristics of this type are defined as having a distinct topography, rising 50 metres above the surrounding flat floodplains with Graven Hill and Arncott Hill visible for considerable distances across the plain, forming prominent and curious focal points within an otherwise flat and uneventful landscape.
- 5.73 The proposal involves locating development on the lower slopes of the hill, with the exception of two proposed residential parcels of land rising up on the northern slope above the inner most ring road around the hilltop. The proposal will involve development largely confined to the existing areas of development albeit at greatly increased density. B1, B2 and B8 uses are confined to the south eastern lower slopes, with residential development concentrated around the northern parts of the site.
- 5.74 The wooded hill top of Graven Hill forms a noticeable feature in the landscape and provides a visual link with the surrounding landscape. The hilltop is a landmark in the local landscape. It is a Local Wildlife Site (LWS) and designated Ancient Woodland. Retention of views of the hill top are important as a way of integrating and linking it with the surrounding landscape.
- 5.75 Although the application is in outline form, at the time the application was made, the

Department for Communities and Local Government (DCLG) Circular 01/2006 set out the scope of information to be submitted with an outline application. Even if layout, scale and access were reserved, an application still required a basic level of information, including scale parameters (upper and lower limits for heights of buildings) and an indicative layout. The indicative scale parameters, layouts, densities and form contained within the Design and Access Statement have been used by the applicants to analyse the impact of the development, including landscape, within the Environmental Statement.

- 5.76 Since the submission of the application, an Order amending the rules on the information which must be submitted with an English planning application will come into force on 31 January 2013. This Order removed existing national requirements for information on layout and scale to be provided with outline applications where these are reserved matters to be determined at a later date. The DCLG support Council's 'Local Validation List' approach, which sets out a list of information requirements to support specific types of planning application. Consequently, it is likely that the Council's current validation checklist will be updated to reflect the change to national information demands, to require large scale major applications such as this to be supported with information on layout and scale.
- 5.77 As part of the Environmental Statement submitted with the application, the applicants have undertaken a landscape and visual assessment of the construction and operation of the proposed development at Graven Hill and C Site. Various photographic viewpoints were identified as forming part of the visual envelope (i.e. the extent of the area from within which the proposed development may be viewed). 26 photographic viewpoints were identified along with receptors of close, medium and long distance views. Cumulative impacts of other proposed development (land to the south and east of the A41, Kingsmere and Evergreen 3) are noted, stating that people in the surrounding area will potentially experience changes to their views and there will be cumulative effects on landscape character as a result of combined views of the proposed development at Graven Hill and the aforementioned planned developments.
- 5.78 The Council's Landscape Officer initially visited the various viewpoints, with the exception of 6 long distance points. She noted that the visual envelope is quite extensive, but the impact of the development would, in her opinion, be slight to moderate outside the site boundaries. She noted concerns in relation to the proposed 4 storey buildings close to the A41, due to their proximity to existing dwellings and the A41. In particular, views southwards into the site from the public right of way near Middle Wretchwick Farm and travelling towards Bicester from the A41 would be significantly affected. Paragraph 11.11.11 of the ES states that these visual receptors, 'will experience significant, but temporary effects as a consequence of changes to their views'. The applicants state that extensive areas of peripheral planting will avoid negative effects and the removal of existing, visually intrusive military built form (i.e. the BIFT) and their replacement with built form is likely to result in significant positive effects.
- 5.79 However, the proposed planting is estimated to take 10 to 15 years from planting to act as an effective screen and in any case, the proposed built form will be

significantly higher than the BIFT (up to 4 storey) and at a much higher density (35 to 45 dph). Figures 11.32 (showing viewpoint 5 as existing), 11.33 (showing viewpoint 5 in 2022) and 11.34 (showing viewpoint 5 in 2031) are attached as **Appendix B** to this report, which show the magnitude of change of this vista, which is important in forming the 'entrance' into Bicester from the Aylesbury direction into the town. It is also one of the key place shaping principles of Policy 2 of the PSLP that the approach to the urban edge of Bicester should be well designed and relate to its rural periphery.

- 5.80 The addendum to the ES (April 2012) provided additional wireframes of viewpoints 5 (figure 14), 9 (figure 15) and 23 (figure 16). In relation to viewpoint 5, the wireframe demonstrates the scale of development in comparison with the existing BIFT area, showing that the buildings will be higher than the containers currently on the site.
- 5.81 Officers recommended a reduction in the ridge heights of the dwellings fronting the A41 to 80% no higher than 8.5 metres, with no more than 20% maximum height of 10.5 metres (to allow for a varied roofscape) to reflect the edge of town location of the site and the scale of existing buildings in the town. However, the applicants were unwilling accept this. Instead, the applicants subsequently amended their application by reducing a portion of the previously proposed 4 storey (maximum ridge height with roof 15 metres) dwellings to 3 storey (maximum ridge height with roof 12 metres) dwellings. Officers nevertheless consider it imperative to condition the ridge heights of the buildings in this location, to ensure development in this location is suitable in its setting.
- 5.82 The applicants also provided further detail in relation to specific viewpoints which were of concern, in relation to the extent of the proposed residential development above the 80 metre contour on the northern slope of the hill, from viewpoint 25. The section provided demonstrated an impact on the tree-line and whilst it is accepted that there will be some visual encroachment on the fields, visual encroachment above the base of the tree-line to the hill should be avoided, to retain the character and appearance of the hill.
- 5.83 Consequently, it was suggested that the number of dwellings beyond the 80m contour should be reduced and located elsewhere on the site, to retain the visibility of the trees and the character of the hill top that is Graven Hill, having established that it would only result in the re-distribution of a very small number of dwellings to other residential parcels on the site. The applicants have instead retained the layout, but reduced the maximum ridge heights of the dwellings extending beyond the 80 metre contour line, by limiting them to single storey (although the parameter plans provided do not specify a maximum ridge height for single storey). At a maximum of 5 metres this would be acceptable as the dwellings would not impinge on the views of the woodland. This will again be secured by condition.
- 5.84 In relation to the south eastern part of the site, containing the proposed B1, B2 and B8 development, the most pertinent viewpoint is 9, taken from the western edge of Ambrosden Village. The Landscape Officer noted that the top of the large existing buildings are currently visible and there will be some visibility of proposed industrial units as illustrated by the photomontages, which at this point is accurate.

- 5.85 Consequently, it was considered that additional screen planting should be provided, by way of a reinforced native planting buffer (at least 10 metres) on the southern edge of the site, to break up the solid box-like buildings. Furthermore, the buildings standing in front of the hill should be painted darker colours to make them less obtrusive. The applicants supplied an amended layout to reflect the additional planting buffer and agreed that the colouration of the buildings could be adequately dealt with by condition.
- 5.86 It is disappointing that there is no landscape strategy for creating different character areas in which the housing and industrial activity are proposed to sit. The site contains a substantial amount of existing woodland, but this is not analysed and the findings used to inform landscape character at a local level. Whilst the application is in outline form, at a minimum, the application should be supported by principles that would inform detailed design and how the landscaping would enhance the site.
- 5.87 Paragraph 109 of the NPPF requires the planning system to contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes. The Adopted Cherwell Local Plan, NSCLP and PSLP policies mentioned above all echo this requirement.
- 5.88 The principle landscape and visual impacts are considered to be the impact of the development on the A41 frontage, the development of land around the hilltop and employment development to the south of the site.
- 5.89 The amendment to the ridge heights of a proportion of units above the 80m contour line is considered to satisfactorily mitigate any long term adverse visual impact of views of the hilltop within and outside of the site. As the maximum ridge heights for single storey dwellings are not specified, this would also need to be secured by condition.
- 5.90 The additional planting buffer and colouration of the employment buildings to the south of the site will appropriately mitigate the visual and landscape impact of these buildings, particularly from views to the south.
- 5.91 The removal of a section of four storey development along the A41 frontage and its replacement with 3 storey development does little to ameliorate the impact of the development on the approach to the town. However, Officer's recommendation of a reduced and varied ridge height along this frontage would achieve a more satisfactory form of development, taking account of its rural periphery.
- 5.92 Policy C7 of the ACLP states that development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape, and Policy C9 of the ACLP requires development beyond the limits of Bicester to be of a scale that is compatible with its rural location. The latter point is echoed in Policy 2: Graven Hill of the PSLP.
- 5.93 As a consequence of the scale of development proposed along the A41 corridor, it is considered reasonable and necessary to condition the heights of buildings along this frontage, in order to mitigate any demonstrable harm to the character of the

local landscape. Similarly, it is considered reasonable and necessary to condition the maximum ridge heights of the dwellings proposed above the 80 metre contour line, to prevent the dwellings breaking the line of the hilltop.

5.94 C site (Arncott)

The policy criterion mentioned above in relation to Graven Hill equally applies to C site, with the exception of Bicester Policy 2 of the PSLP, which only relates to the development of Graven Hill.

5.95 The site is located on level/gently sloping land at the foot of Arncott Hill within the village of Upper Arncott. The site is currently developed with 18 main dispersed storage buildings with associated external hardstanding areas, car parks, green spaces, with existing rail connectivity throughout the site.

5.96 C site also falls mainly within the 'Isolated Hills with Woodland and Mixed uses' landscape character type, which is outlined in detail in the Graven Hill section above. Within the site, the warehouse buildings form the main features, although the water storage tower in the north of the site is particularly evident in the wider landscape.

5.97 The ES identifies the extent of the visual envelope surrounding C site (illustrated in Figure 11.20 of volume 2 of the ES). Thirteen photographic viewpoints were initially selected, two of which were supplied as photomontages, showing the proposed building at 0 years and 15 years completion.

5.98 The Council's Landscape Officer initially visited the site in November 2011 and noted that the proposed building (at 18.6 metres to the ridge) would be slightly lower than the height of the water tower, probably extending half way up the top tank. This provides a rough guide as to where the building will be seen from, as the water tower is an important landmark on the site and easily identifiable from a distance.

5.99 She concluded it is a very, very large building, being tall, deep and long and will form a very solid mass in the landscape. Although the existing warehouse buildings are quite dominant from some viewpoints, they are relatively small compared with the very large building proposed. It is also proposed to be sited roughly parallel with the boundaries, unlike the warehouses which it is to replace, which are at varying angles, thereby varying the impact from any one point. The proposed building will be close to housing on Green Lane and this impact will be greater than at present.

5.100 Officers have consistently articulated serious concerns with regard to the visual impact of the development from various key viewpoints. Consequently, as part of the addendum to the ES, the applicants provided a supporting technical note responding to some of the points raised by the Landscape Officer. Additional sections, a new photomontage for viewpoint 4 and an additional viewpoint (to the north of viewpoint 4) were provided.

5.101 The particular concerns were then distilled into the following:

1. Views into the site from the access point (north of viewpoint 4) – shown in figure 7 of the ES addendum material. Due to the lack of screening provided



around the frontage of the site,

2. Views into the site from the south (from viewpoint 11 along the footpath running to the south of the site and viewpoints 12 and 13)
3. Viewpoint 12 – The whole bulk and length of the building will be particularly stark from this point
4. Viewpoint 13 – This is a prominent and exposed landscape (even if the building is coloured appropriately). The Merton Road is elevated slightly above the hedge and there is little intervening vegetation. There is little scope to mitigate on site due to position of rail lines and hardstanding. Serious landscape and visual impact concerns from this aspect.

- 5.102 Further drawings were provided on the 14<sup>th</sup> December 2012, outlining the proposed screen planting along the north western boundary of the site (adjacent to the proposed rail connection) and additional bunding and screen planting around the existing entrance to the site (close to viewpoint 4).
- 5.103 The Landscape Officer and Senior Planning Officer visited these viewpoints again in December 2012, in light of the mitigation offered by the applicants. In relation to point 1, Officers are satisfied that the proposed bunding (up to 2 metres in height) and screen vegetation on the Ploughley Road and Norris Road frontages (as illustrated on drawing no. 27808-L508a) will sufficiently mitigate the impact of the development from this aspect.
- 5.104 In relation to viewpoint 11, it is considered that the existing bunding and screen vegetation within the site would effectively screen views of the building from this footpath.
- 5.105 However, in relation to viewpoint 13, Officers remain concerned with regard to the extent of the visual impact from this aspect (Merton Road). The position of the site boundary relative to the rail lines restricts the land available to provide effective screen planting. Drawing no. 27808-L506 indicates the width of the proposed screen planting along the north western boundary (minimum of 5 metres in the north eastern corner and maximum of 10 metres in the south western corner).
- 5.106 Due to the very large scale of this plan, clarification as to the certainty of the landscape screening provision was sought from the applicants, to clarify the width of screen planting and the overhang of rolling stock from line of the track, to confirm 5 metres of screen planting will not be pruned back to only 2 metres, which would not be sufficient.
- 5.107 Instead, the applicants asked AMEC (their consultants) to review the available area between the site boundary and nearest rail line. AMEC confirmed that the distances available are; 6 metres at the northern end and 27 metres at the southern end. It may be possible to achieve a minimum buffer of 5 metres at the northern end of the site, exclusive of technical requirements (such as clearances), but no plan has been provided to demonstrate this.
- 5.108 To this end, it is important to consider whether the proposed mitigation from this aspect is sufficient to overcome serious landscape and visual impact concerns. It is Officer's opinion that the short and medium term (5-10 years) impact of the

development from this aspect would be harmful, even with the proposed mitigation in place. Off site planting between the western boundary of the site and the Merton Road could potentially provide a more immediate vegetative screen which would help to mitigate the views from this aspect, but the applicants are unwilling to provide this.

- 5.109 It is accepted that the majority of the view points around the site can be mitigated such that there would be no significant, demonstrable adverse landscape or visual impact. However, Officers remain concerned with one viewpoint (13) from the Merton Road, looking towards the western section of the site. Therefore, in order to be satisfied that the mitigation planting proposed by the applicants can be successfully achieved, a suitable condition will be imposed to require the submission and approval of a landscaping strategy, to include soil composition, planting protection, establishment and maintenance to ensure a suitable screen can be achieved.
- 5.110 For this reason, Officers consider that any potential harm to the character of the landscape can be appropriately mitigated in respect of all views except those from the west, where the large scale of the building will remain evident in the long term. This adverse impact will have to be weighed against other positive aspects of the proposed development.
- 5.111 **Historic Impact**
- 5.112 **Graven Hill (D & E Sites)**  
Section 12 of the NPPF deals specifically with the historic environment. It directs LPA's to set out, in their local plans, a positive strategy for the conservation and enjoyment of the historic environment, conserving heritage assets in a manner appropriate to their significance. The requirement is also enshrined within the Framework's presumption in favour of sustainable development, recognising that the historic environment has a role to play in design, promoting healthy communities and protecting Green Belt land.
- 5.113 The NPPF sets out a significance-based approach to planning decisions, requiring sufficient evidence of the assessment of the significance of the heritage asset to be weighed against the benefits of the proposal delivering sustainable development. The NPPF advocates the grant of planning permission (for sustainable development), unless substantial harm to or loss of a heritage asset can be demonstrated as a result of the proposal.

Annex 2 of the NPPF defines heritage assets as:

*A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).*

It goes on to define heritage significance as:

*The value of a heritage asset to this and future generations because of its heritage*

*interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*

- 5.114 Designated heritage assets are defined as World Heritage sites, Scheduled Monuments, Listed buildings, Protected wreck sites, Conservation Areas, Registered parks and gardens and Registered battlefields.
- 5.115 The identification and assessment of non designated heritage assets is not specifically defined in the NPPF and relies on professional judgement.
- 5.116 Paragraph 131 states that in determining planning applications, LPA's should take account of the desirability of sustaining and enhancing the significance of the heritage asset and putting them into a viable use consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.117 Paragraphs 132 to 135 set out the criteria for assessing the impact of development on the significance of designated and non designated heritage assets. In summary;
- Substantial harm to or loss of designated heritage assets of the highest significance (i.e. scheduled monuments, protected wreck sites, battlefields, Grade I and II\* listed buildings and registered parks and gardens & World Heritage sites) should be wholly exceptional
  - Substantial harm to or loss of a Grade II listed building, park or garden should be exceptional
  - Less than substantial harm to a designated heritage asset should be weighed against the public benefit of the proposal
  - A balanced judgement having regard to the scale of any harm or loss and the significance of a heritage asset will need to be made for proposals that affect non designated heritage assets.
- 5.118 The setting of a heritage asset is also defined in Annex 2 of the NPPF, which states:
- The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*
- 5.119 Policies relating specifically to the protection of historic assets and their settings in the Adopted Local Plan 1996 were not saved but have in any event been superseded by the National Planning Policy Framework (NPPF).
- 5.200 Within the Non Statutory Cherwell Local Plan, Policy EN39 (Listed Buildings: General Principles) relates to the preservation of listed buildings, their character and their setting whilst EN44 (Listed Buildings: Settings) sets out that special care will be taken to ensure that development that is situated within the setting of a listed building respects the architectural and historic character of the building and its setting. The supporting text sets out that the Council will resist development that

would adversely affect the setting of listed buildings.

- 5.201 **Direct impact on heritage assets within the site:** There are no designated heritage assets within the site. English Heritage were encouraged to bring forward their assessment of the relative significance of the former military buildings on the site as part of its Heritage Protection Review. This assessment considered the importance of a number of features of the site including the military railway and associated features and identified an intact group of six air raid shelters in the south east of the site adjacent to storage Hanger D2 that are of particular interest on the site. The assessment was submitted to the English Heritage listings team for consideration.
- 5.202 English Heritage used the Defence Disposal Assessment Template to assess whether the buildings were appropriate for statutory listing. The principal interest was at building D2 and the adjacent unusual group of six air-raid shelters. The storage hangar D2 was included in the assessment for its contextual association, since the shelters show the large capacity of the workforce in the building which was built to handle armaments. The storage hangar is of standard plan and construction and very altered having a high proportion of replaced fabric. It is one of eight large hangars on D Site and whilst it does augment the context for the air-raid shelters, it is not rare on this site or nationally.
- 5.203 Consequently, English Heritage recommended that the hanger and associated air raid shelters should not be listed. The Secretary of State for Culture, Media and Sport concluded that the D2 hangar is of standard form and too altered to merit listing. The associated air-raid shelters are not, if taken as individual structures, rare or particularly notable examples of this building type nationally. They do have some rarity as a surviving group however, but this legibility of function would be meaningless without the retention of the associated hangar. A similar exercise was carried out for a group of buildings on C Site, which is discussed in more detail in the next section (specifically relating to C Site) below.
- 5.204 Whilst the buildings are not designated heritage assets, under the NPPF definition, they are nevertheless considered to be non designated heritage assets, taking account of their historic context and background.
- 5.205 The applicants have confirmed that the air raid shelters and building D2 will be demolished, as English Heritage have confirmed that they will not be listed.
- 5.206 In addition to these buildings, the site contains a range of other buildings which were built for the storage and distribution of military supplies and associated functions. These buildings are set out in the ES in table 10.6 and 10.7 and also at paragraph 3.1.18 of the 'Historic Environment' technical note. The site was also served by the Bicester Military Railway, which forms a circular network enclosing the hill and links to other sites connected to Graven Hill. Some of the replaced concrete sleepers were used in the construction of improvised passenger platforms, one of which survives at Graven Hill. The railway is to be removed as it is not required for the residential development, although the applicants state within the Design and Access statement that the alignment will be reflected in the layout and some parts incorporated in to public open space where possible. None of these

features or buildings has been recommended for listing by English Heritage, but are still considered to be non designated heritage assets.

- 5.207 The ES and Historic Environment technical report state that a programme of recording would be needed to record the buildings prior to their demolition/removal. English Heritage has confirmed that this could be secured through a suitably worded condition.
- 5.208 Consequently, it is considered that the proposed development will have an impact on non designated heritage assets on site, as set out above. However, the NPPF requires a balanced judgement to be made, having regard to the scale of any harm or loss of significance of the heritage asset.
- 5.209 It is considered that whilst the proposal will lead to the loss of some non designated heritage assets, the degree of harm caused to the historic environment in this case must be weighed against the significance of the historic asset. English Heritage do not consider that any of the buildings or features on the site are worthy of statutory listing.
- 5.210 It is therefore considered that the proposed development would involve harm to non designated, on site heritage assets as they are to be removed. However, as the features are not designated and their presence can be appropriately recorded by condition,, on balance it is considered that the proposal at Graven Hill is in accordance with central Government guidance relating to the conservation of the historic environment contained in the NPPF, Adopted Cherwell Local Plan, NSCLP and PSLP.
- 5.211 **Direct impact on offsite heritage assets:** There are four listed buildings immediately adjacent to the site boundary: Langford Park Farm, Wretchwick Farm, Cottage and Lodge. In response to the scoping request it was advised that the listed buildings “all need to be identified and the visual impact of the proposals on the setting of these should be assessed and the proposals amended to preferably avoid or at worst mitigate harm”.
- 5.212 The locations of the four listed buildings in the vicinity of the site have been identified but the original assessment of impact at paragraphs 10.12.37-39 of Volume 2 of the ES was considered to be inadequate, as setting had been too tightly defined and therefore impacts not properly assessed.
- 5.213 The ‘Historic Environment’ technical note, supplied as part of the ES Addendum, more appropriately defines and describes the setting of the aforementioned listed buildings (from page 13 to 20 inclusive). It sets out the physical surroundings, experience of the asset and associative attributes of each building, concluding with a statement of the effect of the proposed development on their significance.
- 5.214 There is no doubt that there will be a change to the setting of Wretchwick Lodge (and Cottage), through the introduction of new residential and office development within close proximity to its curtilage. However, due to the extensive tree belt within which the Lodge sits, any harm to the significance of the asset will be less than substantial.

- 5.215 There will be some positive change in the views of Wretchwick Farm, with the removal of the large storage building (D9). Proposed development will be set further back than D9 and boundary screening is to be strengthened. In the longer term, this is likely to have a positive effect on its heritage significance.
- 5.216 In relation to Langford Park Farm, some of the pasture land adjoining the farm which contributes to its agricultural setting will be lost to allotments and sports pitches, although some agricultural land to the east will be retained. However, the extent of the built development will be set back further than the current large storage buildings and will comprise smaller in scale domestic development. Accordingly, it is considered that the proposed development is likely to have a neutral impact on the heritage significance of this asset.
- 5.217 The Technical note concludes by stating that there will be some changes to the settings of the listed buildings (as outlined above), but that overall the proposed development would involve less than substantial harm to the significance of the heritage assets.
- 5.218 The Conservation Officer has reviewed this additional information, as has English Heritage and neither have any objections to the additional information and justification.
- 5.219 Since the submission of the Heritage Technical Note, the applicants provided a plan that reduces the extent of some of the 4 storey development along the A41 frontage (as shown on 'Building Heights' plan). However, it is considered that this has a neutral impact on the setting of Wretchwick Lodge, Cottage and Farm.
- 5.220 It is considered that the proposal would result in some harm to the setting of designated heritage assets. However, due to the mitigation measures incorporated into the proposed development, it is considered that on balance, the proposal will lead to less than substantial harm to the heritage significance of these assets.
- 5.221 As noted above, paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Taking this into account, on balance it is considered that the proposal at Graven Hill is in accordance with central Government guidance relating to the conservation of the historic environment contained in the NPPF, Adopted Cherwell Local Plan, NSCLP and PSLP.
- 5.222 C site – (Arncott)
- 5.223 The comments in relation to policies regarding the assessment of the impact of development on the historic environment as noted above, also apply to C Site.
- 5.224 **Direct impact on heritage assets within the site**  
As noted above, English Heritage assessed the relative significance of the former military buildings on the site as part of its Heritage Protection Review, which Roger

Thomas conducted. At C site, a 'Bolero' group of six Romney and six Iris huts (buildings C30 and C31, in the south eastern section of the site) were considered for designation as listed buildings. The large size of the C30 and C31 huts and the gantry over the railway imply that they were used for handling heavy goods, commensurate with the use of C Site as Motor Transport Sub-Depot.

- 5.225 English Heritage summarise in their 'Notification of Designation Decision' that the group of six Romney huts (C30) and six Iris huts (C31) at Arcott C Site, form a strong coherent group within a very much larger site, where the scale and survival of the infrastructure and sum of the parts, rather than the individual components are key to its significance.
- 5.226 However, they concluded that given the lack of rarity of the Romney huts and the design faults of the Iris hut which led to its almost universal replacement, they do not merit designation, and recording as part of a full survey of the depot and removal to a museum site are advocated in preference to designation as the best means of recognising their undoubted significance.
- 5.227 The applicants have confirmed that buildings C30 and C31 will remain as they are, given their position on the site. The retention of these buildings could be secured through a suitably worded condition. It is unlikely that the setting of these buildings would be materially adversely affected, given the distance from the Fulfilment Centre, intervening building C5 (which is to remain), bunding and landscaping to the south eastern corner of the Fulfilment Centre.
- 5.228 As noted above, C site also contains a range of other military buildings which were built for the storage and distribution of military supplies. These buildings are noted in full in the ES, table 10.6 and 10.7. None of these buildings have been considered as potentially meeting the criteria for listing, but are nevertheless considered to be of historic interest given the size and range of surviving buildings.
- 5.229 The proposed development would involve the demolition of buildings C1, C4, C7, C9 and C60, in order to be replaced by the proposed Fulfilment Centre. However, the ES outlines a full programme of building recording, prior to their demolition, commensurate with their historic significance, which could be secured by condition. English Heritage has confirmed that the principle of this would be acceptable.
- 5.230 Again, it is considered that the proposed development will have an impact on non designated heritage assets on site, as set out above. However, the NPPF requires a balanced judgement to be made, having regard to the scale of any harm or loss of significance of the heritage asset.
- 5.231 It is considered that whilst the proposal will lead to the loss of some non designated heritage assets, the degree of harm caused to the historic environment in this case must be weighed against the significance of the historic asset. English Heritage do not consider that any of the buildings or features on the site are worthy of statutory listing.
- 5.232 Again, the proposed development would involve harm to non designated, on site heritage assets as they are to be removed. However, as the features are not

designated and their presence can be appropriately recorded by condition, on balance it is considered that the proposal at C Site is in accordance with central Government guidance relating to the conservation of the historic environment contained in the NPPF, Adopted Cherwell Local Plan, NSCLP and PSLP.

**5.233 Direct impact on offsite heritage assets:**

The village of Arncott is not a conservation area but contains four listed buildings and other buildings of undesignated heritage interest. The buildings in the village are small scale, generally 2 storeys in height. The landscape character of the wider area is open, particularly in views from the west and, within the site, there is an open campus character of pavilion buildings set within grassed areas with occasional trees dotted around, some avenue planting and some screening along the western boundary.

5.234 The listed buildings noted above are; Methodist Chapel (on Green Lane), Miropa (16 Green Lane), Manor Farmhouse (Ploughley Road) and Wood Farm Cottage (Ploughley Road). All of these buildings are Grade II listed. Their locations are shown on Figure 10.1 of the ES.

5.235 The 'Historic Environment' technical note, supplied as part of the ES Addendum, appropriately defines and describes the setting of the aforementioned listed buildings (from page 20 to 29 inclusive). It sets out the physical surroundings, experience of the asset and associative attributes of each building, concluding with a statement of the effect of the proposed development on their significance.

5.236 The note concludes by stating that the proposed development would cause some harm to the heritage significance of Miropa Cottage and the Methodist Chapel in Green Lane. Medium distance views, for example, from The Green, will undoubtedly be affected and will result in some distraction of the view of the Chapel. Similarly, the views along the approach to Miropa from Green Lane, particularly before the tree screening fully develops, will be disrupted. However, the sections provided as part of the ES Addendum (April 2012) demonstrate the visibility of the proposed Fulfilment Centre in the context of the aforementioned listed buildings. It demonstrates that the perceived height of the proposed building from Green Lane would be broadly comparable with the existing buildings, taking account of the proposed bunding and screen planting along the south eastern boundary of the site.

5.237 It is considered that the proposal would result in some harm to the setting of designated heritage assets. However, due to the mitigation measures incorporated into the proposed development, it is considered that on balance, the proposal will lead to less than substantial harm to the heritage significance of these assets.

5.238 As noted above, paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Taking this into account, on balance it is considered that the proposal at C Site is in accordance with central Government guidance relating to the conservation of the historic environment contained in the NPPF, Adopted Cherwell Local Plan, NSCLP and PSLP.



5.239 **Ecological Impact**

5.240 **Graven Hill (D & E sites)**

5.241 As regards protected species, the NPPF – *Conserving and enhancing the natural environment* requires that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (para 109)

5.242 Paragraphs 192 and 193 further add that “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”. One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. This is a requirement under Policy EN23 of the Non-Statutory Cherwell Local Plan 2011.

5.243 Paragraph 18 states that “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”

5.244 Paragraph. 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that, “local planning authorities should consult Natural England before granting planning permission” and paragraph 99 goes onto advise that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

5.245 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity” and;

- 5.246 Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.
- 5.247 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 5.248 Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:
- 1) Is the development needed for **public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature** (development)?
  - 2) Is there any **satisfactory alternative**?
  - 3) Is there **adequate mitigation** being provided to maintain the favourable conservation status of the population of the species?
- 5.249 Therefore where planning permission is required and protected species are likely to be found to be present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local planning authority that the 3 strict derogation tests can be met prior to the determination of the application. Following the consultation with Natural England and the Council’s Ecologist advice given (or using their standing advice) must therefore be duly considered and recommendations followed, prior to the determination of the application.
- 5.250 In respect of planning applications and the Council discharging of its legal duties, case law has shown that:
- 1) if it is clear/perhaps very likely that **Natural England will not grant a licence** then the Council should refuse planning permission
  - 2) if it is likely that **Natural England will grant the licence** then the Council may grant planning permission

- 3) if it is **unclear/uncertain** whether Natural England will grant a licence then the Council must refuse planning permission (Morge has clarified Woolley)

*[R (Morge) v Hampshire County Council – June 2010 Court of Appeal case]*

*[R (Woolley) v Cheshire East Borough Council – May 2009 High Court case]*

NB: Natural England will not consider a licence application until planning permission has been granted on a site, therefore if a criminal offence is likely to be committed; it is in the applicant's interest to deal with the 3 derogation tests at the planning application stage.

- 5.251 Policy C1 of the ACLP seeks to promote the interests of nature conservation and protect sites of local nature conservation interest. Policy C4 of the ACLP seeks to promote the interests of nature conservation within the context of new development. Similar policies exist in the NSCLP (EN24, EN25, EN27 and EN28) which echo the requirements of the NPPF and ACLP.
- 5.252 Bicester Policy 2: Graven Hill within the PSLP contains site specific requirements, including achieving development that demonstrates enhancement, restoration or creation of wildlife corridors through the creation of 'Green Fingers', the appropriate treatment of protected habitats and species on site & creation and management of new habitats to achieve an overall net gain in biodiversity and the provision of a Habitats Management Plan to manage the woodland and other habitats on site.
- 2.253 There are no sites of international nature conservation interest located within 10km of the site boundary, there are five statutory nature conservation sites located within 5km of the site boundary, the nearest being over 1.5km away. These are Arncott Bridge Meadows Site of Special Scientific Interest (SSSI), Wendlebury Meads and Mansmoor Closes (SSSI), Stratton Audley Quarries (SSSI), Otmoor (SSSI) and Bure Park Local Nature Reserve (LNR).
- 5.254 There are three non statutory nature conservation sites located within 1km of the site boundary. One of these is the ancient woodland site (Graven Hill Wood County Wildlife Site (CWS)). The Bicester Wetland Reserve is located to the west of the site boundary, within 40m.
- 5.255 The site is also within 280m of the 'Upper Thames Tributaries' Environmentally Sensitive Area (ESA).
- 5.256 The ES denotes protected and otherwise priorities species in full at page 255 and the biological records for each study area are presented at Appendix J of the ES, apart from the badger records, which are listed in a confidential report, to avoid potential illegal interference with the setts.
- 5.257 In summary, the key species records occurring within 2km of the Graven Hill site boundary are; bats, grass snake, great crested newt (GCN), various schedule 1 bird species, various UK BAP priority bird species, various UK BAP priority and nationally scarce invertebrate species and other UK BAP priority species (Common Toad and Hedgehog).

- 5.258 Field surveys identified the presence of the following legally protected species; badger, common pipistrelle, soprano pipistrelle bat, noctule bat, serotine bat, Myotis sp. Bat, Daubenton's bat, Leisler's bat, long eared bat, polecat, Great Crested Newt, common lizard, grass snake, priority invertebrate species and breeding birds. It is important to note that given the proposed development period (development of Graven Hill is scheduled for 2015), further survey work will be required prior to the commencement of construction work.
- 5.259 The ES details the proposed measures designed to minimise the effects on biodiversity at Table 12.4. The following receptors were taken forward for detailed assessment, as the effects upon them are sufficiently likely to be significant; Graven Hill Wood (CWS), Bicester Wetland Reserve (CWS), badger, bats which roost on site, foraging bat species, Great Crested Newt, dormouse and reptiles. Other receptors were scoped out, as it was concluded that they are unlikely to be significantly affected by the proposal. Table 12.8 within the ES summarises all of the predicted ecological effects and evaluation of their significance.
- 5.260 The consultation response from Natural England (NE) states that the development is likely to have an impact on the Arccott Bridge Meadows SSSI, but they do not object subject to the inclusion of conditions, to ensure the SUDS and ecological mitigation set out in the ES is adhered to.
- 5.261 In relation to protected species, Natural England provided the following, summarised, response:
- Badgers and Reptiles – LPA to consult NE's standing advice to establish whether sufficient survey effort has been undertaken and to consult with the in-house ecologist.
- Bats – The indicative proposals set out appear sufficient to mitigate any potential impacts on bat populations. Recommendations in Chapter 12 of the ES should be conditioned and adhered to in full.
- GCN's – The proposals appear sufficient to mitigate the impact on GCN populations. A full mitigation plan must be submitted and approved prior to commencement.
- Dormice – Proposals appear sufficient to mitigate any potential impacts of Dormice populations. A full mitigation plan must be submitted and approved prior to commencement.
- 5.262 In conclusion, NE has no objection to the proposal. They also raise no objection to the ES Addendum or Further ES Addendum material.
- 5.263 The Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) were also formally consulted on the proposal and raise no objection. However, they note that the measures proposed to mitigate the effects of human disturbance on the LWS site (Graven Hill Wood) such as instructions to remain on designated paths, keep dogs on leads, and also leaflet drops regarding pet cats and wildlife are unlikely to be very effective and will be very difficult to enforce.

- 5.264 Furthermore, it is not stated how public access to the southern half of the wood could be restricted and enforced. Short of an impenetrable security fence bisecting the LWS (which would bring its own difficulties and impacts), it is not clear how this could be achieved or policed. It is also important to note that, despite the suggested mitigation proposed by the applicants, BBOWT has not been approached regarding taking on future management or ownership of the LWS. Moreover, the Trust would be disinclined to do so even with funding and a long-term lease in place, as the site is relatively small and isolated and would not be of any strategic ecological value to the objectives of the Trust's work.
- 5.265 This issue has been raised with the applicants on numerous occasions, but it is still not clear how this very important LWS will be managed and maintained. This issue is part of ongoing negotiation and discussion as part of the S106 package, including the contribution towards open space management and maintenance.
- 5.266 The applicant intends to deliver the ecological mitigation and enhancement measures proposed in brief in the ES through a detailed habitat creation plan and a habitat management plan (for management in perpetuity) to be written at the reserved matters stage.
- 5.267 It is accepted that the current application is for outline permission only. However, BBOWT have stated that the delivery of the mitigation/enhancement measures as a holistic strategy across the entire site is fundamental to (at the very least) avoiding a net loss of biodiversity from the scheme and thus maintaining compliance with the NPPF and appropriate protected species legislation. Should the site be sold with outline permission there would need to be a guarantee that the proposed measures would be delivered by future owners, particularly if the scheme were to be progressed in a number of disjunct phases by different developers.
- 5.268 For these reasons, BBOWT recommend that a more detailed habitat creation plan should be submitted by the applicant prior to determination, along with a reasonably detailed outline for a future management plan. The latter should ideally contain information regarding on-going annual habitat management work plans, an appropriate ecological monitoring schedule, details of a biodiversity steering group and review process, and fairly accurate costings to achieve these aims. However, Officers consider that these requirements can be provided as part of a condition attached to this outline permission, that would require a detailed management plan to be submitted and approved prior to the submission of reserved matters.
- 5.269 The Council's Ecologist summarises the impact of the development on protected species as follows:
- loss of five, possibly six, bat roosts. One of these roosts is a maternity roost for three different species and as such is of moderate conservation value.
  - loss of foraging habitat for nine species of bat.
  - some loss of sub-optimal dormouse habitat & increased disturbance to the population within Graven Hill Wood.
  - loss of breeding & terrestrial habitat for a large population of great crested newts
  - loss of reptile (common lizard & grass snake) habitat.

- loss of and disturbance to badger setts, affecting three different social groups.
- loss of habitat for 16 priority & notable bird species and potential disturbance to breeding birds during the construction phase.
- loss of habitat for 11 scarce invertebrate species.

5.270 She also summarises the proposed protected species mitigation as follows:

- restriction of public access within Graven Hill Wood to minimise disturbance.
- provision of 2 artificial badger setts within Graven hill Wood, enhanced areas for foraging & green corridors.
- alternative bat roosting sites provided in form of bat boxes on trees & bat access tiles in new buildings.
- retention of bat foraging habitat where possible, low level lighting strategy and green corridors.
- additional areas of woodland & new hedgerows suitable for dormice & enhancement of hedgerows for them. 50 nest boxes to be installed within Graven Hill Wood.
- provision of new great crested newt aquatic & terrestrial habitat.
- creation of new habitat suitable for reptiles.
- enhancement of existing semi-improved habitat by Graven Hill Wood, creation of a wildflower meadow & additional planting of buckthorn (for a rare butterfly species).
- no vegetation clearance to take place during bird nesting season unless supervised by an ecologist to ensure no nests are damaged. Installation of bird boxes around site.

5.271 She concurs with the recommendations and comments of BBOWT (as set out above) and concludes that it cannot be confidently be said that the necessary licences for some or all of the European protected species affected by the current application would be granted by Natural England.

5.272 However, Natural England has stated that it is concerned to ensure that planning applications are not refused on the grounds of European Protected Species unless there is an irresolvable matter that would harm the protected species interests. In this case they are satisfied that there is enough land available for securing any necessary mitigation for the EPS effected by the proposals, although they may require additional pond habitats to be created at the licensing stage. All Green Infrastructure (GI) provided by development requires some form of arrangement for ongoing maintenance. In this case the additional management requirements due to the presence of EPS species over and above the normal requirement for GI maintenance is likely to be minimal and indeed may be substantially less than that normally required for the maintenance of amenity grassland.

5.273 Detailed negotiations have taken place in relation to the commuted sums required for management and maintenance by the Council of the open space within the development. The applicants accept that there is an insufficient sum to cover most of the operations required by the Council to cover the standard 15 year maintenance period.

5.274 The applicants have also failed thus far to present the Council with a viable, acceptable alternative for the management of the open space. However, as noted

above, the Officers remain optimistic that an appropriate sum for open space management and maintenance can be achieved.

- 5.275 Therefore, taking this into account, Officers are satisfied that ecological mitigation proposed within the ES can be achieved, subject to a suitable S106 contribution being provided.
- 5.276 C Site (Arncott)
- 5.277 The policies and legislation mentioned above in relation to Graven Hill equally applies to C Site, with the exception of the specific Bicester Policy 2 of the PSLP.
- 5.278 Again, there are no sites of international conservation interest located within 10km of the site boundary. There are eight statutory designated sites located within 5km of C site. These are; Arncott Bridge Meadows SSSI, Muswell Hill SSSI, Whitecross Green and Oriel Woods SSSI, Murcott Meadows SSSI, Otmoor SSSI, Wendlebury Meads Mansmoor Closes SSSI, Long Herdon Meadow SSSI and Shabbington Woods Complex SSSI. The nearest of these is Arncott Bridge Meadows, located 50m to the north of the site boundary.
- 5.279 There are three non statutory sites within 1km of the boundary; Meadows South of River Ray (CWS), Arncott Wood (CWS) and Bicester Garrison (LWS), the latter of which is the closest being 240m to the west of the site boundary.
- 5.280 The western site boundary is continuous with the Upper Thames Tributaries ESA.
- 5.281 C Site also contains all of the legally protected species as found at Graven Hill, with the exception of Daubenton's Bat, polecat and Grass snake.
- 5.282 The ES details the proposed measures designed to minimise the effects on biodiversity at Table 12.5. Measures that comprise habitat creation and/or enhancements are shown at Table 12.2 and information relating to how the measures would be implemented is provided at Table 3.3.
- 5.283 The following receptors were taken forward for detailed assessment on the basis that the effects upon them are sufficiently likely to be significant to merit a more detailed assessment; Arncott Bridge Meadows SSSI, badger, roosting bats, foraging bats, GCN and dormouse. Other receptors were scoped out as it was concluded that they are not likely to be significantly affected by the proposed development. Table 12.9 within the ES summarises all of the predicted ecological effects and evaluation of their significance.
- 5.284 The recommendations and conclusions of Natural England equally apply to C Site, in relation to the impact of the proposal on protected species. However, the requirement to submit full mitigation plans is not recommended for C Site and in relation to bats, NE recommend that 20 bat boxes are erected prior to the works commencing.
- 5.285 Again, BBOWT did not raise any specific concerns in relation to the proposal at C Site, but their recommendation that a more detailed habitat creation plan should be

submitted by the applicant prior to determination, along with a reasonably detailed outline for a future management plan is also relevant to C Site.

5.286 The Council's Ecologist's observations and comments in relation to the impact of the development on protected species also apply to C Site. Clearly, the amount of open space at C Site is significantly less than at Graven Hill, but the ecological mitigation proposed in Table 3.3 nevertheless involves the provision of enhanced areas of habitat (e.g. for badgers, bats and dormice) that will need to be managed and maintained. Providing a satisfactory agreement can be achieved in relation to open space management and maintenance contributions, Officers consider that the proposed mitigation could be satisfactorily achieved.

**5.287 Retail Impact – Graven Hill only**

5.288 In addition to local centre facilities (five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling 500 sqm), the application proposes a significant retail element at Graven Hill (a grocery store of 1,000sqm – previously proposed at 1,858sqm).

5.289 The NPPF states that a sequential test should be applied to planning applications for main town centre uses such as retail. Only if suitable sites are not available should out of centre sites be considered and preference should be given to accessible sites that are well connected to the town centre. Also impact assessments are required for developments over 2,500 sqm. Where an application fails to satisfy the sequential test or is likely to have *significant adverse impact*, then it should be refused.

5.290 The retail element within this proposal falls short of the threshold for the requirement for an impact assessment.

5.291 At a local level, Policy EMP1 of the adopted Cherwell Local Plan states that employment generating development will be permitted on identified sites, but this is not one of those. Policy S25 seeks to resist all new proposals for retail development unless they accord with Policies S26 (relating to small scale retail outlets which are generally ancillary); S27 (garden centres) or S28 (local shops) which this application does not. Policy TR1 seeks to provide for transportation funding.

5.292 The Proposed Submission Local Plan 2012 (PSLP) Policy SLE2: Securing Dynamic Town Centres is clear that the Council does not support out of town office and retail development outside of the district's town centres. The provision of new local centres within proposed allocated sites is supported.

5.293 Since the initial response from the Head of Strategic Planning and the Economy (Planning Policy), the Council's draft Retail Study (recently published on the Council's website in October 2012) identifies a need for convenience floor space (allowing for overtrading) and comparison floor space in the District over the Local Plan period to 2031. It states that Banbury offers the greatest opportunity to accommodate new floor space but some comparison floor space should be directed to Bicester town centre. It separately suggests that until the Bure Place



development is completed, there is no need to bring forward an additional food store in Bicester, although this should be reviewed once the Sainsbury's store has opened and trading patterns have settled.

- 5.294 However, in the meantime, the Council has resolved to approve a significant retail application for Tesco (12/01193/F refers), comprising 1,485 sqm additional convenience goods floor space and 1,776 sqm additional comparison floor space on land SW of Bicester Village and the existing Tesco store. It is proposed to provide dot com deliveries (currently served from the Buckingham store) producing more efficient and sustainable benefits.
- 5.295 The existing Tesco store was said to be overtrading, resulting in congested conditions both within the store as well as on the highway network so was considered deficient in qualitative terms. The Tesco application was submitted in tandem with an application for the extension to Bicester Village's specialised retail offer (12/01209/F refers), which also has a resolution to grant permission. The Tesco development is interdependent on the relocation of the existing store from Pringle Drive.
- 5.296 Additionally, a further application made by Sainsbury's has been approved (12/01612/F refers) for an increase in the retail floor area of 1450sqm through the provision of an extended mezzanine floor. The additional floor space is proposed to provide an improved convenience and comparison offer. As the development is located within the town centre, an impact assessment is not required by the NPPF.
- 5.297 The reduction in floor space from 1858sqm to 1000sqm has gone some way to address concerns relating to out of centre retail provision, where there is no identified need. Whilst the 1000sqm of floor space is in addition to the 500sqm local centre, it is considered that subject to a condition to limit the size of individual units within the total floor space provided, the proposal is sufficient to meet local need and will consequently not have a detrimental impact upon the vitality or viability of Bicester Town Centre.
- 5.298 **Design and Neighbour amenity**
- 5.299 Graven Hill (D & E sites)
- 5.300 Chapter 7 of the NPPF relates to good design. Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. It is also enshrined within the core planning principles at paragraph 17, stating that planning should always seek to secure high quality design and good standards of amenity for all existing and future occupants.
- 5.301 Policies within the ACLP also reflect the requirement to secure good design and adequate standards of amenity for all new development. Policy C28 seeks to ensure that standards of layout, design and external appearance are sympathetic to the character of the area. Policy C30 seeks to ensure that all new development provides acceptable standards of amenity and privacy. These requirements are echoed within the NSCLP policies.

- 5.302 Policy ESD 16 of the PSLP specifically relates to the character of the built environment and seeks to ensure that all new development complements and enhances the character of its context. As part of this, new development is expected to incorporate energy efficient design.
- 5.303 Policy Bicester 2 within the PSLP sets out specific design principles for the development of Graven Hill. It requires the development to achieve a high degree of integration and connectivity between new and existing communities and a layout that maximises the potential for walkable neighbourhoods.
- 5.304 As mentioned in the Landscape and Visual Impact section above, it also requires a well designed approach to the urban edge, relating to its peripheral rural location. It also requires careful design of the employment units to limit adverse visual impact.
- 5.305 Also of specific relevance to this section, the policy requires demonstration of climate change mitigation and adaptation measures, including exemplary demonstration of compliance with the requirements of policies ESD 1-5.
- 5.306 The scheme is in outline form only and as such the layout of the development and the design of the individual buildings are not being assessed at this stage. However an outline application is required to demonstrate that a development of the size proposed can be successfully accommodated on the site, providing an adequate living environment with sufficient private and public amenity space and sufficient parking.
- 5.307 Considerable information is supplied though the ES and the Design and Access Statement (DAS). The submitted DAS implies that the application of the parameters and principles within it at subsequent design stages, including the submission of reserved matters, is the mechanism to achieve the design quality, which is promoted and envisaged.
- 5.308 It is standard practice to link the content of the DAS or the parameters plans within it and the ES to any grant of permission. This assists in providing certainty as to what is proposed and permitted and would enable Reserve Matter applications to be linked to an outline consent.
- 5.309 It is also important in the context of the ES, as in this case, it acknowledges that development outside the parameters on which it is based (i.e. those contained within the DAS) could give rise to significant effects different to those identified in the ES. These could be unresponsive to the environmental measures proposed in Table 3.3 within the ES, whose purpose is to mitigate the environmental effects arising out of the proposed development.
- 5.310 The Council sought advice from ATLAS (Advisory Team for Large Applications) which provides a free service to Local Planning Authorities, the private sector and other stakeholders who are dealing with large scale and complex development proposals. ATLAS have also been advising the applicants and have sought to facilitate negotiations between the two parties.
- 5.311 The Council sought guidance from ATLAS with regard to the adequacy of the

information submitted as part of the outline application. ATLAS considered that the submission, with substantially all matters reserved, was inconsistent with the legislative framework for outline applications which are EIA development. ATLAS recommended that in addition to the parameter plans (Figs 3.1 – 3.3 contained in the ES) that parameter plans for density, street hierarchy and phasing were incorporated into the application itself. They also recommended that if outline planning permission was granted, it should be subject to conditions which substantially restrict the development to these parameters.

5.312 Over a substantial period of negotiation, the applicants have agreed that the Strategic Land Use Plan could be used as a parameter plan,.

5.313 The applicants have suggested that other details including building heights, widths and lengths could be covered by conditions, as set out below:

- Building heights in the northern part of the Graven Hill site shall not exceed those denoted on plan number...(drawing numbers have not been provided for these plans).
- The maximum height of any new building on the southern part of the Graven Hill site shall not exceed 15 metres to the ridge.
- Building widths and lengths (excepting those of the school and community hall) shall not exceed those set out on page 135 of the Design and Access Statement dated September 2011.
- The Fulfilment Centre on C Site shall not exceed 18.6m to ridge height, 14.6m to external eaves height, or have a dimension that exceeds 320m x 220m. A distance of at least 60m shall be maintained between the proposed building and the existing residential properties on Green Lane.
- A Landscape Buffer of not less than 5 meters wide shall be provided between the C Site boundary and the Road/Rail Transfer Area, exclusive of operational width requirements.
- Notwithstanding any details in the application, no development shall take place until a landscape scheme has been submitted to and approved by the Local Planning Authority. The landscape scheme shall include details of plant species, layout and density and specification for soils and ground preparation, planting protection, establishment and maintenance.

5.314 The regime for EIA development requires an adequate set of development parameters to be built into planning permissions and tied to a suite of appropriate environmental measures and controls, if necessary. This is to ensure that any inherent positive environmental outcomes are delivered and sustained, and significant negative effects mitigated over the lifetime of the development. Consequently, Officers consider it reasonable and necessary to condition set parameters (such as the building height, position and design for C site and the building heights on the A41 frontage and slope of the hillside) to ensure the delivery of the specific mitigation set out in the ES and the ability of the proposal to achieve

high quality development.

- 5.315 Two vehicular linkages are proposed with A41 and these form part of the application, although the site is not as accessible by green modes as would be desirable. The pedestrian links to the town centre and Bicester Town Rail Station require crossing the busy A41 by pelican crossings, which is acknowledged as less than ideal in terms of highway safety.
- 5.316 The DAS refers to the use of the existing underpass as a means to connect the site to the rest of Bicester, but the routes up to it are not included within the red line as it is not within the applicant's ownership. The applicants have been asked to secure this throughout the course of the application, but have been unable to do so. This issue is discussed in more detail within the Highway Impact section below. Pedestrian movement within the site appears to be satisfactory, but this is insufficient in isolation to form a development that integrates with the rest of the town.
- 5.317 Within the DAS the site is shown as a distorted grid of highways with a hierarchy diminishing in a logical manner. Block sizes are sensible, but the overall approach is rather repetitive. The references to character areas rely upon a description of location and land use, not character per se. This and the limited access and traffic calming at 150m intervals and 3m wide verges mean that the stated 20mph design speed will be difficult to achieve. However the DAS does not form part of the application and the applicants have in any event been clear they are unwilling for any permission to be tied to the details within the application.
- 5.318 The Parking Strategy proposes accessibility zones for variable standards according to location and this seems a sensible approach, with a maximum provision for cars and a minimum for cycles. However, according to the proposed provision, a 1 bed dwelling generates a need for one cycle space plus one car space plus one visitor space (therefore 2 car spaces in total); a 2 or 3 bed dwelling generates two cycle spaces, two car spaces plus a visitor space (therefore 3 car spaces in total); a dwelling with 4+ bedrooms generates a need for two cycles, 2+ car spaces plus visitor space. The inclusion of an additional car parking space for visitors for each dwelling pushes the total parking provision substantially above the Council's adopted standards of 1, 2 and 2+ on merit, respectively.
- 5.319 One third of parking is to be reliant upon on-street spaces, including along the Primary Main Street and the peripheral road which will give access to the employment areas and also ultimately the A41. This is likely to result in a street scene dominated by parked vehicles.
- 5.320 Layout is reserved, but CLG guidance requires information to be provided on the approximate location of buildings, routes and open spaces, explaining the principles behind the development zones and blocks and how these will inform the detailed layout. The layout is driven by the re-use of existing infrastructure, mainly roads and the master plan illustrates these issues adequately, but the applicants are unwilling to tie the master plan to the application.
- 5.321 Although scale has been reserved, parameters for the height, width and length of

each building have been provided to establish a 3D building envelope. Reference is also made to differing heights for flats and pitched roofs. Nevertheless, there are some concerns: The dimensions for the apartment blocks are given as 30-50 x 30-50metres, which seems extremely large; The dimensions for houses seem reasonable but the maximum length for terrace is given as 50m, which might be impractical. As noted in the Landscape and Visual Impact section above, the proposal for the A41 frontage along the northern boundary shows development to be up to 4 storey / 15m. The photomontage reveals the dominance of this in views from the north.

- 5.322 Bicester is not a tall town; even in the town centre most buildings are two storeys. Whilst there is an urban design logic behind increased height and density in certain locations on the site, this is not a stand alone site and this is approached from a rather theoretical view point, with little regard for the sense of place elsewhere in the town. This is the first sight of Bicester when approaching from the east and the scale here should create a gentler introduction to the town.
- 5.323 The scale of employment buildings has been clarified as up to 15m in height. The DAS states that the re-development of the warehousing area is 'aimed to be within a unifying landscape setting which follows through the Graven Hill concept of Green Fingers...'
- 5.324 Where landscaping is reserved, the CLG guidance states that the DAS should explain the principles of any future landscape scheme. As 47% of the site is proposed to be Green Infrastructure, landscape is an integral part of the master plan. The driving force is the retention of the woodland and open areas towards the top of Graven Hill and the retention of "green fingers" leading into the development area. The USP of this site is the maturing landscape, already present within the development areas, but the master plan and text of the DAS make little of this. Nor does the application outline how the LWS (ancient woodland) will be managed or maintained.
- 5.325 Appearance is reserved and the CLG Guidance requires the principles behind the intended appearance to be explained. Some information is included from an appraisal of the context, but there is no commitment to any of the statements made in the DAS. Reference is included to the use of solar thermal on roof slopes, but it is not clear how this will integrate with the use of traditional materials that is suggested. Character areas are indicated but it is not clear other than in terms of location and land use how they will differ in character from each other.
- 5.326 Although land is proposed to be safeguarded for two potential energy centres within the employment land area (indicated on the Graven Hill Strategic Land Use Plan), the applicants have confirmed that if the Council require this, it will need to be costed and deducted from the 'pot'. It would therefore seem that the applicants are not proposing to provide decentralised energy as part of the proposal.
- 5.327 The sustainability policies (ESD1 – 5) in the Proposed Submission Local Plan 2012 (PSLP) require Code for Sustainable Homes (CSH) Level 4 (for all aspects of the Code – not just the energy elements) on all residential developments (the Council's One Shared Vision document seeks CSH Level 5); BREEAM 'Very Good' for all non

residential developments; a feasibility assessment for district heating for developments of 400 dwellings or above 1000 sqm (where the assessment demonstrates that district heating is deliverable, this will be required as part of the development); and a feasibility assessment for the potential of significant on site renewable energy provision for developments of 400 dwellings or above 1000 sqm (again, where the assessment demonstrates that renewable energy is deliverable, this will be required as part of the development).

- 5.328 The submitted Energy Strategy (required by PSLP policy ESD2: Energy Hierarchy) refers to achieving Code for Sustainable Homes (CSH) Levels 3 and 4. The DAS refers to CSH Level 4 and CSH Level 3 for dwellings, but the proposed policy relates to the achievement of Code levels as a whole, not only the energy element. Whilst zero carbon is anticipated to be required by the national building regulations by the time the first dwellings are expected to be delivered on site, this Council also seeks the achievement of wider sustainability standards. For instance, One Shared Vision seeks the achievement of water neutrality on new large scale developments given that Bicester is in an area of water stress, but sustainable water use is not covered in the application documents.
- 5.329 No sustainability standards for the non residential buildings are referenced in the Energy Strategy. The DAS acknowledges that BREEAM 'very good' will be achieved on the non residential buildings, and the Planning Statement notes that the Fulfilment Centre at Site C would be constructed to DREAM Excellent standard. PSLP policies seek BREEAM 'very good'. The proposal therefore appears to accord with the PSLP in this respect. But, the Council's One Shared Vision document seeks BREEAM Excellent and, nationally, commercial buildings are expected to be required to be zero carbon in 2019.
- 5.330 The reference in the Energy Strategy to CHP district heating is positive but – whilst the final composition of an energy strategy can only be confirmed once detailed design matters are known – the feasibility assessment required in PSLP policy ESD4: Decentralised Energy Systems has not been prepared. Potential links to the Energy from Waste plant at Ardley are mentioned but not discussed in any detail and this is a missed opportunity.
- 5.331 Overall, the Energy Strategy is not sufficiently detailed to meet the aims of the PSLP policies on sustainability and as such, a more detailed energy strategy and feasibility study will be required by condition.
- 5.332 In relation to neighbour impact, the nearest neighbouring properties to the development are Wretchwick Lodge (to the north of the site), Wretchwick Cottages (to the north east of the site), Wretchwick Farm (to the north east, but south of the A41) and Bramlow, Langford Lane (to the south west of the site). All of these properties are a sufficient distance from the site such that their amenities will not be detrimentally affected.
- 5.333 C site (Arncott)
- 5.334 The policy criteria mentioned above equally applies to the proposed development at

C site.

- 5.335 The scale of the proposed building is such that to integrate the building into the established urban grain of the village is very difficult. It is also be several times larger than the other buildings within the site and so integrating it into the campus style layout is also difficult. The extent of hard surfacing required for car parking and servicing is also substantial.
- 5.336 Although the application is submitted in outline, CLG Guidance requires the DAS to include an explanation of the principles behind the intended appearance and how these will inform the final design and also of the principles that will inform any future landscaping proposals for the site. Appearance is touched upon, in that indications as to how the building could be treated are given, including possible horizontal bands of colour in diminishing shades. In terms of landscaping there is reference to the bunding along the eastern side and additional planting along the northern and western boundaries and as mentioned in the Landscape and Visual Impact section above, additional bunding and landscaping has been provided around the existing entrance to the site.
- 5.337 The applicants have stated that the rationale for the scale of the building revolves around need to fulfil the operational needs of the MoD logistics function, which requires specific stores and racking systems and associated height requirements. Consequently, it has been advised that it has not been possible to reduce the height of the building, nor break up its massing through the provision of co-located buildings within the site.
- 5.338 In relation to neighbour impact, there are several properties within close proximity to the site boundary. Those closest to the area where the fulfilment centre is proposed are the properties on Green Lane and some properties to the west of Norris Road.
- 5.339 The dwellings closest to the site boundary in this location are 3 and 3a Norris Road and 15 and 17 Norris Road. The applicants provided additional sectional drawings as part of the ES Addendum, showing the impact of the proposed development in relation to the aforementioned properties and those along Green Lane.
- 5.340 Following receipt of this information, Officers conducted a further site visit to 3, 3a, 15 and 17 Norris Road. The sections demonstrate that due to the set down of the building within the site, proposed bunding and landscaping along the boundary, the building will be obscured from view and will consequently not appear over-dominant from their respective rear elevations/garden areas. Similarly, concerns were raised in relation to traffic noise resulting from the use of the access road to the east of the site. However, the Council's Anti Social Behaviour Manager is satisfied that the sound attenuation provided by the bund will sufficiently mitigate this impact.
- 5.343 **Highway Impact**
- 5.344 **Graven Hill (D & E sites)**
- 5.345 The Graven Hill site (sites D & E) is located around 1 mile (1.5km) to the south east of the town centre of Bicester. Just over 3 miles away to the north east is Junction

9 of the M40/A41/A34. The Graven Hill site is nearby to the villages of Ambrosden, Merton and Wendlebury. The current access arrangements are from the A41/A4421/B4100 roundabout to the north of the site with a secondary access via Pioneer Road.

- 5.346 In strategic terms, the key requirements of the Proposed Submission Local Plan 2012 (PSLP) on Graven Hill (Policy Bicester 2: Graven Hill, and SLE4: Improved Transport and Connections) are use of the rail tracks on site to serve commercial logistics and distribution and development of an expanded rail freight interchange; maximisation of transport connectivity and non car accessibility in and around the site; contribution to capacity improvements to the surrounding road networks; and significant sustainable access provision.
- 5.347 The proposed access arrangements for Graven Hill (Sites D & E) will be via an improved A41/A4421/B4100/Graven Hill roundabout; and a new roundabout at the A41/Pioneer Road junction replacing the existing ghost island priority junction. The Local Highway Authority have stated that these improvements must be designed to the appropriate DMRB (Design Manual for Roads and Bridges) standards. The improved A41/A4421/B4100/Graven Hill roundabout is to be signalled to promote pedestrian, cyclists and public transport movements.
- 5.348 The detail of these proposed external connections is as follows:
- Pedestrian crossings on the A41/B4100/A4421 roundabout – an improvement scheme was identified which provides a signal controlled crossing on every arm of the five arm roundabout
  - Toucan crossing on the A41 – at a location ~165 metres to the west of the A41/B4100/A4421 roundabout, where there is evidence of an existing informal crossing point, alongside a speed reduction from 60mph to 40mph.
- 5.349 The application also originally proposed to improve the existing A41 underpass, including ground surfacing, entrances spaces, vehicle access restraints, wall and ceiling finishes with lighting. However, the plans submitted did not include routes to and from the underpass. Investigation by the applicants into the rights of access on the approach to the underpass on the southern side of the A41, and rights of access and land ownership on the northern side of the approach proved inconclusive to date.
- 5.350 Consequently, the applicant's highway consultants prepared a 'Walking and Cycling Access Strategy', which forms part of the further amendment to the ES. This technical note reviews the pedestrian/cycle movement strategy and illustrates the pedestrian options (Figure 1 of this technical note).
- 5.351 The technical note sets out that the County Council would progress the delivery of this underpass route and suggests that a condition could be imposed which aims to deliver it, but if it proves undeliverable, the applicants would implement the alternatives as set out in the technical note.
- 5.352 However, it is understood that the County Council are satisfied with the alternative arrangements set out in the bullet points above.



- 5.353 As mentioned above, Policy Bicester 2 requires the provision of a peripheral road within the site to function as a relief road for Bicester. There is an existing road that serves the warehousing area to south of the Graven Hill site. The road width of this route is currently around 6.3m and will be used to provide a limited number of accesses into the employment area of the development via a number of ghost island priority junctions. The applicants have offered that this road will be upgraded, to 7.3 metres in width and will 'future proof' the possibility of a (potential) future south east perimeter road from the A41 Aylesbury Road in the north east of the site to the A41 Oxford Road in the south west of the site, by safeguarding a 12 metre wide strip of land to facilitate it.
- 5.354 The applicants have offered to safeguard the land for a perimeter road by condition, but they have also stated that the procurement of this additional area would have to be negotiated with the County. It therefore seems that the offer falls short of the Policy requirement, as the provision of a relief road does not form part of the application.
- 5.355 Furthermore, it is important to note that the requirement to facilitate a perimeter road is part of emerging Policy within the PSLP and must therefore carry limited weight. It is acknowledged that further work is required to demonstrate that the road is necessary and deliverable. The Bicester Movement Study has considered options for the delivery of improved routes around Bicester. The study suggests further work is undertaken into two potential routes to improve traffic movements on the A41 and around the town. Both preferred routes go through the Graven Hill site.
- 5.356 Similarly, emerging policy within the PSLP requires the maximisation of the transport connectivity in and around the site, including the use of rail tracks on site to serve commercial logistics and distribution issues. The existing freight tracks within the site are to remain within the southern part of the Graven Hill site to potentially serve the commercial warehouse and storage elements of the development. It is stated within the TA that no details of upgrading these tracks or any re-aligning works are to be considered until the development enters the reserved matters application stage. There is therefore no certainty whether the use of the site for rail freight is feasible within the context of the current development.
- 5.357 The traffic generation figures quoted for the Graven Hill development have been assessed and checked using TRICS and the local highway authority have stated that they appear reasonable.
- 5.358 With regards to traffic distribution from the proposed development onto the existing highway network, the County have confirmed that the modelling for the County network is approved, subject to further detailed modelling of the specific access junctions, which could be appropriately conditioned.
- 5.359 Various junctions will require capacity improvement works to accommodate the development, which, to date, are as follows:
- Junction 9 – (M40A34/A41) – the A41 links to the M40 will require significant improvements for the development to go ahead i.e. Phase II of Junction 9

improvements, which will need funding and the agreement of the Highway Agency and the County Council for such works to go ahead.

- Junction A41/B4030 roundabout will go over capacity on two of its existing arms with the proposed development and will require improvement works to accommodate the addition traffic movements. The mitigation works proposed are widening to the roundabout arm of the Oxford Road (B4030) for southbound traffic.
- Junction B4030/Middleton Stoney Road Roundabout goes will require improvement works. The proposed works include an improvement to the existing mini roundabout to a 28m ICD roundabout.
- Junction A41/Graven Hill Road/B4100/A4421 will significantly go over capacity with the proposed development, therefore improvement works must be provided to accommodate the addition traffic movements in this area. The proposed improvements include widening works and the introduction of signal controls to increase the capacity of the roundabout and provide pedestrian and cycle crossing points. It should be noted that the proposed layout of the improved roundabout is likely to require further alterations to enable a bus (and/or cars) to have a more direct route towards the town centre.
- The existing priority junction of the A41/Pioneer Road is to be upgraded to a roundabout which is to improve access into/out of the development site and ensure a second access is retained and to an acceptable standard to accommodate the increase in traffic.
- Capacity improvements between the A41 and the roundabouts of A41/B4030 and the Graven Hill roundabout have been proposed i.e. partial dualling of the A41 with reduction of speed limit to 40mph and a toucan crossing.

5.360 The Highways Agency directs that conditions should be attached to any planning permission which may be granted, which involves the implementation of a programme of improvement works to Junction 9 of the M40. The applicants have offered a sum of £600,000 towards the programme of improvement works to the M40 Junction, which the County Council are satisfied with.

5.361 The Graven Hill development layout has tried to provide a public transport route that will be no more than 400m walking distance from any property, which is desirable. The public transport route being proposed will use a circular loop road around the site with the appropriate infrastructure provided i.e. shelters, RTI, bus gates with camera enforcement etc.

5.362 It is stated that all public transport services associated with the development are likely to focus around the Local Centre as the main stopping location; other key stopping locations are expected to be in the employment areas etc, but these will need to be agreed with the Local Highway Authority, by condition.

- 5.363 The public transport services being proposed will serve the development site and link up to key locations such as the town centre and the two rail stations. Two services will be provided at the Graven Hill development; one will be a new service the other a diversion of the S5 Stagecoach service into the northern part of the site. Such a diversion will provide an essential link between Graven Hill and C site as well as the City of Oxford. The diversion of the S5 will be via both the main access into the site and secondary one via Pioneer Road.
- 5.364 The frequency of these services is to be every 15-20 minutes. The new bus service's route would be via the town centre and the train stations and would comprise of a mini bus type vehicle during the early stages of the development; this service would then be upgraded to a larger vehicle type as the development progresses. This service will link up to the train timetables at both stations.
- 5.365 The LHA have agreed in principle that the new bus service will only serve the employment/commercial areas during the peak times and at lunch time. However, Oxfordshire County Council will require such an arrangement to be annually reviewed in case demand for this bus services increases.
- 5.366 The applicants have offered £2,210,000 for the new bus service and the diversion of the S5 service. It would appear that the County are satisfied with this sum, although safeguards would need to be enshrined within a S106 agreement, in case these services failed.
- 5.367 Routes of the proposed public transport services are shown in Figures 6.2 & 6.3 of the TA, which the highway authority are happy with.
- 5.368 The car parking space dimensions stated in the TA (paragraph 4.5) are acceptable and take into account the design aspects expected from the Local Highway Authority (paragraph 4.5.3).
- 5.369 The County Council's Drainage Team are in favour of the SUDS proposals, however the information that has been submitted does not demonstrate/prove whether the proposed drainage strategy will work i.e. pipe networks should be kept to a minimum. The main concern raised is that the Drainage Design for the site should be completed prior the position of buildings & other structures being confirmed. Without this work the developer may have to re-design the development if they do not get this right. Consequently, a condition will be imposed to require the submission and approval of a drainage strategy across the site, prior to the submission of reserved matters.
- 5.370 Although there are no public rights of way on this site, the County's Rights of Way Group are keen to see onsite provisions for walkers and cyclists - as well as off site provisions for walkers, cyclists and equestrians to offset the impact of increased dwellings and commercial use. The measures outlined in the DAS on p76 (2.1.37) are supported by the Rights of Way Group.
- 5.371 In addition, there are a number of footpaths and bridleways in close proximity to the site that would benefit from off-road links to try and make the access safer for all non-motorised users. The specific details of the access points are set out in the full

County Council consultation response in **Appendix A**. However, given the current constraints on the current S106 package and the need to prioritise, these improvements are unlikely.

- 5.372 The LHA have stated that a full travel plan will need to be developed with the final site occupiers prior to occupation as part of the reserved matter application – an outline of the current travel data, targets and actions are already included but these will need to be updated when a full travel plan is produced.
- 5.373 There is no objection from the Highway Authority to the proposed development although aspects of detail would need to be secured by conditions and mitigations secured via a S106 agreement.
- 5.374 C Site (Arncott)
- 5.375 C Site is located to the west of Arncott Hill and is to the south-east of the Graven Hill development site. C Site is bounded to the north by Ploughley Road and Norris Road to the east. Along the eastern edge of the site is part of Upper Arncott with Murcott Road forming the south eastern boundary of the site. To the west of C Site are the railway lines and agricultural fields.
- 5.376 Vehicles generated by C Site access the site via two routes. Existing HGV traffic is routed via Palmer Avenue to deter such large vehicles travelling through the villages of Arncott and Ambrosden. This HGV route is signed and leads HGV traffic to the junctions of Palmer Avenue/B4011 and then the junction of the B4011/A41. Palmer Avenue is subject to a 60mph speed limit. Commuter traffic to C Site generally comes via the villages of Ambrosden and Arncott.
- 5.377 The redevelopment of C Site will take place in the northern section of the site and will mean the demolition of five large workshop/warehouse buildings along with several smaller support units. The proposed warehouse building will be around 70,400m<sup>2</sup> with areas provided for docking, storage, access, circulation, parking and queuing within C Site.
- 5.378 A total of 620 personnel will be employed at C Site and it is expected that up to 250 people will be on site at one time during each of the three shifts over a 24 hour period. A skeleton level of staff will occupy the site over weekends and bank holidays. The three shifts are made up of the following times: Early shift 0600 to 1415 (260 staff), Late shift 1400 to 2215 (260 staff) and Night Shift 2200 to 0615 (100 staff). While these shifts miss the standard traffic peak times, there appears to be no security provided that such shift times will not change and affect the standard AM and PM peaks in the future.
- 5.379 Staff Travel surveys have been carried out of existing staff on C Site; this has shown around 20% of staff currently travel to their place of work via a sustainable mode of travel. The Travel Plan that has been proposed proposes that this level is increased to a maximum of 75% over 5 years of C Site opening. Such an objective is seen as a realistic target by the applicant, and needs to form part of a S106 Agreement and will require a financial incentive to meet this target, which has not been provided by the applicants.

- 5.380 HGV deliveries are expected to be around 110 to and from the site throughout a day i.e. 220 in total (in & out trips). It is stated that the majority of these trips will take place between 0600 and 1300 hours (inbound trips). Outbound trips will leave C Site between 0500 and 0900, and 1700 to 2200.
- 5.381 With the consolidation of the MOD logistics from Graven Hill onto C Site it is expected that there will be an overall net reduction of traffic generation from this land use i.e. traffic movements from two sites reduce to one.
- 5.382 Again, the County have confirmed that the modelling for the County network is approved, subject to further detailed modelling of the specific access junctions, which could be conditioned.
- 5.383 Access to C Site for all vehicles, pedestrians, cyclists etc will be via the existing northern access point due to security reasons. The access will be re-modelled with the security gate being moved back from its current position of 46m from the road to just over 60m. This will increase the waiting/queuing capacity of HGV traffic within the base to deter any detrimental impact to the public highway.
- 5.384 There will be a number of internal changes to C Site with regards to the existing access road etc; such changes will be down to the needs of the MOD for C Site and are to remain private. Similar issues for the existing freight rail tracks.
- 5.385 The rail interface will be separate to the main warehouse. The Bicester International Freight Terminal at Graven Hill will be replaced by a new Road Rail Transfer Area located on the north-west edge of C Site.

## **6 Other Material Considerations**

### **6.1 Affordable housing**

6.2 The national Housing Strategy seeks to encourage a thriving, active but stable housing market that offers choice, flexibility and affordable housing. It highlights the importance of the housing market in achieving economic growth and social well-being. The Strategy aims to get the housing market and house building 'moving again'. It emphasises that urgent action is need to build new homes. However, the Housing Strategy also states, "*This strategy is not about building more homes at any cost. We know that the quality, sustainability and design of housing are just as important as how many new homes are built, and that getting this right is crucial if communities are going to support new homes*" (Executive Summary, para' 25). The Strategy is committed to improving the design and sustainability of housing. It states, "*High quality homes in high quality natural environments will support our plans for growth and are necessary for social, environmental and economic sustainability*". It also defines well-designed homes and neighbourhoods as, "*...those that are attractive – reflecting local character and identity while featuring good architecture and landscaping – and also functional and durable.*" (p. 55-56).

6.3 The Secretary of State for Communities and Local Government issued a Written Ministerial Statement: Housing and Growth (6 September 2012) statement,

announcing a package of measures to support local economic growth and the provision of homes to meet demographic needs. He advised that the need for new homes is 'acute', that supply remains constrained, and that a proactive planning system was needed to support growth. The Council clearly recognises this objective in its Proposed Submission Local Plan.

- 6.4 The applicants have presented two options to the Council; option one includes 30% affordable housing, equating to 570 units, comprising 399 dwellings affordable rent and 171 dwellings shared ownership. This meets the Council's current requirement of 30% and that contained within Policy BSC3 of the Proposed Submission Cherwell Local Plan 2012. However in achieving this level of affordable housing insufficient funding is proposed to provide a commuted sum for landscape maintenance, although it appears the applicants are still proposing that the Council should take on the ownership and management of the area. The provision of affordable housing is a material consideration in favour of the proposal. However, it is considered that this would not justify the grant of planning permission, for the reasons outlined in the concluding section below.
- 6.5 Basis for application
- 6.6 DIO state that the MoD continually examine ways of improving military capability and value for money for the tax payer. As part of this approach, the Department keeps the size and location of its bases under constant review and they state they are committed to ensuring the Estate is no larger than necessary to meet operational needs. Graven Hill has subsequently been identified for sale as part of this programme to transform logistics.
- 6.7 DIO assert that the application is of national importance, in the context of the MoD's requirement to increase its operational efficiency, reduce costs and rationalise its estate. Whilst this is a material consideration in favour of the proposal, it is not considered to outweigh the harm identified in the sections above such to justify the grant of planning permission.
- 6.8 Crichel Down and site disposal
- 6.9 For Government departments (including the MoD) considering the sale of surplus land, thought must be given to the Crichel Down Rules. Before placing land for sale on the open market, it is important for them to consider whether the Rules apply and if so, what steps should be taken to ensure compliance. The Crichel Down Rules provide that surplus government land which was acquired by, or under a threat of compulsion should be offered back to its former owners or their successors.
- 6.10 This issue is one for the MoD to manage as the land owner. The applicants have stated that Crichel Down only affects land they are planning to sell i.e. Graven Hill & that the rules allow them to consider the impact of changes to the site (infrastructure, buildings etc) since it was bought.
- 6.11 The applicants have stated that this process will take about 6 months to complete including allowing a period for a former owner/successor in title to request a Judicial Review.

## 6.12 **Statement of engagement**

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.

## 7 **Conclusion**

7.1 The National Planning Policy Framework (NPPF) at paragraph 14 states 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking...for decision taking this means<sup>5</sup>:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted<sup>6</sup>

7.2 In the context of this application, a view has to be taken as to whether or not there are any adverse impacts that would significantly and demonstrably outweigh the benefits of granting consent when assessed against the policies in the Framework taken as a whole.

7.3 The Council accepts that it cannot currently demonstrate that it has a five year housing land supply and recognises the contribution towards affordable housing provision as a material consideration in favour of the proposal.

7.4 Whilst the proposed development is contrary to the adopted Cherwell Local Plan insofar as they are not allocated sites for development, the land at Graven Hill is identified for development in the PSLP and as such is part of the emerging strategy to accommodate necessary development, accepting that the plan is in emerging stages and can only therefore carry limited weight.

7.5 Officers accept that the PSLP identifies a number of requirements for such development. However, as outlined in the relevant sections above, it is considered that any potential impacts of the development can be mitigated and secured through

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<sup>5</sup> Unless material considerations indicate otherwise.

<sup>6</sup> For example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Specific Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast, or within a National Park; designated heritage assets and locations at risk of flooding or coastal erosion.

suitable planning conditions and an appropriate S106 agreement.

- 7.6 In terms of viability, it is considered that the development of the site could make appropriate contributions to community infrastructure and affordable housing whilst still returning a reasonable return to both land owner and developer. Negotiations are progressing and given the current offer of community infrastructure, an appropriate S106 package needs to be achieved in order to mitigate the impacts of the development and create a sustainable, inclusive, high quality development. This requirement is reflected in the recommendation set out below.
- 7.7 In the context of the presumption in favour of sustainable development set out within the NPPF, it is considered that the proposal would result in sustainable development and for these reasons, the application is recommended for approval, subject to caveats set out below.

## **8. Recommendation**

### **Approval, subject to**

1. The delegation of the completion of the S106 negotiations to Officers in consultation with the Chairman
2. The completion of the S106 legal agreement
3. Conditions (draft conditions will be circulated to Members as soon as they are available)
4. Departure procedures

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

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