

**Case Officer:** Andrew Lewis                      **Ward(s):** Launton

**Applicant:** Albion Land Ltd

**Ward Member(s):** Cllr D L Hughes

**Proposal:** OUTLINE - Development of up to 48,308sqm of employment floorspace (Class B1c, B2, B8 and ancillary B1a uses), the siting of buildings to the south of the site, servicing and circulation areas, vehicular and pedestrian access from Skimmingdish Lane and landscaping

**Committee Date:** 17<sup>th</sup> March 2016                      **Recommendation:** Approval

## 1. Application Site and Locality

- 1.1 The application site is located on the northern edge of Bicester. It consists mainly of land in use for agriculture although it is deemed to be of poor quality. It is approximately 14.45 hectares in size and lies on the north side of Skimmingdish Lane (A4421), the north circular road around Bicester. When originally constructed, this road was designed with a series of roundabouts that provided access to parcels of land identified for future development including land that forms part of the current application site. That access now provides access/egress to a care home. Skimmingdish is a heavily engineered road with wide carriageway, deep verges and footpath/cycle track along large parts of it. A footpath runs north through the site from Skimmingdish.
- 1.2 To the north and west of the application site is RAF Bicester, a designated conservation area with a scheduled ancient monument and locally listed buildings located immediately to the north of the site. To the north and east are cultivated fields and largely open countryside although there is a watercourse (flood zones 2/3) and a strong tree line to its eastern boundary. There is a Biodiversity Action Priority habitat located on the northern part of the site.
- 1.3 To the south of Skimmingdish Lane is a residential area and to the south and east is the Launton Lane Industrial Estate. Although buildings on it are primarily industrial there is an increasing mix of uses including recent retail units having been constructed, petrol filling stations and car sales, etc. The buildings are generally two storeys in height and mainly built in a modern, utilitarian style with simple materials, metal cladding being pre-dominant.

## 2. Description of Proposed Development

- 2.1 Although the application has been modified in concept since its submission the description of development remains unchanged. Outline planning permission is sought for the erection of

buildings to provide a floorspace of 48,308 metres within the use classes B1c (industry, that can take place in a residential area), B2 (General Industrial) or B8 (Storage and Distribution) with ancillary B1a (Office, other than for financial and professional services) floorspace. The application is accompanied by a plethora of documents and parameter plans. Approval of two matters of detail are sought now, that is the point of access to Skimmingdish Lane and the position of a building on the eastern half of the development zone. The parameter plans provide additional information that indicates the extent of the development zone and the amount of the site to be built or hard surfaced, the corridor of access, circulation and infrastructure; and the site levels and overall building heights. With regard to the latter, the applicant proposes to limit the height of buildings in the southern half of the site to 86 metres above ordnance datum (AOD) and 85 AOD in the northern half closest to RAF Bicester.

### **3 Relevant Planning History**

3.1 There is limited planning history for this site or of relevance. A small part of the site (1.7 hectares) and including land on which the care home is now constructed was granted outline planning permission on appeal in 2007 for B1 use (ref; 05/01563/OUT) . Reserved matters were approved in May 2011 (ref: 09/01659/REM). Clearly this scheme was not progressed. The care home was granted outline planning permission in 2013 (ref 13/00372/OUT)

3.2 The principle of development has been considered by the Authority for some time in terms of Local Plan work. It was subject of much consideration of the Examination in Public at the Local Plan Inquiry. The Inspector supported its allocation, the Council confirmed this by adopting the Local Plan. This application was submitted before then but it is clear it followed closely the principle of development.

### **4 Response to Publicity**

4.1 The application has been advertised by way of neighbour letters, site notice and press notice. Statutory consultees were re-consulted on amended plans. The final date for comment was the 6<sup>th</sup> February 2016. The following public comments have been received:

#### The New Lodge, Bicester Road, Launton; Object

- Should be preserved as green space
- Encroachment to RAF Bicester and Launton

#### 85 Mallards Way Bicester: Strongly object

- Warehousing unsuitable; building too tall; adverse impact on setting of the Bomb Stores. Building will be an eyesore
- Dangerous access; traffic in congested area; inappropriate for continuous HGV traffic
- Trees will not protect importance of historic aerodrome
- Destruction of 2 footpaths
- Destruction of open farmland
- Outside the ring road, compromises control over future development
- Location illogical for warehousing. Should be relocated to Graven Hill
- Generate low employment
- Creates a hard edge to Garden Town

13 The Poplars, Launton: (2 letters): objects:

- Transport assessment is wrong with regard to frequency of bus timetable and railway station connected.
- Wrong to say no road safety issues-3 accidents recently
- No need for priority T junction
- Inappropriate speculative development which makes the TA worthless.
- Objects to run off into Langford Brook. Increases the risk of flooding
- Its employment capability will be much lower than its trajectory
- Concerned by buildings height
- Difficult to assess noise; HGV traffic will be constant.
- Concerned by air pollution
- Green roof may confuse pilots
- Conflict with NPPF over potential development of the airfield
- All aerodromes should be safeguarded
- The development does not conserve heritage assets.
- The scheme would be better suited at Graven Hill
- Concerned by impact of traffic when with impending road closures and development of rail lines.

Bicester Gliding Centre: Danger to aircraft and hindrance to those landing. Could render the site unusable for gliders.

Oxford Fieldpaths Society: I believe that the footpaths are to be diverted round the buildings (which are sited over them) with a permissive path round the other side. This would be acceptable

**5 Response to Consultation**

Launton Parish Council: Object

- Traffic-generate more (with few jobs); roads already busy; traffic through Launton
- Danger to aircraft (gliders)
- Visually intrusive due to height, and effect on RAF Bicester Conservation Area; lose vies of countryside.
- Excessive overproduction of material

Bicester Town Council

- BTC supports commercial use of the site but objects to warehouse use
- Concerned by access to Skimmingdish Lane
- Will generate lesser employment
- Buildings should complement those on the airfield
- Langford Brook will become a sewer. on the airfield

Councillor Porter: objects:

- Not appropriate use to the site

- Negative impact on historical value, environmental importance, traffic movement, quality of life of local residents
- Will not provide the level, scope, or number of employment opportunities that could/should be achieved
- Layout pays no respect to historic nature of area or historic buildings
- Buildings too high, may impede use for gliding
- Too big to screen with landscaping
- Adverse effect on natural habitats and dog walking
- Use of SUDs will destroy the environmental habitat
- Significantly increase flood risk
- Loss of good arable land
- Will employ few people in unskilled jobs
- Traffic assessment does not stand up to scrutiny. Adverse cumulative impact with care home and residential on south side of Skimmingdish. Lead to congestion and risk to highway safety.
- The application is unclear about what is being proposed.

Cherwell District Council:

Head of Strategic Planning and the Economy:

The application site is on land allocated for employment development in the adopted Local Plan 2011-2031.

The Local Plan (Policy SLE1 and site specific policies) identifies new strategic sites at Bicester for employment generating development. Policy SLE1 states that employment development on new sites allocated in the Plan will be the type of employment development specified within each site policy in Section C. Other types of employment development (B Use class) will be considered in conjunction with uses set out if it makes the site viable.

The application site is on land allocated for mixed use employment in the Local Plan 2011-2031 (shown on Bicester Policies Map 5.2 and Inset Map Bicester 11). The policy which relates to the allocation is policy Bicester 11 (Employment land at North East Bicester). The site has a critical role to play in the delivery of new employment development to support the growth in housing and to reduce out commuting at Bicester.

Policy Bicester 11 sets out a number of policy requirements and key site specific design and place shaping principles against which the planning application should be considered. The proposals should also be considered against other policies in the Local Plan 2031 including policies ESD10, ESD13 and ESD15 in order to determine any unacceptable impacts on the historic or natural environment. Without compromising necessary operational and market requirements, in line with the NPPF and Local Plan 2031, a high quality design should be sought. There should also be appropriate compliance with policies relating to climate change and sustainable transport.

There is a difference between the site boundary provided for the planning application and the site boundary for policy Bicester 11 in the Local Plan 2031 with the north eastern boundary located slightly further north than the boundary in the Local Plan and the application site omitting land in the south and east of the allocation. The application site

therefore includes a small area of land (countryside) outside the allocation to the north which includes a small part of the former RAF Bicester Conservation Area. The actual boundary difference is considered immaterial. The application provides a landscape buffer, including planting, with no built development proposed outside the site allocation boundary in the Local Plan. Consideration of impact on and harm to the significance of RAF Bicester Conservation Area, the scheduled ancient monument and locally listed buildings is required. However, importantly, the principle of mixed use employment development in this location has been examined and established through the Local Plan process and it is unlikely that any harm will be substantial from the proposals. The public benefit of delivering sustainable and viable employment development on this site is likely to outweigh any harm.

In planning policy terms it will not be necessary for an application to cover the land currently allocated in the Local Plan to its full extent to the south east (not included within the application site boundary) as long as the application does not significantly compromise the delivery of policy objectives. In any case this part of the site is at a higher risk of flooding.

The proposals are overall consistent with Policy Bicester 11 with the application proposing a mix of employment uses and floorspace in line with the Local Plan employment trajectory. The proposals will lead to the creation of jobs and economic growth which are key requirements of the NPPF and the Local Plan. The applicant explains that just over 1,000 jobs will be created which is consistent with the figure of approximately 1,000 in policy Bicester 11. A mixed B use class employment proposal even with the majority of the scheme proposed for B8 uses (storage and distribution) would be expected to create approximately this number of jobs on a site of this size. The proposals would deliver one of the strategic employment sites in the Local Plan which is important for Bicester and will contribute to delivering the Local Plan strategy.

The proposals are supported from a planning policy point of view and subject to detailed consideration it is recommended that proposals are approved.

Design and Conservation have made full and comprehensive assessments of the scheme from its inception to the latest scheme. Their conclusions are:

- that the Council has a duty to conserve or enhance the setting of the RAF Bicester Conservation Area, the listed buildings and scheduled monuments. The proposed 16m/14.5 m high buildings do not conserve the setting of the RAF Bicester Conservation Area and do not enhance it.
- The submitted material does not show how the proposals have been designed to give the most sensitive layout, orientation or height for the site which sits next to national heritage assets, a care home, a principle road through Bicester, nearby housing or distant views of Bicester from neighbouring parishes.
- The application needs to provide parameter plans for the site which demonstrate that the proposed site uses can be accommodated on the site in a way which does not harm the adjacent heritage assets and provides a positive approach to the design and masterplanning requirements of the site.
- There is disparity between the Applicant and the Design and Conservation section as to the scale of appropriate development for the site. It is our view that the scale, height and

location of the buildings set forward in the brief and parameters plan will harm the setting of the conservation area and the scheduled monuments. We believe that an appropriate solution can be found to accommodate a similar brief on the site, but it will require the following changes:

- Reduction in the height and scale of the building parameters
- Appropriate landscape and public realm strategy, including structural landscaping, suds, parking, pedestrian movement and public realm
- Production of design principles / parameters to guide the architectural design of the buildings. This should include parameters for areas of glazing / active frontage, alongside the principles for the materials and details.

#### CDC Community and the Environment: Manager:

A condition to provide Public Art on site should be placed on this development. The scheme should be approved by Cherwell DC Arts development team and installed prior to the building being operational

#### CDC-Ecologist:

- There are no major protected species constraints on site. The additional bat survey confirms that bats are relatively unlikely to be directly or significantly impacted on site as long as the lighting design is sympathetic and in line with the Bat Conservation Trust guidance
- Additional reptile and badger surveys will be needed however it is likely that any outcome of such surveys can be accommodated in terms of mitigation on site within existing and proposed landscaping therefore I have no objection to these being conditioned.
- The loss of hedgerow and woodland habitat on site is a significant habitat loss, particularly adjacent to a LWS however the proposed landscaping will go some way to maintaining habitat linkages across site.
- The only thing that hasn't really been considered on site is invertebrates and in particular there are a number of records of Priority moth species adjacent to the site. Any landscaping and planting should therefore ensure that where important food sources for these moths are lost they are replaced and encouraged to mitigate any loss to these species. These records are obtainable from TVERC.
- I have some concerns about the proposed drainage channels to the South East of the site. Having looked through the documents it is not clear to me what will be draining into the water course there and whether there has been any analysis of the impacts this might have on this habitat or species using it. In my opinion this needs looking at further. If significant runoff will be draining into the watercourse (which becomes Langford Brook and runs down to Gavray Drive LWS to the South) a brief assessment at least of ecological impacts is needed.
- As well as the mitigation proposed the applicant should ensure that their final layout and plans include measures for biodiversity enhancements on site. This not only includes the landscaping but also the built environment where enhancements could include integral bird or bat boxes or green roofs. These can be included within a LEMP.
- I would suggest the conditions to any permission requiring reptile and badgers survey, Landscape and Management Plan (LEMP), Construction Environmental Management Plan (CEMP) for biodiversity and restrictions to protect nesting birds.

#### CDC Tree Officer:

- I would agree with the findings and BS5837 categorisation of the trees listed within the submitted arboricultural report.
- The proposed scheme requires the removal of substantial arboricultural groups and individual trees within the site boundary with particular reference to the proposed removal of G1 and G4 having the largest impact upon amenity and biodiversity. The scheme proposes suitable mitigation for such loss through the creation of new shelter belts to the south-east and north-east boundaries along with the rejuvenation of existing boundary vegetative features to the north-west and south-west.
- Consideration should be shown towards ensuring that such proposed boundary edges to the site are accessible for maintenance and receive long-term physical protection by ensuring that sufficient clearances are provided between the built structures and the mature canopy spread of adjacent trees and vegetation.
- The proposed boulevard running through the site provides an opportunity to create a prominent tree-lined avenue which, aside from the social benefits, will increase biodiversity levels as well as softening the appearance of adjacent architecture. Sufficient verge space should therefore be provided to allow for such a planting scheme with adequate clearances provided between the frontage of adjacent buildings and the predicted mature canopy spread of tree species selected.

#### CDC-Landscape Officer

- There should be a decent landscape buffer between the unit(s) and Skimmingdish lane. Landscaping should be increased to the north. Tree pits should be included.
- There are concerns about the removal of hedgerows and trees to facilitate access to Langford Brook (consider outlying re-bordered corridors on the Landscape Parameters Plan) and so an AMS condition is required. What is the nature of this proposal? Is it to drain rainwater into the brook?
- No further comment on the conditions proposed. I would assume that there is going to be an 'upfront' BS5837 tree survey of trees and hedgerows on the site boundaries, or within an influencing distance of construction, with root protection areas indicated within construction exclusion zones to protect the soils and current attenuation of the proposed landscape buffers.
- Recommend conditions on planting pits, and arboricultural method statement

#### CDC Science Officer (Noise)

I have reviewed the noise assessment (ref 15/0240/R1) and broadly accept its conclusions. The report itself (ref paras 5.2.2 and 5.3.2 in particular) acknowledges that a noise management plan for each unit will be beneficial in minimising noise tugs and tractors will give rise to noise levels appreciably above prevailing (although within max noise limits) designing the building so that B1a elements are closest to the care home may help to minimise noise.

In view of this I recommend the layout be designed to minimise noise impact on the care home in particular, noise management plans be developed and noise mitigation be utilised to further minimise noise. Detailed layout and proposals to address these matters should be submitted for approval prior to any development taking place. Conditions are required:

- requiring that the noise mitigation (optimum version) as proposed in the noise reports submitted is fully implemented to the standards (or better) specified in the report
- a condition requiring details of a scheme to minimise noise impact upon the housing the opposite side of the main road be submitted for approval as a reserved matter. The main concern would be the like of " clanks and bangs, reversing beepers etc"

from loading/unloading/docking operations, most likely at night which can be significantly intrusive. A scheme could include procedural controls, source mitigation and/or bunding/shielding.

### Oxfordshire County Council:

#### Transport

Recommendation: No objection subject to conditions

#### Key issues:

The amendments include a proposed list of conditions and obligations, and a parameter plan (3830-28-09) showing a 4m-wide 'Footway Cycle' zone between the main site access and the public footpath access onto Skimmingdish Lane at the southeastern corner of the site.

#### Legal agreement required to secure:

##### Contributions

OCC's transport requirements, which have been agreed since this amendment was submitted, are as follows:

- Strategic transport contribution £219,000\* towards the highway capacity improvements to the eastern corridor peripheral route – dualling and junction capacity improvements along Skimmingdish Lane and Charbridge Lane.
- Public transport contribution £176,000 – to improve the frequency of existing bus services serving Launton Road.
- Travel plan monitoring contribution £1,240 – to cover OCC's costs of monitoring the travel plan for five years following first occupation.

It is agreed that from this amount the developer may deduct from this amount (as opposed to the amount stated in the conditions and obligations document supplied) the cost of diversion of underground services required for the mitigation scheme at the Launton Road/A4421 roundabout (For the avoidance of doubt this does not include such costs in connection with the site access and crossing works north of the roundabout). The final amount is to be determined on the basis of formal estimates received, and must be settled prior to completion of S106 agreement.

#### Highway works

OCC requires the agreed highway works to be secured by obligation.

- Widening and bus laybys and bus stops at Launton Road roundabout – indicative drawing 15230-13
- Site access arrangements to include priority junction with ghosted right turn, footway/cycleways, signalised crossing, as shown on indicative drawings 15230/07 and /08 in the transport assessment. Note that this drawing will need to be amended to demonstrate commitment that street lighting will be provided between the site access and existing lighting near the Launton Road roundabout.

#### Conditions:

The developer has put forward a list of conditions including some amendments to our proposed conditions. My comments are as follows:

- Conditions 6 and 9 – the changes from OCC's proposed condition need to be verified with our drainage team and I am still seeking a response.
- Conditions 10 and 12 – OCC requires the highway works to be secured by obligation – in that case these conditions become unnecessary.
- Condition 11 – we require our originally recommended condition, which is for a framework travel plan covering the whole site. This enables the site to be considered



as a whole and for site-wide targets and measures to be established. This plan would include a requirement for individual travel plans for separate occupants over a threshold. Further clarification can be sought from OCC's Travel Plans team.

- Condition 13 – I am concerned about the piecemeal nature of this proposed approval process. In order for the site to be considered in its entirety and for adequate access to be ensured to all parts of the sites for all users, including pedestrians and cyclists, an additional condition is recommended requiring the first reserved matters application to include a layout for the whole site.

Detailed comments:

- The proposed footpath diversion is acceptable.
- The footway-cycleway zone proposed is welcomed but it is assumed to be in addition to the previously agreed access arrangements, which include a new footway/cycleway adjacent to the carriageway. The purpose of the zone is to ensure that pedestrian and cycle access can be provided following future dualling of Skimmingdish Lane.

Ecologist: Adjoins a wildlife site

Economy and Skills: No objection subject to conditions. Requests an Employment and Skills Plan.

Archaeology: Investigation required before development. Condition recommended

Other External Consultees:

Historic England: No detailed comments. The conservation area is more an inward looking one. Main impact on the Conservation Area and scheduled bomb stores but degree of harm is low. Detailed design will be important.

Environment Agency: Originally objected to a deficient flood risk assessment. A more detailed assessment has been provided and subject to appropriate conditions no longer objects. Without the inclusion of these conditions however the EA consider the development to pose an unacceptable risk to the environment

## **6 Relevant National and Local Planning Policy and Guidance**

### **6.1 Development Plan Policies:**

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1 (CLP 2011)

PSD1 – Presumption in Favour of Sustainable Development  
BIC11 - North East Bicester Business Park

BIC8 - Former RAF Bicester  
ESD15 - The Character of the Built Environment  
ESD13 - Local Landscape Protection and Enhancement  
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment  
ESD17: Green Infrastructure  
ESD1 - Mitigating and Adapting to Climate Change  
ESD2 - Energy Hierarchy  
ESD3 - Sustainable Construction  
ESD4 - Decentralised Energy Systems  
ESD5 - Renewable Energy  
ESD6 - Sustainable Flood Risk Management  
ESD7 - Sustainable Drainage Systems (SuDS)  
ESD8 - Water Resources  
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment  
INF1 - Infrastructure  
SLE1 - Employment Development  
SLE4 - Improved Transport and Connections

The Inspector considered Policy Bicester 11 in some detail and considered it a sustainable location with good links to existing and proposed employment sites. He thought the site boundary to the Conservation Area and relationship to the scheduled monuments was suitable identified on the proposals map. His proposed only modifications.

#### Cherwell Local Plan 1996 (Saved Policies) (CLP96)

C28 - Layout, design and external appearance of new development  
C30 - Design of new residential development  
TR1 - Transportation funding  
TR10 - Heavy Goods vehicles  
C23 - Retention of features contributing to character or appearance of a conservation area  
C25 - Development affecting the site or setting of a schedule ancient monument

#### **Other Material Planning Considerations:**

#### **RAF Bicester Conservation Area Appraisal October 2008**

#### **Draft Bicester Masterplan**

The Bicester masterplan consultation draft was produced in 2012. It identifies the following long term strategic objectives that guide the development of the town, are:

- To deliver sustainable growth for the area through new job opportunities and a growing population;
- Establish a desirable employment location that supports local distinctiveness and economic growth;
- Create a sustainable community with a comprehensive range of social, health, sports and community functions;
- Achieve a vibrant and attractive town centre with a full range of retail, community and leisure facilities;
- To become an exemplar 'eco-town', building upon Eco Bicester – One Shared Vision;
- To conserve and enhance the town's natural environment for its intrinsic value; the services it provides, the well-being and enjoyment of people; and the economic prosperity that it brings;
- A safe and caring community set within attractive landscaped spaces;

- Establish business and community networks to promote the town and the eco development principles; and,
- A continuing destination for international visitors to Bicester Village and other tourist destinations in the area.

The aim is for the masterplan to be adopted as SPD, subject to further consultation being undertaken. The masterplan is at a relatively early stage and as such carries only limited weight.

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means:

- 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 impacts 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.

The main paragraphs of the NPPF which apply in the determination of this application are as follows:

Paragraph 14 - the 'presumption in favour of sustainable development'.

Paragraph 17-the core Planning Principles

Paragraph 18 to 22 to build a strong competitive economy

Paragraphs 29-33 on sustainable transport.

Paragraphs 56-61 referring to good design; and

Paragraphs 128 to 136 of the NPPF regarding Conserving and Enhancing the Historic Environment.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

## **7 Appraisal**

**7.1** Officers' consider the following matters to be relevant to the determination of this application:

- Principle of Development;
- Employment
- Design, Layout and Appearance;
- Impact on Heritage Assets;
- Landscape and Visual Impact, Trees and Landscaping;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Ecological Implications;
- Flood Risk;

## **Planning Policy and Principle of the Development**

- 7.2 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. 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 regards to the provisions of the development plan in so far as is material to the application and to any material considerations. Section 38 of the Planning and 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 shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.
- 7.3 Policy Bicester 11 of the CLP identifies the land subject of this application as a strategic development employment site. It states the site is acceptable for B1, B2 and B8 use. No restriction or limitation is place on the percentage of the actual use. It can therefore be a mix, or it could be entirely one use. The Local Plan considers it capable of providing a floorspace of 52,500 m<sup>2</sup> and 1000 jobs. The applicant has stated this scheme, if approved, can provide 1000 jobs albeit in a slightly smaller floor area.
- 7.4 The current application is in outline save for approval of access and the siting of one building. There are therefore no detailed plans or designs but the supporting documentation and parameter plans set out the principles of the proposal in order to demonstrate its conformity with the development plan. The significant elements are:
- Good accessibility and connectivity with the surrounding highway network with linkage to the footpaths and cycleways
  - Strong buffers of green space around the site
  - The retention of a large swathe of undeveloped open space commensurate with the flood plain to the south east.
  - A commitment to high quality design and finishes through design codes
  - And commitment to a scheme that will conserve the setting of the adjacent scheduled ancient monument and conservation area.
- 7.5 The issues of traffic and transport, and impact on heritage will be discussed in more detail below but in principle the application is seen to conform with Policy Bicester 11.

## **Employment**

- 7.6 Para 17 of the NPPF set out the core principles of planning policy and prominent is “to proactively drive and support sustainable economic development to deliver the...industrial units, infrastructure and thriving local places that the country needs.” It goes on in paragraph 19 to say ‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system’.
- 7.7 The CLP 2011 sets out in policy SLE1 that new development sites have been identified to promote growth and increase the amount of employment land in the District for commerce, engineering and manufacturing. Primarily this is in Bicester which also seeks to make the town more sustainable by balancing employment with residential development. It also reflects the urban focus of the Local Plan

- 7.8 Policy SLE1 refers to the Council's flexible approach to employment generation and policy Bicester 11 reflects this as it identifies 15 hectares of land for employment development but allows it to be B1, B2 or B8 use. This proposal therefore complies with the central thrust of the Council's employment policy to provide for growth and allow a degree of flexibility for developers to achieve it.

### **Design Layout and Appearance**

- 7.9 Another principle of the NPPF is to always "seek to secure high quality design and a good standard of amenity for all .... Buildings". Section 7 of the NPPF 'Requiring Good Design' attaches great importance to the design of the built environment and advises at paragraph 56 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'. The NPPF goes on to say at paragraph 58 that planning policies and decisions should aim to ensure that developments achieve a number of results including the establishment of a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and that developments should respond to the local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Paragraph 60 advises that whilst particular tastes or styles should not be discouraged, it is proper to seek to promote or reinforce local distinctiveness.
- 7.10 Policy ESD 15 of the CLP 2011 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the built environment and to ensure we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policies C28 which states that 'control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of the development'. Policy ESD15 also advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement
- 7.11 This is an outline application therefore the details associated with it are to some extent limited. They are accompanied by various documents however, setting out the design principles that will be followed should outline planning permission be granted. These include Design and Access Statements, including an update, a Design Code, Planning Reports (also updated), Parameter plans and Explanatory document, plus a Heritage Impact assessment (also updated).
- 7.12 The developer benefits, to some extent, from almost a blank canvas at Skimmingdish Lane. However this is not the case when a closer analysis of the locality is made. The floodplain to the south east precludes a large area designated under Bicester 11 from development. Impact on the care home which Bicester 11 wraps round has to be sensitively dealt with. There is a main road frontage to address and south and west of that are housing and commercial to which the development must relate. But crucially to the north and east is RAF Bicester, a conservation area containing a number of specific heritage assets and beyond that the countryside. Heritage is dealt with in more detail below but in broader terms the Officers are now satisfied that what is set out in the documents can be achieved in terms of the requirement of Policy Bicester 11 for a high quality well designed urban edge that respects the landscape setting. The present

scheme has been modified so the green buffers around the site have been increased and the development footprint reduced by about 14%.

- 7.13 There has been one significant bone of contention and that is the developer's requirement for an internal floor/ceiling height of 12.5m. Sinking the buildings into the ground has not been an option due to the requirements of the Environment Agency for a 72 AOD floor level. As a result the buildings will be quite tall. As a compromise, a central access-way divides the site in to two. The southern side which is considered to be less sensitive will have a maximum AOD of 86m giving a building a potential height of 16m. The northern side with a closer proximity to the Airfield has an AOD of 85m which will give it an overall external height of 14.5m.
- 7.14 In terms of the impact on the care home, the main building on the southern part of the site is set back from Skimmingdish and away from the southern boundary so the outlook of the residents to front and side is not impeded. At the rear of the building will be a service yard, screened by the structure from the public domain of Skimmingdish. The care home will be specifically screened by acoustic fencing and landscape bunding. It should be stated the Care Home is occupied by residents with high care dependency and limited awareness of their environment.
- 7.15 The overall feel, as set out by the Design Codes and Design Statement is to achieve a development with a distinct character with a strong visual identity provided by the office components in the buildings. These will also be used to create active frontages to Skimmingdish Lane itself.

#### **Impact on Heritage Assets**

- 7.16 The NPPF has as a core principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Section 12 deals with conserving and enhancing the historic environment. It states "when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation." All of which the applicant has done
- 7.17 It goes on to say that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."
- 7.18 Paragraph's 131 to 134 are paramount in determining planning applications and state: "131...local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; And
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

134. 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.”

- 7.19 On this application a second element where there has been heated debate is over the impact of the development on the immediate heritage assets. Part of the application site includes the conservation area of RAF Bicester although no physical development is proposed in that part. But the site is adjacent and overlaps not only the Conservation Area but is also in close proximity to a number of scheduled ancient monuments namely the southern bomb stores, mushroom pillboxes and seagull trenches. The Conservation Officer has been concerned not just by the direct effect of the development proposed by Bicester 11 upon these heritage assets but the wider aspect of harm caused such as to views from across the airfield, in particular from the Control Tower. Some of the potential harm is tempered by a strong area of woodland actually outside the site but part of the outlying area of the airfield. When viewed from the Control Tower this tree belt provides some, but not total, screening of the buildings and, being in the Conservation Area, enjoys a degree of protection from its location which should carry on.
- 7.20 The applicant has produced a comprehensive assessment of the impact on heritage and updated it to rebut the concerns of the Conservation Officer. However her objection remains and she concludes the scheme, even at its reduced height of 14.5/16m buildings will not conserve the setting nor enhance the appearance of the Conservation Area and will harm the setting of the Scheduled Ancient Monuments.
- 7.21 The views of Historic England have also been sought and somewhat surprisingly they decided not to comment in detail. They regard the airfield as an inward looking conservation area, not a view shared by the Conservation Officer, and that the harm to the scheduled ancient monuments would be relatively low. They do recognise the final reserved matters could have considerable significance and asked to be re-consulted

then but they seem to recognise that the site is allocated for employment use and therefore there is a strong presumption in favour of development.

- 7.22 Notwithstanding the understandable concerns of the Conservation Officer, from a planning viewpoint it is concluded that whilst there is clearly harm, that harm is not significant and in the test of the NPPF if there is a public benefit to the proposal, which in this case will be a significant level of jobs achieved by the development of a strategic employment site, then permission should be granted.

#### **Accessibility, Highway Safety and Parking;**

- 7.23 The NPPF has a core principle that planning should; '*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 or can be made sustainable;*' The NPPF also advises that the transport system needs to be balanced in favour of sustainable transport giving people a real choice about how they travel (para 29). It is advised that encouragement should be given to solutions that support reductions in greenhouse gas emissions and reduce congestion (para 30). Transport assessments are required (para 32). The PPS advises that account should be taken of improvements that can be undertaken within the transport network that cost effectively limit the significant impacts of the development and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (para 32).
- 7.24 The Adopted Cherwell Local Plan policy SLE4 requires all development to 'facilitate the use of sustainable transport, make fullest use of public transport, walking and cycling'. Encouragement is given to solutions which support reductions in greenhouse gas emissions and reduce congestion. New development is required to mitigate off site transport impacts. Policy Bicester 11 requires proposals to include connectivity to its surroundings, accessibility to public transport, footpath/cycle links and as part of any planning application a transport assessment and travel plan.
- 7.25 Both an assessment and travel plan have been produced for this application. In addition, an application has been made under s257 of the planning Act to divert an existing footpath that runs through the site. The local Ramblers and Walkers groups have been consulted on this and raised no objection to rerouting the path slightly further south of its current alignment.
- 7.26 The site was considered at the public inquiry to be a sustainable location for employment development and that has, in part, led to its designation as a Strategic Employment site. It benefits from a good position with a long frontage on to the A4421, Skimmingdish Lane. The chosen point of access is fairly central to the development site and has good visibility in either direction. Measures are required in the immediate vicinity of the site by the Highway Authority both to ensure highway safety and to maintain traffic flows in this location. These include filter lane on egress to the carriage way with a ghosted right turn in to the site and modifications to the Launton Road roundabout. These works will be undertaken by the developer and secured by a Grampian condition. Outside of the immediate locality the Highway Authority consider there will be a need to improve capacity along Skimmingdish Lane and Chartbridge Lane and the developer has agreed to make a financial transport contribution of £219,000 towards the enhancement of the eastern transport corridor.
- 7.27 The applicant has also agreed to make a financial contribution towards improvements to public transport, namely to improve the frequency of bus services along Launton Road, and towards monitoring of the travel plan.



- 7.28 Other improvements sought and agreed with the applicant are widening of footpaths on Skimmingdish Lane and provision of a toucan crossing on Skimmingdish Lane in order to improve accessibility for pedestrians and cyclists. This will enable the existing cycle route to carry on into the Bicester 11 site. The A4421 will also be widened to facilitate a bus lay-by with associated infrastructure such as a shelter. These works have been shown indicatively but a condition is required to ensure satisfactory details are submitted. The applicant is agreeable to undertake such work before the development is brought in to use.
- 7.29 The design code talks about the layout and sets out a parking standard for cars, hgvs, motor bikes and bicycles depending on the eventual scale of development and type of use proposed. Surface treatment will be brushed concrete for the service yard but car parks and footpaths will be surfaced in block pavements.

### **Landscape and Visual Impact, Trees and Landscaping;**

- 7.30 A Landscape Visual Impact assessment has been submitted in compliance with Policy Bicester 11. Its contents have been found to be broadly acceptable to the Council's Landscape Officer. The LVIA seeks to reduce the impact of the buildings by creating landscape zones, in effect softening the edges of the development and assimilating it in to the surrounding countryside. Hedgerows and trees around the site have been kept by pulling the buildings away from the boundaries and the site benefits from a number of areas of woodland dotted around it thus reducing the long range visual impact. Sadly the loss of some field hedging within the site is inevitable from the allocation of the site for development but this is mitigated by indicative landscape schemes in the LVIA. These will be planted in such a way as to also act as wildlife corridor as well as limiting the visual intrusion of buildings
- 7.31 The proposed scheme requires the removal of some arboricultural groups and individual trees within the site boundary with particular reference to the proposed removal of G1 and G4 having the largest impact upon amenity and biodiversity. However the scheme proposes suitable mitigation for such loss through the creation of new shelter belts to the south-east and north-east boundaries along with the rejuvenation of existing boundary vegetative features to the north-west and south-west.

### **Flood Risk;**

- 7.32 Although a Flood Risk and Drainage Strategy was submitted with the application its conclusions were not accepted by the Environment Agency (EA). However the scheme has been amended and buildings moved north out of the area deemed to be with the potential of flooding. The EA have now withdrawn their previous objection but recommended a number of conditions they require to be imposed.

### **Ecological Implications**

- 7.33 A core principle of the NPPF is to "contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework." It goes on to say in section 11-Conserving and Enhancing the Natural Environment: The planning system should contribute to and enhance the natural and local environment by:... recognising the wider benefits of ecosystem services;...and 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”.

- 7.34 Policy Bicester 11 was designated in part because it is considered to be low grade agricultural land, the policy also seeks to secure a net gain in biodiversity, create wildlife corridors and requires ecological surveys. The applicants have undertaken an appraisal (with update) of the site followed up by a bat survey. The Council's ecologist agrees with the main findings that there are no major protected species constraints on site, including bats. Conditions are recommended to require further surveys to cover reptiles and badgers.
- 7.35 The loss of hedgerow and woodland habitat within the site is a significant habitat loss, particularly adjacent to a LWS however the proposed landscaping will go some way to maintaining habitat linkages across site. One thing recommended by the Ecologist is an inclusion in the landscape scheme of food sources for Priority Moths which are known to exist in the area.
- 7.36 It is also suggested that as part of the mitigation proposed the applicant should ensure that their final layout and plans include measures for biodiversity enhancements on site. This not only includes the landscaping but also the built environment where enhancements could include integral bird or bat boxes or green roofs. These can be included within a Landscape and Management Plan (LEMP). Conditions to any permission requiring reptile and badgers survey, Construction Environmental Management Plan (CEMP) for biodiversity and restrictions to protect nesting birds are recommended.
- 7.37 The applicants have included in their documents a commitment to enhance the biodiversity of the area in accordance with local policy.

#### **Effect on Neighbouring Amenity**

- 7.38 One of the attractions of allocating this site for employment is its relatively self contained nature. There are limited receptors in the vicinity that will be directly affected by its use. Housing is proposed on the south side of Skimmingdish Lane but this will incur limited impact on amenity from business operations.
- 7.39 The main effect could be on the Care Home and this was recognised in Policy Bicester 11 which required a planting buffer and B1a development in proximity. The position of the main building to the northwest of the Care Home is sited so it is not in the main views out of the rear or side elevations. A landscape bund and acoustic fencing is proposed in between the care Home and the building and its service yard. Full details will need to be provided under reserved matters but in principle this conforms to the requirements of Policy Bicester 11.

#### **Public Art**

- 7.40 Due to the size and scale of development proposed, and in line with the Council's policy on Public Art, it is recommended a condition be imposed to secure a work of art on site as part of the development

#### **Impact on the Glider School and Use of the Flying Field at RAF Bicester**

- 7.41 RAF Bicester is used by a gliding club. They have objected to this application as they did at the EIP to its allocation. Although RAF Bicester is subject to a safeguarding map this does not preclude buildings of a greater height being considered. In fact the map has

limited weight and its main use is to ensure a consultation takes place. The existing tree belt on the northern boundary probably presents a greater threat to the gliders being closer to the runway, on a slightly higher parcel of land, approximately 12m in height and therefore at 84 AOD. It is calculated the buildings would be some 250m from the edge of the runway.

### **Section 106-Heads of Terms**

7.42 The County Council have asked for and the applicant has agreed the following contributions to be secured by a s106 Agreement:

- Strategic transport contribution £219,000 (towards improvement to future enhancement of the A4421 in its role within the strategic County highway network between Charbridge Lane and Skimmingdish Lane). This figure represents the maximum amount deemed necessary.
- Public transport contribution £176,000
- Travel plan monitoring contribution £1,240

### **Engagement**

7.43 The NPPF advises that 'early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre application discussion enables better coordination between public and private resources and improved outcomes for the community' (para 188). This site has been subject to intense negotiations as part of the Local Plan process and was then followed by pre-application engagement. With regard to the duty set out in paragraphs 186 and 187 of the Framework, where problems or issues have arisen during the processing of the application they have been dealt with through negotiations with every attempt made to seek compromise where disputes occurred. It is considered that the duty to be positive and proactive has been discharged through the continuing work and negotiation with the applicant in relation to the detailed matters raised by this application and the S106 agreement.

## **8. Conclusion**

8.1 Planning decisions should be in accordance with the Development Plan unless material considerations indicate otherwise. Policy Bicester 11 identifies this site as a location for 52,500sq metres floorspace of Class B1, B2 or B8 use. The application proposals accord with the development plan being a part of an allocated Strategic Employment site. This issue has already been considered in some depth at the Examination in Public of the Local Plan so Officers consider the development to conform with the Local Plan. The type of employment proposed is considered to be acceptable in this location. It will provide a significant number of employment opportunities in a flexible range of types. This is what the Local Plan allocation permits. The information submitted also demonstrates that the design parameters and principles can accommodate an acceptable form of development in a way that although it may cause some harm to heritage assets the harm is not considered to be significant to outweigh the public benefit from the employment created.

## **Recommendation**

**Approval**, subject to:

- a) Delegation of the negotiation of the S106 agreement to Officers in accordance with the summary of the Heads of Terms and subsequent completion of S106 agreements and;
- b) the following conditions with delegation provided to Officers to negotiate final amendments to the wording of conditions

### **SCHEDULE OF CONDITIONS**

- 1 No development shall commence until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 2 In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 3 The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 4 The reserved matters to be submitted under Condition 2 shall be in accordance with the following approved plans:

- Development Area and Building Zone 3830-25-23
- Access and Circulation 3830-28-09
- Siting Plan 3830-30-06
- Site Levels and Building Heights 3830-29-11
- Landscape Parameters Plan FR14-228L01F

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

- 5 No development approved by this planning permission shall take place until such time as a scheme to provide level for level floodplain compensation up to and including the 1% annual probability (1 in 100) flood with an appropriate allowance for climate change has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To avoid increasing flood risk to areas downstream on the Langford Brook.

- 6 No development approved by this planning permission shall take place until such time as a scheme to provide level for level floodplain compensation up to and including the 1% annual probability (1 in 100) flood with an appropriate allowance for climate change has been submitted to, and approved in writing  
Finished floor levels shall be set at a minimum of 71.00maOD

Reason: To ensure that future occupants of the site are kept safe and the proposed buildings are not at unacceptable flood risk.

- 7 No development shall take place until a scheme for the provision and management of an 20 metre wide buffer zone in those areas where the application boundary adjoins the Langford Brook shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall show the buffer zone as being free from above ground built development including lighting and formal landscaping.

The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

- 8 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
- Sizing of features - attenuation volume
- Infiltration tests to be undertaken in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried

forward into the detailed drainage strategy)

- Network drainage calculations
- Phasing plans
- Flood Risk Assessment

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.

- 9 Prior to the commencement of the development (except for any ground investigation or survey works), details of the required highway improvement works, listed below, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- New signalised pedestrian crossing on Skimmingdish Lane;
- Footway widening along Skimmingdish Lane;
- Provision of Bus stop laybys on Skimmingdish Lane between the site access and the adjacent roundabout to the south east; and
- Works to the Skimmingdish Lane / Launton Road Roundabout

The works shall be carried out prior to any building being brought into use.

Reason - In the interest of highway safety.

- 10 Prior to first occupation of any building approved on the site, a framework travel plan shall be submitted to and approved in writing by the local planning authority. Thereafter the travel plan shall be implemented in accordance with the details approved.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

- 11 Prior to the occupation of any relevant building a Travel Plan relating to that building and in general accordance with the Framework Travel Plan hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented prior to the occupation of the relevant building.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

- 12 Prior to the commencement of any development hereby approved, full details of the means of access between the land and the highway and associated pedestrian and cycle access improvements including; position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

- 13 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas including a bus turn around facility shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development the

parking and manoeuvring areas including the bus turn around facility shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

- 14 Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

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

- 15 Following the approval of the Written Scheme of Investigation referred to in condition 1 and prior to any demolition of the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason - To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF

- 16 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 17 Prior to the [commencement of the/first occupation of the] development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. and to conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

- 18 No removal of hedgerows, trees or shrubs [nor works to, or demolition of buildings or structures that may be used by breeding birds], shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such

works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 19 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 20 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance or the translocation of any reptile, a reptile survey (which shall be in accordance with best practice guidelines) shall be carried out, and the findings, including a mitigation strategy if required, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works of mitigation shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 21 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions [specify appropriate section if required] shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason CR2

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 22 Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted



Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 23 Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 24 Prior to the occupation of the development hereby approved details of the acoustic screening to be provided between the development and the existing care home on the south western edge of the development site shall be first submitted and approved in writing with the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development.

Reason - to protect the amenity of nearby receptors.

- 25 Prior to the commencement of development an Employment & Skills Plan (ESP) setting out measures to encourage training and employment opportunities for local people during the construction of the development shall first be submitted to and approved in writing with the Local Planning Authority. The ESP shall be implemented in accordance with the approved details.

Reason - to encourage the employment of local people and encourage sustainable patterns of commuting.

- 26 Prior to the occupation of any relevant building an Employment & Skills Plan (ESP) setting out measures to encourage training and employment opportunities for local people during the operation of the relevant building shall first be submitted to and approved in writing with the Local Planning Authority. The ESP shall be implemented in accordance with the approved details.

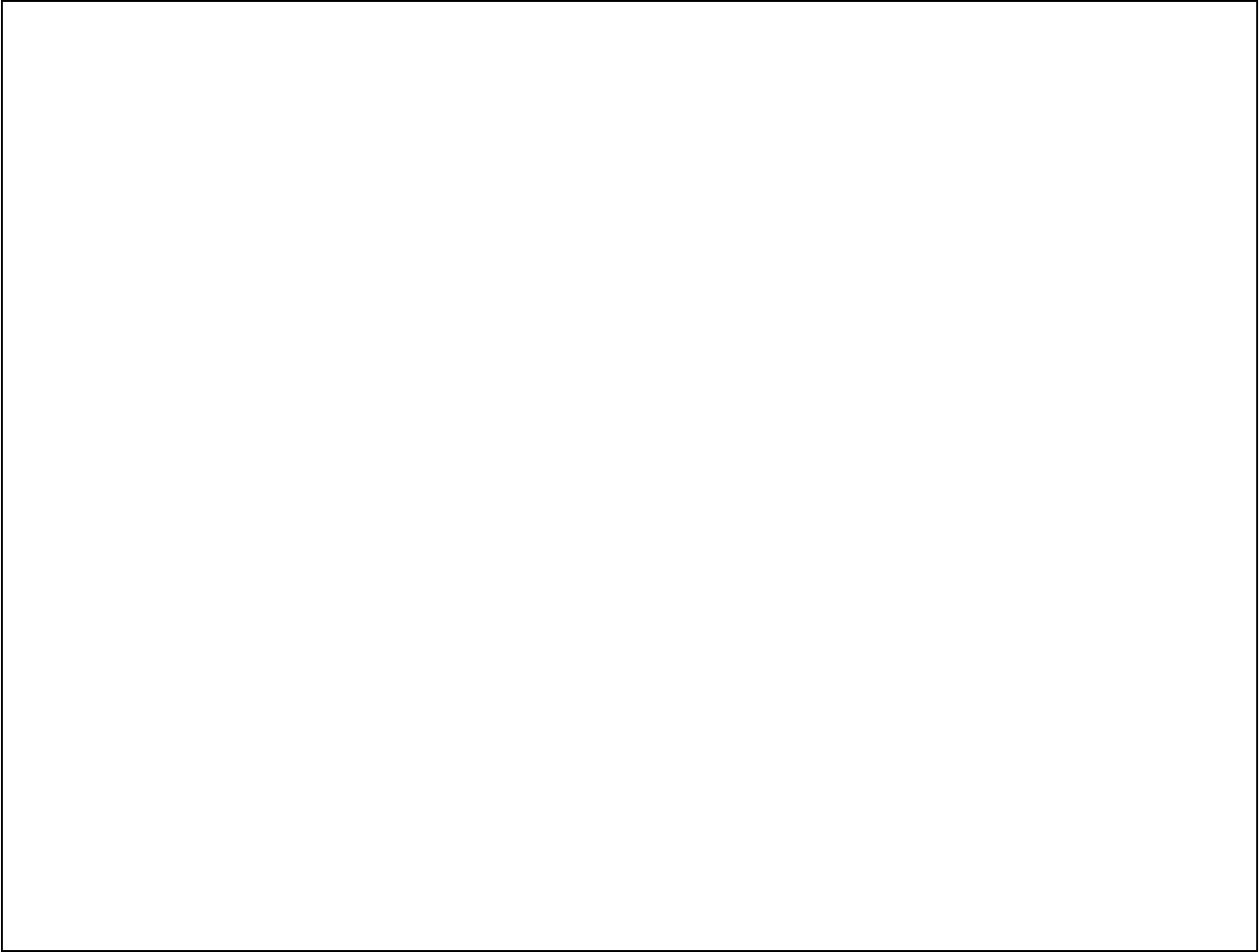
Reason - to encourage the employment of local people and encourage sustainable patterns of commuting.

## **PLANNING NOTES**

### **1 STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has worked positively and proactively to determine this application in an efficient manner having worked with the applicant/agent where necessary to resolve any concerns that have arisen during consideration of the application in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

- 2 Under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Byelaws 1981, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Langford Brook, designated a 'main river'.
- 3 Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team on 01865 815700 or email [roadagreements@oxfordshire.gov.uk](mailto:roadagreements@oxfordshire.gov.uk)
- 4 No development shall take place across any public footpath/right of way unless and until it has been legally stopped up or diverted.
- 5 In the submission of reserved matter details for approval, a particularly high standard of architectural design in the external appearance of the buildings is expected in view of the prominence of the site and its proximity to RAF Bicester Conservation Area
- 6 Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
- 7 The Applicant is reminded that the premises should be made accessible to all disabled people, not just wheelchair users, in accordance with the provisions contained within the Disability Discrimination Act 1995. This may be achieved by following recommendations set out in British Standard BS 8300: 2001 - "Design of buildings and their approaches to meet the needs of disabled people - Code of Practice", or where other codes may supersede or improve access provision. Where Building Regulations apply, provision of access for disabled people to the premises will be required in accordance with Approved Document M to the Building Regulations (2004) - "Access to and use of Buildings", or codes which contain provisions which are equal to or exceed those provisions contained within Approved Document M.
- 8 Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.



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