

**Site Address: OS Parcel 0070 adjacent  
and North of A41 London Road, Bicester**

**16/00861/HYBRID**

**Ward:** Bicester South & Ambrosden

**District Councillor:** Councillors Anderson, Cotter  
and Sames

**Case Officer:** Linda Griffiths

**Recommendation:** Approval

**Committee Date:** 29 September 2016

**Committee Referral:** Major

**Applicant:** Mr Warren Francis Reid

**Application Description:** Revisions to outline planning application 15/02316/OUT to comprise a HYBRID planning application for: Full planning permission for 18,394 sqm (198,000 sqft) of logistics floor space within Class B8 of the Town and Country Planning Use Classes Order 1987, with ancillary Class B1(a) offices together with access from A41 Aylesbury Road, associated infrastructure including lorry parking, landscaping, amenity open space and sustainable drainage and private sewage treatment plant. Outline planning permission from up to 44,314 sqm (477,000 sqft) of logistics floor space, within class B8 of the Town and Country Planning Use Classes Order 1987, with ancillary B1(a) offices, together with associated site infrastructure including lorry parking, landscaping, amenity open space, sustainable drainage and private sewage treatment plant. Details of means of access from Aylesbury Road are included for approval

**1. Site Description and Proposed Development**

- 1.1 The site is located approximately 3.2km to the south east of Bicester town centre and 0.5km north of the village of Ambrosden immediately adjacent to the A41. The site consists of three agricultural fields, predominantly used as grazing land. The site contains a steel-clad livestock barn which is accessed from a track directly to the A41. This building will be demolished as part of the development proposals. The fields are all well defined by existing hedgerows and trees. The site forms part of the wider Bicester 12 allocation for mixed use development within the adopted Cherwell Local Plan 2011-2031.
- 1.2 The site extends to 16.42 hectares (40.57 acres) and has frontage to the A41 along the whole of its southern boundary. Bordering the western boundary adjacent to the A41 is a pair of two storey semi-detached cottages, known as Wretchwick Farm Cottages. Open agricultural land lies to the north and east of the site. To the southern boundary, opposite the A41 are two Grade II Listed Buildings. Graven Hill is situated to the south west of the site.
- 1.3 The application now seeks consent for 62,709sqm (675,000sqft) of B8 logistics floor space with ancillary B1(a) offices. The application seeks detailed consent for the most eastern section of the site for 18,394 sqm of B8 floor space across two buildings and site infrastructure including lorry parking, structural landscaping and drainage; and outline consent for up to 44,314 sqm on the remainder of the site, also for B8 use with ancillary B1(a) offices. A new vehicular access is proposed to serve the development directly to A41 just to the east of the Ambrosden turn for which detailed consent is sought in connection with units A1 and A2, but would also serve the remainder of the site. The offices are indicated at the front of the buildings overlooking the car parking area. Landscape buffers are provided to the A41 boundary and to the northern, eastern and western boundaries.

- 1.4 Members will recall that this application was deferred at the last meeting at the applicant's request in order to seek to address the reasons for refusal.

## 2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notices and a notice in the local press.

24 letters of objection have been received. The following issues were raised

- Some more green space has been introduced round the edges of the development but extent is inadequate for height of building
- Now no parking except a few places for the privileged, appears to return to 1950's where workers had to walk or cycle and thus live nearby
- Workers from Graven Hill will have difficulty crossing the A41 which is one continuous stream of traffic at peak times
- More HGV's will cause more pollution, traffic jams and noise. Noise from lorries reversing signals and lights at night for 24/7 operation
- Development will be ugly and in the wrong place, too close to houses and schools and will spoil the skyline for generations to come
- Too close to River Ray and its catchment, need to listen to drainage experts at OCC and Thames Water
- Will be the first thing you see coming into Bicester from A41, not the garden town idea, important that any entry point reflects care and respect of the environment
- Next to the motorway like Banbury is a better location
- Difficult to comprehend the need for more logistics floor space in Bicester as well as Graven Hill
- This application should not be viewed in isolation from the remainder of Bicester 12, it is essential a master plan is in place before individual planning decisions are made
- Also understand a master plan for whole Bicester being currently scoped, this will be pointless if individual decisions have already been made
- Bicester does not need further warehousing in addition to that already approved at Skimmingdish Lane and that submitted at Howes Lane.
- Proposal dwarfs Wretchwick Farm cottages and completely disregarded the concerns of its residents
- Development needs to cater for high technology industries to reduce the level of out-commuting
- Promoter claims that employment generated by the site would be 930 jobs. This is an overestimate and under 75% would be achievable. Jobs in fully automated would be considerably less, most of which would be lower paid
- Would like to see plans for this whole area completely re-evaluated with a view to creating a far greater number of well landscaped low impact units, supporting new environmental or green technology industries and providing highly paid jobs
- Disturbance to natural environment – wildlife such as bats, red kite, deer, great crested newts, rare butterflies and badges, flora and fauna
- Strongly urge councillors to uphold the heritage of Bicester and ensure all further development is in keeping with the history as a market town, the designation of a garden town and encouraging retention of large green open spaces, wildlife areas and innovative, considerate developments rather than simple large scale industrial warehousing, shed city may be more apt
- This hybrid application shows 2 buildings at the far east of the site with

the remainder unplanned. This is speculative and the danger is that the 2 proposed buildings will be erected and the remainder left undeveloped

- Traffic on A41 is already at dangerous levels for vehicles turning into and from the junctions near Bicester. Existing traffic from Ambrosden at peak times has to queue to turn safely onto or across A41. This development will add a further dangerous T-junction. Traffic to/from the warehouses will have to cross in front of oncoming traffic and will be constrained by the low bridge at the A41 junction to Blackthorn/Launton
- Bicester has insufficient road capacity
- Proposal will negatively affect the LWS (Meadows NW of Blackthorn Hill) and the River Ray CTA. BBOWT should be consulted. BBOWT has many sites around Blackthorn and the detrimental effects of this development on plants and animals should be examined by our Wildlife Trust
- The site itself has intrinsic local environmental value as stated in the ES. Surveys show the presence of a breeding population of the rare brown hairstreak butterfly as well as endangered farmland birds. On the red list for Birds of conservation concern found on the site are song thrush, linnet and yellowhammer and on the amber list green woodpecker and dunnock. Concerned that the site provides any space for biodiversity gain as required by NPPF, if not there should be compensation for loss
- Drainage from the site will be large in volume and polluted from diesel. This area is already low-lying and run-off from the buildings will add to the difficulties of water management
- Signage on the buildings should be restricted in size, not illuminated and erected at a height that is not visible in the wider landscape setting
- Landscape screening proposed will be of limited use in screening such large buildings
- Details should include modelling of the proposed landscaping
- Grey is not helpful in reducing the impact of these buildings
- Lighting and night time working should be restricted
- The shadow analysis provided is wholly misrepresentative in terms of its impact upon nearby property and loss of light
- No details of planning obligations or CIL. The business rates generated should also be within the public domain to assess any benefits of the scheme
- This is speculative and already being marketed by Savills stating 'development opportunity' and target delivery date of Autumn 2017.
- Junction 9 of M40 is already overburdened
- Changes to HYBRID application do not address the objections raised in respect of the outline
- Traffic impacts should not ignore adjacent county and communities
- Other than A41, B4011 is the ONLY southbound road in the vicinity of the application without a weight restriction on it
- Development likely to have a significantly detrimental effect on both Oakley and Long Crendon
- No public transport links near the site, the nearest bus stop is in Ambrosden and the route is not well serviced
- Wording indicates the object is to achieve BREEAM 'very good', however this does not indicate commitment only an intention. Ideas for self-sufficient green energy have not been built into the development
- As an eco-town the standard should be BREEAM excellent

The above letters of objection can be read in full on the application file.

## 2.2

Langford Village Community Association representing 4,500 residents also object as follows:

1. Should not be viewed in isolation but for Bicester 12 in its entirety, master plan

should be in place before making a decision. Premature to Bicester master plan which has yet to go out to public consultation

2. Contrary to NPPF
3. Contrary to Economic Development strategy 2011-2016 which recognises that Bicester has every opportunity to become a location for higher value and knowledge based business
4. Contrary to adopted Cherwell Local Plan 2011-2031

The above comments can be read in full on the application file.

2.3 Significant objections have been received from the occupiers of Wretchwick Farm Cottages adjacent to the site whose concerns are summarised as follows:

- Multisite access points contrary to Local Plan and proposed primarily to justify early development of this portion of site 12, and not the development of site 12 as a whole
- Increased traffic volumes along this section of A41 which is already at capacity and will negatively impact on existing junctions
- Issues with OCC assessment and inaccuracies in the submitted Transport Assessment
- Inaccurate and misleading traffic survey on A41
- Visual impact and loss of light due to height and location of warehouses
- Noise nuisance – the combination of the proposed developments of an employment hub across Akeman Park and Wretchwick Green consisting of light industry and huge B8 distribution warehousing to the rear on both sides of the property, effectively surrounding the property will create an unbearable and unacceptable level of additional noise nuisance, possibly 24/7
- High buildings will also act as a reflector, bouncing noise from A41 to the rear of these properties
- Vibration nuisance from HGV's. The ES states ' due to the type of development proposed and its distance from the nearest sensitive receptors, the construction phase of the proposed development is unlikely to give rise to significant vibration at sensitive receptors, it has therefore not been assessed further. This was highlighted in the objections to the outline application and have not been addressed
- Light nuisance
- Air pollution
- Loss of visual amenity
- Loss of privacy
- Impact on notable species
- Impact on River Ray Meadows Conservation Target Area
- Impact of lighting on wildlife
- Warehouse designs and lack of sustainability
- Impact of rights of way
- Incorrect estimate of job numbers
- Speculative plans
- The location and design of the massively intrusive warehousing proposed for this site is totally inappropriate. The size and nature of B8 distribution warehousing means that this site, as proposed, is incapable of generating the 1000 jobs claimed by the applicant and as required by the Local Plan. More importantly for us, the development would make life in our homes completely intolerable.

This comprehensive objection can be read in full on the application documentation.

2.4 A petition containing 200 signatures has also been submitted objecting to the application on the following grounds:

1. The development is only reduced 7% from the original plans and will destroy

- the characteristic farmland entrance to 'Bicester garden Town'. The entire site goes against 'eco-town' principles
2. It will cause intolerable increased traffic with attendant road safety hazards. The residents will experience increased noise, light and air pollution from lorries and workers vehicles arriving and leaving 24/7
  3. The one business proposed in this hybrid, in an attempt to push for an early approval only offers 85 of the 1000 jobs promised. This is less than 10% of the employment in over 1/3 of this 700,000 sqft space, and the other building complex is speculative. None are designed to offset carbon footprint with no renewable energy provisions
  4. Onsite biodiversity will be ruined as will wildlife in the adjacent wildlife site
  5. The water run-off and the water table will be severely affected
  6. There are numerous empty warehouse sites in the district, and Graven Hill is already suitable and can be preferably used. Plans for at least 3 other warehouse sites are in process in Bicester.

### 3. Consultations

#### 3.1 **Bicester Town Council:** strongly object on the following summarised grounds:-

- While partly meeting some of the requirements of Policy Bicester 12 it fails to meet others
- Conflict with local plan policy related to sustainable economy. B8 units will have limited ability to create a lower carbon economy and more jobs in the knowledge based sector and this development represents poor design in that effectively there will be buildings that do little to attempt to merge into the surrounding developments and character of the area, especially in relation to Wretchwick Farm Cottages.
- Policy Bicester 12 emphasises the provision of B8 be considered 'primarily', this is different to predominant and does not prescribe there should only be B8 provision. In this application B8 use is the predominant use and therefore falls outside of the plan. Little attempt of any to liaise with the developers of the remainder of Bicester 12.
- Contrary to Policy SLE1 in that it would have an adverse impact on Wretchwick Farm Cottages in terms of scale and proximity to them. Landscaping will take years to mature and provide effective screening. In addition to massing, impacts of air quality, noise and vibrations due to HGV movements on the site, compounded by 24 hour usage. Little evidence of an attempt to integrate the development with the rest of Bicester 12.
- Transport – proposals under Policy SLE1 should 'not give rise to excessive or inappropriate traffic'. The necessary infrastructure needed to support the operation of these B8 units to provide direct access to the M40 and A34 detailed under paragraph B.73 does not currently exist, the SE Relief road being some years from completion so majority of vehicles will have to use the already congested route along A41 to Junction 9 of M40. The need for vehicle movements exiting the site to turn right onto A41 with the proposed junction creates the potential for serious accidents as is evidenced by the junction at Peregrine/Wretchwick Way. Independent consultants engaged by Ambrosden Parish council recommend a roundabout id the safest type of junction.
- Contrary to Policy SLE4 which states 'encouragement will be given to solutions which support reductions in greenhouse emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have severe traffic impact will not be supported' Given that the development will come ahead of any residential development at Bicester 12 there will not be a network of cycle and pedestrian routes into the site which will further generate additional car movements to access the site.
- Community consultation - views of the local community do not appear to have

been taken into consideration by the applicants, this fails to regard paragraph 66 of the NPPF

- The development of 'primarily B8' units in this location is in direct conflict with the aspiration contained in the parts of the Plan highlighted to support Bicester's attraction to businesses in the knowledge based and high technology sectors
- B8 should be considered at Graven Hill in advance of B8 development in other areas such as Bicester 12
- Concern that B8 will not deliver the number of jobs envisaged
- The proposed development is not in accordance with paragraph 14 of the NPPF, it is not sustainable in terms of design, transport, economy, integration with other proposed development and amenity of local residents. The material considerations outweigh any benefits that might be gained and therefore planning permission should not be granted,

The above mentioned comments can be read in full within the application documentation.

3.2 **Blackthorn Parish Council** object as follows:

- Increased traffic on A41
- Further congestion through Bicester
- Lack of provision of employee car parking
- Access onto and off A41

3.3 **Ambrosden Parish Council:** maintain an objection to the development of this site for B8 uses. Ambrosden PC has retained the services of Transportation and Flood consultants and their updated reports will be provided under separate cover. The objections are summarised below as follows:

- Levels, the DAS states a cut and fill approach to site levels and drainage while appendix G of the Peter Brett report states that floor levels will be above existing ground levels
- Claim the heights of buildings are reduced, but increase in levels could be interpreted that finished roof levels will actually be 1m above that proposed in original outline. Developer should be required to confirm finished floor levels now and provide accurate site sections and photo montages to demonstrate the impact, together with up to date visual assessments to reflect the increases in ground level
- Development of brownfield sites should occur before greenfield such as former Lear site Bessemer Close
- Accept this is part of Bicester 12 allocation but that does not give any advice as to the locations of commercial or residential development. The original smaller allocation had a strong relationship with the existing commercial uses on Charbridge lane. No justification has been submitted for this part of Bicester 12 to have commercial use.
- Visual impact, no assessment has been made when travelling west along A41 to Bicester or Ploughly Road from Ambrosden with the exception of assessments from the far extremities of these zones. Midpoint assessments should be made, the visual impact will be excessive with a 0.5m length of skyline being unremittingly blocked by a large mass of buildings. Proposed buildings will dominate the skyline from Ambrosden, removing any visual separation between Ambrosden and Bicester.
- Scale of planted buffer zones which in some areas is 10 or less is insufficient
- Repositioning the buildings in phase 1 to move them further from A41 is appreciated, however, those in phase 2 now appear to be closer
- Impact on neighbouring dwellings is excessive contrary to paragraph B.42 of the local plan
- Transport report has been updated but still does not appear to have

addressed the Parish's concerns about impact on traffic flows on A41 and Ploughley Road junction or an assessment in the increase in traffic flows through Ambrosden which is used as a rat-run to Oxford

- TA assumes majority of employees and traffic will come from Bicester via A41, there is no justification for this assumption.
- No assessment has been made of traffic turning right from the Ploughley Road junction
- Impact on B4011 has not been fully considered and the accident data presented is misleading
- The proposal for a vehicular access on A41 is surprising considering the accident data for the junction of LC Hughes with A41 just to the east. It is suggested that either traffic lights, or a roundabout will be the only safe way to provide access
- Application proposes that a footway and cycle path will be created on north side of A41 with a traffic island enabling connection with the cycle path to the south side, this has not been maintained and is very overgrown and currently unsafe and fit for purpose. Rodney house roundabout is an accident blackspot and the proposal contains no proposals to provide safe crossings for cyclists.
- No assessment of safety impacts of creating a pedestrian island on A41 in a 50mph zone
- Surface water flooding issues have not been addressed
- With the exception of tree planting, no ecological enhancements to offset ecological loss, such as green roofs, bird and bat boxes, enhanced habitats
- Impact on Thames Water main which was installed about 10m to the north of A41 about 4 years ago, thus impacting on landscaping proposals
- No proposals to off-set the proposed energy use of this development
- Major site, in an isolated location separated from the rest of Bicester or surrounding villages with no proposals for childcare facilities to serve the 1000 staff and no facilities for shops or food provision.

The above comments can be read in full on the application documentation.

Ambrosden Parish Council have commissioned a Highways Technical Report in respect of both this hybrid application and the previous outline consent against which an appeal against non-determination has been lodged (15/02316/OUT refers) by Paul Basham Associates. The findings of that report are summarised as follows:

- The robustness of the background data in the Akeman Park TA was originally questionable but subsequent work by the consultant has increased the robustness of the data and modelling. However, the closest junction to the site access, which is likely to be most affected by the proposed development, has not been surveyed or modelled and this is a specific concern for Ambrosden Parish Council
- The Akeman Park TA has not used the busiest time periods for the calculations. Based on the number of jobs expected at Akeman Park, peak hour vehicle movements might be significantly higher than calculated in the TA. The distribution of development traffic is unclear and it is very unlikely that no development traffic would travel through Ambrosden
- The proposals cannot currently deliver adequate sustainable transport connections. The existing shared footway/cycleway south of the A41 is unsuitable for cycling and there are no proposals within the TA to upgrade this link. As there are currently no other cycle routes into Bicester, the proposed development can therefore not deliver safe cycle links to Bicester until Bicester 12 is developed
- The pedestrian refuge should not be implemented without speed reduction measures and it is considered that visibility for pedestrians is sub-standard at this location. No information is provided on the design or location of the bus stops. The applicant should provide preliminary drawings of the bus stop

proposals and commission an independent Stage 1 Road Safety Audit to demonstrate how the sustainable transport proposals can be delivered safely.

- The Akeman Park TA does not describe any accidents on the Ploughley Road junction as the causation factors were not considered related to road layout. There were, in fact, five accidents including one resulting in serious injuries in the latest 5-year period. Two of the five accidents on the Ploughley Road junction include turning movements and might have been the result of excessive speeds and poor road layout.
- The proposed ghost island priority junction site access is not appropriate due to the volume of traffic and speeds on the A41. A roundabout would allow the HGVs a safe right turn out of the development and could incorporate safe pedestrian crossings.
- A 4-armed site access roundabout incorporating the Ploughley Road junction would provide safe access to the proposed development and deliver significant betterment to the local road network by improving conditions for right turning vehicles out of Ploughley Road and providing safe pedestrian crossing opportunities.

The above report can be read in full on the application file.

OCC as highway authority have been asked to comment on the above. Their response is discussed within the main body of the report.

### **Cherwell District Council Consultees**

#### **3.4 Planning Policy Officer:** comments as follows

- The application proposals are on land allocated in the Local Plan 2011-2031 for mixed use development (housing and employment), including 1,55 new homes and 40 hectares of employment land. The local Plan policy relates to the allocation is Policy Bicester 12 (SE Bicester) and the allocation is shown on Bicester Policies Map 5.2 and inset map Bicester 12. The principle of employment development in this location is therefore established and the site has an important role to play in the delivery of new employment development to support the growth in housing and to reduce out commuting at Bicester. The proposal for employment development is consistent with Policy Bicester 12 in this regard
- Policy Bicester 12 identifies employment use classes; B1, B2 and B8 (primarily B8 uses) for the site. The application proposals are in line with policy Bicester 12 with the application proposing B8 uses with ancillary B1 uses. It is noted that B2 uses are not proposed in the application which is inconsistent with the policy. However, market signals will need to be taken into account
- With this application only covering part of the allocated site there are some concerns over the delivery of sufficient employment development to enable consistency with the Local Plan; concerns relating to effective master-planning and integration; and the delivery of necessary infrastructure in the Local Plan
- The area of land covered by the application proposals is 16.4 hectares and the total employment provision in Policy Bicester 12 is 40 hectares. In terms of job creation, the applicant anticipates about 1000 jobs will be created through the development. As the applicant highlights, about a third of the jobs in the Local Plan will be provided on about a third of the land designated for employment uses. The application will therefore not provide all the employment set out in the Local plan policy. However, the delivery of employment development is phased in the Local Plan employment trajectory with 14,000 sqm anticipated for 2011 to 2016, 70,000 for 2016 to 2021 and 56,000 sqm between 2021 and 2031. It is also anticipated that employment development will be provided on other parts of the allocated site. There will



need to be sufficient confidence that the overall requirements of Policy Bicester 12 can be met.

- Through the Local Plan Part 1 process a mixed use site for housing and employment was supported by the promoter of the land to the north west of the application site (on the remainder of the Bicester 12 allocation). A scoping request has been submitted to the council and a public exhibition has also taken place for the wider site. Therefore it is anticipated with some confidence that further employment development will be provided here during the Plan period. There is however, no planning application approved or submitted for this area of land and an application for the whole site would be preferable to ensure effective planning. There is a requirement for a comprehensive masterplan in Policy Bicester 12. This would provide some certainty over the delivery of the allocated site and different elements of the policy.
- The location of the application proposals, in the south eastern part of the allocated site, is considered to be in principle a suitable location for employment development with access to the A41 and with least potential impact on the SAM and the majority of existing homes. This is consistent with the recent public exhibition material for the wider site.
- Consideration needs to be given to how the proposed development would be integrated as part of the larger development should it be proposed to bring forward the application site ahead of the rest of the Bicester 12 site. The proposed development in the application would not be acceptable in isolation.
- The policy requires a mixed use development which will enable the delivery of important infrastructure in the area to support wider proposals for the town. The policy requires the safeguarding of land for future highway capacity improvements to peripheral routes. It will need to be explored as to whether an application for this site alone as part of the wider allocation would preclude the effective delivery of infrastructure and other requirements of the policy such as open space provision. The applicant suggests that the development can be delivered early as it does not require significant infrastructure to facilitate its delivery
- Policy Bicester 12 sets out a number of policy requirements and key site specific design and place shaping principles against which the planning application should be considered
- Without compromising necessary operational and market requirements, in line with the NPPF and Local Plan 2031, a high quality design should be sought. The policy requires a well-designed approach to the urban edge and this will be important in this gateway location to the town. Paragraph B.42 of the Local Plan states that very careful consideration should be given to locating housing and employment in close proximity. The impacts of new employment development in relation to new and existing homes will require careful consideration through a master-planning approach
- The proposals should also be considered against other policies in the Local Plan 2031 including Policies ESD10, ESD13 and ESD15 in order to determine any unacceptable impacts on the historic or natural environment, including landscape. There should also be appropriate compliance with policies relating to climate change and sustainable transport (as listed above)

#### Policy recommendation

Overall the proposals are for employment use and therefore consistent with Policy Bicester 12 which allocates this land for a mixed use development. The wider allocation is identified as a sustainable location for growth. The principle of employment development in this location is established and the site has an important role to play in the delivery of new employment development to secure economic growth and to support growth in housing. How the site would be integrated as part of a comprehensive scheme for the implementation of Policy Bicester 12 should be considered including whether any phasing conditions would be required. The proposed development would not be acceptable in isolation. There should be

sufficient confidence that the overall requirements Policy Bicester 12, including with respect to infrastructure provision, can be met.

### 3.5 **Ecology Officer:** comments as follows

It seems that slightly more land has been put aside for landscaping in this hybrid application. I have been sent a Biodiversity metric (using a DEFRA model) in response to comments on the outline application which suggests an overall net gain in biodiversity is achievable with the proposed habitats on site. Such a metric is a good starting point for discussion however a number of issues are raised as follows:

- No detailed landscape plans and therefore difficult to tell if all the habitats claimed can be 'fitted in' the space available
- Hibernacula is included as a habitat – this should be included in scrub or grassland not a habitat in its own right
- All habitats have been listed on site a 'poor' condition – is this justified for scrub etc?
- Their projections for the semi-improved neutral grassland of medium distinctiveness (with good condition within 5 years) is quite ambitious especially given that much of this grassland is likely to be in fairly thin strips at the edge of the site or in between planting and will be subject to some amenity use. To achieve 'good' condition the habitat will have to meet all the criteria in the FEP handbook for Lowland Meadow. Warwickshire County Council for example put this at 10-15 years. They have also put the difficulty of creation as low for all habitats and I am not sure I agree with that. This refers to 'restoration' of grassland rather than 'recreation' under DEFRA guidance. How do they propose to achieve it by restoration?
- Why is habitat distinctiveness raised to medium for post development scrub?

I would still look to have enhancements on the buildings themselves where possible to ensure an overall net gain in the long term – habitat boxes, green roofs etc. As this has been submitted outside of an overall master plan it is likely that this will have to lead to missed opportunities for landscape scale green infrastructure and for making enhancements as contiguous habitats with other sites.

I could not see any further information on the earthworks and their potential impact on the current hedgerow/ditches although I appreciate the text of the ES states this will not be affected – how will they ensure this?

In general they have addressed mitigation for the protected species and the habitats found on/near the site – hairstreak butterflies, great crested newts

An Ecological Construction Method Statement and full landscape and ecological management plan for areas of landscaping. A number of conditions are recommended.

#### Update (September)

The amendments are positive for ecology, the northern boundary landscaping is greater with the pinch-point in the SE corner somewhat relieved. The southern boundary is larger allowing more chance for them to function as a coherent habitat that wildlife could use rather than just a strip. The reduction in footprint and hard-standing is a good thing and makes the chance of establishing some areas of habitat much more likely to succeed.

They still need to fit in the proposed ponds in there somewhere but this proposal gives more scope for that. Do they propose footpaths through the boundary vegetation for amenity purposes? Beyond the green footpath/cycleways?)

### 3.6 **Economic Growth Officer:** Supports this proposal as follows:

- The commercial property market in Bicester over the past decade has not

effectively operated to satisfy the needs of expanding businesses and inward investors. This has already delayed the implementation of the council's adopted economic development strategy and created a latent demand amongst a range of Bicester businesses

- The construction of commercial premises has also not matched either the growth in the number of homes or the rate of household formation that has occurred (and continues to occur). This has been contradictory to the sustainable objectives of providing local employment opportunities for residents
- The traditional notion of 'warehousing' is not appealing in itself but the inclusion by the applicant of an industry factsheet on the modern logistics sector is helpful in illustrating how modern 'logistics' creates employment in general terms. The fact of the matter is that day-to-day life is based around supply chains which require premises to operate from and employees to work within. The size of units reflects the tendency for Cherwell to be attractive to regional distribution businesses, as opposed to larger scale national distribution hubs in Milton Keynes/Crick
- It is unclear who the occupiers will be but it may be helpful to reflect that many of Bicester's established and well-loved businesses fall within this planning classification (B8), and some of them are seeking premises to expand into which may then lead to premises becoming available for various other businesses to occupy, as experienced in Banbury
- Without knowing the final occupiers, it is also difficult to anticipate whether some elements of manufacture could be incorporated, or perhaps additional office space required to suit an HQ occupier. The applicant may wish to expand upon this, and also consider how the needs of small businesses might be met. Overall, however, the nature of this investment is that the buildings could be adapted to meet the specific needs of occupiers in years to come which would adapt to changing business need and support the resilience of the local economy.

**3.7 Environmental Protection Officer:** I have examined the noise and lighting specialist's reports. As the final nature and occupiers of the proposed site is not known at this time I am unable to set absolute limits for noise from the operations, however, I have used the noise specialists report to bench mark the existing noise climate at the closest noise sensitive locations and to use these bench marked background sound pressure levels to condition the application so that noise complaints were unlikely from residents in these locations for mechanical plant.

A number of conditions are recommended relating to construction, noise from mechanical plant and transport and lighting. The detail of which can be read in full on the consultation response on the application documentation.

I have reviewed Section 9 of the PBA Environmental Statement submitted in support of this application. The report has concluded that the impact of the construction phase (provided by the appropriate mitigation measures listed are incorporated into the Construction Environmental management Plan) and the operational phase of the development are negligible overall for particulate and nitrogen dioxide concentrations. There is a slight worsening of predicted air quality with the development compared to without. The report concludes that the impact of the development is negligible on air quality.

This assessment has been undertaken in line with current best practice guidance. It is noted that this section of the report seems to have been written before the Bicester Air Quality Management Area was declared. It is noted that the sensitive receptors modelled are those close to the development. It is also noted that the transport data used in the assessment is that which is found in section 8 of the ES.

The assessment of the risk to air quality is acceptable. I would like to see measures to incorporate low vehicle emission vehicle technologies into the developments operational phase to enhance the environment through the use of better emission technology e.g. vehicle charging infrastructure in parking bays and reduce the impact of the development on air quality.

### 3.8 **Landscape Officer:** comments as follows

EDP Photo-view 1 – with consideration of the 9m telegraph pole in the middle ground, combined with the 280m approximate distance (measured on GIS Arc map) between the viewer and the northern (nearest corner) of the unit, the proposed height of the unit of 15m will appear taller than shown on Photomontage 1, I now, therefore judge the magnitude of change to be **high** which combined with the **high** sensitivity of the visual receptor, the Significance of Effect is **major/medium** (adverse) – refer to table A2.9 Significance matrix for landscape and visual effects.

At year 15 it is claimed in the EIA that the residual Magnitude of Change (M of C) is medium because of the 'new and recognisable development'. I would judge the M of C to be **high** because the narrow landscape buffer on the northern boundary will provide inadequate landscape mitigation in respect of height, depth and density. With a high sensitivity for visual receptor the significance of Effect will be Major/moderate (adverse). This indicates to me that a wider landscape buffer with elevated landform with large indigenous trees, a percentage of which should be evergreen conifers for winter screening of the elevations (a winter view is not recorded and with the narrow band of proposed trees with noticeable gaps between the units will present a more harmful effect on the visual receptor. The current landscape proposals on the Indicative Site Master Plan 4036-013 P23 do not provide the appropriate level of screening because the landscape buffer on the north facing site boundary is too narrow resulting in denuded tree cover. The width of the planting area is only 5m in the west down to 2.5m wide in the east. In order to achieve the required tree screen the width should be at least 10-15m wide. Large native deciduous and conifer trees should be planted 5m apart. If the required cannot be achieved on site then off-site structural tree/woodland planting adjacent to the northern boundaries will be essential.

EDP Photo-view 2 – even though detracting view of the scrap yard spoils the view of Graven Hill there is still a degree of amenity for the visual receptor, however the visualisation and warehousing units will further detract from the amenity of Graven Hill and cause visual harm; a cumulative and harmful impact and effect on the views, which will remain so at year 15 with the inadequate landscape mitigation proposed. The M of C is therefore **high**, combined with the high sensitive of the receptor, meaning a S of E of **major/moderate** (adverse) at year 15, not the moderate/minor adverse effect indicated in the EIA.

This just indicates the importance of providing the appropriate depth of tree/woodland buffer to the northern boundaries.

In terms of EDP Photo view 11, these are as above.

EDP Photo-view 4 – because of the scale, height of the warehousing development 'provide a new and recognisable element to the view' which will have a cumulative harmful effect on the receptor when the B12 mixed development is built (even more so in winter when intervening vegetation is out of leaf). This effect is compounded by the inadequate landscape planting proposed. A **Major/moderate** (adverse) S of E, due to the High sensitivity of the receptor and High M of C, which will not improve unless a percentage of trees are native conifers that will provide the appropriate level of mitigation in winter when deciduous trees are devoid of leaves. I take issue with the EIA statement that at year 15 the mitigation plant will reduce the magnitude of

change to low.

EDP Photo- views 6 and 8 – the mitigation planting along the southern boundary will not be of sufficient height, depth of density to suggest the minor adverse effect in the LVIA at 15 years. The effect will be **Moderate adverse** dependant of the less visually sensitive road user, however, pedestrians use the highway and development will be slightly more harmful for them. Therefore, the depth of woodland/tree planting along A41 frontage must be increased to provide a better screen for roadside visual receptors.

EDP Photo-View 9 – the S of E will be **major/moderate** (adverse) because the walker-receptor will have High sensitivity and the M of C will also be High. The S of E result will remain up to year 15 beyond unless a substantial woodland/tree structure planting is proposed. Again the depth of woodland planting must be increased, and also combined with off-site woodland/tree planting.

EPD Photo-views 12 and 13 – for the distant views the harmful cumulative effects (combine with B12) will experience to a degree by receptors on the PRow and so I would correct the S of E to **medium** (adverse) at years 1 and especially at year 15 if the landscape mitigation proposals are not improved.

Conclusion – a characteristic of the locality is indigenous woodland, e.g. Graven Hill. Therefore in recognition of this land between the units and the site boundaries should be planted as dense woodland.

#### Update (August)

Following the receipt of revised drainage proposal which have been incorporated in part into the existing landscaped areas, further comments are as follows:

- Remain concerned about the landscape impact and advises that the frontage (A41) landscape scheme must be revised to accommodate the drainage and underground attenuation, or the drainage/attenuation relocated to avoid the landscaping. The two are not compatible as shown. This is in order to maximise the overall mitigation/screening effects intended with the higher tree density. Furthermore the drainage system maintenance and refurbishment will result in tree removal and drastic pruning, and the drainage maintenance way-leaves will result in reduced tree planting and subsequently lower density and a more visually permeable landscape structure.
- In terms of the LVIA, the physical evidence of the height, depth and length of the units with the aid of scaffold towers/surveyors poles denoting proposed height and locations. The physical evidence can then be recoded from agreed photoview locations and the growth rates of proposed planting at year 1 and year 15 projects with photomontages to enable further consideration of the proposal.
- GI in the car parking bays needs to be increased to provide shade along the central runs at a density of 1:5 bays Species selection Platanus x hispanica – root soil volume = 15m<sup>3</sup> per tree, this also provides an opportunity for water attenuation of run Off from flash flooding of the car parking area and large roofed building as well as providing meaningful tree cover and shade to parked vehicles. In time these substantial trees will also provide a degree of screening to the proposed building
- Hedge planting across the site – this provides little opportunity to screen such a large and imposing building. Standard containerised trees, such as Field Maple offer screening opportunities
- Species choices for shelter belts – due to the necessity for dense shelterbelts and the capacity for Italian alder to establish well in and to tolerate on-going harsh environments as well as providing an almost semi-evergreen tree are recommended and should be provided at 40-50% density in belts
- Retained trees around the site – need to have capacity to be crown raised to

5.2m and maintained at that height to allow for safe and easy HGV movement, if not achievable then replacement or mitigation planting is preferable to prevent damage

- Fastigiated hornbeams for perimeter structure planting should be swapped for field maples and birch due to the thirsty and vigorous nature of hornbeam. Again soil bulk volume needs to be at least 15m<sup>3</sup> per tree
- An opportunity exists to increase the green infrastructure along the front perimeter planting where I would expect to see an overall increase in tree numbers by at least 10.

#### Update (September)

Much of what we see of the revised landscape proposal accords with what was discussed with EDP last week. We now require clarification of the height and gradient of the earth bund proposed for the northern boundary, and a commitment to plant two additional oak trees on this bund to improve the screening to the benefit of PRoW visual receptors. Once these points are clarified the landscape proposals, in my opinion are acceptable.

I have concerns about the planting conditions on the bunds and whether the appropriate de-compaction post construction e.g. sub-soiling and top-soiling prior to planting to facilitate good drainage and aeration for plant root establishment. This issue is to be clarified for the landscape specification.

The landscape management plan must address the matter of future thinning of trees, the 1 plant per m planting density of the alder trees on the bund will eventually require thinning to ensure the spindly, weak specimens are removed to allow for the stronger alders to grow to maturity, otherwise the tree belt will decline.

#### Update – (13<sup>th</sup> September)

The proposed height, gradient and planting of the bund to the southern boundary is acceptable (EDP2606 8f). All details on the enclosed drawings – EDP 2606/82h/84h/86h – as previously confirmed.

The generic landscape management brochure should address the issues that are site specific e.g. of the inevitable ground compaction due to construction of bund and swales (general ground formation to designed levels, and management of topsoil (diminishing resource). Compacted, made-up soils, and sub-soils that have been tracked over will not allow water penetration to roots and tree pits will act as sumps. Deep ripping, or subsoil cultivation is important therefore. An assessment of on-site soil is necessary to determine how heavy/friable it is, to allow a determination of sustainable management of this resource, in accordance with BS3882:2015 – Specification for topsoil. Note that some tree pits may require drainage due to the heavy compacted soil and this should be shown on tree pit detail.

In respect of Planting/arrangement, the grouping proposed as 10-15 plants in each group is different to the mix proposed on the drawings. The wording in the landscape document should be specific to the landscape proposals.

3.9 **Business Support Unit:** Neutral. It is estimated that this development has the potential to secure Business Rates of approximately £1,454,441 per annum under current arrangements for the Council.

3.10 **Sustainability Consultant:** Comments as follows  
Policy ESD1 – how does the proposal demonstrate mitigation and adaptation to climate change

- Would expect to see more information and details on onsite walking and cycling connections within the hybrid application, to the wider Bicester 12 development, a firm commitment to bus stops close to the site location to

- encourage use of public transport
- Exploration and commitment towards Travel Plans
- Promotion of car clubs, car sharing, electric vehicles
- More detail required on walking and cycling connections into existing town and the wider Bicester 12 site
- No evidence provided on what climate change adaptation measures will be carried out or investigated. There is a reliance on the BREEAM standard as a way of meeting this
- Further detail required on what climate risks are present and how these will be mitigated against. This could be through BREEAM.

Policies ESD2 and ESD3 – how does the proposal promote the reduction of energy use

- Very little information is provided on how the development will reduce energy use through the fabric efficiency of the buildings
- High level commitment to exceed building regulations but no in-depth energy statement that explore the baseline energy use and proposed fabric measure and their potential energy savings
- Some high level and basic information on commitments to reduce energy use of the buildings but no firm commitments or detail
- An energy statement is required
- Further detail required on construction of the buildings, use of local materials where applicable and what measurable difference their stated solutions will have on overall energy demand

Policies ESD2 and ESD4 – how does the proposal promote supplying energy efficiently and giving priority to decentralised energy supply

- Not compliant, we would expect at a detailed stage, alongside an energy statement, a feasibility study on decentralised energy systems. This study should relate to wider developments whereby a network could become feasible
- No assessment as to whether decentralised energy systems are deliverable as part of the development

Policies ESD2 and ESD5 – how does the proposed development promote the use of renewable energy

- Not compliant, no feasibility study for onsite renewable energy has been undertaken. The high level commitment to exploring renewable technologies in the DAS should be carried out at this detailed stage and not at a later stage in the development process
- No feasibility assessment to assess whether onsite renewable energy systems are deliverable

Conclusion

- An energy statement is required which outlines the total energy strategy for the site and carbon reduction targets above building Regulations where appropriate

Other Policy Requirements – Policy ESD3

- There is a commitment to BREEAM 'Very Good'. Condition required relating to pre-construction assessment and post construction certification.

The above comments can be read in full on the application file.

#### **Update (September)**

A revised energy statement has been received and Members will be updated on additional comments at the meeting.

## Oxfordshire County Council Consultees

### 3.11 Transport Development Control: Objection as follows

- The development has not been brought forward in the light of a master plan for the whole Bicester 12 site. Whilst the applicant has shown that the A41 site access can work safely and efficiently, we are still not convinced that timely delivery of attractive connections to and through the site for cyclists and pedestrians from its boundary with the rest of Bicester 12 site has been demonstrated as required by the Bicester 12 policy in the Cherwell Local Plan. The parameters plan for this site shows only indicative cycle routes through the site within the zone 2 planning application area. The locations of the connections into the site from the rest of Bicester 12 are undetermined.
- There is a significant under provision of cycle parking shown on the detailed plans for units A1 and A2. Space for 41 bicycles is shown (with no indication that any of those will be undercover) – the county's standards require there to be a minimum of 102 spaces for staff and further spaces for visitors. This will not encourage enough cycling to comply with NPPF paragraphs 32 and 35. Overall the site will require a minimum of 426 spaces for bicycle parking. At least 50% of the spaces should be undercover.
- For the detailed application, no tracking drawings have been submitted for the units A1 and A2 showing how the required large vehicles can access the service yards. This is needed to show how manoeuvres can be undertaken safely

#### Key issues

- The application has not been brought forward as part of a wider masterplan for the whole of Bicester 12 site. In its absence the applicant has not given sufficient confidence that high quality cycling and walking connections to the site from the rest of Bicester 12 site can be delivered. Having said that, the transport assessment has at least shown that the site access junction will operate safely and efficiently in 2014 taking into account traffic from the rest of Bicester 12 and other development sites in the town
- In order to support access to the development by sustainable transport, bus stops need to be provided close to the development (on the route of the S5 service), either on the A41 west of Ploughley Road or south of the A41 on Ploughley Road. This will be delivered by means of a S278 agreement for the hard standing for the stops (secured through a S106 Agreement), and a S106 contribution to deliver bus stop infrastructure – premium route type flags, information cases and, in the case of the Bicester bound stop, a bus shelter. These stops have not been shown on a plan by the applicant – in my view they should be added to the highways works plan and be accompanied by a road safety audit to demonstrate that they would work safely.
- A shift-change bus will be needed to ensure employees can access the site by public transport outside of the ordinary hours of operation of the S5 and before the bus improvements connected with the wider Bicester 12 are brought forward. This will be delivered by means of a S106 agreement
- A strategic transport contribution will be required to mitigate the development's cumulative impacts on the wider transport network. This will be done by S106 agreement – the amount is to be confirmed
- Street lighting on the A41 will be extended to a point to the east of the proposed site access junction. The applicant has also indicated that they would be willing to fund the introduction of a 50mph speed limit on A41 the extent of which is to be determined but will at least include the site access and Ploughley Road junction. Both of these will be delivered through a S278 agreement (secured by s106 agreement).

Update (17<sup>th</sup> August)



Following the above, the applicant's consultants Peter Brett associates have submitted further plans and information to OCC who have advised that the concerns about cycle parking and tracking of large vehicles have now been addressed in respect of the detailed proposal, revised plans have been submitted in this respect.

Technically the application is not compliant with Local Plan Policy Bicester 12 as a masterplan has not been submitted for the entirety of the Bicester 12 site which would help to demonstrate across the whole site how:

- Walking and cycling connectivity within the whole of Bicester 12 site and the rest of Bicester 12 would be delivered – to include direct, attractive routes
- The public transport strategy for the wider Bicester 12 site would link with the symmetry park proposals

From a transport perspective, it has always been felt that Bicester 12 is considered as a whole rather than land parcels being considered in isolation in order to properly address these issues. However, the applicant has now demonstrated that the site access can work in 2024 accounting for growth at that point in time from other allocated local plan development sites across Bicester. It is also felt that the connection points with the rest of Bicester 12 site for pedestrians and cyclists as well as the onward routes to building entrances on the site can be secured through the section 106 process.

If permission is granted, a strategic transport contribution will be needed to mitigate the cumulative impacts of the development. A number of conditions are recommended.

#### **Update (22<sup>nd</sup> August)**

OCC has fundamental concerns with the Unilateral Undertaking offered by the applicants and object for the following reasons:

- The strategic transport contribution being offered is insufficient to mitigate the impact of the development
- A draft S278 agreement is not attached to the UU
- Commuted sums are not included in the UU
- A bus contribution is not included in the UU
- Drafting of the mechanism for the delivery of pedestrian/cycle links through the wider Bicester 12 and beyond is inadequate

#### **Update (September)**

Following OCC's response dated 22 August 2016, the reasons for the transport objection to this application have been satisfactorily addressed; OCC's transport objection is now withdrawn for the following reasons:

1. A compromise on contributions has been agreed as follows:
  - a. £210,742.56 to the County Council's proposed South East perimeter road or such other scheme that would also bring relief to the A41 (Boundary Way)
  - b. £150,000 towards improved bus services for a period of five years in the early morning and evenings and in the middle of the day on Sunday
  - c. Commuted sums to cover future maintenance of new works on the highway (included in the draft S278 agreement attached to the UU)
2. The wording in the UU setting out how and when the pedestrian routes and connection points will be delivered to/from the rest of Bicester 12 site is now satisfactory
3. A draft S278 is now attached to the UU

We are awaiting confirmation from the applicant's drainage engineer with regard to the effect of the revised proposals for landscaping (made possible by the reduction in the quantum of development) on the drainage strategy.

All points in OCC's previous consultation responses to this application still stand other than where altered by the comments above.

- 3.12 **Drainage Officer:** There is insufficient information to give OCC confidence that the proposals for surface water drainage of the site will be successful.

It is recommended that this application is refused on drainage grounds as further details on the drainage arrangements are still needed.

There is little evidence that a Sustainable Urban Drainage System treatment train approach has been considered in the sustainable drainage design. Vegetative SUDS have not been incorporated, the proposals relying on 'hard' SUDS.

The assessment with regard to run off volumes is not adequate to confirm compliance to S5 of SUDS Non-Statutory Technical Standards (NSTS), which requires to control surface water run off volumes as is reasonably practicable to the greenfield condition.

For the full application, the proposed discharge rate of 5 l/s via a pump will provide betterment over the corresponding greenfield peak rate for the 1% annual probability storm. This allays previous concerns about capacity of culvert infrastructure at the A41 ditch and provides partial compliance with SUDS flood criteria Non-Statutory Technical standards for SUDS (NSTS) S2. Compliance with the NSTS S2 also requires that the 100% annual probability storm will be controlled to the equivalent greenfield event.

Detailed proposals for phasing of works and dealing with surface water during the construction phase will be required and could form part of a condition.

Further detailed comments on drainage can be read within the application documentation.

**Update (17<sup>th</sup> August)**

Following discussions between OCC drainage officers and the applicant's drainage consultants and the submission of a further Technical Note, plans and information, the drainage objections have now been addressed and OCC are satisfied that the remaining issues for both the full and outline application can be dealt with by way of planning condition.

- 3.13 **Archaeology:** The site is located in an area of archaeological potential along the line of the Roman road from Alchester to Verulamium. A programme of archaeological investigation will be required ahead of any development on the site. This can be secured through an appropriately worded condition.

- 3.14 **Economy and Skills:** No objection subject to condition requiring a Community Employment Plan (CEP)
- The size of the proposed development suggests that it will require the preparation of a Community Employment Plan (CEP). Previously known as an employment and Skills Plan (ESP)
  - 930 jobs will be created at end user stage in the logistics sector
  - The economy and skills Team at OCC would welcome early discussions on the preparation of the CEP

- 3.15 **Ecology Officer:** A comprehensive Masterplan should be produced for the whole SE Bicester site, in line with Cherwell District Plan Policy Bicester 12: South East Bicester. In producing this Masterplan, the applicant should ensure that they consider green infrastructure and biodiversity and demonstrate how habitat connectivity would be provided, considering the need to avoid harm to the two adjoining Local Wildlife

Sites (Meadows West of Blackthorn Hill LWS and Gavray Drive LWS) and also the Conservation Target Area.

Biodiversity enhancements such as SUDS, hedgerow and tree planting and management, creation of ponds, green roofs, creation of habitats for bats in buildings and bird boxes, creation of hibernacula for reptiles and amphibians and creation of wildflower grasslands should be included in the development design where possible in line with planning policy and the NERC Act which places a duty on local authorities to enhance biodiversity. Provision should be made for the long term management of these areas.

**Update (22<sup>nd</sup> August)**

Further to the points made above, an objection is submitted on the basis that a comprehensive Masterplan has not been produced for the whole of South east Bicester site, contrary to the Cherwell Local Plan. A masterplan should have been produced by the applicants for the two sites within Bicester 12 to ensure that they have considered green infrastructure and biodiversity and to demonstrate how habitat connectivity would be provided. The county's ecologist also has concerns about the assumptions used in the application of the biodiversity metric in the supporting documentation.

**3.16 County Councillors:** raise the following concerns

- The cumulative transport impact of this development with other growth in Bicester prior to a solution to London Level Road Crossing and the South East Relief Road (or alternative) must be fully assessed
- Should development be permitted, a planning condition should restrict lorry parking on site to vehicles serving the development only

The consultation responses can be read in full on the application documents and the matters are discussed in more detail in the appraisal section of the report.

**Other Consultees**

**3.17 Historic England:** No objection and agree with the conclusion drawn in the Archaeological and Heritage statement (ES Appendix H) section 5.19 that result in a very low level of harm to scheduled monument known as Wretchwick Deserted Medieval Settlement, List no.1015549.

Do not agree with the conclusion that the harm will necessarily be temporary, particularly as this conclusion relies on the future development of land between the scheduled monument and the development site, when there is no certainty that such development will take place.

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**3.18 Environment Agency:** No comments received to date

**3.19 Thames Water:**

Waste Comments - with the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. A 'Grampian style' condition is therefore recommended requiring a drainage strategy to be submitted and agreed.

Surface Water Drainage – it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended the applicant should ensure storm flows are attenuated or regulated into the receiving public network through on or off-site

storage.

Water Comments – the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. A condition is therefore recommended requiring an impact study of the existing water infrastructure to be carried out and approved in writing. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

The foul water drainage strategy outlined in 'ES Volume 1 Main Report' dated May 2016 has indicated that an on-site sewage treatment facility will be provided to allow for treatment of foul water on site. Nevertheless it was also suggested that potentially the proposed site's drainage strategy will include connection to the Thames Water foul water network. Detailed drainage strategy confirming the point of connection into the public sewerage system and the flow rate into the proposed connection point is required to be able to assess the impact on capacity of the existing sewerage system.

3.20 **Highways England:** No objection

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

##### 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Part 1) 2011-2031

The Cherwell Local plan Part 1 2011-2031 was formally adopted on 20<sup>th</sup> July 2015 and provides the strategic planning framework for the district to 2031. The Cherwell Local Plan Part 1 replaced a number of saved policies of the adopted Cherwell Local Plan 1996 although many of its policies are retained and remain part of the Development Plan. The relevant policies are as follows:

##### Cherwell Local Plan 2011-2031 Part 1

###### Sustainable communities

Policy PSD1: Presumption in favour of sustainable development

Policy SLE1: Employment development

Policy SLE4: Improved transport and connections

Policy BSC2: Effective and efficient use of land

###### Sustainable development

Policy ESD1: Mitigating and adapting to climate change

Policy ESD2: Energy hierarchy and allowable solutions

Policy ESD3: Sustainable construction

Policy ESD4: Decentralised energy systems

Policy ESD5: Renewable energy

Policy ESD6: Sustainable flood risk management

Policy ESD7: Sustainable drainage systems

Policy ESD8: Water resources

Policy ESD10: Biodiversity and the natural environment

Policy ESD13: Local landscape protection and enhancement

Policy ESD15: Character of the built environment

Policy ESD17: Green infrastructure

###### Strategic Development

Policy Bicester 12: South East Bicester

###### Infrastructure Development

Policy INF1: Infrastructure

## Cherwell Local Plan 1996 (Saved Policies)

Policy C8: Sporadic development in the open countryside

Policy C28: Layout, design and external appearance of new development

Policy C31: Compatibility of proposals

Policy TR10: Heavy goods vehicles

Policy ENV1: development likely to cause detrimental levels of pollution

### 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Policy Guidance

One Shared Vision

Draft Bicester Master Plan

Planning Obligations Draft SPD 2011

Design and Layout of Employment Sites – A Guide SPG 1996

Cherwell Economic Development Strategy 2011-2016

Cherwell Annual Monitoring Report 2015

## 5. Appraisal

### 5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Environmental Statement
- Planning Policy and Principle of Development
- Transport, Accessibility and Highway Safety
- Employment
- Landscape and Public Rights of Way
- Archaeological and Historic Environment
- Design, Layout and Appearance
- Ecology
- Flood Risk and Drainage
- Effect on Neighbouring Amenity
- Sustainability
- Planning Obligation

### **Relevant Planning History**

### 5.2 The application site is part of a wider strategic allocation in the adopted Cherwell Local Plan 2011-2031 for mixed use development (Policy Bicester 12). This part of the site has been brought forward for development in advance of the remainder of the allocation. An outline application for the development of this site for B8 purposes was submitted in December 2015 by the same applicant, (15/02316/OUT) refers. An appeal against non-determination of this application has been lodged. The applicants

have requested that it be determined by public inquiry.

5.3 Following the submission of the outline application the applicant's agent has stated that the following amendments have been incorporated into this Hybrid application:

- An overall reduction in the quantum of development
- Increase in the provision of additional landscaping along the boundaries of the development.
- A reduction in the proposed height of the units from 18m to 15.5m to ridge. Unit A1 will be a maximum of 14.6m to ridge
- Reduction on impact on the residential amenities of neighbouring properties by reduced height and increased distance of buildings from them
- Three clear development parcels in zone 2 where details are submitted in outline only providing commercially realistic blocks
- Identification of footpath/cycle links to the wider Bicester 12 development along northern and western boundaries
- Commitment to the provision of integrated Green Infrastructure corridors with the wider Bicester 12 development together with enhanced on-site ecological benefits as a result of additional perimeter landscaping
- Revisions to the access to A41 following discussions with OCC
- Unit A1 flipped so that service yard is on A41 frontage to provide optimum solution in landscape terms to address the 'Gateway' entrance to Bicester sought by CDC planning officers
- Incorporation of landscape bund on land outside the application area along the northern boundary with the open countryside
- Drainage issues resolved
- Commitment to provide mature planting along A41 landscape bund

5.4 An outline application has also now been received (registered on 29<sup>th</sup> June 2016) for the remainder of the majority of the Policy Bicester 12 allocation by Redrow Homes and Wates Developments (16/01268/OUT) refers. This application seeks consent for 1,500 dwellings, up to 18ha of employment land for B1 and/or B8 uses, a local centre with retail and community use to include A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1 and/or D2 and/or B1 or uses considered as sui generis, up to a 3 Form Entry Primary School, drainage works including engineering operations to re-profile the land and primary access points from A41 and A4421 with other associated vehicular, pedestrian and cycle access, circulation routes, related highway works; car parking; public open space and green infrastructure and sustainable drainage systems. That application is the subject of on-going negotiations, and is unlikely to be presented to Committee until December/January 2016/17.

### **Environmental Statement**

5.5 The application is accompanied by an Environmental Statement (ES). The ES covers landscape and visual, transport and access, air quality, noise and vibration, ecology and nature conservation, flood risk and water environment, socio-economic, cultural heritage, ground conditions and geology and agricultural land. The ES identifies significant impacts of the development on the environment and the locality and the mitigation considered necessary to make the development acceptable.

5.6 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Regulation 3 requires that Local Authorities shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and they shall state in their decision that they have done so.

5.7 The NPPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. The information

in the ES and consultation responses received has been taken into account in considering this application and preparing this report.

- 5.8 The ES identifies mitigation measures and these must be secured through conditions and/or legal agreements. Having regard to the appraisal below, and the consultation responses, it was considered that there were a number of issues and matters raised within the application submission and the ES which could not be simply conditioned and therefore needed to be addressed as part of this submission. The revised submission now before Members for determination has sought to address all of these issues.

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

- 5.9 The Development Plan for Cherwell District comprises saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan (Part 1) 2011-2031. Section 70 (2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 also requires that if regard is to be had to the development plan for the purpose of any determination to be made under the plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.

### **Adopted Cherwell Local Plan 2011-2031**

- 5.10 The Cherwell Local Plan has been through Examination, has been considered by Full Council, is now adopted and consistent with the NPPF. The adopted Cherwell Local Plan 2011-2031 includes strategic allocation Policy Bicester 12 (SE Bicester) which consists of 155 hectares of agricultural land. It identifies SE Bicester as a mixed use site for employment and residential development of 1,500 new homes and supporting infrastructure to the east of the ring road to the south east of Bicester. The policy specifies that approximately 40 hectares shall be for employment use. This application which seeks consent for B8 uses, forms part of this strategic allocation within the Local Plan. The policy is comprehensive in its requirements and the consideration of this proposal against the requirements of Policy Bicester 12 will be carried through the assessment of this application.
- 5.11 The Plan also includes a number of other relevant policies to this application, including those related to sustainable development, transport, flood risk and sustainable drainage, sustainable construction, ecology, landscape and visual impact, environment and design. These policies are all considered in more detail within the appraisal below.

### **Adopted Cherwell Local Plan 1996**

- 5.12 The adopted Cherwell Local Plan 1996 includes a number of policies saved by the newly adopted Cherwell Local Plan 2011-2031, most of which relate to detailed matters such as design and layout. The plan includes Policy C8 which relates to sporadic development in the open countryside, and whilst this proposal would conflict with this particular policy, the fact that the site forms part of a strategic allocation within the newly adopted Cherwell local Plan 2011-2031 is a material consideration. The policies of the adopted Cherwell Local Plan 1996 are considered in more detail in the appraisal below.

### **National Planning Policy Framework**

- 5.13 The purpose of the planning system is to contribute to the achievement of sustainable

development. The National Planning Policy Framework (NPPF) sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development; contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 70). It also provides (paragraph 17) a set of core planning principles which, amongst other things require planning to;

- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- Always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Proactively drive and support sustainable economic development
- Support the transition to a low carbon future in a changing climate
- Encourage the effective use of land by re-using land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant developments in locations which are, or can be made sustainable.
- Deliver sufficient community and cultural facilities and services to meet local needs

5.14 The NPPF at paragraph 14 states 'at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both planning and decision taking....for decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where a development plan is absent, silent or relevant policies are out of date, granting permission unless;
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted

5.15 The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below.

5.16 In relation to the economic role, the NPPF states that the planning system should do everything it can to support sustainable economic growth. In respect of this application proposal, the development is likely to encourage new businesses into the District, to provide jobs locally during the construction phases, and in the longer term will deliver and secure the provision of new jobs within Bicester and seeking to help address the issues of significant out-commuting in Bicester at present. The applicant has stated within the submission that an occupier has already been secured for Unit A1 generating approximately 80 jobs. Objectors are concerned that the provision of only B8 development on this site will not provide the high tech jobs required or the required number of jobs identified in the Policy. The applicant has also stated verbally that there is an agreement with the new Bicester Studio School in terms of providing work experience etc for pupils by businesses which will ultimately locate within the site. Details in this respect are still awaited.

5.17 The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing a supply of housing and employment opportunities to meet the needs of present and future generations. A high quality built



environment and accessibility to local services, housing and the town centre for employees is required as part of this function. The application proposal will provide local jobs. Objectors are concerned that the site as proposed lacks connectivity and integration with Bicester and the remainder of the Bicester 12 allocation. The revised submission has sought to address this issue by giving a clear commitment to the identification of footpath/cycle links to the wider Bicester 12 development site.

- 5.18 In terms of environmental, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. The accompanying ES seeks to address these issues and explain the mitigation measures that will be implemented. Objections have been received regarding the landscape and visual impact of the development and the effect on wildlife and biodiversity. The revised submission has sought to address this issue by increasing the width of the boundary landscaping belts and providing a commitment to the provision of 'Green Infrastructure Corridors' to link with the wider Bicester 12 development site.

### **Employment**

- 5.19 Paragraph 17 of the NPPF sets out the core planning principles that should underpin both plan-making and decision-taking. Of particular relevance to this application in terms of the employment use is to:
- 5.20 'Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth....'
- 5.21 Section 1 of the NPPF – Building a strong competitive economy, advises at paragraph 18 that 'the government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and meeting the twin challenges of global competition and of a low carbon future'
- 5.22 Paragraph 19 advises 'the government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'.
- 5.23 Paragraph 20 advises 'to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> Century'.
- 5.24 Policy SLE1 of the adopted Cherwell Local Plan 2011-2031 sets out that new development sites have been identified to promote growth and increase the amount of employment land in the District in accordance with the requirements of the NPPF above, for commerce, engineering and manufacturing. This growth is focused more at Bicester in order to match the growth in housing and make the town more sustainable. This policy also reflects the urban focus within the plan and to ensure that housing and employment are located in the same place.
- 5.25 Policy SLE1 also refers to the Council's flexible approach to employment generation with a number of strategic sites allocated for a mix of uses. At Bicester, there are 6 strategic sites where strategic employment uses are identified. Policy Bicester 12 is one of these strategic allocations for mixed use development, identifying approximately 40 hectares for employment use within a mix of B1, B2 and B8 uses, although it identifies B8 as the primary employment use. The land has been allocated taking account of the economic evidence base, matching growth in housing and to

cater for company demand whilst ensuring a sufficient employment land supply. It emphasises that careful consideration must be given to locating housing and employment in close proximity to avoid harmful impacts upon the residential amenity of neighbouring properties. The identification of sites to meet the anticipated economic needs is in line with the guidance within the NPPF.

- 5.26 The Local Plan is supported by a suite of evidence, including that relating to Economic Development and the council has an Economic Development Strategy. The Economic Analysis Study (August 2012) identifies the existing baseline conditions within the District which shows that the District has high economic activity but low growth with a relatively resilient economy. In terms of growth, the district appears to be underperforming, particularly in higher value sectors and it is identified that there is scope to improve the economic competitiveness. The document sets aspirations for the type of new development that will be encouraged drawing on the district's advantages of being very accessible and part of the Oxfordshire economy. In respect of this application, the Council's Economic Growth officer advises in support of this application that the commercial property market in Bicester over the last decade has not effectively operated to satisfy the needs of expanding businesses and inward investors which has delayed the implementation of the council's adopted economic development strategy and created a latent demand amongst a range of Bicester businesses. He also advises that the construction of commercial premises has also not matched either the growth in the number of homes or the rate of household formation that has occurred (and continues to occur).
- 5.27 The Council's most recent Annual Monitoring Report (AMR) December 2015 (reported to the Executive in January 2016) identifies that there has been an overall net loss of employment land in Bicester of -3,768 sqm, this is made up by a gain of 3,809 sqm of B8 floorspace but a loss of 5,644 sqm of B2 uses as a result of changes of use from B2 to B8 at Bessemer Close. The assessment considers the remaining allocated land, which in Bicester represents the allocated sites at Bicester 1, Bicester 4, Bicester 10, Bicester 11 and Bicester 12 and notes the efforts being made by the council to bring forward strategic sites. The planning permission at the Graven Hill site has led to significant increases in B8 mixed use classes with small gains in other employment uses. The total amount of employment floorspace at Graven Hill is over 90,000 sqm. Outline planning consent has also recently been granted for up to 48,308sqm of employment floorspace at Skimmingdish Lane (Policy Bicester 11, application number 15/01012/OUT refers).
- 5.28 The Oxfordshire Local Enterprise Partnership (OxLEP) and partners have agreed, through the City Deal and Strategic Economic Plan to deliver significant levels of economic growth. Oxfordshire has also made progress through programmes including Oxfordshire Business support, the Oxfordshire Apprenticeship Programme, Opportunities to Inspire builds links between employers and education across Oxfordshire in order to inspire the future workforce and Invest in Oxfordshire. Seeking commitments to the development of skills and the provision of job opportunities through Community Employment Plans can achieve this vision and ensure that developments contribute to economic growth. As well as supporting sustainable economic growth, CEPs provide the opportunity to more closely align the new jobs created from a major development, the local labour market and skills providers. Thus ensuring maximum benefits in terms of new jobs, apprenticeships, traineeships, work experience and local supply chains. Oxfordshire in general and Cherwell District in particular, are currently experiencing a large increase in construction to provide new homes and jobs for the area. However, there is a shortage of skilled construction workers to support this growth and the trend has generally been that construction apprenticeships are decreasing. It was agreed by the Council's Executive in April 2016 that the Council in the interim, until the new Planning Obligations SPD is agreed, will seek to secure new construction apprenticeships through new development proposals, to be secured either through Section 106 or by condition.

The applicants have stated verbally that they have an agreement with the Studio School at Bicester which is due to open in September 2016 where placements will be offered to pupils for work experience as part of these development proposals. The applicant has now submitted further information regarding this agreement as part of the revised submission.

- 5.29 The application site relates to only 16.42 hectares of the employment land allocated within Policy Bicester 12, leaving a further 23.6 hectares to be delivered within the remaining allocation. The outline application for the majority of the remainder of Bicester 12 which has just been submitted includes up to 18ha of employment land for uses falling within B1 and/or B8 purposes (16/01268/OUT refers). After careful consideration, having regard to the constraints on the remainder of Bicester 12 in terms of the Scheduled Ancient Monument and Ecology, it is the opinion of the Head of Development Management that the eastern part of the allocation (the application site) is therefore, on balance, the most appropriate location for the employment uses. This proposal therefore complies with the general thrust of Policy Bicester 12 in this respect and the Council's employment policy to provide economic growth and allow a degree of flexibility for developers to achieve it. The fact that a potential occupier is interested in one of the units will also mean that the initial development on this site is delivered early in the plan process.
- 5.30 In support of this application proposal the submission advises that the parameters plan, layout, scale and appearance of the buildings have all been designed to allow flexibility and to meet the requirements of potential future occupants, providing flexible employment space that can adapt to changing needs. Furthermore, it is submitted that a Prologis Technical Note September 2011 reveals that, in consequence of the technical and administrative changes in the logistics sector that whilst the number of warehouse staff has fallen, there has generally been an increase in job opportunities in respect of administrative and support staff, managerial roles and IT, customer service, sales and engineering roles. It is also stated that a further economic advantage is the fact that the logistics sector is also a major provider of apprenticeship opportunities and that the job opportunities within a modern logistics operation will be further boosted by symmetry park in the context of the Bicester Technology Studio.
- 5.31 It is therefore the applicant's view that the application proposal will create a number of flexible and needed jobs in a sustainable location and that the jobs are needed now and that the scheme is deliverable. They go on to say that it would be inappropriate to delay the granting of planning permission as this would potentially jeopardise delivery and risk the town losing clear benefits of the proposal at a time when jobs are needed to stimulate the economic recovery.
- 5.32 The application which is for employment use is therefore considered to be consistent with the principle of Policy Bicester 12 which allocates this land for a mixed use development and the site has an important role to play in the delivery of new employment development to secure economic growth and to support growth in housing. The policy however, requires a comprehensive master plan to be produced in respect of the whole Bicester 12 allocation. This would allow sufficient confidence to ensure that the overall requirements of Policy Bicester 12 can be met and that a mix of employment uses and quantum of employment development can be delivered across the allocation in accordance with the policy requirements. A comprehensive master plan which incorporates the proposed development and uses on the remainder of Bicester 12, has not been included with the application documentation, despite numerous requests to the applicant and agent. The application documentation states that the intended occupier of Unit A1 will deliver 80 jobs within the first 12 months of occupation with the potential for further growth. If this level of job creation was repeated across the remainder of the B8 units proposed in this application, this would equate to approximately 640 jobs, not the potential 930 stated

in the application documentation.

- 5.33 Notwithstanding the above, in respect of the principle of B8 employment on this site, the appraisal below will consider other aspects of this proposal and the more detailed matters to consider the overall impacts of the proposed development and the other relevant policies within the Development Plan.

#### **Transport, Accessibility and Highway Safety**

- 5.34 A Transport Assessment (TA) has been submitted as part of this application and the ES which has been prepared by Peter Brett Associates on behalf of the applicant. The TA and all the supporting documentation within the ES relating to Transport has been assessed by OCC as Local Highway Authority. A new vehicular access to the site is proposed as an un-signalised priority junction on the A41 approximately 250m east of the Ploughley Road junction. A ghosted right turn lane into the site protected by two non-pedestrian refuge islands is proposed as part of this junction. The proposed new access is part of the detailed application, but will also serve the remainder of the site for which outline consent is sought, when that is brought forward for development.
- 5.35 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those relevant to transport and accessibility are as follows:
- Development of a comprehensive master plan for the allocated site
  - A well designed approach to the urban edge, which relates development at the periphery, and affords good access to the countryside
  - A proposal that is well integrated, with improved, sustainable connections between the existing development and new development on this site
  - New footpaths and cycle ways should be provided for that link to existing networks and the wider urban area. This includes links from the site into Bicester town centre and to facilitate access to railway stations and places of employment
  - A legible hierarchy of routes should be established to encourage sustainable modes of travel and the development layout should maximise the potential for walkable neighbourhoods and incorporate cycle routes
  - Connectivity and ease of access from the development to the wider Public Rights of way network
  - Good accessibility to public transport services should be provided for including a through route for buses between the A4421 Charbridge Lane and A41 Aylesbury Road, with effective footpaths and cycle routes to bus stops, including a financial contribution towards the provision of a bus service through the site and new bus stops with effective footpaths and cycle routes to bus stops from dwellings and commercial buildings
  - A Transport Assessment and Travel Plan to accompany development proposals

#### **Traffic Generation and Distribution**

- 5.36 This application is for a reduced amount of floor space compared to the previous outline (61,092 sqm compared to 69,677 sqm). The TA for this hybrid application is largely the same as the one that was submitted with the outline application although it includes details of how the applicant sought to address a number of queries and concerns raised by OCC when the outline was first submitted. In terms of the overall impact of the additional traffic generated by this revised proposal, the calculations are based on the original higher quantum, thereby predicting the worst case scenario.
- 5.37 OCC previously raised concerns in respect of the appealed outline submission (15/02316/OUT) about the use of 2020 as an assessment year and the fact that this did not adequately assess the impact of the development on the transport network in the longer term in the context of the known growth of traffic as a result of planned

development in Bicester in the adopted Cherwell Local Plan growth. In response to this concern, the TA now presents the results of further work undertaken by the applicant's transport consultant to model the site access in a future assessment year of 2024 using flows from the Bicester SATURN Model which includes Local Plan growth to 2024. This demonstrates that the proposed site access junction would operate satisfactorily in a 2024 assessment year.

- 5.38 The distribution/routeing of HGVs assumed in the previous TA was also queried. Subsequent sensitivity testing of the assessment of the site access has been undertaken considering different distribution scenarios of HGVs arriving and leaving the site. This is described in the TA for the Hybrid application. It demonstrates that even if more HGVs arrive and leave from the east, the site access would still work safely and efficiently. It is considered by the highway authority that the routeing of HGVs to and from the site would be adequately managed by the existing environmental weight and height limits in place locally. An environmental weight restriction is in place to the south of the application site that prevents vehicles heavier than 7.5 tonnes from taking a short cut to Oxford and beyond via unsuitable roads through villages such as Merton, Murcott, Horton and Stanton St. John.
- 5.39 The TA concludes that in 2031, traffic generated by the development results in only a minor impact on the Rodney House Roundabout and the Oxford Road/A41 junction which will be improved as part of the Graven Hill development which will ensure that traffic from this site will be satisfactorily accommodated. The proposed site access junction is shown to work within capacity in 2024.
- 5.40 A number of consultation responses have raised significant concerns about the negative impact that additional traffic from this development would have on the operation of the Ploughley Road junction. This is not least because of the congestion that occurs at the junction during busy times. In particular, it has been suggested that it is unrealistic for the TA to not allocate any traffic turning in and out of Ploughley Road in the morning and evening peak hours. Whilst the original transport scoping exercise involving OCC did not result in any traffic allocated to that route, on reflection OCC consider that this was not accurate. However, OCC consider that the numbers would actually be small and therefore that this would actually have minimal impact on the route to the south and the junction itself.

#### Site Access

- 5.41 The proposed new site access details have been assessed by OCC. The site access plan includes site visibility splays that are considered appropriate for the design speed of the road as determined by the applicant's traffic consultant using recent speed survey data. There are a number of trees that are within the site visibility splay that must be removed to ensure the site access works safely. These trees are not on highway land and are located outside the red line of the planning application. The applicant however, has confirmed to the highway authority that these trees are within their control and that they are therefore able to remove these trees. The site access is only considered safe by the highway authority if these trees are removed.
- 5.42 The submitted TA includes a study of the accidents recorded along the A41 in the vicinity of the site. The applicant has also provided an independent road safety assessment of the proposals, which does not raise any concerns that could not be addressed at a subsequent stage of the design (this assessment consisted of a road safety audit of an earlier version of the access, the results of which have led to changes that have been incorporated into the design submitted with the planning application). The highway authority believe that there is nothing in the road accident record that suggests in the future, either the form of the proposed site access junction or the retention of the de-restricted speed limit would not be appropriate, taking into account the level of traffic generated by this and other traffic growth. This also applies to the proposed pedestrian/cycle refuge to the east of the Ploughley Road. However,

the introduction of a 50mph speed limit along this stretch of A41 will help reinforce the safe operation of the new site access and the other existing side road and site junctions along this stretch of A41. The existing street lighting on the A41 from Bicester going eastwards currently ends just east of the Ploughley Road junction. The site access junction will not be acceptable to the highway authority unless this lighting is extended to the east of the proposed site access junction.

#### Pedestrian and Cycle Access

- 5.43 Policy Bicester 12 requires that 'the development is well integrated, with improved, sustainable connections between existing development and new development on this site' and also that 'new footpaths and cycleways should be provided for that link to existing networks in the wider area'. Policy Bicester 12 also requires 'the development of a comprehensive master plan for the allocated site in consultation with the Council, OCC, Historic England, the Local Nature Partnership (Wild Oxfordshire) and local communities'. A master plan for the whole of Bicester 12 allocation would demonstrate how pedestrians and cyclists would be encouraged to use routes through the wider Bicester 12 site rather than only access the site via routes along the A41. It would also help give sufficient certainty on this point.
- 5.44 In the absence of a Bicester 12 master plan, the OCC as highway authority considered that the parameters plan and the indicative master plan originally submitted with this application did not go far enough towards complying with the requirements of the local plan for the wider site. These submitted plans appeared to be seeking to demonstrate that the developer would be willing to commit to providing pedestrian and cycle access links along the northern and western boundaries of the site to be secured by a planning condition attached to a planning permission. In the absence of a comprehensive master plan, it is difficult to be certain where, when and how these links might be provided. In respect of the routes on the application site that would provide access to the different parts of the development, the green corridors with footpath/cycle links were shown as indicative. Given that these were entirely within zone 2, the outline part of the site, it was difficult to ascertain with any certainty on where, when and how high quality links could be delivered, for example, if a larger building as identified on the plot parameters was brought forward at reserve matters stage, this could create an unacceptable barrier to ease of movement by cyclists and pedestrians across Bicester 12 as a whole. The revised submission has now sought to satisfactorily address this issue. The revised plans clearly show a commitment to the identification of footpath/cycle links to the wider Bicester 12 development site, and their provision is now also secured through the Unilateral Undertaking that has been submitted by the applicant and agreed with the highway authority. A condition will also require the detail of these links to be agreed.
- 5.45 In the absence of a comprehensive master plan for the wider Bicester 12 allocation, there was uncertainty about how the requirements of the Policy in terms of cycling and walking connectivity would be complied with. High quality connections across Bicester 12 are crucially important to support sustainable residential development on the wider Bicester 12 site and to provide future residents with sustainable transport connections to access employment opportunities within Bicester 12. It is considered that securing these links as identified on the revised submission adequately addresses this issue.
- 5.46 Following further discussions with the applicant and their consultants, it has been agreed that consideration will be given to securing integration and connectivity with the remainder of Bicester 12 and the wider Bicester through a the submission of a Unilateral Undertaking, thereby removing this objection. It is important that the wording within the agreement is appropriate to secure the provision of attractive, safe and appropriately constructed and maintained links, in appropriate locations and in a timely manner, and in perpetuity. The applicant has sent through a draft Unilateral Undertaking which includes the provision of cycle/footpath links. Following on-going

negotiations with OCC, the mechanism for their delivery has now been agreed.

#### Public Transport

5.47 Akeman Park is located adjacent to the current S5 bus service which operates on a broadly hourly basis during Monday to Saturday daytimes. The submitted TA suggests that a bus stop could be provided on A41 to serve the site by means of the existing S5 service pattern, this would be within the recommended 400m walk for most of the site and would be secured through Section 106 and 278 Agreements. This will ensure that in line with the NPPF, opportunities for people accessing the site by sustainable transport are provided. A pair of bus stops is therefore required on A41 just east of Ploughley Road or just south of A41 on the Ploughley Road. Hard standing for bus passengers to wait, as well as bus stop flags and information cases will be needed at both stops. A bus shelter for passengers waiting to catch the bus in the Bicester direction is needed to make travel by public transport as attractive as possible.

5.48 The current operating hours of the S5 bus service will be inadequate to cater for early morning or later evening start/finish times, and are very infrequent on Sundays. Further funding will therefore be required as part of this proposal towards a bus service that will serve the new stops on the A41 in the evening and early morning, at least until such time that a bus service covering these hours is provided to the remainder of Bicester 12. A section 106 will therefore be necessary to secure the appropriate funding. The applicant has submitted a Unilateral Undertaking as part of this application, which includes a contribution towards improved bus services and is therefore now acceptable to OCC.

#### Site Layout

5.49 The original application proposal relating to the detailed submission did not include tracking diagrams and as such it was not possible therefore to understand whether vehicles, including HGVs can manoeuvre in and out of the accesses to the service yards safely and successfully. This would also need to include tracking for the access road that would lead to the zone 2 outline application area.

5.50 Tracking diagrams have now been provided for the site layout of the Zone 1 area (detailed submission) which show that HGV's would be able to manoeuvre in and out of the accesses to the service yards satisfactorily and in respect of the access road that would lead to the Zone 2 planning application area (outline submission).

#### Travel Plan

5.51 A Framework Travel Plan has been submitted with the application but this requires further work to meet the requirements set out in current OCC travel plan guidance. OCC advise that it needs to be more robust, there is a focus on providing information but a lack of commitment to provision of facilities for cyclists such as lockers and showers as the statement states that ,consideration, will be given to their provision rather than committing to their provision.

5.52 The Framework Travel Plan also needs to make a commitment to achieving the trip generation detailed in the TA although a revised figure for the amount of traffic generated by the lower level of floor area in this hybrid application will be used. Targets in the FTP need to relate to both mode split and traffic generation. Mode split reductions should be based on the TA figures as the baseline.

5.53 A condition is recommended in this respect.

#### Ambrosden Parish Council Objection

5.54 OCC have assessed the Paul Basham Report which was prepared on behalf of Ambrosden Parish Council in respect of transport and highway matters. The request for additional modelling addresses many of the points raised in the Report. The

modelling requested from Peter Brett Associates that extends beyond 2020 required the use of the 2024 Bicester SATURN model, which incorporates Cherwell Local Plan growth to 2024.

- 5.55 In respect of the Ploughley Road junction, OCC advise that the A41/Ploughley Road junction is being considered and assessed as part of the wider Bicester 12 allocation. Timings for development coming forward at Akeman park ahead of the remainder of Bicester 12 or a masterplan for the whole of Bicester 12 have also been considered with respect to the deliverability of infrastructure required to support the development proposals, and the proportionate impact that the relatively few trips generated by the Akeman Park development will have on this junction.
- 5.56 In respect of traffic generated travelling through Ambrosden, OCC agrees that some traffic may travel through Ambrosden, but considers that the number of trips generated by the development routeing that way will be small.
- 5.57 In respect of sustainable cycle and pedestrian connections, OCC and CDC are seeking to address the issue of sustainable connectivity between Akeman Park and the wider Bicester 12 through on-going discussions with the applicant. It was agreed at a recent meeting with the applicant that these links could be secured through a Section 106 Agreement, although the detail of this remains to be agreed. OCC consider the ghost island priority to be appropriate at this location from an operational perspective as the provision of a ghost island and the trip generation expected does not give rise to road safety concerns. It should also be noted that the traffic counter referred to is located west of Ploughley Road, whereas the proposed access to Akeman Park is located to the east of the Ploughley Road junction.
- 5.58 The Paul Basham Report also raises concerns about the accident information. OCC advises that the TA does include full collision data and a map at the appendix includes all the accidents detailed. OCC's Road Safety team were also consulted as part of OCC's response to the application. It is not considered by OCC as highway authority that the trips generated from the Akeman Park development will cause additional road safety issues at Ploughley Road. However, as mentioned previously, operation of the junction and pedestrian/cycle crossing of the A41 will be considered as part of the wider Bicester 12 application.

#### Conclusion

- 5.59 OCC, as local highway authority originally recommended an objection to the application as submitted as being contrary to Policy Bicester 12 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the NPPF. These issues have now been addressed by the amended plans and additional information submitted as a result of on-going discussions. The previous objection relating to infrastructure contributions and requirements has also now been removed following further discussions and on-going negotiations with OCC.

#### **Landscape and Public Rights of Way**

- 5.60 Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 relates to local landscape protection and enhancement and therefore seeks to conserve and enhance the distinctive and highly valued local character of the entire district. Policy ESD13 states that: 'development will be expected to respect and enhance local landscape character...and proposals will not be permitted if they would....cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character....harm the setting of settlements, buildings, structures or other landmark features, or, harm the historic value of the landscape'



- 5.61 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 states that new development proposals, amongst other things should: 'contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmark features or views.....and ensure new development is sensitively designed and integrated in accordance with advice within the NPPF and NPPG'. The Council's Countryside Design Summary identifies the site as being located within the Clay Vale of Otmoor which is characterised by generally flat low-lying land crossed by the meandering Rivers Ray and Cherwell, which drain into the Thames at Oxford.
- 5.62 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those relevant to landscape and visual impact are as follows:
- A comprehensive master plan for the allocated site
  - Commercial buildings with a high quality design and finish with careful consideration given to layout, architecture, materials, colourings and to building heights to reduce overall visual impact
  - A well designed approach to the urban edge, which relates development at the periphery, and affords good access to the countryside
  - Protection of the line and amenity of existing Public Rights of Way. Connectivity and ease of access from the development to the wider Public Rights of Way network
  - Development proposals to be accompanied and influenced by landscape/visual and heritage impact assessments
- 5.63 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on should be judged. The NPPF also advises that the open countryside should be protected for its own sake.
- 5.64 The submitted ES includes a Landscape and Visual Impact Assessment which has considered the effects of the proposed development on the landscape character of the area. This has been produced by The Environmental Dimension Partnership Ltd on behalf of db symmetry. This report sets out the findings of the landscape and visual impact assessment of the proposed development illustrated by the parameters plan including the detailed landscape strategy for zone 1 and the retention of trees and shrubs within the defined landscape buffers for zone 2. The site itself is generally flat as is the countryside immediately around, however, just to the east of the application site the land rises quite steeply towards the village of Blackthorn. A number of public rights of way pass immediately adjacent or close to the site. An existing public right of way which passes along Blackthorn Hill offers views down towards the site.
- 5.65 The Landscape and Visual Impact Assessment has been assessed by the council's Landscape Officer who originally raised significant concerns about the visual impact of the proposed development, largely because of inadequate mitigation planting and landscape buffers. This was of particular concern along the northern boundary of the site in respect of the detailed proposal where the landscape buffer was too narrow to provide any effective buffer with the open countryside. It should also be noted that an existing tree along this boundary, due to its proximity to the HGV servicing and parking area within its canopy was likely to be affected by the proposal. Following discussions, the applicant has now agreed to provide a 17m wide landscape buffer along the north-eastern boundary of the site. It is accepted that the provision of a 17m wide landscaped buffer along this boundary would significantly help to resolve the concerns regarding the impact of the development on the open countryside and adjacent public rights of way in respect of this boundary and this part of the development.

- 5.66 In terms of the planting to the southern boundary adjacent to A41, the council's Landscape Officer also advised that the original planting proposed will not be of sufficient height or density to suggest the minor/adverse effect in the submitted LVIA at 15 years, but considers the effect will be moderate/adverse. Increasing the depth of planting along A41 frontage would provide better mitigation in terms of visual impact. The latest revised plans have addressed this issue by reducing the size of building A2, allowing the built development to be moved back into the site and therefore creating a wider landscape buffer to this boundary, and thereby removing the objection from the council's landscape officer.
- 5.67 In order to overcome the drainage objection, revised plans have been submitted which shows drainage pipes and infrastructure, together with attenuation ponds and swales within the landscape buffers. As a consequence, the Council's Landscape Officer originally raised additional concerns about landscape impact and advised that the frontage (A41) landscape scheme must be revised to accommodate the drainage and underground attenuation, or the drainage/attenuation relocated to avoid the landscaping as the two were not compatible as shown. These amendments were necessary to maximise the overall mitigation/screening effects intended with the higher tree density required. Furthermore, drainage system maintenance and refurbishment may have resulted in tree removal and drastic pruning, and the drainage maintenance way leaves will result in reduced tree planting and subsequently lower density and a more visually permeable landscape structure. The revised submission has satisfactorily addressed all of these issues.
- 5.68 During the consideration of the appealed outline application, in order to try to take the application forward, and in the spirit of seeking to work collaboratively with the applicant, a consultant was instructed on behalf of CDC to produce a parameters plan which sought to identify an appropriate frontage set back in terms of the buildings, green infrastructure links through the site, footpath/cycle links and appropriate connectivity with the remainder of Bicester 12 and appropriate landscape buffers. This plan was produced in an attempt to open up negotiations regarding the scale and form of the development proposed having regard to its location on the planned edge of Bicester, adjacent public rights of way and adjacent residential properties. The parameters plan was not considered acceptable by the applicant on the grounds that the reduced quantum of development on the site for B8 purposes would be rendered unviable and neither would it meet the requirements of B8 users. However, the applicant has now sought to further consider this issue and whilst the development does not fully comply with the suggested parameters plan, it now goes a long way to addressing its requirements. The revised proposal is therefore now considered acceptable in this regard.
- 5.69 In conclusion, it is considered that having regard to the above, as amended, whilst the proposed development will be visible, there is now sufficient buffer landscaping proposed around the edges of the site to successfully and acceptably mitigate the visual impact of these large B8 buildings within the landscape, from the adjacent public rights of way and on the approaches to the site from the adjacent road network. The proposal is now considered to be in accordance with Policies Bicester 12, ESD13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and government advice within the NPPF. It is considered that this issue has now been addressed by reducing the quantum of development proposed, setting the development back from the boundaries of the site and increasing the width of the landscape buffers to A41 frontage, northern and eastern boundaries of the site.

#### **Archaeological and Cultural Heritage**

- 5.70 An archaeological and heritage assessment report has been prepared by The Environmental Dimension Partnership Ltd (EDP) on behalf of the applicant which includes assessment of the potential effects of the development on Wretchwick

medieval village scheduled ancient monument (SAM). The assessment involved a desk-based review of records and other data sources, a walkover survey and subsequent archaeological geophysical survey. There are also a number of listed buildings within proximity of the site.

- 5.71 Saved Policies C18 and C25 of the adopted Cherwell Local Plan 1996 are relevant to the proposal in terms of seeking to protect the setting of listed buildings and scheduled ancient monuments. Policy ESD15 of the adopted Cherwell Local Plan Part 1 2011-2031 also seeks to protect such heritage assets and requires appropriate information and assessments to be included within an application submission to enable an assessment of the potential impact of a development upon them to be made.
- 5.72 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those relevant to archaeological and cultural heritage are as follows;
- A comprehensive master plan for the allocated site
  - Development proposals should protect cultural heritage and archaeology, in particular Grade II listed Wretchwick Farmhouse and Wretchwick Medieval Settlement, a Scheduled Ancient Monument
  - Development proposals to be accompanied and influenced by landscape/visual and heritage impact assessments
  - An archaeological field evaluation to assess the impact of the development on archaeological features
- 5.73 Section 12 of the NPPF sets out the planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance.
- 5.74 Paragraph 128 states that ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 5.75 Paragraph 129 states ‘Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the evidence and necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposed’.
- 5.76 Paragraph 132 states ‘when considering the impact of s proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting’.
- 5.77 The application proposal and submitted archaeological and heritage assessment report has been assessed by the County Archaeologist. The site is also located in an area of archaeological potential along the line of the Roman road from Alchester to Verulanium. The line of this road has been confirmed during archaeological evaluation 600m west of the proposed site along with Iron Age and Roman deposits. Roman settlement has been recorded 900m south west of the proposed site. Bronze Age barrows have been identified from aerial photographs 1km to the south west and west of the site. Further barrows have been recorded north of the site.
- 5.78 A geophysical survey has been undertaken on site which did not record any archaeological deposits however, the report highlights that this cannot be taken as

'an absolute representation of the underlying archaeological and non-archaeological remains'. A programme of archaeological investigation will be required to assess the veracity of the geophysical results. An archaeological evaluation has been undertaken on the site but has not been submitted with this application. This evaluation recorded a significant a significant number of archaeological features across the site. A programme of further archaeological investigation will be required ahead of any development. A condition by the County Archaeologist is therefore recommended in this respect.

5.79 The application proposal has also been assessed by Historic England in respect of its impact upon the SAM who raise no objection and agree with the conclusion drawn in the Archaeological and Heritage Statement contained within the ES that the development would result in a very low level of harm to the Scheduled Ancient Monument known as Wretchwick Deserted Medieval Village.

5.80 Having regard to the above, it is considered that the development proposed is therefore in accordance with the advice within the NPPF and the policies within the Development Plan and is therefore acceptable in this respect.

### **Design, Layout and Appearance**

5.81 Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute to making places better for people'.

5.82 Paragraph 58 also states that planning policies and decisions should aim to ensure that developments achieve a number of results including the establishment of a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and that developments should respond to the local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

5.83 Paragraph 61 also states that 'although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'. The site is located on open agricultural land, beyond the current built up limits of Bicester. A pair of small semi-detached cottages is located immediately to the west of the site and residential properties are also within the vicinity of the site on the opposite side of the A41. The application proposal is at the key entry into Bicester from along A41 from Aylesbury and the east, as well as nearby villages, such as Ambrosden and Blackthorn and it is therefore important that the proposed development provides an appropriate 'gateway setting' both in terms of its design, scale and positioning of the buildings, parking and service areas and choice of materials.

5.84 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policy C28 which states that 'control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of the development'. Policy ESD15 also advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that

have informed the design rationale. This should be demonstrated in the Design and Access Statement.

- 5.85 The appearance of new development and its relationship with its surroundings and its natural and built environment can have a significant effect on the character and appearance of an area. Securing development that can positively contribute to the character of its local environment and has longevity is therefore of key importance. The application has been submitted as a hybrid, seeking detailed planning consent for the erection of two B8 buildings and the new access into the development at the eastern end of the site, furthest away from Bicester, and outline consent on the remainder.
- 5.86 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those relevant to scale, form and design are as follows:
- A comprehensive master plan for the allocated site
  - Commercial buildings with a high quality design and finish, with careful consideration given to layout, architecture, materials, colourings and to building heights to reduce overall visual impact
  - Retention and enhancement of hedgerows and the introduction of new landscaping features that will ensure the preservation and enhancement of biodiversity
  - A well designed approach to the urban edge, which relates development at the periphery, and affords good access to the countryside
  - The provision of public art to enhance the quality of the place, legibility and identity
  - A proposal that is well integrated with improved, sustainable connections between the existing development and new development on this site
  - New footpaths and cycleways that link to existing networks
  - A legible hierarchy of routes to encourage sustainable modes of travel incorporating walkable neighbourhoods and incorporating cycle routes
  - Provision of opportunities for green infrastructure links within and beyond the site
  - The introduction of buffers/barriers/screening and the location of uses should be carefully considered to mitigate potential nuisances
- 5.87 A Design and Access Statement has been included in the application documentation. This document sets out in the introduction the changes that have occurred to the scheme following the initial outline submission (now at appeal) in response to on-going design discussions and public engagement. This includes a reduction in the overall floor space proposed of approximately 4,500 sqm, some additional landscaping, reduction in the maximum height of the buildings from 18m to 15.5m, an indication of possible footpath/cycle and green infrastructure links with the wider Bicester 12 development and amendments to the access onto A41 following discussions with the highway authority. This revised scheme now goes further, reducing the quantum of development further and seeking to ensure greater landscaping buffers, footpath cycle links and green infrastructure links.
- 5.88 The Design and Access Statement also advises that the principle of this development proposal is to establish a flexible framework capable of accommodating a wide range of occupiers. A revised parameters plan submitted in conjunction with the outline element of the application seeks to set out the maximum development parameters in terms of use, floor area, height, maximum floor plate and finished floor levels in respect of Zone 2. The two buildings proposed in Zone 1 are detailed as these relate to the full part of the application. Within Zone 1, Unit A1 has been designed and is of a size which responds specifically to the secured pre-let requirements of a committed occupier, whilst Unit A2 will be constructed alongside unit A1 on a speculative basis and has been designed to suit a number of potential future occupiers. The parameters plans accompanying the outline submission also indicate a potential for

between 2 and 5 B8 units on Zone 2. The ultimate number of units finally delivered on this section of the site will be dependent upon the needs of future occupiers. The maximum footprint of any one building on this part of the site is stated as 225m x 121m and 15.5m in height. Although the quantum of development across the site has been reduced by the latest proposals, the maximum size of a building on zone 2 remains unchanged.

- 5.89 In terms of the design of the buildings, units A1 and A2 for which detailed planning consent is sought consist of long spanning steel portal frames, creating large column free internal areas for maximum flexibility of the internal areas. The buildings have been designed using a simple grey colour palette of various types of cladding either vertically or horizontally laid to give variation to the extensive elevations. The office elements which are generally located at the front of the building over-looking the car park will be clad in composite flat insulated metal panels, fitted horizontally between banks of aluminium framed windows. In terms of their appearance, these buildings are typical of modern B8 units.
- 5.90 The illustrative layout and the detailed plans relating to Zone 1 indicate the proposed buildings set at an angle to A41 which the applicant's state is in an attempt to reduce the visual massing and provide deeper landscape buffers where possible. In terms of unit A1, the service yard has been located adjacent to the A41. The applicants justify this as being in response to a request by officers to set the buildings back from A41 to enable sufficient landscaping mitigation to be provided along the eastern and southern boundaries and create a greater landscape setting and reduce the visual impact of the buildings on the approach into the town. Whilst the landscaping proposals submitted with the original application included the provision of a landscaped bund along this frontage, it was variable in its width and was only 6m wide in the south eastern corner adjacent to A41. Whilst the detailed element of this application proposal has sought to move the building back from the A41 frontage as suggested by the council's parameters plan, the provision of the service yard which will need to be securely fenced and lit, adjacent to A41 due to the narrowness of the landscaping was of concern. The latest revised plans now address this issue. The size of Unit A2 has been reduced enabling the built development to be moved away from the northern and southern boundaries of the site, thereby increasing the landscaping provision. The proposal is now considered acceptable in this respect and the objection of the council's landscape officer in terms of visual impact has been removed.
- 5.91 In terms of site security, the Design and Access Statement advises that site security would be required for each warehouse building and all goods service yards which would be achieved with 2.4m high colour coated paladin fencing, with anti-climb mesh panels mounted on steel posts, surrounding the buildings and external goods vehicle service areas. It states that the fencing would be positioned within the landscaped zones where possible. Vehicle parking for full HGV trailer and tractor combinations is also to be provided within the service yards.
- 5.92 It is also stated that a number of external facilities would also be required for each of the units as follows:
- Security gatehouse, nominal dimensions 8m x 4m x 3m high, located at the plot entrance
  - Cycle shelter for the secure storage of cycles located adjacent to the main building entrances
  - Galvanised steel water storage tanks approximately 10m diameter x 6m high and pump enclosures approximately 9m x 6m x 3m high for a fire fighting sprinkler system where required by occupier
  - Vehicle wash facilities (where specified by occupier)
  - Refuelling facilities (where specified by occupier)
  - Smoking shelters approximately 3m x 4m x 3m high located adjacent to car

## park areas

- 5.93 In terms of design and layout of this site and other commercial/employment developments, the Council has an approved SPG 'Design and Layout of Employment Sites – A guide' the aim of which is (i) to encourage high quality designs for new commercial development, (ii) to create attractive settings for new commercial development, (iii) to minimise the impact of new commercial buildings on neighbouring residential areas, the wider landscape and environment generally and (iv) to create a good image for the District's employment areas. Whilst this SPG was prepared in response to sites allocated for employment purposes in the adopted Cherwell Local Plan 1996, the principles identified within this document are still relevant to the more recent allocations within the Cherwell Local Plan 2011-2031, setting general principles and standards for scale, siting and layout; landscaping; noise and vibration and design of buildings, and in particular this application proposal which seeks consent for B8 buildings. In order to seek to avoid development which is considered to harm the appearance and character of the open countryside, or adjacent residential properties, a number of specific height and distance criteria are given.
- 5.94 As previously mentioned, part of the discussions with the agent during the consideration of the outline application (15/02316/OUT), in order to try to move the application forward, a parameters plan was produced on behalf of the Council which sought to identify building lines, landscape buffers and connectivity with the wider Bicester 12 allocation in respect of the development of this site. This parameter plan sought to incorporate the principles of the above document. The originally submitted HYBRID application sought to address some of the concerns raised in respect of the outline application and identified by the council's parameters plan relating to the scale, form, positioning of buildings relative to the site boundaries, connectivity, green infrastructure and greater buffer planting to mitigate the visual impacts of the proposed development, however it was considered that the amendments in this application still did not go far enough and the proposal as submitted with the floor areas specified within the application description and on the parameters plan, therefore represents an over-development of the site with insufficient land for appropriate landscaping mitigation, biodiversity enhancement and SUDS drainage. The application submission stated that these issues could be dealt with by conditions, however, such matters can only be conditioned if there is a reasonable prospect that they can be successfully delivered. The revised submission has now addressed these issues satisfactorily and the landscaping and drainage proposals are now appropriately accommodated.
- 5.95 As stated above, saved Policy C28 of the adopted Cherwell Local Plan 1996 seeks to control development to ensure that the standards of its layout, design and external appearance are sympathetic to the rural or urban context of the site. The supporting text advises that the Council will seek to avoid discordant development that would harm the appearance and character of the countryside. Policy ESD15 of the adopted Cherwell Local Plan requires new development to complement and enhance the character of its context through sensitive siting and layout. Concerns were raised in respect of the original submission that the proposed buildings due to their footprint, form, bulk, height and proximity to the boundaries of the site without sufficient landscape mitigation would dominate the approach into Bicester from both Ambrosden and Aylesbury to the detriment of the visual appearance of the locality and the adjacent open countryside. Furthermore, the building to plot ratio within the site was also very high with minimal scope for effective or significant landscaping. Following further discussions with the applicant, these issues have now been adequately addressed and the scheme is now considered acceptable. The quantum of development has now been reduced from the original outline submission of 750,000sqft to 675,000 sqft across the whole site. Unit A1 remains at 88,000sqft as this is for a specific end user, but Unit A2 has been reduced from 128,000sqft to 110,000 sqft, which has enabled the landscape buffers to be increased as specified

previously.

- 5.96 It is therefore now considered that the amended proposal as submitted is acceptable in visual and design terms and because of the appropriate landscaping proposed, would not cause significant harm to the locality and is therefore in accordance with Policies Bicester 12 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved Policy C28 of the adopted Cherwell Local Plan and the NPPF which requires new development to be visually attractive as a result of good architecture and appropriate landscaping in terms of the quantum of development on the site.

### **Ecology**

- 5.97 The NPPF – Conserving and enhancing the natural environment requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts of biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 5.98 Section 40 of the natural Environment and Communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity’ and:
- 5.99 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9 (5) of Conservation Regulations 2010, which states that ‘a competent authority, in exercising any of their functions must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions’.
- 5.100 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 5.101 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licences from natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met which include:
1. Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature (development)
  2. Is there a satisfactory alternative
  3. Is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 5.102 Therefore, where planning permission is required and protected species are likely to be found present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local Planning Authority that the 3 strict derogation tests can be met prior to the determination of the application.
- 5.103 Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 seeks to achieve biodiversity net gain through development by the protection and enhancement of



biodiversity and the natural environment. The supporting text also requires all developments around Bicester to carry out surveys for the brown hairstreak butterfly as well as a consideration of the site's value as a wildlife corridor and the contribution it makes to ecological networks.

- 5.104 Policy Bicester 12 identifies key site specific design and place shaping principles relevant to ecology and biodiversity as follows:
- A comprehensive master plan for the allocated site
  - Retention and enhancement of hedgerows and the introduction of new landscaping features that will ensure the preservation and enhancement of biodiversity, resulting in an overall net gain. Development should demonstrate the enhancement, restoration or creation of wildlife corridors
  - Provision of opportunities for green infrastructure links within and beyond the development site to the wider town and open countryside including appropriate improvements to connectivity between areas of ecological interest
  - Adequate investigation of, protection of and management of protected habitats and species on site given the ecological value of the site, with biodiversity preserved and enhanced
  - The preparation and implementation of an Ecological Management Plan to ensure the long term conservation of habitats and species within the site
  - Ensure there are no detrimental impacts on downstream sites of Special Scientific Interest through hydrological, hydro chemical or sedimentation impacts
- 5.105 The submitted ES includes a chapter on ecology. An assessment of the potential ecological effects that the proposed development might have on the site and its surroundings has been carried out by the Environmental Dimension Partnership on behalf of the applicant. The assessment includes a review of the current conditions found within the area and identifies measures to avoid, mitigate and/or compensate where appropriate. The assessment has been based on the review of available ecological records and appropriate ecological surveys to understand the ecological value of the site and its local context. The assessment found that the habitats within the application site are generally of minimal ecological value, reflecting its agricultural use. However, some habitats of local value were identified, namely the mature hedgerows and (off-site) pond. In terms of habitats the ES states that the cumulative effects of the larger scale of total habitat losses are not considered to be significant on the assumption that each development provides adequate mitigation in accordance with national and local planning policies.
- 5.106 In terms of protected and/or notable species, information was collected through a desk study and range of field surveys. In terms of birds, TVERC records were used together with a full breeding bird survey carried out in Spring 2015. Overall a total of 29 species of bird were recorded, a total of 10 of which are of conservation importance in terms of being listed as species of principal importance for conservation in England under Section 41 of the NERC Act (2006) and/or having been assessed as Red/Amber Listed Species of conservation concern. Of these only dunnock and yellowhammer were confirmed to be breeding within the site.
- 5.107 Bat surveys undertaken within the site comprised assessments of trees for their potential to support roosting bats, with further detailed emergence surveys of a medium potential tree located along the northern boundary of the site, together with manual and automated bat activity surveys. In terms of Great Crested Newts, the surveys found no evidence of their presence on the site, although they are present in ponds outside the application site.
- 5.108 The desk study confirmed the presence of brown hairstreak butterfly within the local surroundings of the site including a number of records from Gavray Drive Meadows LWS and a single record of an egg at the A41/Ploughley Road junction immediately

beyond the southern boundary of the site. A targeted egg search involving a thorough survey of sample sections from all hedgerows within the site for the presence of brown hairstreak eggs was undertaken by EDP on 3<sup>rd</sup> December 2015. The egg search recorded a total of two eggs within the site. This hedgerow will be removed as part of the development proposals. The ES states that due to the retention of existing hedgerows to the boundaries of the site (except to create access points) that the habitat loss has only minor significance. The ES advises that the overall, adverse effects have been avoided or reduced through inherent mitigation incorporated into the parameter plans for the site and the detailed proposals for Zone 1, and via the provision of the CEMP to be secured via a planning condition. It must be noted however, that if such matters are to be conditioned that the proposal must be clear that such mitigation is capable of being accommodated within the site and that sufficient space is maintained for sufficient and appropriate landscaping proposals and green infrastructure links to act as wildlife corridors in order to comply with the above mentioned advice, Development Plan policies and the advice within the NPPF.

- 5.109 The submission has been assessed by the Council's Ecologist and the County Ecologist. A number of concerns were raised in respect of the biodiversity enhancements proposed and whether they could be successfully incorporated into the landscaping scheme for the site. The amended scheme which now incorporates wider landscape buffers and green infrastructure links through the site addresses the concerns raised by the Council's ecologist and the proposal is therefore in accordance with the requirements of Policies Bicester 12 and ESD10 of the adopted Cherwell local Plan 2011-2031 and the NPPF in this respect. Conditions are recommended in respect of ecology and the provision of green infrastructure links in accordance with the submission.

#### **Flood Risk and Drainage**

- 5.110 The NPPF – Meeting the challenge of climate change, flooding and coastal change advises that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.
- 5.111 Policy ESD6 of the adopted Cherwell Local Plan requires that flood risk assessments are included with development proposals such as the application site which should assess all sources of flood risk and demonstrate that
- There will be no increase in surface water discharge rates or volumes during storm events up to and including the 1 in 100 year storm event with an allowance for climate change (the design storm event)
  - Development will not flood from surface water up to and including the design storm event and any surface water flooding beyond the 1 in 30 year storm event, up to and including the design storm event will be safely contained on site.
- 5.112 Policy ESD7 of the adopted Cherwell Local Plan (Part 1) 2011-2031 sets out the Council's approach to Sustainable Drainage Systems (SuDS) to ensure new developments are better adapted to the predicted impacts of climate change in the South East, which include more intense rainfall events and in order to prevent surface water run-off from increasing flood risk. Policy ESD7 is supported by the Flood and Water Management Act 2010 which presumes that SuDS will be used for all new developments which seek to manage surface water as close to its source as possible. The policy states that 'all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.
- 5.113 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those most relevant to flood risk and drainage are as follows:
- A comprehensive master plan for the allocated site

- Ensure that there are no detrimental impacts on downstream sites of Special Scientific Interest through hydrological, hydro chemical or sedimentation impacts
- A flood risk assessment should include detailed modelling of the water courses. Development should be excluded from flood zone 3 plus climate change and public open space/recreation areas located near water courses to create 'blue corridors'
- Take account of the Council's Strategic Flood Risk Assessment for the site
- The incorporation of SUDS, taking account of the recommendations of the Council's SFRA. Detailed site specific analysis and ground investigation to determine whether infiltration SUDS techniques are acceptable; due to underlying geology and ground water vulnerability attenuation techniques are likely to be required

5.114 The ES submitted with the application includes a chapter on flood risk and the water environment which assess the likely significant impacts of the proposed development relating to flood risk, surface water drainage, water quality and consumption of public water supply. Field drains surround the site along the western, northern and eastern site boundaries. The field drains to the north and west of the site appear to flow northwards towards the River Ray. A field drain flows in a southerly direction along the eastern site boundary and is culverted beneath the A41 at the south eastern corner of the site before continuing in a southerly direction to confluence with the River Ray.

5.115 The flood risk assessment and the drainage strategy have been assessed by OCC as Lead Flood Authority. In terms of the full application, they were concerned about the limited use of SUDS techniques, especially using soft vegetative SUDS, source control and treatment train approach has been made throughout the site. A concern was also raised about how the proposals will meet water quality objectives to comply with Cherwell Local Plan policy; NSTS and good practice and the provision of hydrocarbon interceptor alone may be insufficient. In terms of the outline proposal a concern was raised as to how cut and fill across the site interferes with the natural flow paths of the greenfield condition. To resolve the objection OCC required:

For the full application

1. Provide some assessment detail as to why vegetative SUDS or hard SUDS Source control techniques cannot be used to meet SUDS water quality objectives in a treatment train. This could be assisted by providing a matrix assessment table. This should show that the potential for SUDS is being maximised where it is practical to do so to meet water quality objectives
2. Permeability tests at the site to prove the expected low or no permeability condition
3. Assessment of pre and post-development run-off volumes and conclusion as to whether it is practicable to control volumes to the greenfield condition to demonstrate compliance with NSTS S5
4. Clarify the feasibility of orifice control to discharge to the 100% annual storm probability to fully meet NSTS standard S2
5. Confirmation of hydrocarbon interceptor, treatment plant and pump details
6. Provide calculation detail of the flood modelling for the compensation lowering
7. Provide further plans as noted of long and cross section details to include the outfall to the ditch and detail of hydrocarbon interceptor
8. Clarify ownership of the field drain ditch at outfall
9. Provide proposed maintenance details for the proposed pump and hydrocarbon interceptor and any further SUDS proposals
10. Graphically illustrate on a plan the areas of flooding and flood routes in exceedance events, showing flood volumes

For the outline

1. As 1 above
2. Resolve concerns surrounding the flood risk at the site and downstream, which concern the capacity of the land drain to accept and carry away flows. This should include assessment of the watercourse condition and infrastructure downstream
3. Assessment of pre and post-development run off volumes to the greenfield condition to demonstrate compliance with NSTS S4-S9 and Cherwell local plan policy
4. Demonstrate compliance to control discharge to the relevant greenfield annual storm probabilities to fully meet NSTS standard S1-S2 and Cherwell local plan policy
5. Provide a surface water statement that would comprehensively address the surface water issues raised and fully evaluate SUDS potential. This should include outline drainage plans and maintenance statement and proposals, and calculations. Show on plans the existing catchment and drainage flow regime and proposed drainage catchments

5.116 Following the above, further discussions have been held between OCC and the applicant's consultants and revised drainage proposals have now been submitted which have removed the above objection subject to the imposition of a number of conditions. The revised submission however, as discussed previously now includes drainage pipes, swales and attenuation areas within the landscaped buffers. The Council's Landscape Officer was initially concerned that the two would not be compatible in seeking to successfully provide suitable mitigation screening. The revised scheme now before members which includes increased landscaped buffers to the southern and eastern boundaries of the site now addresses each of these issues and the proposal is now therefore considered to be in accordance with the above mentioned policies and advice in this respect. Final comments in respect of the latest drainage details are awaited from OCC and will be reported at the meeting.

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

5.117 Significant objections have been received from the occupiers of the adjacent dwellings known as Wretchwick Farm Cottages. The objections can be read in full on the application documentation. The application proposal has sought to address the impact on these cottages by the provision of a landscaped bund in the south eastern corner of the site adjacent to the existing public right of way. Due to the nature and scale of the proposed development and the fact that this is the development of a green field site in open countryside, the proposal will result in some localised harm to the existing residential properties within the immediate vicinity of the site, and the development of this site and the remainder of Bicester 12 will have an urbanising effect on this currently rural location. The site however is allocated for mixed use development under Policy Bicester 12 of the adopted Cherwell Local Plan and therefore we need to ensure that the impact of the proposed development on these residential properties is not so great as to have an unacceptable impact on their residential amenities.

5.118 The accompanying ES has addressed the impact of the development on these residential properties, both in terms of the construction of the site and its operational use once constructed and concluded that the impacts would not be sufficient to justify refusal of the application. The ES in terms of noise and vibration has been assessed by the Councils Environmental protection Officer who raises no objections subject to the imposition of conditions including a Construction Environmental Management Plan.

5.119 Policy C31 of the adopted Cherwell Local Plan advises that in existing and proposed residential areas that development which is not compatible with the residential character of an area, or would cause an unacceptable level of nuisance or visual

intrusion would not normally be permitted. As expressed above, the proposal by virtue of its scale, form and type would have an impact upon the adjacent residential properties, however, this is an allocated site for mixed use development and the provision of a landscaped bund to the south eastern corner will reduce the visual impact and domination of the development when viewed from these properties. The parameters plan and landscaping plans submitted indicate the provision of a landscape buffer, up to 53m wide between the corner of illustrative building C3 and the boundary at the south western corner of the site closest to the cottages. This issue would be addressed further at reserve matters stage when the position, scale and orientation of the building and service yards would be considered in more detail.

- 5.120 Having regard to the above therefore, it is considered that the proposed development would not have such a significant and unacceptable detrimental impact upon the residential amenities of the occupiers of these two cottages sufficient to justify refusal of the application proposal on these grounds.

### **Sustainability**

- 5.121 All applicants submitting proposals for all non-residential development are required in paragraph B.185 of the Cherwell Local Plan Part 1 2011-2031 to submit an energy statement demonstrating compliance with Policy ESD2 which will be demonstrated through the application of Policies ESD3, ESD4 and ESD5. Policy ESD3 requires that non-residential developments should demonstrate that they have been designed to meet BREEAM 'Very Good' standard. Policy ESD4 requires all applications for non-domestic development above 1000 sqm to be accompanied by a feasibility assessment for District Heating/Combined Heat and Power. Policy ESD5 requires that all such development proposals should also be accompanied by a feasibility assessment for on-site renewable energy provision. No such feasibility assessment or Energy Statement was originally submitted as part of this application.
- 5.122 The NPPF – 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 94 that 'Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations'.
- 5.123 Paragraph 96 advises that in determining planning applications, local planning authorities should expect new development to:
- Comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
  - Take account of landform, layout and building orientation, massing and landscaping to minimise energy consumption
- 5.124 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those relevant to sustainability are as follows:
- Demonstration of climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of Policies ESD 1 – 5.
  - The incorporation of SUDS (see Policy ESD7: Sustainable Drainage Systems), taking account of the recommendations of the council's strategic Flood Risk assessment. Detailed site specific analysis and ground investigation to determine whether infiltration SUDS techniques are acceptable, due to underlying geology and groundwater vulnerability attenuation techniques are likely to be required
- 5.125 The application submitted states that it is intended that the development will achieve a minimum of BREEAM 'Very Good' but suggests that the details should be required

to be submitted by condition thereby complying with Policies ESD 1 -5 of the adopted Cherwell Local Plan Part 1 and Policy Bicester 12. The submission was assessed by the Council's sustainability consultant who raised concerns about the level of detail and information submitted. In response to these concerns an Energy Statement has now been produced by peter Brett Associates on behalf of the applicant. This will be assessed by the Council's Energy Consultant and Members will be updated at committee.

### **Planning Obligation**

- 5.126 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. Policy INF1 of the adopted Cherwell Local Plan 2011-2031 states that; 'development proposals will be required to demonstrate that infrastructure requirements can be met, including the provision of transport infrastructure and improvements. Contributions can be secured via a section 106 Agreement provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010. This large scale development proposal will require a legal agreement to secure the mitigation and infrastructure necessary to make the development acceptable.
- 5.127 The terms and details of the Planning Obligation have now been agreed between OCC and the applicant. The applicant has submitted a Unilateral Undertaking which following further discussion and negotiation is now acceptable. The following highway infrastructure improvements and contributions towards highway infrastructure works have been agreed as follows:

#### Section 278 required as follows:

- for the provision of highway works relating to the means of access to A41
- extension of the street lighting on A41 to the east of the proposed site access
- introduction of a 50mph speed limit on A41 to include the site access and junction with Ploughley Road – exact extent to be agreed
- a new section of footway/cycleway on the north side of the A41 from the site access as far as the junction of Ploughley road. This footway/cycleway will connect with the proposed new refuge island crossing point east of the Ploughley Road junction with the A41. This connection and the refuge itself (and connections onwards on the south side of the A41)
- hard standing for a pair of new bus stops in the vicinity of the junction of Ploughley Road and A41 either west of the junction of the A41 or just south of the A41 on Ploughley Road

#### Section 106 required to secure

- Highway works as above
- Pedestrian/cycle connections with the rest of Bicester 12 site. The developer would need to commit to providing (i) connections into/out of the site with the rest of Bicester 12 site and (ii) onward 3m shared use routes for cyclists and pedestrians from the points of connection with the adjacent site to reach all points of access of the different buildings on the site. There would need to be one connection each on the north western and north eastern boundaries of the site. The connections and onward routes would need to be provided within 6 months of the applicant being notified that development has commenced on the adjacent site.
- Bus stop infrastructure - £21.955 towards the cost of procuring, installing and maintaining two Premium Route bus stop/pole/flag/information cases and one three-bay bus shelter with integral real time information display (Bicester bound stop) – for the new pair of bus stops being provided in the vicinity of the A41/Ploughley Road junction
- Strategic transport – a financial contribution of £210,742.56 towards wider improvements to the Bicester transport network as a result of the development's contribution to the cumulative transport impacts of the wider

proposals. The amount to be confirmed

- Travel plans – £2,040 will be required to monitor the Framework travel Plan. A further £2,040 will be needed for the monitoring of the travel Plans for each of the individual units developed, for a period of 5 years post occupation of the site (£12,240 based on the indicative site layout showing 5 units)
- Travel plans
- £150,000 towards improved bus services for a period of five years in the early morning and evenings and in the middle of the day on Sunday

5.128 Commuted sums are now included in the UU. A S278 was previously not included within the UU and OCC advised that a S278 could not be agreed without payment of a commuted sum for maintenance. Without a S278 the necessary highway works could not be carried out and the development would therefore be acceptable in planning terms. The UU has now been agreed and a draft S278 agreement is now attached to the UU. A bus contribution is necessary to mitigate the impact of the development towards improved bus services has also now been agreed and included within the UU.

5.129 The wording in the UU regarding the pedestrian and cycle connections between this site and the remainder of Bicester 12 was previously not acceptable to OCC. As set out previously, detail of the connection points and onward routes are required, to be agreed prior to the commencement of development and their construction to be completed prior to the occupation of the development. The wording of the UU as agreed now adequately not reflects this.

5.130 Having regard to the above, the planning obligation offered by the applicant by way of a Unilateral Undertaking is now considered acceptable and therefore the necessary infrastructure directly required as a consequence of this scheme will now be delivered. The proposal is therefore in accordance with Policy INF1 of the adopted Cherwell Local Plan Part 1 2011-2031 and government advice within the NPPF in this respect.

### **Engagement**

5.131 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 by seeking to work collaboratively with the applicant and through the efficient and timely determination of the application.

### **Conclusion**

5.132 The application site is part of the larger Policy Bicester 12 mixed use allocation (including employment use) within the adopted Cherwell Local Plan 2011-2031, and the principle of B8 use on this site is therefore accepted. We have sought to work collaboratively with the applicant and agent to achieve an appropriate level of development on the site. The previous concerns regarding the quantum of development of the site and the lack of sufficient landscaping and ecological mitigation, together with the absence of a comprehensive master plan and connectivity between this development and the remainder of Bicester 12 have now been addressed by the applicant to the extent that the application is now considered acceptable. In terms of the original appealed outline application, the proposed buildings were indicated to be 18m in height, these have now been reduced to a maximum of 15.5m, and the quantum of development across the site has been reduced from 750,000 sqft to 675,000 sqft, enabling the landscaping to the site boundaries to be increased thereby successfully reducing the visual impact of the development on the surrounding road network, the adjacent residential properties and the adjacent public rights of way.

5.133 Having regard to the above therefore, the application proposal is considered to be in

accordance with Policy Bicester 12 and the associated Policies within the adopted Cherwell Local Plan 2011-2031, saved policies as above within the adopted Cherwell Local Plan 1996 and government advice within the NPPF. Approval of this scheme will therefore play an important part in the early delivery of sites allocated within the Cherwell Local Plan 2011-2031 thereby enabling the delivery of new employment development to support economic growth and to support the growth in new housing.

### **Environmental Impact Assessment Determination**

5.134 Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires;

24 – (1) where an EIA application is determined by a local planning authority, the authority shall:-

1. In writing, inform the Secretary of State of the decision
2. Inform the public of the decision, by local advertisement, or by other such means as are reasonable in the circumstances; and
3. Make available for public inspection at the place where the appropriate register (or relevant section of that register) is kept a statement containing:-
  - 1) The content of the decision and any conditions attached to it
  - 2) The main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public
  - 3) A description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development, and;
  - 4) Information regarding the right to challenge the validity of the decision and the procedures for doing so

5.135 It is therefore recommended that this report and the conditions and obligations proposed for the development are treated as the statement required by Regulation 24 C (i) – (iii). The information required by Regulation 24 C (iv) will be set out in the planning decision notice.

## **6. Recommendation**

**Approval** subject to the imposition of the conditions as follows, with delegation to officers to agree the final wording of any conditions, and the receipt of a satisfactory agreed Unilateral Undertaking:

### **Full Permission**

1. A4 – time limit 3 yrs
2. A6 – plans condition
3. B3 – samples of wall and roof materials
4. B15 – external lighting details
5. B18 – boundary enclosure details
6. C2 – carry out landscaping in accordance with the approved plans
7. C3 – maintain landscaping in accordance with the approved management/maintenance plan
8. C7 – retained trees
9. C9 – AMS
10. C11/12 retain hedgerows
11. C20 – tree pit details hard landscaped areas
12. C21 – tree pit details soft landscaped areas
13. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway on the A41, including position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details – the visibility



splay shall be kept clear of obstructions (including trees and other vegetation) between 0.6m and 2.0m.

14. Prior to the commencement of the development hereby approved, full specification details of the site roads and turning areas to serve the development, which shall include construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the development, the site roads and turning areas shall be constructed in accordance with the approved details.
15. Prior to the commencement of development in zone 1 hereby approved shown on the approved parameters plan, full details showing car parking spaces and HGV parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of development in zone 1, the parking for that zone shall be constructed in accordance with the approved details. All car and HGV parking shall be retained at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority. Car and HGV parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
16. Prior to commencement of development in zone 1 hereby approved, full details showing space for a minimum of 118 bicycles (98 for staff and 20 for visitors) shall be submitted to and approved in writing by the local planning authority. At least 49 of the staff spaces shall be under cover. The cycle parking shown on the agreed plan shall be provided prior to the first occupation of the development. The cycle parking shall be permanently retained and maintained for the parking of cycles in connection with the development.
17. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk assessment (FRA)(May 2016/32765/3006/Peter Brett), Drainage Design Statement (April 2016/32765/2006/001/Peter Brett), technical note 32765-2004-TN002 and the following mitigation measures detailed within the FRA statement:
  - a) Limiting the surface water run-off generated by the 1 in 100 year critical storm to 5 litres per second so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site
  - b) Provision of underground storage tank and swale as shown on drawing number 32765-2006-001 Rev B
  - c) Provision of flood storage as shown on drawing number 32765-2006-001 rev B
  - d) Hydrocarbon interceptor and wastewater treatment centre as detailed in the Drainage design Statement (April 2016/32765/2006/001 Peter Brett) and technical note 32765-2004-TN002.
  - e) The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by the local planning authority.
18. Prior to commencement of development the applicant shall submit to the LPA a SUDS Maintenance and Management Plan for the development. This shall include a comprehensive maintenance schedule; a site plan showing the location of SUDS features and details; maintenance areas, location of outfalls. Responsibility for the management and maintenance of each element of the SUDS scheme will be detailed within the Management Plan. A health and safety plan will be provided where risks are involved in any maintenance activity.
19. Prior to commencement of the development the applicant shall submit to the LPA a Construction Environmental Management Plan (CEMP) in accordance with paragraph 12.7.3 of the approved Flood Risk Assessment (FRA) (May2016/32765/3006/Peter Brett). This will detail the drainage scheme to control surface water runoff during the construction phase and measures to be adopted to mitigate the risk to ground and surface waters from contaminated surface runoff.
20. Prior to commencement of development the applicant shall submit to the Local

Planning Authority site infiltration test results in accordance with BRE365

21. Prior to commencement of development, the applicant shall submit to the LPA a Phase 2 intrusive geoenvironmental ground investigation. This work shall assess the need for any remedial works with respect to soil and groundwater contamination (if present). This may be in accordance with paragraph 12.7.4 of the approved flood Risk Assessment (FRA) (May 2016/32765/3006/Peter Brett).
22. H10 - no extensions

### **Outline Permission**

1. A1
2. A2
3. A3
4. B23 – height limit 15.5m
5. Prior to the commencement of each phase of development in zone 2 shown on the approved parameters plan, full details showing car parking spaces and HGV parking spaces for each phase shall be submitted to and approved in writing by the local planning authority. Thereafter and prior to the first occupation of development in each phase shall be constructed in accordance with the approved details. All car and HGV parking shall be retained at all times thereafter, unless otherwise agreed in writing beforehand by the Local Planning Authority. Car and HGV parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
6. Prior to the commencement of each phase of development in zone 2 shown on the approved parameters plan, full details showing the number of bicycle parking spaces being provided for each phase of development within that zone shall be submitted to and approved in writing by the local planning authority. Thereafter and prior to the first occupation of development within each phase of zone 2, the parking for that phase shall be constructed in accordance with the approved details. At least 50% of the spaces provided for staff shall be under cover. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.
7. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the LPA. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed. The scheme shall also include:
  - a) SUDS (OCC requirements include the provision of suitable vegetative SUDS (swales etc) and source control techniques to meet water quality objectives in a treatment train approach)
  - b) Discharge rates
  - c) (Assessment of the runoff rates and proposed attenuation measures to demonstrate compliance with Defra Non-Statutory Technical Standards for SUDS paragraph S2 and Cherwell local planning policy discharge volumes)
  - d) (Assessment of the pre and post-development runoff volumes to the greenfield condition to demonstrate compliance with Defra Non-Statutory Technical Standards for SUDS, paragraphs S4-S6 and Cherwell planning policy)
  - e) Flood Risk within the development
  - f) (Demonstrate compliance with Defra Non-Statutory Technical Standards for SUDS, Paragraphs S7-S9 and Cherwell policy. This shall include a drawing plan showing exceedance routes through the development and storage areas)
    - i) Maintenance and management of SUDS features
    - ii) Sizing of features – attenuation volume
    - iii) Infiltration in accordance with BRE365
    - iv) Detailed drainage layout with pipe numbers
    - v) Network drainage calculations

- vi) Phasing
  - vii) These matters shall be covered in a comprehensive sustainable drainage statement submitted to the LPA
8. The first reserved matters submission shall also include full details and the precise route and location of the proposed green infrastructure links and footpath/cycle links from this development into the remainder of the Bicester 12 development site. These links shall be a minimum of 10m wide and shall be provided to the boundaries of the site, in accordance with the detail shown on the approved parameters plan, drawing number 4036-015 rev P21 and indicative site master-plan, drawing number 4036-013 rev P26. The development shall be carried out in accordance with these approved details prior to the first occupation of any building in zone 2 and thereafter retained and maintained.

### **Full and Outline Permission**

1. Prior to the commencement of the development hereby approved on any phase of the development, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties adjacent or surrounding the site, together with details of the construction and communication to be carried out with adjacent residents, and to ensure that works do not adversely affect biodiversity, shall be submitted to and approved in writing by the local planning Authority. Thereafter the development shall be carried out in accordance with the approved CEMP. The CEMP shall also include the following matters
  - a) Signage for construction traffic, pedestrians and other users of the site
  - b) Controls on arrival and departure times for construction vehicles
  - c) Piling methods (if employed)
  - d) Earthworks
  - e) Hoardings to the site, including future adjacent development plots
  - f) Noise limits
  - g) Hours of working
  - h) Vibration
  - i) Control of emissions
  - j) Waste management and disposal, and material re-use
  - k) Materials storage, and
  - l) Hazardous material storage and removal
2. Cumulative noise output from any mechanical ventilation or plant associated with the development shall be noise attenuated or mitigated so that it achieves the following levels at 1m from the nearest receptors (listed below):
  - a) Daytime (07.00-23.00)
    - i) Wretchwick Farm Cottages and Wretchwick Farm: 43dB LAeq
    - ii) Little Wretchwick Farm: 34dB LAeq
  - b) Night time (23.00-07.00)
    - i) Wretchwick Farm Cottages and Wretchwick farm: 31dB LAeq
    - ii) Little Wretchwick Farm: 28dB LAeq
3. J13 – land contamination: intrusive investigation
4. J14 – land contamination: remediation scheme
5. J16 – land contamination: carry out remediation
6. Development shall not commence until a drainage strategy detailing any on and/or off drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. 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.
7. 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 (in consultation with Thames Water). The studies shall

determine the magnitude of any new additional capacity required in the system and a suitable connection point.

8. F8 – archaeology
9. F9 – archaeology
10. Prior to commencement of development, an updated Framework Travel Plan that complies with OCC's travel planning guidance document 'transport for New Developments: Transport Assessments and Travel Plans' for the whole site will be submitted to and approved by the LPA in consultation with the highway authority. Prior to occupation, workplace travel plans for each separate phase of the development will be submitted to and approved in writing by the LPA and consultation with the HA. The plans shall incorporate details of (i) the means of regulating the use of private cars at the development in favour of other modes of transport (ii) how employees can travel to the site by bus in the evening and at night time (7pm to 7am) and (iii) the means of implementation and methods of monitoring site related travel. Thereafter the approved Travel Plans shall be implemented and operated in accordance with the approved details.
11. Prior to commencement of development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the LPA. Thereafter the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.
12. G17 – no outside storage or other operations
13. K8 – protected species
14. K12 – nesting birds, no works between march and August unless agreed
15. K17 – biodiversity enhancement
16. K20 – landscape and ecological management plan

#### **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 sought to work with the applicant/agent in a positive and proactive way and by the timely determination of the application.