

Case Officer: Matthew Parry **Ward(s):** Bicester South And Ambrosden

Applicant: Bicester Nominees Limited And Bicester II Nominees Ltd

Ward Member(s): Cllr David Anderson
Cllr Nick Cotter
Cllr Dan Sames

Proposal: The demolition of existing buildings and structures and the development of 2,120 sq m (GIA) of office (Use Class B1) and new vehicle and pedestrian access; the provision of parking; and all necessary enabling works, plant and equipment.

Committee Date: 27.10.16 **Recommendation:** Approval subject to conditions

Reason for Committee Referral: Major development

1. Application Site and Locality

- 1.1 The application site relates to 0.485 hectares of land consisting of a building that is vertically divided into five separate commercial units located on the McKay Trading Estate in Bicester. The application site also includes the building's curtilage which is predominantly laid out for car parking/deliveries. The units are in a combination of office, warehouse and leisure uses which translated into town planning use classes as B1, B8 and D2 respectively. The building is of two storey flat roof construction dating back to the late 1970s featuring brick external walls at ground floor level with dark grey metal panels cladding most of the first floor.
- 1.2 The McKay Trading Estate is located relatively close to the town centre, being adjacent to the newly refurbished and re-named Bicester Village Railway Station. It is accessed from Station Approach, a private road which serves the station as well as the trading estate which connects onto London Road. The two other buildings of the McKay Trading Estate which are proposed to be retained lie to northeast. Surrounding the site to the south and west lies the car parks serving the Bicester Village retail complex.

2. Description of Proposed Development

- 2.1 The application seeks outline planning permission for the demolition of the building and its associated five commercial units together with a replacement single office building (use class B1a) of identical floorspace to the building demolished. All matters are reserved except details of access which means that the specifics of the scale, external appearance, layout and landscaping of the development are not for consideration at this stage except insofar as the Council needs to be satisfied as part of granting outline planning permission that a detailed scheme can be submitted in due course that satisfactorily accommodates

the development on the site. In simple terms it is therefore the principle, amount and access to the proposed development that is now for consideration as part of this application.

- 2.2 There were no formal pre-application discussions with officers that informed this planning application.

3. Relevant Planning History

- 3.1 There is no planning history on the application site that is relevant to this proposed development.

4. Response to Publicity

- 4.1 The application was publicised by way of notice posted on site, in the local newspaper and through letters to nearby properties. No third party representations have been received.

5. Response to Consultation

Parish/Town Council:

Bicester Town Council – No objection however the following comments are made. There is more than adequate space for parking within the site and so there should not be any overspill parking on to London Road. The terms of the use of the back gate from Bicester Village should not be amended in any way to allow general access to Bicester Village – only for emergencies and possibly buses. The proposals should not be allowed to impact on the possibility of Oxfordshire County Council developing a solution to the London Road crossing.

Cherwell District Council:

Environmental Protection – Conditions should be imposed requiring further intrusive investigation of the ground to establish contamination as well as appropriate remediation of the contaminants. Given the proximity of the site to sensitive residential properties as well as other commercial properties, a construction environmental management plan should be required by condition to ensure construction work is appropriately controlled to avoid undue impact on neighbouring land uses/users.

Oxfordshire County Council:

Transport – Objection.

- The stretch of Station Road via which the applicant intends for transport users to access the site is not currently adopted as public highway.
- The access points appear to allow unfettered access to the whole of the Bicester Village site. The applicant has not considered this in their traffic generation forecasts and on the Station Road/London Road junction. They have only considered the number of trips arising from units 1-7 of the site and have not considered the impact of a greater number of trips to Bicester Village on the wider Bicester network.
- The impact of the London Road level crossing barrier downtime on vehicular access via Station Approach needs to be considered.

Access

The applicant states that there will be two principal vehicular accesses to the site, at its north-eastern and south-eastern ends. What is the intended build-out year for the development? Oxfordshire County Council is working with Network Rail to adopt the stretch of road between the current highway boundary on Station Approach at its southern end and where it provides access to the pick-up and drop-off facilities for Bicester Village Railway Station, as public highway maintainable at public expense. In order for the applicant to create the two eastern accesses and footway immediately to the east and serving the development by using an S278 agreement, this stretch of road will need to be adopted as public highway. If it is not, the applicant will need to use a Private Street Agreement with Network Rail under Section 184 of the Highways Act 1980.

Also, it appears from the plans provided that the applicant wishes to create a shared space arrangement within the boundaries of the proposed development for pedestrians and cyclists. What courtesy crossing facilities will be put in place to ensure that pedestrians have a safe route from the access to the proposed development to the entrance of the office?

Also, what are the applicant's intentions regarding the access junction to Station Approach immediately south-west of Bicester Railway Station as this appears to be on the boundary of the blue-line plan.

Visibility Splays at the intended New Accesses

The applicant will need to take 85th percentile average wet weather speed surveys along Station Approach, and then use these to form appropriate visibility splays at the intended new accesses. They will then need to submit a summary of these speed surveys in an amended Transport Assessment and submit amended plans showing the proposed dimensions of the visibility splays to the Local Planning Authority.

Intended Access and Traffic Impact Analysis

On review of the text in the Transport Assessment, this document does not acknowledge that the access and car park for the proposed development appears to be integrated with Bicester Village's car park, therefore having the potential to allow free flow access to and from Bicester Village via Station Approach. It should be noted that the use of Station Approach by Bicester Village has not been assessed and, without restriction, there would be unfettered access for the whole of Bicester Village's parking, as well as the McKay's site.

A recommendation by Oxfordshire county council (OCC) to maintain a restriction on access to Bicester Village via the new alignment of Station Approach through a Car Park Management Plan associated with 16/00022/DISC, has been rejected by the planning authority due to the nature of the application; however, the point of access in question at the end of Station Approach remains gated off. It is considered that this outline application appears to show free flow permeability between Station Approach and the Bicester Village site, whilst increasing traffic demand on the site itself and so an assessment of the impact of access to and from Bicester Village via Station Approach is required, in addition to the McKay site proposals.

Also, what measures will the applicant put in place to reduce the risk of increased overspill parking which might result from employees of the proposed new offices being unable to find a space in the new car park because the spaces have been taken by shoppers at Bicester Village? Has the applicant considered cordoning off these 75 car and 20 cycle parking spaces from the rest of the Bicester Village development?

Impact of East-West Rail on the Applicant's Junction Analysis

East West Rail Phase 1 has now been implemented and East West Rail Phase 2 is anticipated, increasing barrier down time at London Road level crossing and making

access via Station Approach less desirable in terms of queuing to go south along London Road or rerouting through the town centre when the barriers are down. Further rail traffic can also be expected as a result of electrification and freight, which has led OCC to begin developing potential highway solutions in case of a future level crossing closure.

Public Transport Access

From a purely public transport perspective, bus stops and turning facilities are provided adjacent to Bicester Village railway station and at stops on London Road, south of the level crossing.

The operation of 'through' buses into and out of the Bicester Village land and along Pingle Drive has been considered. However, the question of bus service reliability at times of peak traffic demand has always arisen to do with the feasibility of a scheduled bus service being operated along Pingle Drive at times when traffic levels are high.

Whilst Bicester Village is a very important destination for public transport users, there are alternative access arrangements, whether this be walking from bus stops on the Oxford Road or from Bicester Village rail station. There is also a shuttle bus from Bicester North station, which uses Pingle Drive and loops around in front of the retail area.

There is no absolutely pressing reason for promoting bus use across the Bicester Village/McKay trading estate interface. There are alternative east-west routes, such as the A41 Boundary Way, should connectivity between South-East and South-West Bicester be required.

Other External Consultees:

Network Rail – The comments raised have been summarised as follows:

- As the proposal includes works may impact the existing operational railway, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent. The applicant / developer should liaise directly with Asset Protection to set up the BAPA.
- The developer is to submit directly to Network Rail a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway including the demolition works. Network Rail would need to be assured the works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and operational railway infrastructure. Review and agreement of the RAMS will be undertaken once a BAPA has been set up between Network Rail and the applicant/developer.
- The developer/applicant must ensure that their proposal, both during construction, after completion of works on site and as a permanent arrangement, does not affect the safety, operation or integrity of the operational railway / Network Rail land and our infrastructure. The works on site must not undermine or damage or adversely impact any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and boundary treatments. Any future maintenance must be conducted solely within the applicant's land ownership.

- Any scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, should they topple over in the direction of the railway then there must be at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.
- If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail Asset Protection Engineer. All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling. The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.
- With a development of a certain height that may/will require use of a tower crane, the developer must bear in mind the following. Tower crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Engineer prior to implementation. Tower cranes have the potential to topple over onto the railway; the arms of the cranes could over-sail onto Network Rail air-space and potentially impact any over-head lines, or drop materials accidentally onto the operational railway.
- The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building(s), due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Review of the method statement will be undertaken by the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence. Network Rail would like to add that the applicant is strongly recommended to employ companies to demolish buildings / structures belonging to the National Federation of Demolition Contractors. This will ensure that all demolition works are carried out to professional standards and the company itself will also include liability insurance as part of its service and that demolition works on site do not impact the safety and performance of the railway.
- All surface water is to be directed away from the direction of the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near / within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

- Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains.
 - Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's property.
 - Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
 - Suitable foul drainage must be provided separate from Network Rail's existing drainage.
 - Drainage works could also impact upon culverts on developers land.
- Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment / infrastructure; or lead to de-stabilisation of land through water saturation.

Full details of the drainage plans are to be submitted to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage proposals without agreement of the documentation by the Network Rail Asset Protection Engineer.

- There is no mention in these comments as to whether the developer contacted anyone from the Network Rail Level Crossings team (or the Level Crossings Manager for the area) to determine if the construction works or the development as a permanent arrangement could impact the safe operation of the level crossing. Councils are urged to take the view that level crossings can be impacted in a variety of ways by planning proposals:
 - (a) By a proposal being directly next to a level crossing
 - (b) By the cumulative effect of developments added over time
 - (c) By the type of level crossing involved e.g. where pedestrians only are allowed to use the level crossing, but a proposal involves allowing cyclists to use the route
 - (d) By the construction of large developments (commercial and residential) where road access to and from the site includes a level crossing or the level / type of use of a level crossing increases as a result of diverted traffic or of a new highway
 - (e) By developments that might impede pedestrians ability to hear approaching trains at a level crossing, e.g. new airports or new runways / highways / roads
 - (f) By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs
 - (g) By any developments for schools, colleges or nurseries where minors in numbers may be using the level crossing
 - (h) By proposals that change the demographic of users – from say occasional agricultural usage to (but not limited to) increased usage by minors, dog walkers, the elderly, cyclists and mountain bikers, pedestrian using smart-phones, with ear-phones with little or no appreciation of the risks from approaching trains at footpath level crossings.

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

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

considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

SLE1 – Employment Development
SLE2 – Securing Dynamic Town Centres
SLE4 – Improved Transport and Connections
ESD1 – Mitigating and Adapting to Climate Change
ESD2 – Energy Hierarchy
ESD3 – Sustainable Construction
ESD5 – Renewable Energy
ESD6 – Sustainable Flood Risk Management
ESD7 – Sustainable Drainage Systems
ESD15 – The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)

C28 – Design Control over New Development
C31 – Compatible Development

6.2 Other Material Planning Considerations:

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

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

7. Appraisal

7.1 Officers' consider the following principal matters to be of relevance to the determination of this application:

- Principle of Proposed Development;
- Access to the Proposed Development;
- Impact on Neighbouring Land Uses;
- Land Contamination;
- Energy Efficiency/Sustainability;
- Flood Risk/Drainage;
- Local Finance Consideration(s).

Principle of Proposed Development

7.2 The application seeks the demolition of an existing building used for employment generating uses in a sustainable location close to Bicester town centre. These uses range from a gym, to an office and to a timber merchants. Policy SLE2 of the CLP 2031 generally resists the loss of existing employment sites. However, the proposals seek to replicate exactly the same floorspace lost through demolition as part of a new office building. Whilst this would mean employees of the existing businesses would be displaced (and some of these are known to have found new premises), the new office would provide replacement employment space and is proposing an office use that typically provides a higher rate of employment per sq m than the existing business uses. With this in mind

officers are satisfied that the proposals would not give rise to any harm to local employment provision and the associated mix between housing and jobs such that there is no conflict with the requirements of Policy SLE2.

- 7.3 As stated above, the application is in outline with only means of access to the development as a detailed matter at this stage. Having regard to the above paragraph, officers are satisfied that the type of use proposed is acceptable in principle. Given that the amount of floorspace proposed is identical to that already existing on the site, officers also have no concerns that the amount of development is appropriate to the site too and that a building of 2,120 sq m internal floorspace could be satisfactorily provided in a manner that is both visually and functionally suitable for the site. Indeed the current building and its wider site are far from aesthetically pleasing and, as such, any development proposals are likely to result in improvements to the appearance and quality of the wider built environment which adds further support to the merits of the proposed development. Officers are therefore content that all matters relating to the design and layout of the proposed development can be adequately resolved as reserved matters.
- 7.4 Officers are therefore comfortable that the amount and type of development proposed on the site is acceptable in principle and that it accords with the relevant policies of the development plan.

Access to the Proposed Development

- 7.5 Policy SLE4 of the CLP 2031 is generally reflective of national policy set out in the NPPF by requiring developments to facilitate best use of sustainable modes of transport. The policy also requires development to be served by roads that are suitable for the expected traffic. National policy in the NPPF also advises that local planning authorities should consider whether safe and suitable access to a proposed development can be achieved for all people.
- 7.6 The site is well located to be attractive to non-car travel. It is adjacent to Bicester Village railway station and close to the town centre which is well served by buses. It is also within walking distance of a significant number of residential properties. It is therefore reasonable to expect that a not insignificant proportion of future employees/visitors to the proposed office development would arise by sustainable modes of transport. A Travel Plan submitted as part of the proposals endorses this approach and gives officers the satisfaction that travel by private car will try to be minimised.
- 7.7 Vehicular access to the development is proposed in a similar location to the existing access/egress to the current business units although the access points are now shown to be narrower and more defined by footways/vegetation than the current more open informal entrance. There is no suggestion however that these access points are in any way insufficient to serve the projected number and type of vehicle trips associated with the development subject to adequate control over the height of development within the visibility splays. As discussed previously, an office use for a new building is likely to generate more employees and therefore slightly intensify access to the development as well as parking requirements within the site. However, as an office, the majority of the vehicular trips to the site would be by employees and therefore by car. The journeys would also be expected to be of lesser frequency during the day and clustered at morning/evening peak hours rather than the more irregular visitor comings and goings to the existing business units as well as, in some cases, visits by tradespeople as well as heavier deliveries of materials. Station Approach is currently a private road owned by Network Rail and, whilst not highly trafficked to present any capacity problems exiting the site, there does need to be sufficient visibility on exit from the proposed development to enable safe interaction with exiting vehicular traffic associated with the adjacent railway station car park. As a result, a condition is recommended to be imposed on a planning

permission that requires adequate visibility splays to be demonstrated in advance of commencement of development. Subject to such a condition, officers have no concerns about the suitability and safety of the access to the proposed development from Station Approach which should not be materially less convenient or safe for highway users than the current arrangements.

- 7.8 Station Approach is accessed from London Road which in itself is relatively heavily trafficked and road users additionally face periodic congestion and inconvenience associated with the operation of the nearby level crossing. As rail services are being intensified along the line as part of the East-West Rail project the impact of barrier down time will increase adding to queuing along London Road. The proposals can however only be considered against the traffic arising from the existing use of the building and units on the site. As the scheme proposes a like-for-like amount of development and only the potential for a very minor increase in peak hour vehicle trips, any impact on congestion within the local highway network outside the site is expected to be negligible and certainly not sufficient to merit any objection on wider transport grounds. Whilst the applicant has not considered the potential impact of future increases in barrier down time at the London Road level crossing within the supporting transport statement, given the likely negligible impact officers do not consider this to be necessary in order to be able to conclude that the wider cumulative transport impact would not be severe – the relevant test for development proposals as set out in Policy SLE4 of the CLP 2031 as well as in the NPPF.
- 7.9 The level of car parking to be provided as part of the proposed development is a matter to be determined as part of the detailed layout of the scheme which is a reserved matter. Nevertheless, based on the submitted illustrative drawings and visualisations, there is clearly more than sufficient space to provide a generous amount of car parking within the site at a level that far exceeds that expected based on the application of Oxfordshire County Council's (OCC) latest parking standards. In fact, if anything the parking areas illustratively shown in the submitted drawings appear to be a little too generous and officers may need to consider what the appropriate level is at reserved matters stage to strike a balance between ensuring car parking and deliveries can be properly accommodated within the site whilst at the same time not encouraging travel by car.
- 7.10 The Bicester Village outlet retail centre lies to the south and west of the site. Its associated visitor car parking areas are extensive and have grown as the retail centre has expanded. The Council and particularly OCC has generally resisted allowing to Bicester Village from Station Approach given the potential impact on traffic generation along London Road. There is currently a barrier separating the Bicester Village complex from Station Approach that is controlled through both conditions imposed on previous Bicester Village planning permissions as well as an informal agreement with Bicester Village management. This ensures that only in exceptional circumstances is visitor traffic allowed to exit Bicester Village via Station Approach. The proposals as currently shown have the potential to create an unfettered route through the proposed development and into the car parks of Bicester Village to the west. The implications of traffic movements into and out of Bicester Village through the application site have not been robustly assessed as part of a Transport Assessment. OCC as local highway authority has substantial concerns about the potential for un-assessed unfettered access to/from Bicester Village as part of the proposed development and this is the principal reason for their outstanding objection.
- 7.11 Officers share the concerns of OCC. However, Government guidance is quite clear that planning permission should not be refused where conditions or planning obligations could reasonably be used to overcome the concerns. In this case officers are recommending that a condition be imposed on a planning permission (condition 17 as set out below) that prevents any development taking place until details of measures by which the site shall be prevented from receiving any traffic to/from the Bicester Village complex have been

submitted and approved and for these measures to be in effect at all times. Officers expect such details to be in the form of a permanent barrier or other means of enclosure or perhaps a barrier that could only be raised/removed in the event of an emergency. Without the imposition of such a condition, officers consider the proposed development to be unacceptable given the potential for significant adverse impact on the functioning and safety of the wider highway network.

- 7.12 Officers also expect proposals of this type to incorporate safe and convenient cycle parking facilities to encourage this mode of travel. The applicant has committed to providing cycle parking facilities and officers would expect to see such a facility as part of considering the design and layout of the scheme at reserved matters stage.
- 7.13 In conclusion on matters of access and transport, subject to the above mentioned recommended conditions, officers are content that the proposed development would be served by a suitable and safe means of access without having materially adverse impacts on the wider local highway network such that officers are satisfied with the proposals in this respect.

Impact on Neighbouring Land Uses

- 7.14 Policy ESD15 of the CLP 2031 requires the amenity of both existing and future development to be adequately safeguarded. Policy C31 of the CLP 1996 has similar requirements and resists any development that is not compatible with the residential character of an area or which would cause unacceptable nuisance. Together these development plan policies are broadly reflective of one of the key planning principles set out in national policy contained within the NPPF which, inter alia, states that the planning system should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.15 Residential properties along Priory Road lie to the north of the site beyond a section of car park serving Bicester Village. To the northeast lies two other buildings of the McKay Trading Estate that are proposed to be retained and are not part of the planning application. The proposals seek a replacement of existing commercial units with an identical floorspace of office development. This could mean the new building might have a slightly smaller or larger footprint than the existing building with varying height accordingly. The scale and layout of the proposed development are reserved matters and so the direct impact of the height and position of the detailed design of the new building in terms of daylight/sunlight, outlook, privacy and general quality of amenity enjoyed by these neighbouring developments would be assessed at reserved matters stage. Given the distance to other existing properties and the fact that the existing building appears to have been operating without causing undue harm or nuisance, officers have no concerns whatsoever that a new building of the size proposed can physically be comfortably accommodated on the site without significantly affecting living and working conditions for occupants of neighbouring properties/land. Furthermore, given that the new building would comprise office related uses rather than warehousing or leisure uses as at present, it is likely that any noise or disturbance arising from the use of the new building would be potentially lower than at the present time and therefore be compatible with surrounding existing office and residential uses.
- 7.16 Network Rail was consulted on the application proposals given that the Bicester Village Railway Station is to the opposite side of Station Approach and therefore in close proximity to the site. Many of the issues raised in Network Rail's response the consultation are private matters between the developer and Network Rail such as securing agreements for accessing the site from Station Approach which is a private road currently owned by Network Rail. Other matters require discussion and agreement with Network Rail outside the planning process. However, some of the matters raised by Network Rail

can be considered material planning considerations and in the general public interest to address as part of the planning application. Paragraph 172 of the NPPF provides support for this approach with impact on public safety highlighted as a material planning consideration. This particularly relates to the safety and operability of the nearby railway during proposed demolition and construction works for example by causing vibrations to the line during piling and perhaps toppling of cranes or other construction/demolition equipment in high winds. Based upon Network Rail's consultation response, officers recommend that a condition is imposed that requires a construction environmental management plan (CEMP) to be submitted and approved by the Council in consultation with Network Rail prior to commencement of development. In addition to control over general construction practices (hours of operation, machine noise, dust etc) to prevent undue nuisance to occupants of surrounding properties, the CEMP would be required to include additional information on safeguards relating to the nearby railway. Subject to the imposition of this condition, officers are satisfied that the proposals would not give rise to undue harm to neighbouring land uses/occupiers in accordance with the requirements of development plan policies as well as national planning policy set out in the NPPF.

Land Contamination

- 7.17 A preliminary land contamination risk assessment report has been submitted with the application which identifies potential land contamination and recommends further intrusive investigation works to establish the nature and extent of the contamination as well as any potentially necessary remediation measures. Officers are satisfied with the scope of this initial report and find the recommendations to be appropriate. In accordance with the requirements of Policy ENV12 of the CLP 1996, conditions are recommended requiring further ground investigation work to be carried out and the results submitted to the Council for approval as well as the carrying out of any necessary remediation measures to prevent harm to future occupants of the land.

Energy Efficiency/Sustainability

- 7.18 Policies ESD1, ESD2, ESD3 and ESD5 of the CLP 2031 together seek to encourage and require new development to be environmentally sustainably by both increasing the fabric efficiency of buildings as well as, where feasible, incorporating on-site renewable energy generation as part of major developments. Policy ESD3 requires all non-residential buildings such as that proposed to meet BREEAM 'Very Good' standard to ensure that both the building and construction project is very energy efficient and environmentally sustainable. A condition is recommended that requires the new building to meet this standard.

- 7.17 Policy ESD5 of the CLP 2031 seeks to ensure that, where feasible and viable, new developments over specified size criteria include significant level of on-site renewable energy provision. Due to the floorspace proposed as part of this development, the policy thresholds are exceeded and so on-site renewable energy is expected to be provided for as part of the detailed design of the scheme. A condition is recommended that requires details of the renewable energy provision to be included as part of an application for reserved matters approval. Subject to the above mentioned conditions, officers are satisfied that the proposals would ultimately deliver energy efficient development in accordance with the requirements of development plan policies.

Flood Risk/Drainage

- 7.18 Policies ESD6 and ESD7 of CLP 2031 require new development to be provided in areas that are not vulnerable to inappropriate risk of flooding and incorporate sustainable drainage systems to reduce risk of flash flooding. The site is at very low risk of fluvial flooding and so there is no objection to the proposed development in this respect. The site is previously developed and so a sustainable drainage system to reduce surface water discharge rates to greenfield levels is neither feasible nor realistic. However, the

proposals should at the very least seek to reduce surface water run-off from existing levels and in order to ensure this officers are recommending that a condition be imposed requiring details of a surface water drainage scheme to be submitted and approved prior to commencement of development.

Local Finance Considerations

- 7.19 Section 70(2) of the Town and Country Planning Act 1990 provides for local planning authorities to have regard to local finance considerations as far as material to the proposed development. In this case the proposals have the potential to generate business rates for the Council to a value of £_____ under current arrangements. As the proposed development replaces existing commercial units the financial benefits in this regard are negligible. In any event, it is the view of officers that no weight should be given to such a finance consideration as it is not clear how this would make this particular development acceptable in planning terms.

8. Conclusion

- 8.1 The proposed development replaces existing commercial units with an office building of identical floorspace that has the potential to generate similar or increased employment opportunity in an area which is compatible with such a use. Subject to conditions, the proposals would be served by safe and suitable access without resulting in wider cumulative adverse impacts on the local road network. The proposals also provide the opportunity to demolish functional but unattractive industrial units and replace them with a higher quality energy efficient development in the interests of the quality and appearance of the surrounding environment. The scheme also affords the ability to improve upon existing surface water drainage arrangements whilst also providing the opportunity to remediate any existing land contamination. Consequently, officers are satisfied that the proposals accord with all relevant policies of the development plan and in turn constitute sustainable development having regard to Government guidance set out in the NPPF.

9. Recommendation

That Committee resolves to grant planning permission subject to the following conditions:

Conditions

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

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

2 In the case of the reserved matters, no application for approval shall be made later than the expiration of three years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

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

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4 Except where otherwise stipulated by condition or relating to a matter to be determined as part of the reserved matters, the development shall be carried out strictly in accordance with the following plans and drawings:

16/021/P-001 Rev. B

16/021/P-003 Rev. E

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

5 The premises shall be used only for purposes falling within Use Class B1 as defined in the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) and for no other purpose(s) whatsoever.

Reason - To ensure that the implications of potential loss/reduction in employment space can be considered as well as the impact on surrounding land uses having regard to the provisions of the Development Plan.

6 All applications for reserved matters approval shall include, and be accompanied by, full details of a scheme of surface water drainage relating to the development. The surface water drainage scheme approved pursuant to granting reserved matters approval(s) shall be carried out in full prior to first occupation of the development.

Reason - To ensure that surface water run-off from the site does not increase and that all opportunities are taken to prevent localised flooding during a storm event in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1.

7 Prior to first occupation of the approved development, details of cycle and refuse storage facilities shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided and made available for use prior to first occupation of the development and shall be retained as such thereafter.

Reason - In the interests of the appearance of the development as well as to encourage sustainable modes of travel in accordance with the requirements of Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

8 Prior to the commencement of the development, a construction traffic management plan (CTMP) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter only be constructed in accordance with the approved CTMP.

Reason - To ensure that the routing of construction traffic is appropriate and that construction works do not adversely impact upon access to other land uses along Station Approach or the local highway network in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

9 Development shall not commence until a waste water drainage strategy detailing any on and/or off site 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.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

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

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

11 If contamination is found by undertaking the work carried out under condition 10, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and

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

12 If remedial works have been identified in condition 11, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

13 If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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

14 Prior to commencement of the development, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall cover, in particular, the nuisance potentially caused by noise and dust during demolition and construction for surrounding residential and commercial premises as well as any potential implications arising from demolition/construction works on the safe operation of the nearby railway line.

Reason - In the interests of safeguarding the amenities of occupants of surrounding buildings/land in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

15 Prior to the commencement of the development, full details of the access vision splays, (including layout and construction) shall be submitted to and approved in writing by the local planning authority. Thereafter, and prior to the first use of the approved development, the visibility splays shall be constructed in accordance with the details approved and the land and

vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.9m above carriageway level.

Reason: In the interests of highway safety and to comply with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

16 No development shall take place until details of the new footpath/footway along the site's frontage with Station Approach has been submitted to and approved in writing by the local planning authority. The new footpath/footway shall be laid out and available for use prior to first occupation of the approved development and shall be retained as such thereafter.

Reason - In the interests of ensuring that the development is suitably accessible for pedestrians in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

17 No development shall take place until details of the means by which the development shall be prevented from receiving any vehicular traffic associated with the adjacent Bicester Village (factory outlet) shopping centre has been submitted to and approved in writing by the local planning authority. Such approved restrictions shall be in place from the outset of commencement of the development and no use of the development shall take place other than in accordance with the approved restrictions.

Reason - To ensure that unfettered access through the site by traffic associated with the neighbouring Bicester Village retail development does not occur in the absence of a detailed assessment of its implications for transport sustainability and the local highway network.

18 The building hereby granted planning permission shall be constructed to achieve BREEAM 'Very Good' standard based on the BREEAM criteria applicable at the time of this decision for a proposed building use of this type. All applications for reserved matters approval shall include details of how the approved building will meet such a standard.

Reason - In the interests of encouraging sustainable building design in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

19 All applications for reserved matters approval shall include details of any on-site renewable energy provision to be incorporated into the development. Thereafter, the approved renewable energy provision shall be provided and in full operational use on site in accordance with that approved as part of granting reserved matters approval prior to first occupation of the development.

Reason - To ensure that the feasibility of significant on-site renewable energy is considered in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.