

**OS Parcel 4200 Adjoining And North East Of  
A4095 And Adjoining And South West Of  
Howes Lane  
Bicester**

**14/01675/OUT**

**Case Officer:** Caroline Ford

**Ward(s):** Bicester North And Caversfield

**Applicant:** Albion Land Ltd

**Ward Member(s):** Cllr Nicholas Mawer

Cllr Lynn Pratt

Cllr Jason Slaymaker

**Proposal:** OUTLINE - Erection of up to 53,000 sqm of floor space to be for B8 and B2 with ancillary B1 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access of Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (G1); provision of sustainable urban systems (suds) incorporating landscaped areas with balancing ponds and swales. Associated utilities and infrastructure.

**Committee Date:** 09.06.2016

**Recommendation:** Approval subject to the recommendation at paragraph 6 of this report.

**Committee Referral:** Major

**1.**

- 1.1 The application was reported to Planning Committee in January 2016, with a recommendation of approval. The report presented is attached at appendix 1. That report gives the site description, provides details of the proposal, identifies the relevant planning policy and includes the range of publicity and consultation responses received to the application. A full Officer appraisal of the proposal is provided there.
- 1.2 The application was deferred by Members at the January 2016 committee in order to allow Officers time to negotiate with the applicant in response to Member concerns expressed at that meeting relating to whether there is an opportunity to impose a condition to restrict the level of B8 floor space on the site.
- 1.3 This report therefore seeks to advise Members of progress made since the last committee and provide an updated recommendation. The report does not seek to repeat the issues set out within the earlier report.

## 2. Application Publicity

- 2.1 The full range of responses to the application publicity is set out at paragraph 2.1 of the January 2016 committee report (appendix 1). Since this report was completed, two additional public comments have been received. These are summarised below:

The following issues were raised:

### Local Resident:

- Why is this application even being considered? This is a proposal to build a three storey 24/7 warehouse on land specifically designated as an eco-area.
- You cannot consider a development of this type where, as the revised plans show, lorries will be thundering past close to a brand new school on the Boulevard. This new road, the replacement for Howes Lane has no chance of being able to cope with the level of traffic that would need to use it. Until the road infrastructure for the whole area has been agreed, no large scale industry can be considered.
- Who would buy a new house in an area with 24/7 lorries and the associated lighting? It would be an impossible sell. I don't think the Government put up the many millions of pounds for a huge warehouse on eco land. The political ramifications could be serious.
- It is obvious to any neutral that the type of employment required here is hi tech in low level buildings such as the Oxford Science park. The business park near the police building on Howes Lane is a much more suitable and acceptable type of development that be welcomed by local residents.
- There are many suitable places in and around Bicester which could easily accommodate B1 type industry away from residents, Graven Hill being one of them.

### Derwent Green Residents association:

- Deeply concerned that the request for a temporary access of Howes Lane pending the delivery of the realigned Howes Lane to facilitate a development that is focussed on warehousing rings even greater alarm bells that a further increase of traffic that may also hinder and delay the realignment of Howes Lane.
- It is hard to over emphasise the frustration and desperation felt by the association members, particularly those with homes backing onto Howes Lane, at the dramatic and dangerous increase of traffic on Howes Lane since Vendee Drive opened and the construction work began on the Eco Town development. The number of lorries has increased significantly, particularly during the night and rush hour traffic has increased resulting in lengthy queues in both directions from the Shakespeare Drive junction.
- A weight limit should be established on Howes Lane and a reduction in speed limit along the whole of Howes Lane. The association support the proposals for a realigned Howes Lane.
- Urge the Planning Committee to demonstrate joined up thinking and both approve the realignment of Howes Lane and reject the Albion Land proposal as long as it contains such a preponderance of warehousing and the proposal for access on Howes Lane.
- The proposal for B8 employment provision is completely inappropriate for this site. It is in the wrong location, it is not the kind of labour intensive employment provision needed with 5000 homes being built alongside this site, it is not in keeping with the philosophy of an eco-town development, neither is it visually appropriate in terms of existing residents of the Greenwood Homes estate who have a view of this development, nor for the eco town residents who will be in the eventual homes adjacent to the

warehousing.

### **3. Consultations**

- 3.1 The full range of consultation responses received to this application are provided at paragraphs 3.1-3.33 of the January 2016 committee report at Appendix 1. Since then, only additional responses from Oxfordshire County Council as the Highway Authority have been received. These are summarised below:

#### **Oxfordshire County Council Consultees**

- 3.2 In order to set the context for the additional transport responses, Officers have provided the following summary:

The January 2016 committee report, at paragraph 5.90 outlined the current constraints at the Howes Lane/ Bucknell Road junction and identified the improvements required; most significantly being a new bridge under the railway to the west of its current position. Linked to this improvement is the realignment of Howes Lane from the Middleton Stoney road roundabout to the underpass. This work is sought to address the impact of the existing road on the existing houses and to improve its design and capacity and enable the provision of footpaths and cyclepaths, sustainable drainage, avenue planting, crossings and improved urban design. A full planning application for this development and additional road infrastructure has a resolution to approve (14/01968/F). Given the constraints of the existing junction OCC have advised that there is a limitation on the number of additional traffic movements through the junction before it fails to function adequately. This has been equated to 507 dwellings (900 in total including the 393 dwellings already permitted on the exemplar site) and 40% of the proposed employment on the NW Bicester site (this is based on a Hyder note and is outlined below within the OCC response). Taking into account this capacity, the report also outlined how Officers considered it appropriate for this capacity to be used in advance of the work to provide the tunnel and realigned road (paragraphs 5.90-5.114). This took into account how early delivery could be used to support the delivery of the necessary tunnel, how the level of development could be achieved whilst still meeting the policy requirements around the delivery of sustainable development and whether it was deliverable. Officers concluded that as A2 Dominion (A2D) have sought funding through the Homes and Communities Agency in the form of a loan, they have agreed to fund the technical work to progress the GRIP process (the Network Rail technical process) and that A2D have an agreement in place to acquire the land adjacent to the Exemplar and this could allow development to be built adjacent to that site in order to benefit from the facilities that will be available there, it would be appropriate for A2D to develop up to 507 dwellings, providing they pursue the GRIP process during the build out of the dwellings. This, with the 393 dwellings on the Exemplar would equal the 900 dwellings that OCC have accepted prior to the work to provide the tunnel and realigned road infrastructure leaving the 40% employment capacity available.

At the time the application was reported to the January 2016 committee, the Transport Assessment identified that the proposal, in the long term, and with the planned infrastructure improvements, could be accommodated within the road network. It then went on to consider whether there was potential for development to be provided in advance of the tunnel and a realigned road infrastructure. Prior to committee, a Transport note prepared by the applicant's Highway Consultant (14042-12c) was submitted and which assessed 70% employment (37,100sqm) and 139 dwellings – on the understanding that 39 of those dwellings would need to be offset from the A2D development threshold quantum.

#### Transport:

In response to this Note, OCC provided a response setting out their view. This was

verbally updated to Members at the January meeting and is provided below:

- In December 2014, OCC accepted a technical note from Hyder Consulting which set out the amount of development across NW Bicester that could take place without causing a severe impact on the existing road network. Calculations in this note used data from the 2024 traffic model and manually adjusted flows from NW Bicester, other development sites and background growth to test the impact at the point when 900 NW Bicester homes (i.e. 40% of the 2024 development) could be delivered and when 1200 homes (53%) could be in place. This demonstrated that at both levels of growth, the Bucknell Road/ Howes Lane junction would be over capacity, but as the impact of 900 homes was similar to that accepted for the Exemplar development, OCC was requested to permit 900 homes prior to construction of the new tunnel under the railway. OCC accepted 40% of the 2024 development levels, i.e. 900 houses as the trigger for this critical infrastructure. It should be noted that the Hyder work did not distinguish where on the NW Bicester masterplan site this initial development could take place and that 393 of the 900 homes are already built or have permission at the Exemplar site.
- In discussions and responses to CDC since then, OCC has maintained its position on the trigger point, making it clear it is for CDC to manage the phasing and delivery of the multiple sites across the masterplan within the constraints of these triggers.
- Albion Land sees to develop the majority of their site before the tunnel is in place. Their transport consultants, DTA, have submitted technical notes to justify this proposal and OCC have provided comments to CDC on these notes.
- OCC's comments relate to the technical methodology put forward by the applicant as a proposed alternative calculation for traffic impact and site wide triggers. If these proposed changes are accepted these would change the managed delivery of other sites within the masterplan. Therefore, it is the District as Local Planning Authority with responsibility of managing the comprehensive delivery of the wider strategic allocation, to take final decisions on how triggers are managed across the multiple sites.
- Discussions around the trigger point have tended to concentrate on the level of housing growth that could be accommodated, however, the assessment work also assumed 40% of the 2024 employment levels. In technical note 14042-11, Albion Land asserted that the balance of employment land use types in the modelling on which the '40% of 2024 development scenario' threshold was based, was different from that which they are proposing. Taking into account the overall lower trip rates that their proposal implied and the trip distribution set out in their transport assessment, according to them, this meant that 75% of their proposed employment (39,750sqm gross floor area or 7.1ha, i.e. 71% of the total employment land allowed for in Hyder's modelling) and all of the proposed 150 dwellings at the site could be built without the tunnel in place, adding only 11 trips in the PM peak into the Bucknell Road/ Howes Lane Junction.
- Whilst OCC agreed with the maths and logic in the calculations of both the additional 11 trips and the additional queuing they would cause, OCC's position on this is that even though it is a small addition, it surpasses the level of development which is acceptable before the tunnel and realigned road are completed. If the tunnel is not built by the time 40% of the 2024 development level is in place, this would take the junction beyond the position at which congestion becomes severe – i.e. it makes a very bad situation worse.
- OCC is also concerned this would set a precedent for similar requests from other developers to exceed the defined trigger points. OCC recognises that there may be a number of different options for allocating development that can take place before the trigger for the tunnel and realigned road, however OCC will not endorse proposals which seek to increase the overall impact above the established trigger level across the masterplan site.
- The latest note SKP/14042-12c was submitted on the 11 January 2016 following

a meeting on the 8 January 2016. Albion Land have put forward an alternative development quantum proposal to be permitted prior to the tunnel – 70% of the application area for employment (37,100sqm gross floor area or 6.6ha – 66% of the total employment land allowed for in Hyder's modelling for the whole of NW Bicester) and 139 dwellings. Using the methodology of their previous note, they calculate that this combination would generate no more than the traffic flow into the Bucknell Road/ Howes Lane junction that went into the original calculations to set the 40% of the 2024 development scenario threshold. OCC's position is that we accept that this would not exceed the modelled impact set out in the Hyder note. They reiterate that it is for CDC to take decisions on the management of individual triggers at the application sites. It should be noted that A2 Dominion have stated that if they are to deliver the tunnel and realigned road, they would need to be permitted to develop all the pre-trigger housing.

- OCC have never advised that the initial residential development should be allowed to be evenly distributed across the whole of the NW Bicester site, instead leaving this for CDC to decide. In fact dispersing the development in this way would lead to more car journeys overall, as people would be less likely to be within walking distance of local facilities. It is also likely to result in the trigger point being reached too quickly for the delivery of the infrastructure.
- In terms of the Albion Land site for residential development, whilst it is not within practical walking distance of facilities at the Exemplar site, it is adjacent to the existing Bicester settlement, to which it could be connected by footway and a signalised crossing of the existing Howes Lane.
- When considering Albion Land's employment proposal, the proportion of the total masterplanned employment at NW Bicester should be taken into account as this will include employment at local hubs and as part of mixed use development. Policy Bicester 1 stipulates a minimum land area of 10ha for employment at NW Bicester, which is the total employment figure used in Hyder's calculation. As the employment land area in the Albion Land application alone is 9.45ha, this will have implications for the overall amount of employment development across the wider site that can be delivered before the tunnel and realigned road are delivered.
- The applicant suggests numerical Grampian style conditions are applied to the A2D application sites totalling 861 homes. OCC would expect that equivalent conditions are applied to limit employment development. It should be noted that the applicant's proposal would make no allowance for development ahead of the tunnel at any other applications sites. As stated above, it is for CDC as Local Planning Authority to manage the phasing and delivery of the multiple sites across the masterplan within the constraints of these triggers.
- In the event that employment development is permitted ahead of the tunnel, OCC recommend that it is restricted to the part of the site accessed off Middleton Stoney Road. HGVs from this site are less likely to route via Howes Lane, and therefore will cause less disturbance to residential properties.

3.3 Following committee, further Transport work was carried out and a further note submitted (14042-13). This note further redistributed the highways capacity attributed by the December 2014 Hyder memo to enable an appropriate quantum of employment and residential development to come forward on the Albion Land site without the defined trip rates and highways capacity limitations exceeding the levels identified by the Hyder memo (i.e. within the 40% employment capacity). This assessed 135 dwellings and 50% employment (26,500sqm) and found that movements would be equivalent to those already 'permitted' in advance of the tunnel within the 900 dwelling test.

The Highway Authority assessed this information and advised that this is less than the quantum proposed, for both residential and employment, prior to committee on which their above response was based, and the impact on the Howes Lane/ Bucknell Road junction therefore falls under the level of impact on which the original trigger was set.

The percentage split assumed in the trip generation was 30% B2 and 70% B8 employment at the site.

- 3.4 In response to the deferral from committee a further Highways Technical Note (14042-14C) was submitted exploring the implications of imposing a restrictive condition (80% B2 and 20% B8 split) on the employment element of Albion Land's application. The trip rates used were applied to the revised floor areas for the employment floor space and an assessment of these and a network assessment resulted in the conclusion being reached that the revised development mix would not result in any material impact or differences on the local road network.

The Highway Authority advised that the revised two way trip generation (from the revised percentage split) would see a 47% increase in the am peak, a 35% increase in the pm peak and 24% increase overall, which is substantial. The advice was that the revised split would make a material impact on the local road network which is unacceptable in advance of the new strategic link road and tunnel. With the new infrastructure in place however, the impact is not severe. With respect to development that could occur in advance of the tunnel, after some correspondence in relation to detailed figures, the Highway Authority confirmed their agreement to the revised combination of development that could occur in advance of the road and tunnel (135 dwellings plus 20% B8 (10,600sqm) and 23% B2 (12,190sqm)) as this would not exceed the modelled impact set out in the Hyder note.

The Highway Authority reiterated their points in their Update note of 19 January 2016 – provided at paragraph 3.2 and also highlighted other outstanding detailed points relating to public transport arrangements, highway infrastructure and travel plans (summarised within the representations at paragraph 3.18 of the January 2016 committee report).

#### **Consultation with Other applicants on the NW Bicester site**

- 3.5 Given the complexities around development commencing in advance of the provision of the tunnel and road within the available capacity, Officers contacted other applicant's across the NW Bicester site that have applications currently under consideration. Their responses are summarised below.

#### **3.6 Barton Willmore on behalf of A2 Dominion**

In response to Officer's advising A2D of the conclusions reached within note 14042-12c (that would have resulted in A2D needing to relinquish 39 dwellings), a letter dated the 18 January 2016 was received. This was provided to Members as a Late Update and is summarised here:

Attention is drawn to paragraphs 5.90-5.109 of the Planning Committee Report which sets out the Councils' position in relation to the delivery of the railway crossing. OCC have advised that there is a limitation on the number of additional traffic movements through the junction before it fails to function adequately. This equates to 507 dwellings (900 in total including the 393 dwellings already permitted on the Exemplar site) and 40% of the proposed employment. When considering A2D applications 14/01384/OUT and 14/01641/OUT, CDC and OCC have concluded from highway advice that the proposed railway crossing is required prior to A2D's applications being built out.

The Council's recognise that A2D have provided details showing how they could deliver the rail crossing, they have submitted a full application (14/01968/F) for the new crossing of the railway, sought funding through the HCA to deliver the scheme and agreed to fund/ progress the GRIP process, to secure technical approval, subject to receiving planning permission that would enable them to construct 507 dwellings whilst the GRIP process is being progressed. To date, no other applicant at NW Bicester has provided details of how they could deliver the bridge under the railway. The A2D applications include land adjacent to the Exemplar, which is currently under construction and which includes a primary school, local centre, community hall and

energy centre. Development adjacent to the Exemplar would enable residents to utilise services/ facilities there.

Both the applicant for application 14/01675/OUT and 14/02121/OUT has sought to make the case that their developments should be allowed prior to the tunnel being in place. To date OCC as the Highway Authority have not supported this. Officers consider there is a case for enabling employment capacity to be used by Albion Land subject to partial development of their proposal being deliverable prior to the tunnel and realigned road being in place and the application securing the realigned Howes Lane and contributions to the railway bridge. However, the linkage between the employment land and the residential needs to be explored further. If it is not possible to separate the employment from the residential, OCC has already advised that the whole Albion Land scheme cannot be acceptably accommodated prior to the bridge being in place.

- 3.7 A response was also received from **Pegasus on behalf of one of the land owners to the north of the railway**: Fully endorse the approach taken by the Local Authority insofar as the next phase of NW Bicester development to take place in advance of the railway crossing/ junction improvements (507 dwellings) should take place within the land covered by planning application 14/01384/OUT, which is subject of a resolution to approve. There is a clear planning logic for development progressing from the Exemplar phase where the early community facilities and energy centre are being provided. This would avoid piecemeal development and support those services within the early phases of the development.
- 3.8 As was explained at the January 2016 committee, all current applicants on the NW Bicester site were contacted on the 07 January 2016 in relation to further capacity related to the employment land and were asked to provide information as to whether they are in a position to contribute to or provide the required rail tunnel and realigned Howes Lane and how development could be accommodated in a sustainable way in advance of that infrastructure. This was completed to allow a transparent planning process to how available capacity could be best allocated. In response, the following correspondence was received from other applicants on the NW Bicester site:
- 3.9 **Barton Willmore on behalf of A2 Dominion (A2D)** (letter dated 20/01/2016):
- The need for the provision of an improved or new crossing of the railway has long been recognised by OCC in policy and this was further identified through the technical assessments undertaken as part of the technical assessments undertaken as part of the master planning exercise commissioned by A2D.
  - The proposed under bridge solution was derived through the master planning exercise, with the opportunity taken to realign Howes Lane, which generates a number of benefits.
  - There is a requirement for all applications to be compatible and consistent with the master plan. The A2Dominion applications satisfy this requirement.
  - A2D have promoted a number of applications following the grant of permission for the Exemplar phase.
  - Reference made as to what OCC has confirmed as the limit of development until the new underbridge crossing is in place.
  - A2D have agreement in principle from the HCA to fund the new crossing and other elements of the key infrastructure including the primary substation and water treatment plant. This is in the form of a loan requiring repayment for which A2D will be liable.
  - Discussions are ongoing with the Council and OCC in relation to the detailed terms of the S106 agreements including the provisions relating to the timely delivery of key infrastructure.
  - The current draft S106 provides for the promotion of the detailed design of the railway crossing through the GRIP process and the negotiation of the access rights, for which Network Rail is seeking financial consideration.
  - No more than 507 additional homes would be occupied unless and until a

detailed scheme for the provision of the railway crossing and related road access has been agreed. This would include agreement of the technical scheme (up to GRIP stage 4) and access rights with Network Rail, and a programme for delivery. A2D would be required to use reasonable endeavours to promote the detailed design work and secure the necessary rights up to that point.

- In addition, A2D would be required to provide serviced land for the additional primary school and the secondary school in accordance with the agreed programme.
- As the railway underbridge crossing and associated access is essential to the development of the wider masterplan (and indeed required in relation to town wide growth), A2D will seek to recover a contribution from the other promoters or developers within the masterplan area.
- A2D control by way of an option the land within application 14/01384/OUT north of the railway that is necessary to deliver the realignment of Howes Lane and connect to the new underbridge crossing. The land to the south, the subject of application 14/01641/OUT is owned in part by A2D and part by the PCC. Terms are agreed between the parties and it is anticipated the agreement will be completed shortly. Network Rail own the land for the railway underbridge crossing itself. Albion control the land for the southern element of the realignment of Howes Lane, linking to Middleton Stoney Road. An interim solution can be provided, however A2D have reached agreement in principle for granting of an option for A2D to deliver this section of the road.
- A2D have provided to the Council a summary note of the GRIP stage approval and the timings of this. This is set out within the letter.
- A2D would commission the work and project manage the approval process, fund the design of the scheme and negotiation of rights and would involve the input of various technical consultants.
- A2D would intend to commission the delivery of the road. A2D with the PCC control the land necessary for the majority of the route and connection would be made available by Albion in the event that A2D did not construct this element.
- There is logic in the next phase of development adjoining the Exemplar phase, where residents can benefit from the services there and to meet the eco town standards. The next phase would be residential so as to support the Exemplar local centre rather than challenge.
- A2D are delivering the Exemplar phase and the development has been the recipient of awards. A2D would continue this approach and build on the experience gained to date.
- In addition to the next residential phase, A2D would seek to bring forward the substation and waste water treatment works. These would be made available to meet the needs of the development and the masterplan as a whole, with A2D granting connecting rights to other developers within the masterplan area.
- In terms of timing, the draft conditions provide for the submission and approval of an Urban Design Framework and Design Code in advance of reserved matters. A2D have already undertaken this work and they are at an advanced stage. These have been prepared in parallel with reserved matters and A2D would anticipate being in a position to submit the UDF and Design Code shortly after the grant of permission with reserved matters to follow.
- A2D would deliver the phase and contract direct and would intend to implement this phase in tandem with the Exemplar. There is therefore no requirement on A2D to secure additional funding, servicing, arrangements nor development partners.

### 3.10 **Turley on behalf of the applicant for 14/02121/OUT** (letter dated 03 February 2016):

- The applicant is in substantive dialogue with OCC and CDC concerning the restriction on the number of homes considered acceptable across the whole of NW Bicester prior to the delivery of the road link and tunnel to address the problems at the existing junction of Howes Lane and Bucknell Road. We have demonstrated on the basis of thorough and robust analysis using the accepted



capacity constraints how the location of new development at NW Bicester will lead to significantly different outcomes in terms of the impact of development at the critical junction and the number of homes which can be delivered at NW Bicester prior to the completion of the road link.

- As evidenced by the technical highway notes, Himley Village benefits from a unique position being directly accessible off Middleton Stoney Road and on the basis of the dominant traffic flow, development focussed at Himley Village would lead to lower levels of traffic using the critical junction than that generated by development elsewhere at NW Bicester.
- The delivery of 507 dwellings at Himley would therefore have substantially less impact on the critical junction than would the same number of dwellings to the north of the railway line which would put the junction well beyond its capacity. Indeed, the delivery of the full 1,700 homes at Himley Village would have a similar impact on the junction in terms of traffic flows than an additional 507 dwellings on land to the north of the railway.
- The application for Himley Village must be considered on its own merits and should not be subject to undue restrictions on the amount of development which can come forward in advance of the road link and tunnel, in preference for an additional 507 dwellings on land to the north of the railway which would lead to an excessive impact at the critical junction beyond that accepted by OCC. To do so, would be irrational and entirely unreasonable having regard to the evidence and would not withstand scrutiny or challenge.
- This is equally important in the context of the Council's responsibility to boost significantly the supply of housing in order to meet the objectively assessed need. The applicant considers the housing figures and how they consider this will be met taking into account the Housing Delivery monitor.
- It is considered that the evidence, which demonstrates the potential to deliver a greater number of new homes at NW Bicester in advance of the new road link and tunnel, should be welcomed and actively supported. This is particularly crucial as there are still uncertainties on the actual timing for delivering the new road link and tunnel and a range of issues still needing to be resolved.
- The applicant directly controls over 350 acres of land at NW Bicester and is currently promoting the application for Himley Village. The applicant will provide a proportionate contribution to the delivery of the road tunnel and realignment.
- The applicant does not directly own or control the land required to deliver the rail tunnel but nor does any other single applicant.
- The applicant has the dominant land control position south of the railway and it is expected that the applicant would be able to work with adjoining interests to ensure that land is brought forward as and when is necessary for the delivery of the new road and other strategic infrastructure.
- With regards to technical approval and design of the new tunnel, the applicant is willing and able to commission and project manage the GRIP process with specialist input from a consultant team.
- The applicant notes that capital funding is being provided by way of a loan from the HCA, which it is assumed is intended to fund all the strategic infrastructure and is not being made available exclusively to A2D.
- The application is submitted with details on the likely delivery and phasing of development at Himley Village. It demonstrates that the first phases of development would commence in the southernmost first directly accessible off Middleton Stoney Road.
- Alongside new residential buildings, the first phases on development would also include the delivery of supporting uses and infrastructure including the new primary school, playing fields, hotel, localised retail facilities and other commercial uses as well as transport connections and a district heating network.
- The applicant also intends to bring forward proposals for an eco factory, research facilities and a skills academy. The applicant has entered into discussions with Albion Land about the possibility of bringing forward these

facilities within the parameters of their application (14/01675/OUT).

- The applicant would be able to commence development and substantially complete a first phase at Himley Village within two years of receiving an unfettered planning permission.

#### **4. Relevant National and Local Policy and Guidance**

- 4.1 The range of relevant National and Local Policy and Guidance relevant to this application is set out at paragraphs 4.1 – 4.8 of the January committee report provided at appendix 1.

#### **5. Appraisal**

- 5.1 At the January 2016 Planning Committee, Officers noted a range of concerns raised by Members. In summary, these related to:

- The type of commercial development proposed;
- The scale of the development proposed and its impact;
- The provision of a temporary access from Howes Lane;
- The impact of the development from vehicular movements;
- Concerns with how the proposal complied with Planning Policy in respect of issues such as biodiversity net gain, green infrastructure and modal shift.

The application was deferred, to allow Officers time to discuss the proportion of B uses across the application site.

- 5.2 Since the January committee, Officers have been in contact with the applicant and their agent to explore the following areas:

- The opportunities around a condition restricting the use class split within the site and whether the Council has adequate information before it to impose such a condition (i.e. in Environmental Impact Assessment terms);
- The physical impact of the buildings (in terms of their design and height);
- The options around the phasing of the site;
- To secure additional work around areas where the information was deemed insufficient by Officers (such as the sustainability credentials of the buildings, the framework travel plan, biodiversity net gain, green infrastructure, some issues around trees/ hedgerows and water and waste standards).

These issues will be discussed further below with reference back to the January 2016 committee report.

#### **Employment**

- 5.3 Paragraphs 5.22 to 5.47 of the January 2016 committee report discussed the employment aspects of this proposal. The application seeks outline permission for 53,000sqm employment floor space to be within Use Classes B2 and B8 with ancillary B1. Whilst the applicant seeks a flexible permission, the Environmental Assessment and transport work submitted, assumed a split of 30% B2 floor space and 70% B8 floor space. As the January 2016 report assessed, Officers concluded this split represented an acceptable proposal. Members however raised concerns with the uses proposed and requested Officers contact the applicant to negotiate whether a restricted scheme (i.e. to control a proportion of the proposal to be within a B8 use). At that meeting, a suggestion of 15-20% B8 was mentioned.

- 5.4 Following the January 2016 meeting, the applicant contacted Officers, suggesting that should Members be minded to impose a restrictive condition, the wording of such a condition could take the following form:

*No more than 20% of the floor space of the buildings hereby approved shall be*

*utilised for purposes falling within Class B8 specified with Schedule to the Town and Country Planning (Use Classes) (England) Order 1987.*

Officers were advised that the applicant's Transport Consultant intended to contact the Highway Authority to agree a scale of development that could be delivered within the available capacity agreed by the Highway Authority before the delivery of the tunnel under the railway and the realigned highway infrastructure. Following this, updated transport work was undertaken in order to assess the transport impacts of restricting the B8 proportion of uses on the site to 20% resulting in a higher proportion of B2 uses (i.e. 80%).

- 5.5 The transport work involved the submission of a Highways Technical Note and then email correspondence, between the applicant's Transport Consultant and the Highway Authority. The Highways Technical Note used the agreed trip rates from the original Transport Assessment and applied them to a restricted scheme. The result showed an increase in trip rates of approximately 24% in the 12 hour period when comparing a scheme with a split of 30% B2 and 70% B8 floor space with a restricted split of 80% B2 and 20% B8 floor space. The note emphasises that the trip rates are however still lower than the work carried out to support the Masterplan assumed, which assumed a higher proportion of B1 office floor space on this site. The note concludes that the revised development mix would not result in any material impact or differences on the local road network and the conclusions set out in the TA therefore remain valid.
- 5.6 The Highway Authority have considered the Technical Note and advised that in their view, the revised floor space split would make a material impact on the local road network, which is unacceptable in advance of the new strategic link road and tunnel. With the new infrastructure in place however, the impact is not severe. On this basis, it would therefore be critical to determine the level of development that could occur in advance of the new infrastructure.
- 5.7 The January 2016 committee report at paragraphs 5.90-5.111 covered the issues around the work required to the Howes Lane/ Bucknell Road junction, the constraints around development in advance of this work, the consideration by Officers as to where development can be accommodated in advance of the realigned infrastructure and tunnel (taking into account how any such development could support the delivery of the critical infrastructure, how it could be sustainably located to meet policy requirements and whether the development would be deliverable) and therefore what capacity would be available in advance of the required work and whether it would be sustainable for Albion Land to utilise some of this capacity. This is summarised under paragraph 3.2 within this update report. Additional information was provided to Members within the written update and verbally by Officers at the committee meeting and this is summarised within the representations section of this report.
- 5.8 Taking into account a restricted quantum of development, further work was carried out by the Applicant's Transport Consultant, who after some negotiation, proposed that 135 dwellings as well as 20% B8 (10,600sqm) and 23% B2 (12,190sqm) floorspace could be accommodated prior to the realigned infrastructure and tunnel being in place. This position was accepted by the Highway Authority and they confirm that this level of development would not exceed the modelled impact set out in the Hyder Note. The Highway Authority reiterates their comments with regard to the phasing and delivery of the development.
- 5.9 Officers therefore advise Members that in transport impact terms, it would be viable for Members to consider imposing a planning condition such that it would restrict the quantum of development of this site in the order of 20% B8 and 80% B2 floor space. It is also considered that in advance of the road infrastructure and tunnel, there is a level of development that could be permitted, that could be sustainably accommodated and a condition can control this.

- 5.10 Officers have further considered the opportunities around imposing such a restrictive condition and have reviewed the Environmental Statement which assesses the environmental impact of the proposed development. As set out, the ES assumes a split of 30% B2 and 70% B8 floor space. For some of the ES topics, a change in floor space quantum would not be likely to change the conclusions reached, these are the landscape and visual impact, ecology, agriculture and soil, lighting and light pollution, water quality, drainage and flood risk, utilities infrastructure, waste and recycling and socio economic impacts of the development. The change in floor space quantum could change the conclusions reached in respect of the impact of the development upon air quality and noise and disturbance, however the ES states that these topics have been assessed using the higher traffic flows from the Hyder work to inform the NW Bicester Masterplan. As the impacts around air quality and noise/ disturbance are likely to arise from vehicular movements at the construction and operational stage (because at the operational stage, activities from the commercial uses themselves can be controlled to ensure that all operations occur within the building and do not create noise levels greater than the background noise level at residential receptors), it is therefore considered that the ES is robust in terms of the conclusions it has reached in relation to these matters.
- 5.11 In terms of the transport impacts assessed in the ES, these are based upon a percentage split of 30% B2 and 70% B8 floor space. As is described, the implications of restricting B8 floor space, is that there would be a higher proportion of B2 floor space, which by its nature results in a greater number of vehicular movements. In these terms, the ES does not adequately assess the proposal if it were to be restricted in terms of its highway impact. Specifically, this relates to impacts around severance, driver delay, pedestrian delay and amenity, accidents and safety and hazardous loads. As explained, a restricted scheme (to 20% B8 and 80% B2) would result in a 24% increase in trip rates in the 12 hour period. This would result in a greater number of vehicular movements through the junction and therefore an increased impact. This impact has not been assessed within the Environmental Statement in the view of Officers.
- 5.12 Given the above assessment with regard to the adequacy of the ES in relation to a scheme restricting the B8 uses on the site, Officers do not consider that there is sufficient information in order to be able to confidently advise Members that imposing a planning condition to restrict the quantum of B8 on the site would continue to have an acceptable environmental impact. As such, Officers recommend to Members that the application is determined on the submission made by the applicant and on the same basis as was reported to Members in January 2016. As per the previous report, the recommendation is one of approval. Taking into account that the supporting statements have assessed a 30/70% split of B2 (30%) and B8 (70%), Officers recommend a condition to control this. Furthermore, Officers recommend a condition to control the level of development permitted in advance of the development work to provide the tunnel and road infrastructure in line with that considered acceptable by the Highway Authority taking into account the conclusions of the Highway Note 14042-13 discussed at paragraph 3.3. This level of development, along with 900 homes falls within the highway capacity accepted by the Highway Authority in advance of the tunnel and road infrastructure and Officers conclude that it would be appropriate to allow a level of development on this site in advance of the proposed infrastructure as discussed within the January 2016 committee report.
- 5.13 Members could consider it appropriate to impose a condition, however Officers advise that Members must be satisfied that this would not have significant environmental effects. Should Members determine it is appropriate to restrict the range of floor space; the condition outlined at paragraph 5.4 could be applied. It would also be necessary for there to be a change to the planning condition restricting development in advance of the road and tunnel infrastructure to reflect a restricted scheme (in line with that accepted by OCC at paragraph 3.4).

### **Other Matters**

- 5.14 Officers have attempted to use the time since the January 2016 committee to also seek additional information in relation to other matters that Members raised concerns in relation to and where Officers concluded that the application did not sufficiently meet policy requirements in order to have further information to present to Members.
- 5.15 It has not proven possible to negotiate further on the application and therefore it is reported back to Members for determination on the same basis as in January 2016. The applicant has however agreed that commercial development provided in advance of the development work to provide the tunnel and realigned road, would be accessed from the Middleton Stoney Road and therefore be within the large employment site only. This would mean that the temporary access from Howes Lane would serve the 135 dwellings only and can be controlled by planning condition (suggested condition 23). Areas where Officers considered further information is required in order to assess the policy compliance of the proposal (in relation to additional highways information re. Howes Lane Temporary access, a green infrastructure plan showing 40% across the site, evidence of a net gain for Biodiversity and a revised framework travel plan) is recommended to be sought prior to the determination of the application and therefore the recommendation is subject to this information being provided.
- 5.16 The January 2016 committee report, at paragraph 5.146 identified there was a need to remove one TPO tree and within the Arboricultural Officers comments at paragraph 3.14, the advice was that the work to remove tree T7 to allow the installation of the new road layout was agreed with. The information submitted pursuant to 14/01968/F for the road infrastructure showed a different layout for the road, which allowed this tree to be retained. Officers have attempted to clarify this with the applicant; however an update has not been forthcoming. Having reviewed this further, a later revision of tree protection plan within the ES appears to reflect the road alignment with a resolution to approve as part of 14/10968/F and appears to retain and protect TPO T7. On this basis, Officers recommend a planning condition to retain and protect this tree.

### **Engagement**

- 5.17 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. 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.

### **Conclusion**

- 5.18 Officers consider that the conclusions reached in the January 2016 committee report continue to apply and the application is recommended for approval on the same basis.
- 5.19 Notwithstanding this conclusion, should Members choose to impose a condition to restrict the percentage of B8 development on the site over that suggested by Officers, and in the circumstances that they are satisfied that this would not have significant environmental effects, the condition outlined at paragraph 5.4 of this report would be necessary. It would also be necessary for planning condition 22 to be amended to suit a level of development that could be permitted in advance of the development to provide the tunnel and realigned road infrastructure. This would need to reflect the level of development agreed by the Highway Authority at paragraph 3.4.

## **6. 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 attached at appendix B and subsequent

completion of S106 agreements

- b) The receipt of satisfactory information in relation to:
- Additional Highways information re. Howes Lane Temporary access
  - Green Infrastructure Plan showing 40% across the site
  - Evidence of a net gain for Biodiversity
  - Revised Framework Travel Plan
- c) The following conditions with delegation provided to the Development Services Manager to negotiate final amendments to the wording of conditions:

1. No development shall commence on any phase of the development until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) for that phase 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 for the first commercial or residential phase of development 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. In the case of all other reserved matters, in respect of subsequent phases, application for approval shall be made not later than the expiration of seven 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).

4. The development to which this permission relates shall be begun not later than the expiration of two years from the approval of the first commercial or residential phase reserved matter and for all other matters 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).

5. Except where otherwise stipulated by condition, the reserved matters to be submitted under condition 2 shall be in accordance with the following

plans and documents:

- AP(0)001 Red Line Boundary Relative to Existing Survey
- AP(0)002 Rev L Masterplan
- 3883-21 Connectivity Plan
- 3883-22-01 Building Heights Parameter Plan
- 3883-23-01 Housing Character and Density
- 3383-24 Land Use Parameter Plan
- 14042-30 Rev A Highway Infrastructure Middleton Stoney Road Access
- **Howes Lane access plan to be added once received**
- Site Specific Flood risk assessment prepared by Bailey Johnson Hayes ref S1209/ September 2014 and additional information included within letter dated 08/07/2015 from Bailey Johnson Hayes to the Environment Agency
- Air Quality Assessment dated September 2014 prepared by RSK
- Lighting Impact Assessment dated 19 September 2014 prepared by RSK
- Archaeological Evaluation prepared by Northamptonshire Archaeology dated March 2013
- Energy Assessment Version 3.2 dated September 2014 prepared by Silcock Dawson and Partners
- Tree Schedule prepared by Aspect Arboriculture

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.

6. Prior to the commencement of the development hereby approved, a phasing plan covering the entire site the subject of this application, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the approved phasing plan and development shall proceed in accordance with the approved phasing.

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

7. No more than 53,000sqm of employment floor space shall be provided across the two employment sites labelled 'Large Employment Plot' and 'Gross Small Business Allocation Area' on drawing number AP(0)002 Rev L.

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

8. The employment units provided on the small business plot shall not individually exceed 500m<sup>2</sup> in area and shall not be amalgamated to form larger units unless first agreed in writing by the Local Planning Authority.

Reason: To ensure a range of employment space is provide on the site that can accommodate a range of commercial uses as set out in Policy

Bicester 1 of the Cherwell Local Plan.

9. No more than 30% of the floor space of the employment plots hereby approved shall be utilised for purposes falling within Class B2 and no more than 70% of the floor space of the employment plots hereby approved shall be utilised for purposes falling within Class B8 both specified within the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (and all subsequent amendments). The approved floor space shall be used only for development within the approved Use, together with ancillary B1 use and for no other purpose(s) whatsoever.

Reason - In order to retain planning control over the use of the site and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. No more than 135 dwellings shall be constructed on the site.

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

11. The employment buildings shall not exceed a height of 16.75m to the ridge and 13.7m to the eaves.

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

Design

12. Prior to the submission of the first reserved matter for any development, an Urban Design Framework to cover the whole application site shall be submitted to and approved in writing by the Local Planning Authority. The Urban Design Framework shall set out the urban design approach for the site to include a regulating plan and supporting information to include;
- Details to provide continuity with adjacent development
  - Key approaches to deliver sustainable development that as a minimum meets the Eco Town PPS standards
  - Character areas for built form and green spaces and their key features
  - A Plan to demonstrate that 40% Green Infrastructure will be provided across the site and how this will be achieved
  - Indicative block size, structure and permeability
  - Movement network and streetscape including bus routes and stop locations
  - Public realm and public open space
  - Density and open space
  - Building heights
  - Key views, vista, landmarks, landscape character, trees and retained hedges
  - Legibility and diversity of built form and landscape



- Adaptability
- Play provision in accordance with Adopted Cherwell Local Plan Policy BSC 11

No reserved matters shall be submitted until the urban design framework has been approved in writing by the Local Planning Authority. All reserved matters applications and development shall thereafter be in accordance with the approved Urban Design Framework.

Reason: To secure the delivery of high quality sustainable development in accordance with Government guidance contained within the National Planning Policy Framework.

13. Prior to the first submission of a reserved matter for commercial development, a Design Code shall be submitted covering the two commercial areas of the site. The Design Code shall include:

- Block principles
- Street types, materials and details
- Building types, uses, materials and details
- Parking Strategy
- Boundary treatments and landscaping
- SUDs and open spaces
- Measures to ensure high quality development to key frontages
- Mitigation landscape planting

No reserved matters shall be submitted for development on the commercial areas of the site until the Design Code has been approved in writing by the Local Planning Authority. The development shall thereafter be in accordance with the approved Design Code.

Reason: To secure the delivery of high quality sustainable development in accordance with Government guidance contained within the National Planning Policy Framework.

14. Each reserved matter submission for built residential development shall be accompanied by details showing how Building for Life 12 has been used to inform the design process and that the scheme achieves Built for Life™.

Reason: To secure the delivery of high quality sustainable development in accordance with Government guidance contained within the National Planning Policy Framework.

## Dwellings

15. Prior to the submission of a reserved matters application for residential development, a schedule of the market housing, to accord with the requirements of Policy BSC4 of the Local Plan, in each phase of the development shall be submitted to and approved in writing by the local planning authority. The market housing shall thereafter be provided in accordance with the approved schedule (and detailed reserved matter approval) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the delivery of high quality housing to meet local needs in accordance with Government guidance contained within the Eco Towns PPS, National Planning Policy Framework and Policy BSC4 of the Local Plan.

16. All dwellings shall be provided with real time energy and travel information in accordance with details to be submitted prior to the commencement of the construction of any dwelling unless otherwise agreed in writing by the Local Planning Authority. No work shall commence on the construction of the dwellings in any phase until the submitted details have been approved.

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

17. Each reserved matter application submission shall be accompanied by a statement setting out how the design of buildings and the layout has taken account of future climate impacts, as identified in TSB research 'Future Climate Change Risks for NW Bicester', or any more recent assessment that has been published, and how the proposed development will be resilient to overheating, changing rainfall patterns and higher intensity storm events.

Reason: To address the impacts of climate change in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

18. Prior to the commencement of each phase, those areas of the phase that are subject to elevated levels of noise, principally from road traffic sources, shall be identified and the dwellings that are constructed in these areas must be designed and constructed in such a manner that they contain elements of sound insulation that will ensure that the internal noise levels contained within BS 8233:2014 Table 4 are achieved.

Reason: To ensure that properties are not subject to high levels of noise in accordance with Government guidance contained within the National Planning Policy Framework.

#### Phase conditions

19. All phases of development shall be provided with high speed broad band (not less than 100mbs); such that on occupation of each building on the phase the occupiers can secure a high speed broad band connection.

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

20. No development shall commence on construction of any development approved by a reserved matter until a report has been submitted outlining how carbon emissions from the construction process and embodied carbon have been minimised. No work shall commence until the report has been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the plan.

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

21. Any reserved matter application for commercial development to include plant and/or machinery shall be accompanied by a noise assessment relating to that proposal demonstrating that there will be no increase in background noise levels at the nearest existing or proposed residential properties to the building.

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

#### Transport

22. No more than 135 dwellings, plus 26,500sqm floorspace within use classes B2 and B8 shall be constructed until the development work to realign Howes Lane/ Lords Lane approved under application 14/01968/F has been completed and the road is open to vehicular traffic.

Reason - Oxfordshire County Council as Highway Authority have advised that there is a need for a restriction on the quantum of development that can occur at North West Bicester prior to the opening of the Howes Lane/Lords Lane realignment. The maximum traffic that can be accommodated is a total of 900 homes (including 393 at Elmsbrook) and 40% of the proposed overall 10 hectares of employment land. The development identified to take place prior to the Howes Lane/ Lords Lane realignment would fall within this identified capacity in vehicular movement terms. Beyond this and without the realignment, the highways impact of development over the identified capacity would be severe. A restriction on development is therefore necessary until such time that the tunnel is in place and open to vehicular traffic to mitigate the impact of traffic from the development in accordance with Government Guidance within the Eco Towns PPS and the National Planning Policy Framework. On the basis that the developers of the land propose to set aside the land to allow construction of the Howes Lane/Lords Lane realignment, and for reasons of sustainability, the existing available capacity is safeguarded for the land to the north of the railway line in respect of 900 homes and the identified development allowed by this Planning condition.

23. Any commercial floorspace within use classes B2 and B8 to be constructed before the work to realign Howes Lane/ Lords Lane has been completed and the road opened to vehicular traffic, shall be accessed from the B4030 Middleton Stoney Road.

Reason – In order to safeguard the amenities of the area and to safeguard the amenities of the occupants of the adjoining dwellings in accordance with policy C30 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011-2031.

24. Prior to the commencement of any phase of the development hereby approved, full details of the means of vehicular accesses for that particular phase between the land and the highway, including layout, construction, drainage, lighting and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation on any phase, 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.

25. Prior to the first use of the access to be approved, the existing field accesses onto the A4095 except any that shall be required for approved pedestrian or cycle access under condition 26 shall be permanently stopped up by means of full face kerbing, planting, and the reinstatement of the highway verge and shall not be used by any vehicular traffic whatsoever.

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

26. Prior to the commencement of the development hereby approved, full details of the means of footway and cycleway links between the land and the local highway network, including, position, layout, construction, drainage and street lighting and a programme for provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of footway and cycleway links 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.

27. The on-site pedestrian and cycle routes shall be signed in accordance with details to be submitted to and agreed in writing by the local planning authority prior to the first occupation of any dwellings. The signage shall then be provided for each route prior to its first use.

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

28. The temporary road link shall be closed to vehicular traffic at the point that it meets the existing Howes Lane at the same time that the realigned Howes Lane approved under application 14/01968/F is opened to vehicular traffic.

Reason – In order to secure the proper planning of the area and the comprehensive development of adjoining land and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

29. Prior to the commencement of any phase of the development that would be accessed by a temporary link from the existing Howes Lane, full details of the access arrangements between the land for that phase and the existing Howes Lane including the arrangements for vehicular, pedestrian and cycle connections and the associated off site footways, crossing and lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved plans prior to the first occupation of any building on any phase accessed by the temporary link.

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

Framework.

This condition would not be required or would be in an amended form in the event that this information is submitted prior to the determination of the development as recommended.

30. Prior to the commencement of any phase details of footpath improvements and directional signage between Howes Lane and Shakespeare Drive retail and community facilities and Kings Meadow Primary School shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. No occupation of buildings on the site shall take place until the approved signage and improvements have been completed unless agreed in writing by the local planning authority.

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

The requirements of this condition could be picked up by the S106, however would require further detail up front. Officers recommend that the use of this condition be reviewed as part of the S106 negotiations meaning it may be removed.

31. No development shall commence on a phase until a Construction Traffic Management Plan providing full details of the phasing of the construction of that phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route for HGV traffic to the development site. The approved Plan shall be implemented in full during the entire construction period of the phase.

Reason – In the interests of highway safety and to safeguard the residential amenities of local residents in accordance with Government Guidance in the NPPF.

32. Prior to the commencement of the development on either the residential or employment phases hereby approved, full details of the bus stops serving that phase, including, location, layout, construction, drainage and shelter type shall be submitted to and approved in writing by the Local Planning Authority. The work to provide the bus stops shall be completed prior to the first occupation of development on that phase.

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

33. Each reserved matter application submission shall be accompanied by a Travel Plan setting out how the development (and/or the specific phase) will enable at least 50 per cent of trips originating within the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent, in accordance with the Eco Towns PPS ET 11.2 (a). The Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to any occupations and the actions of the travel plan shall thereafter be delivered in accordance with the Travel Plan.

Reason: To ensure sustainable travel in accordance with Government

guidance contained within the Eco Towns PPS and National Planning Policy Framework.

## Contamination

34. Prior to the commencement of any phase of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development of that phase shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

35. If a potential risk from contamination is identified as a result of the work carried out under condition [34], prior to the commencement of development within that phase, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development of the phase shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

36. If contamination is found by undertaking the work carried out under condition [35], prior to the commencement of development on the relevant phase, a scheme of remediation and/or monitoring for that phase to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development on the phase shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

37. If remedial works have been identified in condition [36], the development within that phase shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition [36]. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

38. No occupation of any phase shall take place until a verification report for that phase demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To ensure that contamination at the site is remediated to ensure controlled water quality is protected as required by PPS1 Policy ET17 and the NPPF.

39. If, during development of any phase, contamination not previously identified is found to be present at the site then no further development of that phase (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy has been submitted to the local planning authority. The remediation strategy shall detail how this unsuspected contamination shall be dealt with and written approval from the local planning authority shall be obtained. The remediation strategy shall be implemented as approved.

Reasons: To ensure that any unexpected contamination encountered is dealt with, such that it does not pose an unacceptable risk to controlled water quality as required by PPS1 Policy ET17 and the NPPF.

Biodiversity

40. No development shall commence on any phase unless or until an up to

date ecological survey for that phase has been undertaken to establish changes in the presence, abundance and impact on bio diversity. The survey results, together with any necessary changes to the mitigation plan or method statement 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 ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

41. The hedgerow and tree labelled TPO 3 through the area of the site labelled 'Large Employment Plot' on drawing number AP(0)002 Rev L shall be retained in situ and no development shall take place within 10m of the centre line of the hedge or within the root protection zone of the tree, unless otherwise agreed in writing by the Local Planning Authority.

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.

42. The tree labelled TPO7 identified on drawing number 8567 TPP 04 Rev A shall be retained and protected in accordance with that shown on drawing number 8567 TPP 04 Rev A.

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.

43. The retained hedges shall have a buffer a minimum of 20m in width comprising of 10m either side of the retained hedge and the woodlands shall have a buffer a minimum of 10m in width when measured from the canopy edge, unless otherwise agreed in writing by the Local Planning Authority. The hedge and woodland buffers shall be maintained as public open space and managed to maintain and create bio diversity.

Reason: To protect biodiversity and historic landscape features in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

44. No development shall commence on any phase until details of any existing hedgerow, or part thereof, to be removed, and proposals for creation of new compensatory hedgerow, have been submitted to and approved in writing by the Local Planning Authority. The compensatory hedgerow shall be provided in accordance with the approved details.

Reason: To protect biodiversity and historic landscape features in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

45. Notwithstanding the submitted information, no development shall commence on any phase until a scheme for the provision of protective fencing, to prevent damage during construction, for the retained



hedgerows, trees, woodlands, the stream corridor, ponds and areas of green space, within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed in accordance with the approved plans prior to work commencing on site.

Reason: To protect biodiversity and historic landscape features in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

46. Prior to the submission of reserved matters a Bio Diversity Strategy for the site shall be submitted and approved in writing by the local planning authority. Each reserved matter application submission shall be accompanied by a statement setting out how the proposed development will contribute to achieving the Bio Diversity Strategy and net biodiversity gain within that phase. The development shall be carried out in accordance with approved the biodiversity statement.

Reason: To secure net biodiversity gain in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

47. No development shall commence on any phase until a Landscape & Habitat Management Plan (LHMP) for that phase detailing both management and monitoring proposals for green space (excluding building curtilages) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the LHMP shall be implemented in accordance with the approved details.

Reason: To secure net biodiversity gain in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

48. All areas of public open space within each phase shall be laid out and available for use prior to the first occupation of any building within that phase. The public open space shall be retained for that purpose in perpetuity.

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.

#### Construction

49. No development shall commence on any phase until a Construction Environment Management Plan (CEMP), reflecting the suggested mitigation in the Environmental Statement including measures to be taken to ensure construction works do not adversely affect the existing biodiversity of the site and residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development of the phase shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and

Government guidance contained within the National Planning Policy Framework.

50. Construction noise levels from the site shall not exceed the predicted mitigated façade construction noise criteria levels set out within table 10.11 of the Environmental Statement dated October 2014.

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

51. No development shall commence on any phase until a Soil Resources Plan that details the soils present, proposed storage locations, handling methods and locations for reuse, shall be submitted to and approved in writing by the local planning authority and thereafter the development for that phase shall be carried out in accordance with the approved plan.

Reason: To ensure the soil resource is managed on site in accordance with Adopted Cherwell Local Plan policy Bicester 1.

52. No development shall commence on any phase until details of existing and proposed ground and floor levels for that phase have been submitted to and approved in writing by the local planning authority. The development of that phase shall thereafter be carried out in accordance with the approved levels.

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

#### Archaeology

53. Prior to any demolition on the site, the commencement of any phase of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the phase 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.

54. Prior to any demolition on the site and the commencement of any phase of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition [53], a programme of archaeological evaluation, investigation and recording of the phase area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and 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.

## Drainage

55. Development shall not be commenced until Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the Local Planning Authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand in accordance with Policy Bicester 1 of the adopted Cherwell Local Plan.

56. Development shall not commence until a foul drainage strategy for conveyance and treatment, detailing any on and/or off site drainage works has been submitted to and approved in writing by, the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. No building shall be occupied until the foul drainage has been provided in accordance with the approved strategy.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to treat and convey foul flows from the new development; and in order to avoid adverse environmental impact upon the community and water environment (as required by ET17 of PPS1).

57. Prior to the submission of any reserved matters, a full surface water drainage strategy for the entire application site, in accordance with the Flood Risk Assessment accompanying this application, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Oxfordshire County Councils Drainage Team & Natural England). The development shall be carried out in accordance with the approved Drainage Strategy.

Reason - To mitigate the risk of surface water flooding, protect water quality and biodiversity on the site in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework

58. In addition to the site wide detailed surface water drainage strategy, each Reserved Matters application shall be accompanied by a detailed surface water drainage scheme, to meet the flood risk, water quality, green infrastructure and biodiversity requirements of the entire site or agreed phase. The scheme shall include details of long term management and maintenance of the surface water drainage features in the scheme. The detailed surface water drainage scheme shall be in compliance with the approved Flood Risk Assessment, Surface Water Drainage Strategy and the Masterplan Surface Water Drainage Strategy and the approved site wide detailed surface water drainage strategy. No residential or commercial development of a phase shall commence until the detailed reserved matter surface water drainage scheme has been approved in writing by the Local Planning Authority. The development shall be carried out and managed in accordance with the approved scheme.

Reason: To mitigate the risk of surface water flooding, protect water quality and biodiversity on the site in accordance with Government

guidance contained within the Eco Town PPS and the National Planning Policy Framework.

59. Each detailed drainage scheme shall be accompanied by a scheme of maintenance for all drainage features which shall be agreed in writing by the Local Planning Authority. The scheme for maintenance shall apply thereafter and in perpetuity unless agreed otherwise in writing with the Local Planning Authority.

Reason: To mitigate the risk of surface water flooding, protect water quality and biodiversity on the site in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework.

60. No development of a phase shall commence on a commercial building until details of measures to be installed into the commercial buildings within that phase to minimise water consumption have been submitted to and approved in writing by the Local Planning Authority. The development of the phase shall be carried out in accordance with the details so approved.

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

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

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

62. Prior to the commencement of the development, details of a strategy to work towards water neutrality, in accordance with the Eco Towns PPS shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall thereafter be carried out in accordance with the approved strategy.

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

#### Employment

63. Operational noise levels from the site shall not exceed the target noise criteria levels set out within tables 10.12 and 10.13 of the Environmental Statement dated October 2014.

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

64. Each commercial building shall be registered with a BREEAM Certification body and a pre-assessment report (or design stage certificate with interim rating) indicating that the development can achieve BREEAM Excellent shall be presented to the Local Planning Authority with the submission of each reserved matters application. A final certificate certifying that BREEAM Very Good has been achieved

and that the building has the capability of achieving Excellent shall be presented to the local planning authority within 3 months of the occupation of the development.

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

65. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

66. Prior to the commencement of the development of a commercial phase, a scheme for lighting the commercial areas of the site within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented prior to the first occupation of the commercial area within that phase.

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

#### Waste

67. Prior to the commencement of development on any agreed phase a Site Waste Management Plan, targeting zero waste to landfill and setting targets for residual waste, recycling and diversion from landfill, for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved Site Waste Management Plan shall thereafter be implemented in accordance with the approved details.

Reason to ensure the appropriate management of waste in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework.

68. Prior to the commencement of the development, a waste strategy, setting targets above national standards for residual waste levels, recycling levels and landfill diversion and which identifies measures to facilitate waste reduction and recycling for residential and commercial occupiers shall be submitted to and approved in writing by the Local Planning Authority. The waste reduction measures shall be implemented in accordance with the strategy.

Reason to ensure the appropriate management of waste in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework.

#### **STATEMENT OF ENGAGEMENT**

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 to progress this application and to resolve concerns.