

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

17/01090/OUT

Applicant:	Albion Land Two Limited		
Proposal:	Development of B1, B2 and B8 (Use Classes) employment buildings, including landscaping; parking and service areas; balancing ponds and swales; and associated utilities and infrastructure. Construction of a new access off Middleton Stoney Road (B4030); temporary access off Howes Lane; internal roads, footways and cycleways.		
Ward:	Bicester North And Caversfield		
Councillors:	Cllr Nicholas Mawer Cllr Lynn Pratt Cllr Jason Slaymaker		
Reason for Referral:	Major Application and Departure		
Expiry Date:	4 September 2017	Committee Date:	6 July 2017
Recommendation:	Approval; subject to the requirements at the end of this report		

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is situated to the North West side of Bicester at the junction of the Middleton Stoney Road and Howes Lane and sits adjacent to the build edge of the existing western extent of the town but is separated from it by Howes Lane. The site sits within the extent of the allocated site Bicester 1 in the Adopted Cherwell Local Plan which seeks to achieve a new zero carbon mixed use development including 6000 homes.
- 1.2. The land extends to 14.47ha in total and is currently in agricultural use with field margins formed from trees and hedgerows and a block of woodland on the edge of the site area. Adjacent to the site to the north and west is agricultural land, which forms part of the allocated site, to the south is Bignell Park, to the south east is the new development currently under construction at Kingsmere and to the east is the existing edge of Bicester. In terms of site constraints, there are trees protected by a preservation order on the site, there are records of ecological interest nearby, Bignell Park, an ecologically important landscape sits opposite the site and there is some potential for the land to be contaminated. The land slopes down from west to east.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application seeks outline planning permission with all matters reserved except for access. The proposal seeks to establish two employment zones, the larger to be accessed via a new junction from the Middleton Stoney Road (referred to as Plot 2)

and the smaller to be accessed via a temporary access from Howes Lane, pending the completion of the proposed realigned Howes Lane (referred to as Plot 1). Once the realigned route opens, the temporary access would be closed to motor vehicles. The Planning Statement advises that the proposed mix of uses has been determined on the basis of Market Evidence from Colliers (a copy of which is submitted within the application), which identifies particularly strong demand for B8 floorspace in the Bicester area, together with some latent demand for B2 floorspace. The application is for B1, B2 or B8 uses and therefore seeks a flexible consent. However the Environmental Statement, transport assessment and other supporting documents have assessed a mix of B8 (storage and distribution) 37,100 sq.m maximum 70%, B1c and B2 (light and general industrial) 15,900 sq.m maximum 30% and B1a (Office) 5,300 sq.m maximum 10%.

- 2.2. Other associated infrastructure including, landscaping, parking and service areas, balancing ponds and swales, associated utilities and Green infrastructure are proposed and demonstrated on the proposed parameter plans. The application demonstrates a total of up to 53,000 sq.m of flexible employment provision. Importantly, this application includes part of the land required for the realignment of Howes Lane and the second application submitted by Albion Land (17/00455/HYBRID) also provides a section directly. The two applications submitted by Albion Land, alongside the outline applications submitted by A2 Dominion (14/01384/OUT and 14/01641/OUT) would establish the principle of and secure the land for the realigned road in line with the Masterplan. Planning permission has been resolved to be approved for the delivery of the realigned road and tunnel infrastructure (14/01968/F).
- 2.3. The application is accompanied by a set of parameter plans to establish various matters and an illustrative layout is also provided. The application seeks parameters for the commercial development of up to 16m in height to the ridge. The application is also accompanied by a suite of technical information, including an Environmental Statement.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

The site itself:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
01/01689/CDC	Change of use of agricultural land to Sports pitches	Application permitted
12/01153/OUT	OUTLINE - Erection of up to 70, 767 sqm of floor space to be for B1(b), B1(c), B2 and B8 use; access off the Middleton Stoney road (B4030); internal roads; parking and service areas; landscaping and the provision of sustainable urban drainage systems incorporating landscaped areas with balancing ponds	Withdrawn
14/01675/OUT	OUTLINE - Erection of up to 53,000 sqm of floor space to be for B8 and B2 with ancillary B1 (use classes) employment provision within two employment zones	Application Refused

covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access of Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (G1); provision of sustainable urban systems (suds) incorporating landscaped areas with balancing ponds and swales. Associated utilities and infrastructure.

16/00114/SO	Screening opinion - Full planning permission for vehicular, cycle and pedestrian access (including temporary works) for the section of consented road link that pass through the site. Temporary access to the Development would be created via an interim link road (built to adoptable standards) from Howes Lane until the remainder of the consented road scheme is completed. Outline permission for residential development providing for up to 150 dwellings	Screening Opinion requesting EIA
17/00455/HYBRID	Hybrid (part full and part outline) application for: (1) Full - construction of a temporary vehicular and pedestrian access (including footway along Howes Lane), permanent highway works (part of the proposed realigned Howes Lane) and pedestrian link to Howes Lane; (2) Outline - residential development, including landscaping, public open space, vehicular and pedestrian access.	Pending Consideration

3.2 Planning application 14/01675/OUT was reported to Planning Committee in January 2016 with a recommendation for approval. The application was deferred by Members at the January 2016 committee in order to allow Officers time to negotiate with the applicant in response to Member concerns expressed at that meeting relating to the use class mix. The application was reported back to Planning Committee in June 2016 with a recommendation for approval, on the same basis that was presented to Planning Committee in January 2016. Members resolved to refuse the application for the following reasons:

1. The proposed employment uses, at 70% B8 and 30% B2 floor space, does not comply with Policy Bicester 1 of the Adopted Cherwell Local Plan 2011-2031 which states that the use classes sought across the North West

Bicester site will be B1 with limited B2 and B8 uses. The proposed employment uses are not predominantly B1 and would provide lower employment levels than employment predominantly within Use Class B1. Additionally, the resulting scale, height and appearance of development from such a use class split, as established by the parameter plans submitted with the application, would be unacceptable in terms of the impact of the proposal upon the landscape, the visual amenities of the area and the amenity of neighbouring properties by virtue of being obtrusive and out of keeping with the predominantly residential character of the existing town and the development planned by the Masterplan for North West Bicester. The proposal is therefore not considered to be sustainable development and is contrary to Policies Bicester 1, SLE 1, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031, Policies C28 and C30 of the Cherwell Local Plan 1996, the National Planning Policy Framework and the North West Bicester Supplementary Planning Document.

2. By reason of a lack of a satisfactory completed S106 legal agreement to ensure that the development adequately mitigates its impact on community infrastructure, site wide infrastructure and secures the provision of affordable housing, the local planning authority cannot be satisfied that the impacts of the development in this respect can be made acceptable. In addition, the application provides insufficient information in respect of the detail relating to the Howes Lane temporary access, the provision of Green Infrastructure, the achievement of a net gain for biodiversity and an adequate Framework Travel Plan in order for an assessment to be made as to the acceptability of the proposal in relation to these specific matters. Consequently the proposals conflict with the requirements of Policies BSC3, BSC11, BSC12, INF1, Bicester 1, ESD10 and ESD17 of the Cherwell Local Plan 2011-2031, Policy H5 of the Cherwell Local Plan 1996, the National Planning Policy Framework and the North West Bicester Supplementary Planning Document.
- 3.3 An appeal pursuant to 14/01675/OUT was subsequently lodged and is scheduled to be heard at a public inquiry in September 2017.
 - 3.4 Following the issue of 16/00114/SO (a screening opinion submitted pursuant to the proposal for a residential development), the applicant sought a Secretary of State Screening Direction on the basis that they disagreed that the scheme was EIA development. The Secretary of State directed, on the 03 March 2017, that the proposed development is EIA development and that any application for planning permission must be accompanied by an Environmental Statement. In summary, the reason for this is that the proposal forms an important part of the wider NW Bicester Eco Town and there are likely to be a number of cumulative effects that must be considered.
 - 3.5 Application 17/00455/OUT was reported to Planning Committee on the 15 June 2017 but was deferred to be considered alongside this application. It therefore appears elsewhere on the committee agenda and is recommended for approval.
 - 3.6 Across the rest of the site allocated by Policy Bicester 1, the following applications are considered relevant:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
10/01780/HYBRID	Development of Exemplar phase of NW Bicester Eco Town to secure full planning	Application

	<p>permission for 393 residential units and an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1)), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined.</p>	Permitted
14/01384/OUT	<p>Development comprising redevelopment to provide up to 2600 residential dwellings (Class C3), commercial floorspace (Class A1 - A5, B1 and B2), social and community facilities (Class D1), land to accommodate one energy centre, land to accommodate one new primary school (Up to 2FE) (Class D1) and land to accommodate the extension of the primary school permitted pursuant to application (reference 10/01780/HYBRID). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations</p>	<p>Pending Decision – resolution for approval made at Planning Committee in March 2015</p>
14/01641/OUT	<p>Outline Application - To provide up to 900 residential dwellings (Class C3), commercial floor space (Class A1-A5, B1 and B2), leisure facilities (Class D2), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2 FE) (Class D1), secondary school up to 8 FE (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations</p>	<p>Pending Decision – resolution for approval made at Planning Committee in October 2015</p>

14/01968/F	Construction of new road from Middleton Stoney Road roundabout to join Lord's Lane, east of Purslane Drive, to include the construction of a new crossing under the existing railway line north of the existing Avonbury Business Park, a bus only link east of the railway line, a new road around Hawkwell Farm to join Bucknell Road, retention of part of Old Howes Lane and Lord's Lane to provide access to and from existing residential areas and Bucknell Road to the south and associated infrastructure.	Pending Decision – resolution for approval made at Planning Committee in February 2016
14/02121/OUT	OUTLINE - Development to provide up to 1,700 residential dwellings (Class C3), a retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1, C1 and D1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road)	Pending Decision – resolution for approval made at Planning Committee in March 2017

4. PRE-APPLICATION DISCUSSIONS

- 4.1. Following the refusal of 14/01675/OUT, informal discussions have been undertaken between Officers and the applicant both in relation to the appeal and the residential and commercial aspects of the refused scheme.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 15.06.2017, although comments received after this date and before finalising this report have also been taken into account.

- 5.2. The comments raised by third parties are summarised as follows:

10 letters of objection

- Flooding – the proposed development could lead to flooding to the south
- Previous objections made should be taken into account

- The plan has hardly changed from that previously refused.
- Commercial development would be out of context with the residential development.
- Impact of noise and disturbance on nearby residential properties from 24 hour working
- Policy B1 states that limited B2 and B8 uses to be provided where it does not adversely affect residential uses.
- The existing highway network and the proposed highway improvements will not cope with the level of traffic generated by the proposed development.
- This site is considered more suitable for hi-tech B1 business uses.
- The employment floor space and enormity of the warehouse site is immense.
- There are other possible sites in and around Bicester where B8 could be sited away from residential uses.
- The uses and construction traffic would cause noise pollution and harm to the air pollution of the area due to movement of trucks.
- Noise and air pollution could be caused from industrial machinery
- The requirement for flood lighting on the site would cause harmful light pollution
- Existing traffic on Howes Lane already causes disruption to residents in the locality.
- Temporary access should not be allowed. The access from the Middleton Stoney Road/ the realignment of Howes Lane should be built first.
- The temporary access could retained in the long term. Where is the assurance that this will be removed?

5.3 OTHER THIRD PARTIES

Portfolio Property Partners: Object to the application.

- It is considered that an inappropriate Class B8 use development should not be granted planning permission because the land forms part of the Strategic Road Improvement Scheme.
- The level of employment use proposed in the application is contrary to Policy Bicester 1 – seeking use classes B1, with limited B2 and B8 uses.
- The level of B2 and B8 employment floor space across the NW Bicester site, amounting to 79% of the total employment across the site, cannot be considered as “limited”.
- Class B8 will produce relatively little employment opportunity compared to other uses. Do not agree that there is no demand for B1/B2 uses.
- The proposed sheds in terms of scale, height and excessive bulk will appear overwhelming in terms of scale and impact. The proposed development will have a significant impact on the landscape setting contrary to Policy Bicester 1.

- The existing and new planting will not screen the sheds sufficiently to mitigate their visual impact. The proposed buffers are not considered sufficient to allow for appropriate landscaping required to mitigate the proposal.
- The application should be amended in accordance with CDC Landscape officer's advice.
- The 50m buffer between the site and the adjacent GCN ponds should be provided.
- The planning application has not assessed the critical Howes Lane and Bucknell Road Junction, does not demonstrate the delivery of a 3.0m combined footway and cycle way between Himley Village and access to the site from Middleton Stoney Road. It is considered these are required in the Transport Impact Assessment.

5.4 The comments received can be viewed in full on the Council's website, via the online Planning Register.

6.0 RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. **Middleton Stoney Parish Council:** Objects to this proposal and provides the following summarised comments.

- The proposal contains provision for 4.5ha of residential land which will fall within the scope of the overall eco town development. Given the number of homes expected within the plan period (to 2031) and the other applications already submitted, a further application to provide 150 units is surely premature.
- In respect of the B8 proposal, it is considered this is a wholly inappropriate location for buildings of the size and design proposed. The build height is unreasonable and will blight the adjacent residential area.
- The development is likely to attract a considerable volume of traffic and there is concern that traffic (especially HGVs) accessing the site from the North will leave the M40 at junction 10 and pass through Middleton Stoney adding to the existing problems at the cross roads in the centre of the village
- If this is to be supported then a routing agreement must be in place for HGV traffic using the site so that such traffic will not be able to access the site through Middleton Stoney. This must also apply to construction traffic.
- The proposal to build on, currently productive agricultural land next to and including residential development will blight the area to an even greater extent than the planned eco town development.
- There are a considerable number of unused industrial sites in Bicester which should be considered for redevelopment in preference to the proposed greenfield site. Alternatively, brown field sites would be more suitable and provide less damaging and disrupting access to the M40/ rail network. Whilst it is considered that the town has enough warehouses, if more are required, they could be located amongst others that exist and which offer better transport connection. Alternatively, the development could be accommodated at Graven Hill and the Bicester Business Park.
- The final approval for the North West Bicester Masterplan has not yet been given. Only at that stage will the totality of the eco town be clearly defined and

understood. As such, it is considered premature to consider an employment site of the scale proposed.

- The Bicester Masterplan, which is currently the subject of a consultation process provides for 'sites location in North West Bicester 'eco community' for businesses which have strong eco credentials and wish to be located in the very heart of this special place'. It is strongly believed that this proposal has few eco credentials, most particularly it will generate traffic, not reduce it.
- The applicant claims that significant job creation will ensue under the criteria laid down within the eco town concept. The Parish Council fail to see that this will be the case given the nature of the proposals. Such jobs as may be created will, initially, if not then permanently, be taken up by people currently living outside Bicester since no part of the eco town has yet been built.

CHERWELL DISTRICT COUNCIL CONSULTEES

6.3 Cherwell District Council Landscape Officer: Comments on the Landscape and Visual Impacts Assessment, Mitigation and Landscape Proposals.

- The LVIA has been considered as its methodology, results and conclusions are agreed with.
- There are significant landscape and visual effects associated with the western and northern elevations. Appropriate mitigation is advised
- Mitigation Measures/Design Influences - In terms of visual effects on future Ecotown residential receptors the western boundary's woodland proposed should be widened to 25 m where it tapers, to accommodate more woodland planting and earth mounding to increase the height of the woodland screen against the elevation, for the benefit of these receptors.
- Landscape Effects - I accept the results of the Landscape Quality and effect in respect of, Bicester suburban residential, Chesterton Village and Agricultural Land. However, the setting of the Estate Parkland /Bignall Park receptor is a concern. The juxtaposition of warehousing/articulated lorries to Bignall Park is a concern. A greater depth of woodland planting on the Middleton Stoney Road is essential, with the inclusion of similar mature evergreen tree species to provide visual association with the Bignall Park's woodland structure. 25 m minimum width is necessary to achieve the desired effect. The warehouse units on the western corner and Middleton Stony Road should be set back 25 m. The building elevation being set back from the road by 40 m, with the appropriate woodland mitigation planting will be acceptable in terms of impacts and effects on Bignall Park and visual roadside receptors.
- Landscape Proposals - As per usual, hard and soft landscape proposals are required to ensure the appropriate level of landscape mitigation and amenity is achieved, with a supporting landscape management plan to ensure the landscape scheme is established and maintained over of 25 years, and beyond.
- Comments set out full detail of required planting and maintenance to comply with good landscape practice

Additional landscape comments

- The requirement for a 15m landscape buffer to the building for the benefit of road users has not been clarified in the amended parameter plan. The alignment of the road should be confirmed at 15m at this stage given the structural plantings purpose to visually mitigate the visual impact and oppressiveness of the buildings potential 16m elevation.
- The 25m landscape buffers along the southern and western boundaries of the site are acceptable.

6.4 Ecology

Comments dated the 31st May 2017

- The measures to aim to achieve a biodiversity gain on the site are welcomed.
- The biodiversity Impact Assessment undertaken for the site is welcomed, however, there are several changes recommended. The amendments may result in a net loss to biodiversity as a result of the proposed works (due to removal of a large section of hedgerow across the centre of the site). The proposed semi-improved grassland areas are unlikely to reach a condition of 'good' in 10 years.
- The extended phase 1 Habitat survey and protected species assessments undertaken to inform the application are considered sufficient, however further protected species surveys are recommended by condition.
- Access was not granted to the off-site ponds to undertake an updated GCN survey. However, previous surveys identified a medium population of GCN in the pond to the NW. In line with the biodiversity strategy, a vegetated buffer zone of 50 metres around the GCN breeding ponds should be incorporated into the layout and landscaping. Current buffer in place offers 30m if this cannot be increase then suitable habitat maximised within this area by the provision of tussocky grassland, scrub and dead wood.
- The proposed buffer zones of at least 10m of the majority of the retained hedgerows, mainly through the proposed native hedge and shrub planting. However, hedgerow 3 does not appear to be buffered from the development and therefore an appropriate buffer in line with the Biodiversity Strategy of the Masterplan.
- A badger sett record is also present near the pond and an updated badger survey will be required by condition to inform if mitigation is required prior to works commencing.
- A further bat survey of trees to be removed is also required, in particular T3 which has been identified as having high bat roost potential and T4 moderate potential for bats.
- An updated reptile survey on site would also be required by condition to update the 2012 survey which found a low population of common lizard.

Comments date 19th June 2017

- The BIA calculation has been undertaken appropriately, however there is a concern regarding the condition assessment for the wildflower grassland unless they would be undisturbed. This would result in an overall loss to biodiversity and this would need to be mitigated elsewhere or via an offsetting scheme.
- The mitigation proposed for the loss of farmland bird habitat is welcomed and should be secured through the S106.
- The outline GCN provided is considered acceptable due to the extent of proposed habitats including tree, shrub and wildflower meadow creation proposed on the site.
- The assessments of the residual impacts on habitats and species within the Ecology section of the ES are largely appropriate. However updated surveys are required and mitigation strategies for protected species on site should be included within the Construction Ecological Management Plan.
- A Landscape and Habitat Management Plan should be sought and should follow the recommendations set out within the Biodiversity Strategy.
- Welcome that the proposed lighting scheme will be sensitively designed to avoid impacting foraging/ commuting routes along the existing and proposed hedgerows and areas of open space.
- Conditions are recommended.

- Following these comments, discussion was undertaken and an agreed approach to consider both applications made by the applicant (17/00455/HYBRID and 17/01090/OUT) was made given all land is within the applicants control.

Comments dated the 21st June 2017

- Generally agree with the BIA Calculation, however, suggest that private garden areas should be recorded as either reaching 'poor' or 'moderate' condition in 5 years, rather than 'good' as there is no control over their management.
- Overall, the BIA calculation does not represent a significant biodiversity loss in this case given the area overall and taking into account other measures proposed.
- It appears that the hedgerows along Middleton Stoney Road will be removed and replaced by new hedgerow planting. I largely agree with the linear impact assessment calculation, however I have one discrepancy which is from my calculation I make it a total of approx 675m of hedgerow is proposed to be planted on the two sites, rather than 910m shown. However it appears that there may be scope to retain hedgerows H1 and H2 and if these can be retained it appears that overall there would be no net loss. Also the proposed dense native tree and shrub planting in the commercial site does mitigate partly for loss of the connective habitat provided by the existing hedgerows, provided these are sensitively managed and maintained as 'dark corridors' in the detailed design. If H1 and H2 are proposed to be removed there would appear to be a small net loss across the two sites, and I would therefore strongly recommend retention of these hedgerows as a linear corridor along the northern boundary of this site for habitat connectivity.

Comments dated 26/06/2017

- The update to the calculation and clarification of the target conditions for the residential gardens and confirmation regarding the retention of hedgerows is noted. Taking the change of the target conditions into account, the BIA calculation shows an overall gain of 0.78 units across the two proposed developments (combining the residential and commercial sites). This is considered acceptable. The proposals should be recalculated at the detailed design stage to ensure there will be an overall gain within any detailed landscaping scheme.

6.5 **Business Support Unit:** It is estimated that this development has the potential to secure Business Rates of approximately £1,144,800 per annum under current arrangements for the Council.

6.6 **Arboricultural:** No comments received to date

6.7 **Environmental Protection:**

Contaminated Land: Conditions to allow for the risk from land contamination to be considered and the assessment and proposals to demonstrate the development is suitable for use with regard to land contamination are provided to the LPA.

Air Quality: Conditions are recommended to ensure the risk from the development on local air quality are considered. It is noted that the assessment does not take into account sensitive receptors where the nitrogen dioxide objective is already being exceeded in its assessment of the risk from this pollutant and this should be considered further and another assessment provided. This should have regard to the air quality action plan and include a damage cost calculation and emission statement within it. conditions are recommended to require a further assessment

and for measures to be incorporated into the development which facilitate the uptake of electric vehicles. The mitigation measures for dust are acceptable and they should be provided within a Construction Environment Management Plan.

Noise: Construction noise should be addressed through a CEMP condition. Some mitigation proposals can only be detailed when the finalised site layout is known at the reserved matters stage with screening of noise done where practicable or using service yard management plans where it is not. Noise screening measures should be considered in detail as part of the design of the site at an earlier stage than reserved matters to ensure noise is adequately considered. Given the size of the site, there is the opportunity to ensure that adequate consideration is given to ensuring noise levels are controlled through layout consideration that screens noise from sensitive receptors. Again, mitigation measures should be provided at an earlier stage than reserved matters to ensure these are understood in time to ensure they can still be undertaken as part of the design of the site.

6.8 OXFORDSHIRE COUNTY COUNCIL CONSULTEES

Transport

- No objection subject to conditions and legal agreement
- A key requirement of this application will be to secure land within the applicant's control that is critical to the delivery of the strategic link road.
- Additional bus journeys on the 25A service to accommodate shift working - £150,000 to cover a likely four year period before the site can be served by the strategic NW Bicester bus service.
- Contribution to cover the cost of bus stop infrastructure within the site to cater for the future NW Bicester bus service, and new bus stops on the Middleton Stoney Road.
- Contribution to cover the cost of monitoring the travel plan over a five-year period = £2,040
- Access arrangements including footway/cycleway, bus stops and crossings – S278 prior to commencement, delivery prior to first occupation.
- The realignment of Howes Lane and the delivery of the rail tunnel is key to unlocking the wider North West Bicester site, as required by Bicester Policy 1 and the North West Bicester SPD. This infrastructure is expected to be provided by A2 Dominion, with contributions secured from other North West Bicester sites via a legal agreement. The route of the realigned road will go through the Albion Land site. There will need to be careful coordination to ensure that the elements of permanent infrastructure conform to the overall scheme design and specification.
- To cover the small but significant risk that the Albion Land site is not implemented, OCC would wish to ensure there are options in place for full and early delivery of the link road as required by policy Bicester 1 and the NW Bicester SPD. In order to ensure the delivery of the NW Bicester allocation site, OCC consider that it will be necessary to require an appropriate legal mechanism by which delivery of the realigned road can be completed in the event that the wider Albion Land site is not implemented.

- With regard the amount of development that is acceptable prior to the Strategic Link road, this has been agreed for some time to be 900 homes (including the Exemplar site) and 40% of the employment across the wider NW Bicester site. During consideration of 14/01675/OUT, various amounts of development were put forward for consideration as being acceptable prior to road and tunnel. On the basis that the applicant's intention was to deliver all 150 dwellings before the tunnel and strategic link road are in place, it was agreed that a traffic input into the critical junction of **50% of the employment floorspace** would be acceptable.
- The Howes Lane/Middleton Stoney Rd/Vendee Drive roundabout is expected to be over capacity, with a max queue of 13 vehicles on the Howes Lane arm in the 2022 base scenario (am peak). The proposed development would add 9 vehicles to the queue and overall this temporary impact is unlikely to be one which could be considered severe.
- Removal of temporary arrangements once strategic link road is open
- OCC would like to secure improvements to the existing bus service to provide additional journeys before the strategic bus route is in place. Contributions sought for strategic bus route delivery.
- Routing agreements required to minimise HGV impact on Homes Lane and Middleton Stoney Road.
- A detailed drainage condition is recommended

6.9 **OCC Bicester Members** also wish to reiterate the following concerns:

- This application is for the same development that was refused for being contrary to the Local Plan which requires "B1, with limited B2 and B8 uses"
- 16 metre warehouses will not be in keeping with the surrounding existing and future residential areas
- If allowed, there should be no temporary access onto Howes Lane; access would be off the Middleton Stoney Rd or from the new section of the realigned road off the Middleton Stoney Road roundabout
- Developer must contribute to the strategic infrastructure.

6.10 **OCC Archaeology:** no objection subject to conditions. The site contains a number of archaeological features identified through geophysical survey and a trenched archaeological evaluation. A condition requiring that a programme of archaeological investigation be undertaken ahead of the development will need to be attached to any planning permission for the site.

6.11 **OCC Economy and Skills**

- Up to 70% of the employment space is given over to B8 uses (warehousing) which may result in very low ratios of number of jobs to floor-space. This is contrary to Cherwell Local Plan Policy Bicester 1 which states that employment use classes within the North-West Bicester site should be "B1, with limited B2 and B8 uses". In order to achieve a balance of employment types across the town, the storage and distribution uses proposed would be better suited to sites such as Graven Hill.

- The development is expected to create 900-1,200 new jobs. This is inconsistent with the North-West Bicester Masterplan Economic Strategy which states that up to 2,000 jobs could be accommodated on the application site (NW Bicester Masterplan Vision and Objectives, May 2014 p94).
- If the application is permitted, the developers will be required to prepare and implement a Community Employment Plan

EXTERNAL CONSULTEES

6.12 **Environment Agency:** No objections to the proposed development

The Environment Agency (EA) has a regulatory role in issuing legally required consents, permits or licences for various activities. We have not assessed whether consent will be required under our regulatory role and therefore these comments do not indicate that permission will be given by the EA as a regulatory body.

The applicant should contact the EA to establish if consent will be required for the works they are proposing.

6.13 **Thames Water:** No objection to the proposal subject to conditions.

- With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approved the application ahead of further information being provided, we request that a condition is applied to seek a drainage strategy prior to development commencing.
- An informative should be imposed relating to water pressure, and to the location of public sewers crossing the site and close to the development.
- With regard to waste water, Thames Water has been unable to determine the waste water infrastructure needs of this development due to insufficient information. Further details are required to determine impact on local sewer network. Customer is required to provide (1) peak foul water discharge rate to the public sewer and (2) the point of connection on the public sewer.
- With regards to surface water run-off from this site, Thames Water has reviewed the drainage document provided "SITE SPECIFIC FLOOD ASSESSMENT" and have no objection to the proposal to manage surface water run-off using SuDS and discharge to existing ditch on Howes Lane.

6.14 **Network Rail:** Network Rail has previously commented. Whilst the red line boundary area is not directly adjacent to the existing operational railway, vehicle access and egress leading to and from the site would be under the bridge at the north end of Howes Lane. As long as construction traffic avoids the usage of the bridge then Network Rail has no comments. Construction traffic passing under the bridge (e.g. HGVs, high sided vehicles, vehicles carrying house frames) could strike the bridge impacting the safe operation of the railway.

7. **RELEVANT PLANNING POLICY AND GUIDANCE**

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. 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. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

7.3 CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

Sustainable communities

PSD1: Presumption in Favour of Sustainable Development

SLE1: Employment Development

SLE4: Improved Transport and Connections

BSC1: District wide housing distribution

BSC2: Effective and efficient use of land

BSC3: Affordable housing

BSC4: Housing mix

BSC7: Meeting education needs

BSC8: Securing health and well being

BSC9: Public services and utilities

BSC10: Open space, sport and recreation provision

BSC11: Local standards of provision – outdoor recreation

BSC12: Indoor sport, recreation and community facilities

Sustainable development

ESD1: Mitigating and adapting to climate change

ESD2: Energy Hierarchy and Allowable solutions

ESD3: Sustainable construction

ESD4: Decentralised Energy Systems

ESD5: Renewable Energy

ESD6: Sustainable flood risk management

ESD7: Sustainable drainage systems

ESD8: Water resources

ESD10: Biodiversity and the natural environment

ESD13: Local landscape protection and enhancement

ESD15: Character of the built environment

ESD17: Green Infrastructure

Strategic Development

Policy Bicester 1 North West Bicester Eco Town

Policy Bicester 7 Open Space

Policy Bicester 9 Burial Ground

Infrastructure Delivery

INF1: Infrastructure

7.4 CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

TR10: Heavy Goods Vehicles

C28: Layout, design and external appearance of new development

C30: Design Control

7.5 Other Material Planning Considerations

National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) was published in March 2012 and sets out the Government's planning policies for England. It contains 12 Core Principles which should underpin planning decisions. These principles are relevant to the consideration of applications and for this application particularly the following;

- Plan led planning system
- Enhancing and Improving the places where people live
- Supporting sustainable economic development
- Securing high quality design
- Protecting the character of the area
- Support for the transition to a low carbon future
- Conserving and enhancing the natural environment
- Promoting mixed use developments
- Managing patterns of growth to make use of sustainable travel
- Take account of local strategies to improve health, social and cultural wellbeing.

Eco Towns Supplement to PPS1

The Eco Towns supplement was published in 2009. The PPS identified NW Bicester as one of 4 locations nationally for an eco-town. The PPS sets 15 standards that eco town development should achieve to create exemplar sustainable development. Other than the policies relating to Bicester the Supplement was been revoked in March 2015.

NW Bicester Supplementary Planning Document

The NW Bicester SPD provides site specific guidance with regard to the development of the site, expanding on the Bicester 1 policy in the emerging Local Plan. The NW Bicester SPD was adopted by the Council on Monday 22 February 2016. The SPD is based on the A2Dominion master plan submitted in May 2014 and seeks to embed the principle features of the master plan to provide a framework to guide development.

The SPD sets out minimum standards expected for the development, although developers will be encouraged to exceed these standards and will be expected to apply higher standards that arise during the life of the development that reflect up to date best practice and design principles.

One Shared Vision

The One Shared Vision was approved by the Council, and others, in 2010. The document sets out the following vision for the town;

To create a vibrant Bicester where people choose to live, to work and to spend their leisure time in sustainable ways, achieved by

- Effecting a town wide transition to a low carbon community triggered by the new eco development at North West Bicester;
- Attracting inward investment to provide environmentally friendly jobs and commerce, especially in green technologies, whilst recognising the very important role of existing employers in the town;
- Improving transport, health, education and leisure choices while emphasising zero carbon and energy efficiency; and
- Ensuring green infrastructure and historic landscapes, biodiversity, water, flood and waste issues are managed in an environmentally sustainable way.

Planning Practice Guidance

8. APPRAISAL

8.1 The key issues for consideration in this application are:

- Relevant Planning History
- Environmental Statement
- Planning Policy and Principle of Development
- Adopted Local Plan and NW SPD
- Eco Town PPS Standards
- Employment
- Zero Carbon
- Climate Change Adaptation
- Transport
- Healthy Lifestyles
- Local Services
- Green Infrastructure
- Landscape and Historic Environment
- Biodiversity
- Water
- Flood Risk Management
- Waste
- Master Planning
- Transition
- Community and Governance
- Design
- Conditions and Planning Obligations
- Other matters
- Pre-application community consultation and engagement

Relevant Planning History

- 8.2 The relevant planning history for the site is highlighted in section 3 above. Of particular relevance is application 14/01675/OUT, which was refused for two reasons set out there. This sought permission for two distinct forms of development – a commercial and a residential element. This was refused by the Council's Planning Committee and there is a pending planning appeal in progress.
- 8.3 This application covers the commercial elements of the scheme (with the residential considered separately under application 17/00455/HYBRID).
- 8.4 The current application has an amended description which seeks consent for B1, B2 and B8 uses, however the assessment is for 70% B8 uses which is essentially the same as the commercial elements that formed part of the refused application. Should Members resolve to approve both the residential and this application and a timely decision issued (which also relies on the necessary S106 agreements being completed satisfactorily, the agreements for which have progressed), the applicant has indicated their willingness to withdraw the planning appeal.

Environmental Statement

- 8.5 The application is supported by an Environmental Statement given the proposal is EIA development. The scope of the EIA considers in detail the following topics: ecology, light and light pollution, traffic and transport, air quality, noise and vibration, socio economics, landscape and visual assessment and cumulative effects. The ES

considers why all other topics were scoped out, however the relevant topics from the 2014 ES are appended to the EIA. On this basis, it is considered that sufficient information is before the Local Planning Authority in order to consider the environmental effects of the development. The ES identifies significant impacts of the development and mitigation to make the development acceptable.

- 8.6 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. As this application was received just before the introduction of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the 2011 regulations remain the relevant legislation.
- 8.7 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 the consultation responses received has been taken into account in considering this application and preparing this report.
- 8.8 The ES identifies mitigation and this needs to be secured through conditions and/or legal agreements. The conditions and obligations proposed incorporate the mitigation identified in the ES.

Planning Policy

- 8.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.

Adopted Cherwell Local Plan

- 8.10 The adopted Cherwell Local Plan 2011-2031 includes strategic allocation Policy Bicester 1, which identifies land at NW Bicester for a new zero carbon mixed use development including 6000 homes and a range of supporting infrastructure including employment land. The application site forms part of the strategic allocation in the Local Plan and thus Policy Bicester 1 is the primary planning policy of the Development Plan that the proposal should be assessed against and has full weight. The Policy identifies that planning permission will only be granted for development at NW Bicester in accordance with a comprehensive masterplan for the whole area to be approved by the Council as part of a NW Bicester SPD. The policy is comprehensive in its requirements including matters relating to sustainable development, transport, housing, employment, community infrastructure, recreation, water, landscape, environment and design. Alongside Policy Bicester 1 and within the Cherwell Local Plan 2011-2031 is the range of detailed policies, highlighted in paragraph 7.2, all of which also carry full weight. The policy requirements are considered throughout this appraisal.

NW Bicester SPD

- 8.11 As referred to above, Policy Bicester 1 seeks a masterplan for the site. This reflects the Eco Towns PPS requirements. A masterplan has been produced for NW Bicester by A2 Dominion and this has been incorporated into an SPD adopted by the Council in February 2016. The SPD amplifies the Local Plan policy and provides

guidance on the interpretation of the Eco Towns PPS and standards for the NW Bicester site.

- 8.12 The Masterplan identifies the land subject to the current planning application for commercial/ business uses as well as indicating the alignment of the realigned Howes Lane strategic link road.

Cherwell Local Plan 1996

- 8.13 The Cherwell Local Plan 1996 includes a number of policies saved by the newly adopted Local Plan, most of which relate to detailed matters such as design and local shopping provision. The policies of the adopted Cherwell Local Plan will be considered in detail through this appraisal.

Eco Towns Supplement to PPS1

- 8.14 The Eco Towns PPS was published in 2009 following the Governments call for sites for eco towns. The initial submissions were subject to assessment and reduced to four locations nationally. The PPS identifies land at NW Bicester for an eco-town. The PPS identifies 15 standards that eco towns are to meet including zero carbon development, homes, employment, healthy lifestyles, green infrastructure and net biodiversity gain. These standards are referred to throughout this report. This supplement was cancelled in March 2015 for all areas except NW Bicester.

NPPF

- 8.15 The NPPF is a material consideration in the determination of the planning application. It is stated at paragraph 14, that 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking'. For decision taking this means¹ approving development proposals that accord with the Development Plan without delay. The NPPF explains the three dimensions to sustainable development being its economic, social and environmental roles. The NPPF includes a number of Core Planning Principles including that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the Country needs. This includes objectively identifying and then meeting housing, business and other development needs of an area and responding positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability and set a clear strategy for allocating sufficient land which is suitable for development in their area.

Principle of the Development

- 8.16 Given the above, it is concluded that a commercial development on this part of the site complies with the adopted Cherwell Local Plan 2011-2031 and the Masterplan for NW Bicester and can be considered to be acceptable in principle. The Framework advises that development proposals that comply with the Development Plan should be approved without delay. It is therefore necessary to consider the details of the proposal; its benefits and impacts, how it would accord with other detailed policy requirements and consider whether the proposal can be considered to be sustainable development.

Eco Town PPS Standards

¹ Unless material considerations indicate otherwise

- 8.17 As described, the Policy requirements for NW Bicester set within the Eco Towns PPS, reflected within Policy Bicester 1 and expanded within the NW Bicester SPD include the achievement of minimum standards which are more challenging and stretching than would normally be required for new development. The aim is to ensure that eco towns are exemplars of good practice and provide a showcase for sustainable living. The Government's view is that eco towns should be exemplar projects that encourage and enable residents to live within managed environmental limits and in communities that are resilient to climate change. The Eco Town standards need to be considered in further detail.

Employment

- 8.18 The Eco Towns PPS sets out the requirement that eco towns should be genuinely mixed use developments and that unsustainable commuter trips should be kept to a minimum. Employment strategies are required to accompany applications showing how access to work will be achieved and to set out facilities to support job creation in the town. As a minimum there should be access to one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport.
- 8.19 The NPPF identifies a strong, responsive and competitive economy as a key strand of sustainable development (para 7) and outlines the Government's commitment to securing economic growth (para 18). It advises that planning should operate to encourage and not act as an impediment to sustainable growth and significant weight should be placed on the need to support economic growth through the Planning system (para 19). The NPPF guides Local Planning Authorities in drawing up Local Plans, which should set out a clear economic vision and strategy for the area which positively and proactively encourages sustainable economic growth and should set criteria, or identify strategic sites for local and inward investment to meet the strategy and meet anticipated needs over the plan period. The NPPF identifies offices, commercial and leisure development as town centre uses and advises a sequential test to such uses that are not in a town centre (para 24) and where they are not in accordance with an adopted plan. The benefit of mixed use development for large scale residential development is recognised, and a core principle of the NPPF is to promote mixed use development.
- 8.20 The Adopted Cherwell Local Plan makes it clear that the Plan overall aims to support sustainable economic growth and that increasing the economic competitiveness of the District is fundamental to providing employment opportunities to shift towards a more sustainable economy. In order to do this, objectives are set to support the local economy and to foster economic growth. The Plan identifies the type of employment the District seeks to attract, including that relating to advanced manufacturing/ high performance engineering, the Green Economy, innovation, research and development, retailing and consumer services. It also identifies support for the logistics sector providing a high quality design can be achieved. The plan uses the SHMA Economic Forecasting report to identify the amount of employment land needed and in these terms it identifies that significant employment growth at Bicester will be encouraged.
- 8.21 Policy SLE1 of the Adopted Cherwell Local Plan seeks to protect existing employment land and buildings for employment uses (B class) and allows for an allocation of sites to increase the amount of employment land in the District. It is identified that this is focused mainly at Bicester in order to match the growth in housing and make the town more sustainable. The plan includes a flexible approach to employment with a number of strategic sites allocated for a mix of uses. At Bicester, there are 6 sites where strategic employment uses are identified (Bicester 1: North West Bicester - a minimum of 10ha within use Classes B1, with limited B2 and B8 uses, Bicester 2: Graven Hill - 26ha in mixed use classes B1, B2 and B8,

Bicester 4: Bicester Business Park - 29.5ha in use class B1(a), Bicester 10: Bicester Gateway - 18ha in use classes B1 Business Uses, Bicester 11: Employment Land at North East Bicester - 15ha in use classes B1, B2 and B8 and Bicester 12: South East Bicester - approximately 40ha in mixed use classes B1, B2 and B8 - primarily B8 uses). 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 NPPF.

8.22 In respect to the above allocated sites, it is noted that applications that include employment development have been made for land at Bicester 2, Bicester 10, Bicester 11 and Bicester 12. With regard to Bicester 4, which provides for B1 (a) office use (and a hotel C1), this site benefits from planning permission granted in 2010 for these uses but has not yet commenced albeit the consent is extant, being due to expire in October 2020 (application number 07/01106/OUT). Whilst the permission included conditions to control the phasing of development, partly linked to offsite highway works, no development has occurred to implement the B1 uses on the site, which could indicate a lack of demand for this type of accommodation. As Members will be aware, permission has been granted for a Tesco store on part of this site, and as part of the Officer report relating to the original application for this store (12/01193/OUT), it is stated that the Applicant considered that the proposal would act as a catalyst for the rest of the site for the intended office use due to the extent of the highway works proposed. The report also considered the wider masterplan for the Business Park and considered that the Tesco store would not preclude the development of the rest of that site. A more recent application has been made for a drive through restaurant on part of the site (17/00889/F) adjacent to the supermarket petrol filling station. This site is therefore available for employment uses within Class B1. It is also worth mentioning application 16/02586/OUT, which has a resolution for approval for development on the allocated site Bicester 10. That development contains 14,972 sqm of B1 floorspace and a hotel on part of the allocated site. The hotel aims to facilitate further class B1 development across the rest of the Bicester 10 site.

8.23 As referred to above, Policy SLE1 requires employment proposals on allocated sites to meet the relevant site specific policy. Policy Bicester 1 specifically seeks with regard to employment (in detail):

- a minimum of 10 ha, comprising business premises focused at Howes Lane and Middleton Stoney Road
- employment space in local centres
- employment space as part of mixed use centres
- 3000 jobs, approx. 1000 B class jobs on the site (within the plan period)
- It is anticipated that the business park at the South East corner of the allocation will generate between 700 and 1000 jobs in use classes B1, B2 and B8 early in the plan period
- A carbon management plan produced to support applications for employment developments
- An economic strategy demonstrating how access to work will be achieved and to deliver a minimum of 1 employment opportunity per dwelling easily reached by walking, cycling or public transport
- Mixed use local centre hubs to include employment
- Non-residential buildings to be BREEAM very good and capable of achieving excellent

- 8.24 In finding Policy Bicester 1 of the Local Plan sound, the Inspector commented 'However, in order to respond to market signals and provide some flexibility to encourage new investment and implementation, it would not be reasonable or appropriate to seek to restrict all employment development to B1 uses only'.
- 8.25 The Local Plan is supported by a suite of evidence, including that relating to Economic Development and the Council also has an Economic Development Strategy. The Economic Analysis Study (August 2012) (EAS) identifies the existing baseline conditions within the District which show that the District has high economic activity yet 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. It also notes the North West Bicester Eco town, which it suggests could act as a catalyst for new inward investment through the development of skills, expertise and innovative 'eco regeneration' in the town and beyond. The Economic Analysis Study also considers the sub-regional context and identifies that office accommodation is concentrated in surrounding areas (London, the Thames Valley, Milton Keynes, Warwick) and it sets out that 'Cherwell could seek to encourage advanced manufacturing and logistics sectors rather than competing with areas for office development'. The assessment goes on to identify the District's four main employment sectors and recognises them for significant future growth. These are advanced manufacturing/ high performance engineering, the logistics sector, the green economy and innovation, research and development. The 2012 EAS was updated through the Local Plan process by way of a 2014 addendum. This continues to identify the potential for employment growth in Bicester based on the availability of relatively cheap accommodation and a growing labour supply in the bioscience, advanced engineering and warehousing and distribution sectors as well as in environmental technologies and construction. The addendum also generated estimates of jobs from the employment land allocations; these assumed a percentage split of activity on sites identified as mixed B uses of: 10% office, 30% manufacturing and 60% distribution. This assumption was based upon an understanding of the current market for such sites.
- 8.26 More recently, and as part of the partial review of the Local Plan Part 1, a new Strategic Economic Growth Study dated April 2017 forms part of the evidence base. This focusses on the interdependencies between the south of Cherwell District and the economy of Oxford City predominantly. This considers the existing economic profile of the County and District, finding that Cherwell benefits from high economic activity. The assessment continues to identify a need for capacity for economic activities and identifies that the District is anticipated to see significant increases in employment output within the knowledge intensive sectors. At Bicester, the approach identified is to exploit East-West opportunities and to bring forward existing allocations for major value added production based sectors, including green technology and large scale (business and growth led).
- 8.27 The Council's most recent Annual Monitoring Report (AMR) 2016 (dated March 2017) found that for the period 2015/16 significant gains of employment floorspace have been seen, albeit with the majority being in Banbury, with a net gain in Bicester of just 2,597sqm of employment floor space. The assessment considers the remaining allocated land, which in Bicester represents the allocated sites at Bicester 1, Bicester 4, Bicester 10 and Bicester 12. It notes the efforts the Council is making to bring forward strategic sites such as at Graven Hill and North West Bicester.

- 8.28 Cherwell sits within two Local Enterprise Partnership areas (Oxfordshire and the South East Midlands), both of which have produced Strategic Economic Plans seeking to support significant increases in employment growth. Furthermore, the Oxford and Oxfordshire City Deal, an agreement with the Government, seeks to support existing and new businesses to grow, whilst investment is made in innovation led growth, by accelerating the delivery of new homes and by increasing investment into the County.
- 8.29 In relation to North West Bicester, a Masterplan has been produced by A2 Dominion to ensure that a comprehensive development over such a large site can be achieved and to spatially plan where land uses across the site would be best placed. In order to achieve this masterplan, a number of studies were undertaken in order to assess what requirements there were and where they were best placed. The Masterplan identifies land to the South East corner of the site for a Business Park and this is reflected in Policy Bicester 1 as set out. The policy acknowledges that this area could generate 700 to 1000 jobs in use classes B1, B2 and B8 early in the plan period and accepts the site as being suitable as an employment site adjacent to the wider housing area, whilst being adjacent to road infrastructure that would serve it. Additional employment across the rest of the site is identified including within Local Centres, a small site to the west of the Avonbury Business Park and to the north of the railway line west of Lords Farm.
- 8.30 One study undertaken to inform the Masterplan was an Economic Strategy produced by SQW in March 2014. The overall aim for NW Bicester is to stimulate transformational change in Bicester's Economy and a number of objectives are set in order to do this. In doing this, a number of weaknesses in the local economy are proposed to be addressed, including the high level of out commuting, the need for educational qualifications and skill attainment levels to be improved and by securing land and modern business premises to attract new investment. The strategy identifies five broad sectors as the likely future drivers for Bicester's economy. These being eco construction, environmental goods and services, advanced manufacturing, high value logistics and business, financial and professional services.
- 8.31 The Masterplan Economic Strategy looked at the opportunities for employment on the NW site in the context of Bicester and the employment allocations elsewhere in the town. The report identified a number of objectives, including to support the creation of at least as many jobs as homes, to ensure as many as possible of those jobs are well paid, in growing sectors and firms, to support the creation of a cluster of firms and skills in Bicester in eco construction, and low carbon environmental goods and services, to encourage home working and other sustainable working practices, to ensure jobs are provided early in the development which match the employment skills available, to work with relevant organisations to promote Bicester and secure new, well-paid jobs for the town and to support skills development to match local employment opportunities. The strategy identified the opportunity for some 4600 jobs on site within a business park in the south west corner of the site, providing a mix of offices, high quality manufacturing and logistics space (approx 2000 jobs), around 1,100 jobs within local centres including 100 within the eco business centre, 200 jobs within the schools across the site, approximately 1,100 jobs created by residents working from home, around 100 jobs in retained farmsteads, and around 140 long term construction jobs. Around 1000 local service jobs would also be created in Bicester to serve the demands of residents of the development and many of these would be in the town centre and 400 jobs in firms in the target sectors of the development but located on other employment sites in the town. It also suggests that if on site employment densities prove to be lower than planned, some of the 4,600 jobs expected to be located on the NW Bicester development will need to be located elsewhere within the town, which should not be

problematic given the scale of employment land allocations around the town is well in excess of forecast demand. The economic strategy is supported by an action plan to include ways to support job creation (e.g. through apprenticeships schemes), in addition to the provision of employment land, which will support wide employment growth in the town.

- 8.32 The strategy considers how NW Bicester will contribute to the wider economic context by providing an attractive and supportive environment for people to live and work locally, to bring forward, early in the development, employment opportunities to address the shortage of high quality B Use Class accommodation in Bicester and which match existing employment skills, kick start the development of a new eco economy in the town capable of serving a wider area, support a transformation of the image of Bicester and it is identified that NW Bicester should provide a full cross section of job opportunities within Class B. The strategy identifies a number of sectors where there is the opportunity for jobs growth. These include a number of areas including eco construction and broader eco technologies, auto engineering, including motorsport and electric vehicles, opportunities related to the growth of the Oxfordshire high tech cluster, logistics to exploit the excellent strategic location and connectivity of Bicester, regional and local service functions related to population and economic growth in Bicester and the wider area, other existing and new businesses with growth potential, home based employment and new facilities.
- 8.33 The strategy finds that Local Property Agents report a serious lack of land which is available for business use and of modern flexible business premises and it notes firms that have left Bicester including First Line, a modern logistics company now based in Banbury. It also notes that Bicester is not an established office location and that there is limited interest from major office users in the town, however there is demand from smaller businesses for offices in a modern environment. The strategy therefore identifies that the most appropriate provision for employment on the site would be;
- Those that are a direct result of the development. This includes local services to serve the new population, construction jobs related to building NW Bicester, and jobs which are attracted to Bicester specifically because of NW Bicester
 - Those that are accommodated on NW Bicester because it provides the right type and quality of business accommodation in the right location. This includes some of those sectors identified as the future drivers of the economy, such as high performance engineering, other advanced manufacturing, high value logistics and financial professional and business services not serving a purely local market
- 8.34 The Economic Strategy cautions about being too restrictive with regard to the type of employment and states; 'It is important to ensure that onerous constraints are not imposed upon new businesses which would otherwise provide high quality jobs, but are deterred from investment on account of planning restrictions which do little to support the principles of NW Bicester. Companies will not be forced into locations which do not meet their operational requirements, and they are increasingly footloose. Companies have been lost to Bicester in recent years because the planning process has not been able to deliver suitable sites. The fact that land at NW Bicester may soon be available for development will not necessarily lead to new investment if the use of the land is unduly restricted.'
- 8.35 The overall Masterplan for North West Bicester is incorporated into an SPD. This includes 'Development Principle 5 - Employment'. This principle requires employment proposals to address a number of factors and for planning applications to be supported by an economic strategy, which is consistent with the masterplan

economic strategy and to demonstrate access to one new employment opportunity per new home on site and within Bicester. Each application should also include an action plan to deliver jobs and homeworking, skills and training objectives and support local apprenticeship and training initiatives. The SPD recognises that it is envisaged that larger scale commercial development within the land shown on the masterplan provides business space for offices, workshops, factories and warehousing (B1, B2 and B8 uses).

- 8.36 The application seeks permission for a flexible employment consent in order for the development to be marketed and tailored to suit the requirements of future occupiers. It is also confirmed that the uses would be deliverable early in the Plan period. The proposed mix of uses remains for a maximum of 70% of the proposed floorspace for uses falling within B8 up to 30% for B1c/ B2 and up to 10% B1a. The mix of uses proposed has responded to the market taking into account an opinion prepared by Colliers International. The market advice provided in 2012 identified that there is a need along the M40 and particularly North Oxfordshire, for high quality and purpose built facilities for office, research and development, manufacturing and distribution purposes. It was found that the size of the facilities proposed to be provided on the large employment plot would reflect market requirements for the area.
- 8.37 The advice has been reviewed and the view remains broadly the same now, essentially, there remains a strong demand for large scale employment floorspace to meet the need for high quality and purpose built facilities for office, research and development, manufacturing and distribution purposes. This continued demand reflects the growth in housing, that there will be a locally available supply of labour which will be desirable for industrial and warehouse occupiers, the commencement of development on other sites in the town demonstrates continuing demand and that there is evidence of good demand within the District and further afield for further industrial/ distribution space. Colliers list a number of industrial/ warehouse occupiers that they are aware of who are looking for space in the Bicester area including existing Bicester occupiers looking for larger space and companies looking to locate in the town.
- 8.38 With respect to office demand, Colliers advise that in their view, there are few potential large office occupiers that would consider Bicester as a suitable location as other areas (such as Oxford and its surrounding business parks) tend to be the focus. Colliers do recognise that there is some demand for office space in Bicester, but consider this to be for smaller accommodation. The note does however acknowledge that office demand within a multi-use facility is likely to be higher, with many potential occupiers likely to require approximately 10-30% floorspace of a building area as office space, which sits alongside logistics, research and development and assembly operations.
- 8.39 The Economic Strategy submitted with the application confirms that the proposal would deliver 53,000sqm of B8, B1c/B2 floorspace to meet evidenced demand and that this level of development can deliver in the order of 900-1200 jobs based upon the Homes and Communities Agency 2015 Employment Density Guide. This accords with the requirements of Policy Bicester 1 for the main employment area on the corner of the site. It is also predicted that around 230 construction jobs could be achieved over a three year construction period. Alongside this, the proposal would provide start up business space and provide an attractive and sustainable work space environment. It would also provide employment opportunities for local people within sustainable commuting distances. More broadly, the view is expressed that the scheme could increase spending locally, encourage skills development and stimulate further investment in the area.

- 8.40 The view therefore continues to be expressed on behalf of the applicant that the scale of the facilities proposed and the mix of uses would reflect market requirements and could be delivered early in the plan period. A commercial development with an alternative mix, particularly a higher proportion of B1a office uses, would be unlikely to be delivered in the current market.
- 8.41 As part of the refused application, the applicant provided additional information in relation to the modern logistics sector. Whilst this has not been re-submitted as part of the current application, Officers consider it is relevant to refer to this. That sought to argue that the characteristics of storage and distribution providing jobs for few people as unskilled labour with no career paths is now outdated. The modern logistics sector includes firms that support the changing pattern of the economy including the online retailing sector which expect well integrated supply chains that are well located to customers and also respond to the changing nature of manufacturing including the consolidation of items into the finished product. Logistics companies therefore support the overall supply chain and are critical to the competitive performance of firms. This has led to larger buildings required for distribution, the need for these buildings to house sophisticated high technology systems for tracking goods and personnel with sufficient skills to support this process, the changing nature of the type of goods that require distribution quickly and the increasing significance of just in time deliveries and the ability to accept returns. All of these changes have led to changes in the employment profile associated with this sector and it is anticipated that future changes will continue to evolve the sector still further.
- 8.42 The information submitted, set out the significant percentage of employment provided in the UK by the Logistics sector within a wide range of both skilled and unskilled jobs. This includes the need for greater man power for the handling, dispatching and dealing with the return of goods and more technical staff such as to support IT infrastructure, managerial roles and customer service, sales and engineering roles. This range of roles has resulted in a mixture of employment opportunities (including fulltime, part time, shift work and more casual roles) and that the logistics sector is a major provider of apprenticeship opportunities.
- 8.43 Policy Bicester 1 refers to two criteria for the type of employment expected at NW Bicester. The first is bullet point three under 'Employment' which states B1 with limited B2 and B8, which applies across the NW site as a whole. The second is bullet point four, which advises that 'it is anticipated that the business park at the South East corner of the allocation will generate between 700 and 1000 jobs in use classes B1, B2 and B8 early in the plan period' which refers specifically to the current application site. This point does not attribute any priority to any particular B use class type on the business park, instead indicating a mix of uses would be acceptable. That said, the number of employment jobs expected, would indicate a mix of uses that fall to a larger extent of B2/B8 uses rather than a high proportion of B1 floor space (particularly office space), as B1 office uses would be expected to yield a far higher number of job numbers.
- 8.44 The adopted SPD for NW Bicester describes how employment uses include a proposed business park on land at Middleton Stoney Road and Howes Lane, where larger scale commercial development was identified in the masterplan economic strategy to provide employment space for target sectors including the high value logistics, manufacturing and low carbon companies. The SPD also advises that planning applications for employment proposals should pursue target sectors as described above. This further emphasises that a mix of uses, which could include B8 uses (which logistics falls within), is expected.

- 8.45 Given the above, it is the view of Officers that the proposal can be considered to comply with Policy Bicester 1 in respect to the way employment is proposed. This is because the land area for the business space at Middleton Stoney Road/ Howes Lane exceeds 10ha, it forms a mixed use proposal on that site and it meets the identified number of jobs for that area of the site. In addition, as evidence suggests that the type of employment proposed meets market demand (and which is supported by the type of development sought by the SPD and Economic Strategy supporting the Masterplan), it is possible that the development could be realised early in the Plan period. The proposal identifies two employment 'Plots' and an indicative layout is provided demonstrating that it is possible the larger employment site could provide for larger scale buildings with small units possible on the smaller employment site. This demonstrates the opportunity for flexibility.
- 8.46 With respect to job numbers, and as explained above, the projection identified by the applicant meets the Local Plan Policy Bicester 1 targets for this area of the site and contributes to the 3,000 jobs the Policy anticipates across the whole site. The job number targets set out in Policy Bicester 1 are however lower than the job numbers anticipated through the Masterplan Economic Strategy (responding to the PPS target of 1 employment opportunity per new dwelling, accessible by public transport, walking and cycling), which provided for 4600 jobs across the whole NW Bicester site with 2000 at the South East Business Park. In this respect, it is anticipated that the job numbers quoted in the Policy would hold more weight than those anticipated in the Masterplan Economic Strategy (with the current proposal complying with the Policy requirements) and in addition, given the application seeks flexibility and end occupiers are not known, the total employment opportunities this site may provide are not yet confirmed (and could be higher than anticipated). It is also important to note that there are significant areas of land identified for employment uses around Bicester that would provide employment opportunities and these would be accessible by walking/ cycling and public transport.
- 8.47 With respect to the point within Policy Bicester 1, which refers to Use Classes B1 with limited B2/ B8, which applies site wide, it is necessary to consider other employment opportunities across the site. Employment opportunities elsewhere at NW Bicester generally fall within local centres and small business units. These areas would accommodate uses falling within B1, D2 and the A use classes. Based upon the information contained within the other planning applications made across the NW Bicester site, it could be argued that the proportion of B2/B8 uses would be limited when compared with other employment opportunities anticipated (which includes employment opportunities from B1 business parks, the Eco Business Centre, local centres, educational buildings, home working (some of which are likely to be considered B1) and construction jobs). Whilst these other uses would represent a mix of employment types and therefore there may not be a predominance of B1, it is clear that across the site a good range of employment opportunities are anticipated creating a wide range of opportunities that would contribute to the mixed use development sought. In the view of Officers, given the current proposal relates to only part of the NW Bicester site (and on the basis of the other opportunities across the site), it can be concluded that this proposal does not conflict with this policy requirement when viewed in the context of the whole site.
- 8.48 On the basis of the above and taking into account all evidence, it is considered that the proposal complies with the general thrust of Policy Bicester 1 and the NW Bicester SPD on the basis of the employment development proposed. The proposal would allow for a flexible mix of uses that are anticipated on this particular area of the site, providing job opportunities to meet those anticipated by Policy, within a form of development to meet market demand and could be delivered early in the plan period. In addition, the proposal complies with National guidance that seeks to build a strong, competitive economy to support sustainable economic growth. The

site would provide a significant number of job opportunities for the site within proximity to both the existing and new communities within walking/ cycling distance and/ or accessible by public transport helping to meet the PPS requirements.

- 8.49 Notwithstanding the above conclusions, Oxfordshire County Council Economy and Skills comments and concerns are highlighted above. The assessment provided is considered to address these concerns. It is suggested that a Community Employment Plan is required to support sustainable economic growth, provide opportunities to align new jobs created from a major development, the local labour market and skills providers as well as ensuring maximum benefits in terms of new jobs, apprenticeships, traineeships, work experience and local supply chains. In this regard, it is proposed to require a Training and Employment Management Plan and this will also commit to a certain level of construction apprenticeships through the S106. This will also respond to the Policy Bicester 1 requirement around the achievement of construction related apprenticeships.
- 8.50 The Policy Bicester 1 requirement for BREEAM standard 'Very Good' with the capability of achieving 'Excellent' will be discussed elsewhere in this appraisal but the application documentation commits to meeting the required levels. In addition, the issues of scale and quality of the development will be considered later in this report.

Zero Carbon

- 8.51 The Eco Towns PPS at standard ET7 states;

The definition of zero carbon in eco-towns is that over a year the net carbon dioxide emissions from all energy use within the buildings on the eco-town development as a whole are zero or below. The initial planning application and all subsequent planning applications for the development of the eco-town should demonstrate how this will be achieved.

- 8.52 This standard is higher than other national definitions of zero carbon as it includes the carbon from the buildings (heating and lighting = regulated emissions) as with other definitions, but also the carbon from the use of appliances in the building (televisions, washing machines, computers etc = unregulated emissions). This higher standard is being included on the exemplar development which is being referred to as true zero carbon.
- 8.53 The NPPF identifies at para 7 that environmental sustainability includes prudent use of natural resources and the mitigation and adaptation to climate change including moving to a low carbon economy. Paragraph 93 identifies that 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.'
- 8.54 The Cherwell Local Plan policy Bicester 1 seeks development that complies with the Eco Town standard. Policy ESD2 seeks carbon emission reductions through the use of an energy hierarchy, Policy ESD3 seeks all new residential development to achieve zero carbon and for strategic sites to provide contributions to carbon emission reductions, Policy ESD4 encourages the use of decentralised energy systems and Policy ESD5 encourages renewable energy development provided that there is no unacceptable adverse impact.

- 8.55 The NW Bicester SPD includes 'Development Principle 2: 'True Zero Carbon Development'. The Principle requires the achievement of zero carbon and the need for each application to be accompanied by an energy strategy to identify how the scheme will achieve the zero carbon targets and the phasing.
- 8.56 The Cherwell Local Plan policy Bicester 1 identifies that new non-residential buildings will be BREEAM standard 'Very Good' with the capability of achieving BREEAM 'Excellent'. The determination of a planning application should be in accordance with adopted policy unless material considerations indicate otherwise.
- 8.57 The specific policy requirement for the development as a whole at NW Bicester to achieve zero carbon is defined as set out by the Eco Towns PPS. These requirements have been supported by the Inspector in the examination of the local plan and were an important rationale for the eco towns that are to be exemplars of best practice. All development is therefore expected to contain an energy strategy to demonstrate how the development could meet zero carbon standards. The intention is then to require further information, required by a S106 obligation to demonstrate how the zero carbon standards will be met once the details of the scheme are known. BREEAM is a sustainability assessment rating, which assesses the scheme against performance benchmarks including its energy performance.
- 8.58 In this case, an energy strategy has been provided which is a resubmission of the strategy that accompanied the previous outline application and this was reviewed for the Council by Bioregional. At that stage, the lack of a commitment to whether the development would be built to the PPS definition of zero carbon was raised. With regard to the commercial development, the strategy proposes that low and zero carbon technologies will be used to ensure the commercial buildings meet the requirements of BREEAM to meet the 'Excellent' rating for energy. Two options are provided based on the needs of the future end users of the buildings not being currently known. Neither option in the report appear to reach zero carbon level, the report considers that the use of PV may not be commercially viable and the report suggests that it is not proposed to connect the commercial buildings into the heat network; instead providing dedicated low carbon heat.
- 8.59 In addition to the strategy, a note has been provided to describe the measures that could be utilised in respect to specific sustainability and energy efficiency measures. This could include good practice air tightness and U values, heating systems to incorporate either a ground source heat pump or a biomass boiler, separate time and temperature controls for the office and warehouse areas of the buildings, naturally ventilated buildings rather than mechanical cooling and high efficiency light fittings and controls.
- 8.60 It is considered that the previous assessment with regard to this matter remains in that the lack of commitments and details made at this outline stage is of concern. At this stage, it is acknowledged that the scheme has some constraints in relation to the scale of the development as well as the uncertainty over who may ultimately occupy the commercial buildings. S106 obligations are therefore required to control this development such that additional energy information is required to be submitted and approved prior to development commencing. The achievement of zero carbon on the NW Bicester site overall is a key aspect of this site having been designated as an Eco Town and via the allocation at Bicester 1. It is critical that this development meets the required standards in order to contribute to the site as a whole meeting the aspirations of the Eco Town. The applicant's commitment to meeting the required BREEAM standards is positive but the zero carbon standards are important and will require active measures, to be secured through additional information to meet that standard.

Climate Change Adaptation

8.61 The Eco Towns PPS at ET8 advises;

Eco-towns should be sustainable communities that are resilient to and appropriate for the climate change now accepted as inevitable. They should be planned to minimise future vulnerability in a changing climate, and with both mitigation and adaptation in mind.

8.62 Cherwell Local Plan policy ESD1 seeks the incorporation of suitable adaptation measures in new development to make it more resilient to climate change. Policy Bicester 1 requires all new buildings to be designed incorporating best practice in tackling overheating.

8.63 The NW Bicester SPD includes 'Development Principle 3 - Climate Change Adaptation'. The principle requires planning applications to incorporate best practice on tackling overheating, on tackling the impacts of climate change on the built and natural environment including urban cooling through Green Infrastructure, orientation and passive design principles, include water neutrality measures, meet minimum fabric energy efficiency standards and achieve Code for Sustainable Homes Level 5. The principle also expects applications to provide evidence to show consideration of climate change adaptation and to design for future climate change.

8.64 Work was undertaken by Oxford Brookes University and partners, with funding from the Technology Strategy Board (now innovate UK), in 2011/12 looking at future climate scenarios for Bicester to 2050. Climate Change impacts are generally recognised as;

a) Higher summer temperatures

b) Changing rainfall patterns

c) Higher intensity storm events

d) Impact on comfort levels and health risks

8.65 The Design for Future Climate project identified predicted impacts and highlighted the potential for water stress and overheating in buildings as being particular impacts in Bicester. Water issues are dealt with separately below. For the exemplar development consideration of overheating led to the recognition that design and orientation of dwellings needed to be carefully considered to avoid overheating and in the future the fitting of shutters could be necessary to avoid overheating.

8.66 The submitted design and access statement considers how the future commercial buildings (in particular the office elements) could be designed to avoid the need for mechanical cooling, be orientated to minimise solar gain whilst attempting to maximise natural daylight (to reduce the need for artificial light), to provide effective solar shading for south facing windows, to include natural ventilation and consideration of the thermal mass of the building. It is considered that the information so far provided in relation to how future buildings could be designed in order to both respond to future climate scenarios and its energy efficiency provides a good basis for the negotiation of buildings at the detailed design stage that minimise future vulnerability to climate change.

Homes

- 8.67 There are a number of PPS standards relating to homes at NW Bicester including building standards and the provision of affordable housing. This particular application does not contain residential development and therefore it is not necessary to consider in detail these particular standards for this planning application.

Transport

- 8.68 The Eco Towns PPS sets out that Eco Towns should 'support people's desire for mobility whilst achieving the goal of low carbon living'. The PPS identifies a range of standards around designing to support sustainable travel, travel planning and travel choice, modal shift targets, ensuring key connections do not become congested from the development and ultra-low emission vehicles. The PPS seeks homes within 10 mins walk of frequent public transport and local services. The PPS also recognises the need for travel planning to achieve the ambitious target of showing how the town's design will enable at least 50 per cent of trips originating in the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent.
- 8.69 The NPPF has a core principle that planning should; 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;' The NPPF also advises that the transport system needs to be balanced in favour of sustainable transport giving people a real choice about how they travel (para 29). It is advised that encouragement should be given to solutions that support reductions in greenhouse gas emissions and reduce congestion (para 30). Transport assessments are required (para 32). The ability to balance uses and as part of large scale development have mixed use that limits the need to travel is also identified (para 37 & 38). The PPS advises that account should be taken of improvements that can be undertaken within the transport network that cost effectively limit the significant impacts of the development and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (para 32).
- 8.70 The Adopted Cherwell Local Plan policy SLE4 requires all development to 'facilitate the use of sustainable transport, make fullest use of public transport, walking and cycling'. Encouragement is given to solutions which support reductions in greenhouse gas emissions and reduce congestion. New development is required to mitigate off site transport impacts. Policy Bicester 1 relates to the NW Bicester site and requires proposals to include appropriate crossings of the railway line, changes and improvements to Howes Lane and Lords Lane, integration and connectivity between new and existing communities, maximise walkable neighbourhoods, provide a legible hierarchy of routes, have a layout that encourages modal shift, infrastructure to support sustainable modes, accessibility to public transport, provide contributions to improvements to the surrounding road networks, provision of a transport assessment and measures to prevent vehicular traffic adversely affecting surrounding communities.
- 8.71 The NW Bicester SPD includes 'Development Principle 6 - Transport, Movement and Access'. This principle requires movement to be addressed within planning applications with priority to be given to walking and cycling through improvements to infrastructure and ensuring that all new properties sit within a reasonable distance from services and facilities, the need to prioritise bus links and with other highway and transport improvements to the strategic road network.
- 8.72 'Development Principle 6A - Sustainable Transport - Modal Share and Containment', seeks to achieve the overall aim that not less than 50% of trips

originating in eco towns should be made by non car means. This supports providing attractive routes and connections through the development, providing connections to on and off site destinations including schools and local facilities, enhanced walking routes, the provision of primary vehicular routes but which do not dominate the layout or design of the area, the provision of bus infrastructure, the use of car sharing and car clubs and with parking requirements sensitively addressed. The SPD also advises applications should demonstrate how these matters can be provided for as well as include travel plans to demonstrate how the design will enable at least 50% of trips originating in the development to be made by non car means.

- 8.73 Development Principle 6B – Electric and low emission vehicles requires proposals to make provision for electric and low emission vehicles through infrastructure and support in travel plans.
- 8.74 Development Principle 6C – Proposed Highways infrastructure – strategic link road and proposed highway realignments considers the benefits of realigning Bucknell Road and Howes Lane to provide strategic highway improvements, whilst creating a well-designed route that will accommodate the volumes of traffic whilst providing an environment that is safe and attractive to pedestrians, cyclists and users of the services and facilities used.
- 8.75 Development Principle 6D – Public Transport requires public transport routes to be provided that include rapid and regular bus services, with street and place designs to give pedestrians and cyclists priority as well as bus priority over other road vehicles. The location of the internal bus stops should be within 400m of homes and located in local centres where possible. Bus stops should be designed to provide Real Time Information infrastructure, shelters and cycle parking.

Introduction to transport matters

- 8.76 The application is an outline proposal with all matters reserved except for access. The access matters to be considered at this stage include the provision of an access from Middleton Stoney Road to the larger of the two employment sites the provision of footway/ cycle infrastructure and a temporary access from Howes Lane to serve the smaller employment parcel.
- 8.77 With regard to the temporary access, the Planning Statement confirms that once the sections of the strategic link road to the north and south of the site are brought forward, that this access would be removed. The Highway infrastructure plans show, with regard to the temporary access, a vehicular route of 7.3m and a footway leading to the proposed signalised crossing linking to footpath 129/15 which connects through to Wansbeck Drive and access provided to the small employment site. With regard to the Middleton Stoney Road, the access would represent a priority T junction with the road widened to create a right hand turn lane and the footway extended on the northern side of Middleton Stoney Road linking to the roundabout. Bus stop infrastructure is also identified, with the bus stop for the west bound bus to be accommodated on road (and an island provided in the road to aid safe crossing) and with a bus stop layby provided for the east bound bus. The proposal also plans to deliver the western permanent footway/ cycleway that runs alongside the strategic link road to provide access around the site. The application does not propose to deliver the strategic link road through the employment site directly, however the parameter plans identify the land reserved for its delivery. The parameter plans also indicate the land required to deliver the bus only link through the application site linking to Himley Village, to be reserved for future delivery.

- 8.78 The application is accompanied by a Transport Assessment, which concludes that the commercial development of up to 53,000sqm of B2/ B8 floorspace with ancillary office space can be accommodated without causing significant impacts on the local road network.
- 8.79 Transport matters are also assessed within the Environmental Impact Assessment. The ES finds that overall the potential for environmental effects is low with negligible residual effects predicted during the construction stage, providing appropriate routing is established and a construction traffic management plan is agreed. At the completed development stage, the overall potential for environmental effects is identified as low albeit with some minor beneficial effects predicted for pedestrian delay and amenity given the proposed enhanced provision proposed. Conditions are recommended to secure mitigation including a CTMP and to secure this sites connections to the rest of the Masterplan site.

Strategic Link Road and highway capacity

- 8.80 The need for the timely delivery of the strategic link road (realigned Howes Lane) has been identified in all applications for development at NW Bicester in order to improve the junction of Howes Lane and Bucknell Road where it passes under the railway and improve Howes Lane. These improvements are required for planned growth around Bicester, including North West. Policy Bicester 1 identifies that a key infrastructure need will be the need for proposals to include appropriate crossings of the railway line to provide access and integration across the North West Bicester site. Changes and improvements to Howes Lane and Lords Lane to facilitate integration of new development with the town. This requirement has been incorporated within the Masterplan for the site, now established within the North West Bicester Supplementary Planning Document (February 2016). The SPD identifies the provision of a new tunnel, to the west of the existing, beyond the Avonbury Business Park and Thames Valley Police premises. This enables a straight crossing under the rail line and an improved junction to the north. Linked to this improvement, is the realignment of the existing Howes Lane, from the Middleton Stoney Road roundabout to the new underpass. This work provides the necessary transport capacity and has further benefits in terms of its design, including incorporating footpaths, cyclepaths, sustainable drainage, avenue planting and crossings as well as improving the living conditions for existing residents that back onto Howes Lane by realigning the road away from their rear fences. Planning permission has been resolved to be approved for the development to provide the tunnel and realigned highway infrastructure under application 14/01968/F.
- 8.81 Given the constraints of the existing junction, Oxfordshire County Council (OCC) have advised that there is a limitation on the number of additional traffic movements through the junction before it fails to adequately function. This capacity was identified through work undertaken by Hyder Consulting (now Arcadis) in relation to application 14/01384/OUT (an application at NW Bicester for development to the north of the railway line) in December 2014. This work used the Bicester SATURN model and traffic modelling results for a Local Development Plan Interim Year of 2024 (which therefore factors in expected growth by 2024 on a number of allocated sites for housing and employment around the town). The work concluded that at 900 homes at NW Bicester, the Bucknell Road/ A4095 Howes Lane would be over capacity but that the capacity issues would not be significantly worsened compared to the situation consented for the Exemplar but that beyond this, there would be a severe impact upon the existing junction until the new infrastructure were in place. It is on this basis that the capacity for development at NW Bicester in advance of the strategic road infrastructure has been determined, which has been equated to 900 dwellings (including 393 already permitted on the Exemplar site) and 40% of the proposed employment land.

- 8.82 Given this restricted level of development available across the Masterplan site, in advance of the new transport infrastructure, Officers have given consideration to how this capacity could be used taking into account the following criteria: how could the capacity be used by development best able to deliver the necessary tunnel, what development could be achieved whilst still meeting the policy requirements for being sustainable and whether the development is deliverable. The highway infrastructure is critical to the development of NW Bicester beyond the capacity agreed above.
- 8.83 Officers have recommended to Members in relation to the other applications across the Masterplan site (all of which now benefit from a resolution to approve – as set out above), how the restricted capacity could be used taking into account the factors above. In summary, that 507 units could be accommodated within the extent of and on a defined area of application site 14/01384/OUT, submitted by A2 Dominion on the basis that the development would sit adjacent to Elmsbrook (where 393 dwellings are already approved giving 900 dwellings in total) and which would benefit from the facilities and services available there and as such would be in a sustainable location. This is also on the basis that A2D are to facilitate the delivery of the strategic infrastructure including the tunnel. In this regard, A2D have secured a resolution for approval of this infrastructure (planning application 14/01968/F), have funding available in the form of a loan (with the cost of provision shared across the NW Bicester development based upon the level of residential development in each application used to secure contributions to repay the loan) and are progressing technical approval from Network Rail for the tunnel (the process also will establish costs and allow track possession for delivery to be booked). Progress is also underway in relation to agreeing the detail of the road infrastructure, with a S278 application having been made to Oxfordshire County Council. Officers have also advised that the trips equivalent to the 40% employment trips could be utilised by development on the Albion Land site (14/01675/OUT) on the basis that the land is adjacent to the western edge of Bicester, with the services and facilities that exist within a reasonable distance therefore accessible by walking and cycling and given the land includes land required for the delivery of the realigned Howes Lane. Application 14/01675/OUT was refused at Planning Committee in June 2016 and the current application forms part of the refused application site.
- 8.84 In addition, application 14/02121/OUT (the site known as Himley Village), has a resolution for approval, having been considered at Planning Committee in March 2017. This application site can deliver 500 dwellings in advance of the road and tunnel once a finalised programme for the delivery of the road and tunnel have been agreed. This level of development is in addition to the 900 dwelling trips and 40% commercial trips on the basis that that level of development would be unlikely to have been delivered in full by the time the road and tunnel are in place based upon current expected timescales therefore meaning that the traffic impact would be less than predicted at that point.
- 8.85 Beyond the above level of capacity identified, each application site would be subject to a Grampian condition to restrict further development until such time that the strategic link road infrastructure and tunnel are in place.
- 8.86 Given the above, and the fact that some capacity has been reserved for development on the application site, it is necessary to consider the traffic impacts of the current proposal and whether there is a need for a Grampian condition on this site area to control development.
- 8.87 The submitted Transport Assessment for the residential scheme has used the updated Bicester Transport Model, and this concludes that there is highway capacity available for all 150 dwellings plus a proportion of the employment floor

space that could be accommodated within the realms of the accepted 40% commercial trips in advance of the road and tunnel. OCC have raised some reservations as to whether the right committed development has been added into the model (which could mean that the congestion at the junction could be worse than shown in the TA), however they have accepted the trip generation carried out as part of the Transport Assessment. As set out in the report for 17/00455/HYBRID, which appears elsewhere on the committee agenda, it is concluded that 150 dwellings could be accommodated in advance of the road and tunnel based upon traffic impact on the Howes Lane/ Bucknell Road junction. On that application, no Grampian condition is recommended as all 150 dwellings could be accommodated in advance of the realigned road and tunnel subject to the applicant agreeing, by way of a S106 obligation to safeguard land throughout the whole of the land within their control (i.e. through the commercial and residential site) for the realigned road.

- 8.88 As referred to above, the Transport Assessment work allows for a level of the commercial development as well as the 150 dwellings to be delivered in advance of the road and tunnel infrastructure. With respect to this matter, a Transport Assessment is submitted with the current commercial application (this has also been updated using the updated Bicester Transport model and OCC again raise some reservations as to the committed development that has been added in, albeit again accept the assessment). This includes an assessment of traffic impact at the proposed site access and a number of local junctions for the future year of 2022 with 2016 base traffic data utilised (with a number of committed development sites added to provide an accurate future year assessment). A review of the traffic impact at 2031 is also completed. With regard to the level of development that could be accommodated in advance of the road and tunnel delivery, the TA identifies that as well as the 150 dwellings, 47% of the employment land could be accommodated (made up of 17,437sqm B8 floorspace and 7,473sqm B2 floorspace). The Transport Assessment also shows that in the future year 2031, and once the new highway infrastructure is in place, that there would be no highway capacity issues predicted in that future year.
- 8.89 The Highway Authority accept the conclusions as set out and on this basis, it is considered that the level of development identified above would be permissible in advance of the road and tunnel infrastructure delivery without a serious highway impact being caused. A Grampian condition is therefore required on this commercial application to restrict the level of development to that set out (and that is important because an alternative use class split could have different transport impacts that have not been assessed).
- 8.90 It is also important that this application is linked to the delivery of the strategic link road and tunnel and therefore it is necessary for the S106 agreement required for this commercial application to safeguard the land for the road through it and the adjacent residential land all within the applicant's control. It is understood that on the basis that both applications made by the applicant benefit from a resolution for approval, that the applicant is willing to commit to this requirement.
- 8.91 The Howes Lane/ Middleton Stoney Road/ Vendee Drive roundabout is expected to be over capacity, with a maximum queue of 13 vehicles on the Howes Lane arm in the 2022 base scenario and if additional committed development is added, this impact could worsen. However, the proposed employment development is shown to add only 9 vehicles to the queue and overall the temporary impact is unlikely to be one which could be considered severe.

Permanent access from Middleton Stoney Road

- 8.92 The arrangements for access from the Middleton Stoney Road are highlighted above. This access design has been subject to a Stage 1 Road Safety Audit. The Highway Authority has confirmed that the access arrangements identified are acceptable with detail subject to technical approval and a S278 agreement. The bus stops, refuge crossing, and footway/ cycleway linking to the Vendee Drive roundabout are required to provide safe pedestrian and cycle access to the site. The Stage 1 Road safety audit recommends extension of the 40mph limit north of the roundabout on Middleton Stoney Road and this is supported (and the drawing has been requested to be updated with an annotation to acknowledge this).
- 8.93 In terms of capacity, the traffic impact analysis indicates that the proposed junction from the Middleton Stoney Road to the large employment site will operate within capacity with minimal queuing and delay at the junction during peak periods with development traffic in the future years 2022 and 2031. OCC are content with this conclusion.

Temporary access

- 8.94 The application includes details for a temporary access arrangement from the existing Howes Lane to serve via this application the small commercial unit, referred to as plot 1. The temporary access arrangements are also proposed via the residential application and are also discussed in detail in this report.
- 8.95 To summarise, the Highway Authority have concluded that a temporary access would be acceptable both in terms of transport capacity and in terms of the technical provision of the temporary vehicular access or the associated footway/ cycleway given the recommendations made with the Stage 1 Road Safety Audit carried out for the residential application have been taken into account and on the basis that the temporary access road would be closed once the strategic highway infrastructure is opened.
- 8.96 A Stage 1 Safety audit has also been undertaken for the commercial application and this raises some concerns about the ability of lorries to pass in the access road. However Officers consider, and OCC Highway Officers agree, that in order to reduce the impact upon the existing residents by way of noise and disturbance, operational commercial traffic should not be taken from the temporary access, and only from the Middleton Stoney Road. This would mean that the temporary access would be required for the residential development only. This would also mean that no amendments would be required to the road to address the Safety audit concern regarding the ability of two large vehicles to pass each other.
- 8.97 The changes to Howes Lane in the temporary period, including the new signalised crossing linking to the existing public right of way are required to provide safe pedestrian access to the existing residential area and onwards to the town centre as well as the lighting required. These matters are therefore proposed to be secured via the residential application.

Traffic Management

- 8.98 The Highway Authority require a routing agreement to ensure that HGV drivers associated with the site use the designated lorry routes and route to and from the site to the south at all times to avoid Middleton Stoney Village and other residential areas. The Highway Authority highlight that additional information is required as to how this route would be enforced in the future (for example the provision of new HGV routing signage).

- 8.99 The issue of construction traffic management is also important and in this regard construction traffic management plans will be negotiated to again avoid construction traffic using Howes Lane and therefore routed to and from the site to the south.

Sustainable Travel

- 8.100 The NW Bicester Masterplan has been developed to promote sustainable travel whilst also making provision for vehicular traffic so people have a choice in the way they travel. This application is consistent with the masterplan once the realigned Howes Lane is provided. In advance of that, the footpath connections are proposed to support sustainable travel. The NW Bicester Masterplan also includes local facilities such as shops that will provide for the needs of residents and employees on the development reducing the need to travel beyond the site.
- 8.101 The application proposes to provide a footway/ cycleway along the alignment of the strategic link roads footway/ cycleway. The provision of this along this route is positive, however the Highway Authority advise that in practice this is unlikely to remain as the final infrastructure due to the difficulty of constructing the road alongside it and so suggest it may be better to provide a temporary path on a different alignment. The proposal also reserves a corridor for a the provision of a road forming part of the strategic bus route and it is important this is secured. This would also have the opportunity of providing footway/ cycle links through to other areas of the NW Bicester site.
- 8.102 As described, footway/ cycleways are proposed to be extended to the Middleton Stoney Road/ Howes Lane/ Vendee Drive roundabout, which would provide the ability to link into the existing network. Beyond this, and as part of the residential application, additional pedestrian connections are proposed including the footpath through to Wansbeck Drive (with the associated crossing and infrastructure). The residential application is also expected to make its proportionate contribute to off site connections including footway/ cycleways and public rights of way.
- 8.103 With regard to public transport and particularly bus services, and to provide a choice in ways to travel attractive public transport is necessary. The NW Bicester masterplan included proposals for bus services to be provided through the site in two loops, to the North and the south of the railway line, to provide a regular service to the town centre and stations. To implement this service the parcels of land to the west and north (14/02121/OUT and 14/01641/OUT) would need to be developed. The site would sit adjacent to the permanent bus services and therefore be fully accessible via these in the future. Contributions are sought from residential development to the permanent bus services.
- 8.104 The TA confirms that the site is situated adjacent to the existing Bicester built up area and which is served by bus services. It is confirmed that the layout, including connections will be designed to ensure the nearest bus stops on Wansbeck Drive to reach Service 21 would be within walking distance. Footway links are proposed to link to that service as well as a signalised crossing of Howes Lane as described above. The residential application would be required to provide additional bus stop infrastructure in Wansbeck Drive to encourage occupiers to use that service. In addition, service 25A runs along the Middleton Stoney Road and the proposal is required to provide bus stop infrastructure along the Middleton Stoney Road and the bus only link within the site (contributions are sought towards this) and contribute to this service for a temporary period to enhance the 25A service to cover the opportunity for shift workers prior to the permanent bus service being provided.
- 8.105 The support of bus services, in the early stages of the development is important to assist in delivering the targets for modal shift. It is also important that measures to

support sustainable travel such as the provision for real time public transport information to each home and business, as supported by the Eco Towns PPS, and active travel planning will be particularly important in these circumstances. These measures would need to be secured through planning conditions and legal agreement.

8.106 Bicester is well served by rail and with the improvements to services to Oxford and the proposals to extend services eastwards, make this is an attractive mode of travel and makes the town an attractive location to live and work. The offsite improvements for walking and cycling and bus service provision will support the links to the stations in the town via the town centre.

8.107 OCC have also sought to secure a financial contribution towards a scheme of traffic calming for Middleton Stoney Village on the basis of work carried out to support the Masterplan, which identified the impact of the wider masterplan site upon surrounding villages and other junctions on the road network. Discussions are ongoing as to this contribution as part of the S106 negotiations pursuant to the residential scheme.

Travel Plan

8.108 The application is accompanied by a Framework Employment Travel Plan, which acknowledges the modal shift targets sought for NW Bicester, particularly in the long term. The plan also aspires to achieve the higher targets following the introduction of bus services throughout the site. On the basis that the employment site will provide for a range of buildings to be used by different occupiers, the Framework Travel Plan provides for the need for future occupiers of each unit on the site to prepare individual Travel Plans. It does however provide a set of principles for which the Travel Plan for each unit will need to comply with. As an overarching point, it is intended that a Travel Plan Coordinator will be appointed to oversee the whole site. Beyond this role, the Plan requires that each individual plan will include a certain level of information, including the setting of targets and the need for information packs to be issued. The information also contains some detailed measures that would be utilised in each future Travel Plan to encourage walking, cycling, the use of public transport, the use of taxis and car sharing.

8.109 The Framework Travel Plan aspires to positive targets in terms of contributing to modal shift and it makes sensible suggestions around what future individual travel plans could contain. Some suggestions such as the encouragement of car sharing and the introduction of bicycle user groups/ promotion of cycling are positive. Reason for refusal two of 14/01675/OUT referred to the need for an updated travel plan on the basis that the previous version did not adequately cover the active measures that are required in order to achieve the ambitious modal shift targets. It is considered that the current Framework Travel Plan must also be taken further in terms of including more innovative measures (such as the promotion and priority of car club users or the provision of electric charging points for parking spaces or the use of real time information). In the circumstances it is considered that additional commitment could be provided at a later date and that future travel plan submissions will be assessed in this regard. A planning condition is therefore proposed to require future travel plans to be submitted for approval that commit to the high modal shift targets, which in turn will require some more innovative measures than a normal travel plan might commit to. A separate condition is required to secure the provision of real time information systems.

Conclusion to transport matters

- 8.110 The impacts of development at NW Bicester across the masterplan site have been modelled in combination with other development in the town to identify the transport mitigation required. Each application at NW Bicester is expected to make appropriate contributions to the provision of the necessary improvements. The primary constraint identified in relation to the current application is the junction at Howes Lane/Bucknell Road.
- 8.111 The resolution of the capacity issues is the construction of a new tunnel under the railway which forms part of the master plan for the development but is outside the current application site. A2Dominion as applicants for 3500 dwellings have identified a route to deliver the tunnel and OCCs advice is that a maximum of 507 dwellings and 40% of the employment should be delivered. The proposed development under this application for a proportion of the employment development can be accommodated in highway impact terms in advance of the road and tunnel being delivered subject to a legal agreement to be entered into by the applicant to safeguard the land through their application sites for the delivery of the strategic link road.
- 8.112 It is the view of Officers that the proportion of employment development that could be accommodated in advance of the strategic link road should be accessed only from the Middleton Stoney Road, therefore would mean development on the large employment site (Plot 2) only. The access from the Middleton Stoney Road, which is a detailed matter for consideration now, has been found to be acceptable.
- 8.113 This application, if permitted, facilitates part of the realignment of Howes Lane, part of which runs through the site. This realignment is a positive benefit of the scheme both in terms of making provision for vehicular traffic, pedestrians and cyclists but also for the existing residents living close to the existing road.
- 8.114 The achievement of modal shift is a key ambition for the site. For this commercial application, it is important that facilities and infrastructure, including the active promotion of sustainable travel and the enhancement of bus service provision, will be important in contributing to the achievement of the ambitious modal shift targets and reducing the proportion of trips made by way of the private car.

Healthy Lifestyles

- 8.115 The Eco Town PPS identifies the importance of the built and natural environment in improving health and advises that eco towns should be designed to support healthy and sustainable environments enabling residents to make healthy choices. The NPPF also identifies the importance of the planning system in creating healthy, inclusive communities. The Cherwell Local Plan identifies the need for a 7 GP surgery which is supported by information provided by NHS England.
- 8.116 The NW Bicester SPD includes 'Development Principle 7 – Healthy Lifestyles', which requires health and well being to be considered in the design of proposals. Facilities should be provided which contribute to the well being, enjoyment and health of people, the design of the development should be considered as to how it will deliver healthy neighbourhoods and promote healthy lifestyles through active travel and sustainability. The green spaces should provide the opportunity for healthy lifestyles including attractive areas for sport and recreation as well as local food production.
- 8.117 The overall site would include a generous provision of open space and the employment provision would contribute to this. The application site provides open space as well as walking and cycling routes providing opportunities for both residents and future employees at the employment site. This will help to achieve

healthy communities. Whilst this site is for commercial development and so in itself is not expected to contribute towards infrastructure matters on other areas of the site (as the basis for asking for such contributions is from residential sites), it is important to note that local services in terms of local retail, leisure and community provision are provided, in accordance with the masterplan just to the north of the application site and would be accessible by walking and cycling. In this regard, it is considered that the proposal would comply with the PPS.

Local Services

- 8.118 The PPS identifies the importance of providing services that contribute to the wellbeing, enjoyment and health of people and that planning applications should contain an appropriate range of facilities including leisure, health and social care, education, retail, arts and culture, library services, sport and play, community and voluntary sector facilities. The NPPF advises that to deliver social, recreational, cultural and services to meet the communities needs that you should plan positively to meet needs and have an integrated approach to the location of housing economic uses and community facilities and services (para 70). The Cherwell Local Plan Policy Bicester 1 identifies the following infrastructure needs for the site: education, burial ground, green infrastructure, access and movement, community facilities, utilities, waste infrastructure and proposals for a local management organisation. BSC 12 seeks indoor sport, recreation and community facilities whilst BSC 7 supports the provision of schools in sustainable locations and encourages co location.
- 8.119 The NW Bicester SPD contains 'Development Principle 8 – Local Services'. This principle requires facilities to meet the needs of local residents with a range of services located in accessible locations to homes and employment.
- 8.120 Considerable work has been undertaken to identify the social and community infrastructure required to support the development. These sit elsewhere across the Masterplan site and development containing residential dwellings is expected to contribute to these (and therefore the Albion Land proposed residential application will be expected to pay their proportionate contribution). The current application provides the largest employment provision across the site, therefore contributes to local services by way of providing employment opportunities for future residents of the wider eco town. A cultural strategy has also been developed that would seek to ensure that culture and the arts are incorporated into development proposals. The employment proposal would also be expected to respond to the cultural wellbeing approach sought across the site.

Green Infrastructure

- 8.121 The PPS requires the provision of forty per cent of the eco-town's total area to be allocated to green space, of which at least half should be public and consist of a network of well-managed, high quality green/open spaces which are linked to the wider countryside. A range of multi-functional green spaces should be provided and particular attention to providing land to allow the local production of food should be given.
- 8.122 The NPPF advises at para 73 that access to high quality spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. It also emphasises that Local Planning Authorities should set out a strategic approach in their local plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (para 114).

- 8.123 Cherwell Local Plan Policy BSC11 sets out the minimum standards that developments are expected to meet and it sets out standards for general green space, play space, formal sport and allotments. Furthermore, site specific, Policy Bicester 1 requires the provision of 40% of the total gross site area to comprise green space, of which at least half will be publicly accessible and consist of a network of well-managed, high quality green/ open spaces which are linked to the countryside. It specifies that this should include sports pitches, parks and recreation areas, play spaces, allotments, the required burial ground and SUDs.
- 8.124 The NW Bicester SPD includes 'Development Principle 9 – Green Infrastructure and Landscape'. This principle requires green space and green infrastructure to be a distinguishing feature of the site making it an attractive place to live. Planning applications should demonstrate a range of types of green space that should be multi-functional, whilst preserving natural corridors and existing hedgerows as far as possible. Furthermore it emphasises that 40% green space should be demonstrated.
- 8.125 The application includes a calculation of green infrastructure demonstrating 40.2% of the site provided as Green Infrastructure. This is based upon one interpretation of the potential layout of the site and cross referring this to the illustrative landscaping plan, much of this around the employment buildings would represent native woodland planting. Nevertheless, it is considered that at this stage, the proposal demonstrates that an appropriate, policy compliant level of Green Infrastructure can be provided and that this can be further refined at the detailed application stage.
- 8.126 The green infrastructure provided through this application would require ongoing maintenance and this would be established through the S106 process and may, in respect to the employment site, sit with a management company. The Policy required minimum standards for green space is based on a per dwelling standard to provide sufficient outdoor recreation space for residents. This is not directly relevant to a purely commercial scheme, however based on other policy requirements for 40% green infrastructure, it is clear that the proposed employment buildings would be provided with a generous level of open space, which would aid in reducing their impact.
- 8.127 Based upon the above assessment, it is concluded that the proposal has demonstrated that the Policy required level of Green Infrastructure (40%) can be achieved and this is a further positive conclusion of this development in comparison to the refused application as it meets the high standards set by Policy Bicester 1 and the NW Bicester SPD.

Landscape and Historic Environment

- 8.128 The Eco Town PPS advises that planning applications should demonstrate that they have adequately considered the implications for the local landscape and historic environment to ensure that development compliments and enhances the existing landscape character. Measures should be included to conserve heritage assets and their settings. The NPPF recognises the intrinsic character and beauty of the countryside (para 17). The NPPF advises that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.
- 8.129 Adopted Cherwell Local Plan Policy Bicester 1 requires 'a well-designed approach to the urban edge which related development at the periphery to its rural setting' and development that respects the landscape setting and demonstrates

enhancement of wildlife corridors. A soil management plan may be required and a staged programme of archaeological investigation. Policy ESD13 advises that development will be expected to respect and enhance the local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.

- 8.130 The NW Bicester SPD contains 'Development Principle 9A – Tree Planting', requires native trees and shrubs should be planted on the site to reflect the biodiversity strategy. Sufficient space should be allocated for tree planting to integrate with the street scene and adjacent street furniture, highways infrastructure, buildings and any associated services.
- 8.131 'Development Principle 9B – Development Edges' seeks to ensure that development on the edge of the site is likely to be more informal and rural in character and that this will be reflected in the nature of the green spaces to be provided whereas formal open spaces and sports pitches will have a different character.
- 8.132 'Development Principle 9C – Hedgerows and Stream Corridors' requires applications to explain green infrastructure in relation to the way it fits with the housing and commercial developments. Hedgerow losses should be minimised and mitigated for and hedgerows to be retained should be protected and enhanced with buffer zones and additional planting. A minimum 60m corridor to the watercourses should be provided to create a strong landscape feature in the scheme and secure the opportunity for biodiversity gain. Dark corridors to provide connectivity between habitats and ecosystems must be planned and protected.
- 8.133 'Development Principle 9D – Sports Pitches', requires that sufficient quantity and quality of an convenient access to open space, sport and recreation provision is secured through ensuring that proposals for new development contribute to open space, outdoor sport and recreation provision commensurate to the need generated by the proposals.
- 8.134 The application is accompanied by an LVIA within the ES and parameter plans. The assessment finds the site to be within the Estate Farmland Character area as set out within the Oxfordshire Wildlife and Landscape Study 2004. The site displays characteristics expected in this character area with the regular, large field pattern and dispersed farmsteads to the locality.
- 8.135 The LVIA finds that there are likely to be landscape and visual effects during the construction period but that these would not be unusual, would be temporary and could be minimised through construction management. In respect to the completed development, the potential landscape are likely to be significant at the local site area only, but that mitigation, in the form of significant mitigation measures detailed through the landscape proposals. In visual terms, again, the most significant impacts would be experienced only where the new development would be seen in close proximity. With mitigation, including landscaping and the form of new built development, the impacts are reduced both in long and short term range views. Furthermore, it is considered that the visual effects of the development will be characteristic of the form of development proposed, including its commercial nature on an allocated site for that purpose. The ES has also considered cumulative impacts and based upon the mitigation identified, plus that identified on other sites within proximity, the impacts are not considered significant.
- 8.136 The LVIA also confirms that taking into account the application parameters to establish height and distance from the hedgerow boundaries as well as the retention of boundary hedgerows, and new tree and hedgerow planting, that this is

inherent in the landscape and visual mitigation strategy adopted. The hedgerow buffers assessed range from 10 to 32m around the site in order to provide native hedgerow planting as landscape mitigation.

- 8.137 The Council's Landscape Officer has considered the LVIA and its conclusions and has advised that the LVIA is proportionate and its methodology acceptable. The significant landscape and visual effects associated with the western and northern elevations are noted; however the future eco town residential and informal open space visual receptors will experience degrees of visual harm due to this development. The mitigation measures/ design influences advice sought to establish greater distances between the land use parameter and site boundaries to enable greater landscape planting and potential earth mounding to reduce the impacts in landscape and visual terms. The relevant areas of the site are the western, northern and southern boundaries.
- 8.138 The parameter plans submitted reflect those within the refused outline application. The potential landscape/ visual impacts were included within the reason for refusal based on Member concerns; however the Officer assessment in respect to that proposal did not raise significant concern based upon the mitigation that could be achieved. On the basis of the advice above, an amendment to the land use parameter plan was sought to establish greater landscape buffers to the suggested area. In response an amended parameter plan has been prepared, which provides for greater landscape buffers along the southern and western boundaries of the site. This negotiated position represents a betterment overall and given greater landscaping would be possible, would aid in reducing landscape/ visual impacts over those as part of the refused scheme. The plan has not been amended regarding the northern boundary of the site and the route of the bus link on the basis that the location of the bus route is not yet known and would only be fixed at detailed design stage. The Landscape Officer has confirmed that the landscape buffers to the southern and western boundaries are acceptable. However the concerns regarding the northern boundary remain.
- 8.139 In the view of Officers the amendment to the land use parameter plan is a positive outcome and results in an improvement over the impacts assessed via the refused scheme. Greater opportunities for landscaping are possible and this, alongside the set back of the buildings (25m from the southern and western boundaries), will reduce the impact of the development to an acceptable degree in landscape and visual terms. The concern regarding the northern boundary is noted, however on the basis that this area of the site is reserved for later agreement and there are opportunities to agree a greater buffer if necessary at a later detailed stage, Officers do not consider that the submitted information is unacceptable, particularly in the context of this having been considered and recommended for approval in the same form in the past. Officers would note that the mitigation through overall landscape enhancements is positive, however would emphasise that the expectation is that this would represent complementary planting, that would also contribute to the net biodiversity gain for the site rather than to fully 'screen' the building. The need for planning conditions is being considered, but otherwise, landscaping would be a matter for consideration at the reserved matters stage. Detailed design matters are considered later in this report.
- 8.140 The application is accompanied by an Arboricultural Statement; however the content of that report did not accord with the information contained within Parameter Plan 5 relating to vegetation retention and removal. The discrepancies have been highlighted with the applicant's agent and an amended parameter plan has been received and an updated Arboricultural Statement is awaited with the hope that this will be received in advance of Committee. The amended parameter plan records the retention of a TPO tree that exists along Howes Lane (for which

there was some uncertainty under the refused application) and this further accords with the information submitted pursuant to planning application 14/01968/F (for the strategic link road). The extent of hedgerow removal has also been clarified and this proposal seeks to remove the hedgerow that runs through the middle of the southern part of the site, leaving an unrestricted parcel of land known as 'plot 2'. Other hedgerows are proposed to be removed to facilitate access/ the strategic link road and it is also clarified that the hedgerow along the Middleton Stoney Road will require removal and to be repositioned/ replanted slightly further back into the site to accommodate the highway access and right turn lane. It would appear that the proposed tree works are necessary to accommodate the development and these matters have been taken into account in the calculation of biodiversity net gain in terms of the replacement tree/ hedgerow planting based on the illustrative planting plan and how new native hedgerow planting could be accommodated. Further confirmed detail of this would need to be negotiated at the detailed landscaping stage.

8.141 In respect to archaeology, an archaeological investigation has been undertaken and has identified a number of archaeological features. The County Archaeologist has raised no objections to the proposal subject to conditions to require further work and therefore it is considered that the proposal is acceptable in this regard. There are no other heritage constraints with this proposal.

8.142 The Cherwell Local Plan suggests a soil management plan may be required. The Environmental Statement has scoped out soils and agricultural land albeit that chapter from the 2014 assessment is appended. This identifies that the land is classified as 3b which does not make it 'best and most versatile'. The conclusion was that there is a likelihood that some damage to soil structure may result, but that measures will be taken to ensure that soil quality is maintained as far as possible. A planning condition, as part of the CEMP is recommended in relation to this matter.

Biodiversity

8.143 The Eco Town PPS requires that net gain in local biodiversity and a strategy for conserving and enhancing local bio diversity is to accompany applications. The NPPF advises the planning system should minimise impacts on bio diversity and provide net gains where possible, contribute to the Government's commitment to prevent the overall decline in bio diversity (para 109) and that opportunities to incorporate bio diversity in and around developments should be encouraged (para 118). The Cherwell Local Plan Policy Bicester 1 identifies the need for sports pitches, parks and recreation areas, play spaces, allotments, burial ground and SUDs and for the formation of wildlife corridors to achieve net bio diversity gain. Policy ESD10 seeks a net gain in bio diversity.

8.144 The NW Bicester SPD includes 'Development Principle 9E – Biodiversity', requires the preservation and enhancement of habitats and species on site, particularly protected spaces and habitats and the creation and management of new habitats to achieve an overall net gain in biodiversity. Open space provision requires sensitive management to secure recreation and health benefits as well as biodiversity gains. Proposals should demonstrate inclusion of biodiversity gains and all applications should include a biodiversity strategy.

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

Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.

Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.

Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:

1) is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development).

2) Is there any satisfactory alternative?

3) Is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species?

Therefore where planning permission is required and protected species are likely to be found to be present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local planning authority that the 3 strict derogation tests can be met prior to the determination of the application. Following the consultation with Natural England and the Council's Ecologist advice given (or using their standing advice) must therefore be duly considered and recommendations followed, prior to the determination of the application.

8.146 Ecology is assessed within the Environmental Statement, where it is described that an updated extended phase 1 habitat survey was undertaken during November 2016 which provided updated faunal surveys for those groups that can be surveyed during the winter months. The results were also compared with earlier surveys and their conclusions. This found that there is some potential for the use of the site, potentially within the field margins and hedgerow bases by Great Crested Newts, that there is some potential for roosting of bats within trees and hedgerows present on site and that the site is likely to be used by foraging and nesting birds. There is also some potential for badgers, invertebrates, reptiles and other small mammals.

8.147 The development has been designed to retain the most ecological features to ensure they can be managed in the long term to maximise their biodiversity potential and where this is not possible, new habitats are proposed to compensate for habitat losses. With regard to habitats, it is recognised that arable land, some field margins, tall ruderal, areas of hedgerow, areas of ditch and some trees would

be lost. With regard to species, overall, it is considered that the potential for disturbance can be minimised by implementing reasonable avoidance measures during construction to ensure the risk of harm is limited. The intention is for these matters to be built into the CEMP. For habitat, mitigation hedgerow planting, the inclusion of buffers to hedgerows, new native tree planting are proposed and these also aid in increasing the extent of suitable habitats. Biodiversity enhancements in the form of for example artificial roosting opportunities could be provided. Additionally, long term management through a Landscape and Ecology Management Plan including a programme for ecological monitoring is proposed. Sensitive lighting schemes are also proposed to avoid adverse effects on bats during the operational phase of the development. The loss of habitat for farmland birds is recognised and the mitigation identified is contributions to the offsite compensation scheme.

- 8.148 The application site is within proximity to a Great Crested Newt Pond which sits in an adjacent site. The Masterplan for the site identifies 50m buffers around the pond to the north of the site to protect habitats for Great Crested Newts which is considered best practice. Third party comments have raised the need for this buffer to be provided. As part of the refused application, the following was concluded:

The application proposal does not include this buffer and this is justified by the current status of the land being arable which offers a negligible opportunity for GCN and therefore the applicant's Consultants on Ecology do not consider there to be a need for this buffer zone within the application site. They advise that the field margin within the application site adjacent to the pond is to be retained and enhanced and that as enhancements are proposed on the Himley Village side of the site, the two mitigation strategies are compatible. Whilst the proposals would likely be considered legally compliant in terms of their impact upon GCN, there is conflict with the masterplan in this respect, particularly as the identified buffer sought to enhance the habitat and not simply avoid negative impacts only. Never the less ecological consultees have not raised objection to the proposals with regard to GCN, although concerns have been raised with regard to the overall achievement of net bio diversity gain. With regard to hedgerow buffers to be provided to accord with the North West Bicester Masterplan, the applicant's agent has advised that the proposed layout demonstrates that the 10m standard is adhered to and in fact exceeded with landscape buffers of between 12 and 32m to retained hedgerows.

- 8.149 As referred to below, the net biodiversity gain issue has been resolved and the Council's Ecologist has further considered that the mitigation identified for GCN provided is considered acceptable due to the extent of proposed habitats including tree, shrub and wildflower meadow creation proposed on the site. Given this advice, along with the conclusions raised to the previous scheme, which did not conclude this issue was unacceptable, it is concluded that the proposal is acceptable in this regard.

- 8.150 With regard to Net Biodiversity Gain, the application documents include a biodiversity strategy and offsetting metric. The refused application did not provide convincing evidence that a net biodiversity gain could be achieved and this therefore was included within reason for refusal two. The information submitted pursuant to the current application has been subject to some discussion during the processing of this application, between the Council's Ecologist and the applicant's Ecologist. Essentially, concern was raised in relation to how the calculation had been arrived at based upon the commercial scheme alone and therefore that a net biodiversity gain would not be achieved. A further calculation has therefore been undertaken, which uses information from both the commercial and the residential scheme combined. In this circumstance, it is concluded that a net biodiversity gain

can be achieved with the calculation showing a 0.78 unit gain. The calculation for linear impacts also shows a net gain and this has been carefully checked based upon the loss of hedgerows proposed (including the hedgerow through the centre of the site and the hedgerows along the Middleton Stoney Road, which would be replanted slightly back further into the site) therefore there is a need to make sure that this is mitigated for in order to achieve net gains. It would appear from the details that this has been taken into account. As the calculation can only be carried out based upon the current best available information and it is dependent upon the future detailed proposals, it is suggested that a planning condition be used to require an updated calculation to be carried out based upon future reserved matter submissions.

8.151 The Council's Ecologist has had much discussion with the applicant's agent regarding the achievement of the net biodiversity gain and this has resulted in a satisfactory conclusion being reached both in relation to overall net gain and in relation to linear habitats (on the basis of the advice relating to hedgerows, which have been clarified as explained above). It has been confirmed that the calculation is acceptable at this stage but that a further calculation is required at the detailed design stage. No objections are raised in relation to other ecological matters, albeit further surveys are required at the appropriate time to ensure no harmful impacts are caused. The conditions recommended will be included as suggested.

8.152 In the view of Officers, subject to the imposition of planning conditions as referred to above, the development proposed can be accommodated, during the construction and operational stages without causing significant harm to protected species. Additionally, a net biodiversity gain can be achieved, subject to the details of matters such as a landscaping scheme in the future. This is a positive change compared to the previously refused application where it was not clear that a net biodiversity gain could be achieved. A contribution to offsite farmland birds is requested and forms part of the current S106 negotiations. The proposed development is considered acceptable in relation to the above mentioned matters and in compliance with the above referenced policies.

Water

8.153 The Eco Towns PPS states 'Eco Towns should be ambitious in terms of water efficiency across the whole development particularly in areas of water stress. Bicester is located in an area of water stress. The PPS requires a water cycle strategy and in areas of serious water stress should aspire to water neutrality and the water cycle strategy should;

- a) the development would be designed and delivered to limit the impact of the new development on water use, and any plans for additional measures, e.g. within the existing building stock of the wider designated area, that would contribute towards water neutrality
- b) new homes will be equipped to meet the water consumption requirement of Level 5 of the Code for Sustainable Homes; and
- c) new non-domestic buildings will be equipped to meet similar high standards of water efficiency with respect to their domestic water use.

8.154 The NPPF advises at para 99 that when new development is brought forward in areas that are vulnerable care should be taken to ensure risks can be managed through suitable adaptation measures, including through the planning of green infrastructure. The ACLP Policy ESD8 advises 'Development will only be permitted where adequate water resources exist or can be provided without detriment to

existing uses.’ Policy Bicester 1 requires a water cycle study and Policy ESD 3 requires new development to meet the water efficiency standard of 110 litres/person/day.

- 8.155 The NW Bicester SPD includes ‘Development Principle 10 – Water’. This principle requires water neutrality to be achieved which means the total water used after a new development is not more than the total water used before the new development. Applications should be accompanied by a Water Cycle Strategy that provides a plan for the necessary water services infrastructure improvements. This should incorporate measures for improving water quality and managing surface water, ground water and local watercourses to prevent surface water flooding and incorporate SUDs designed to maximise the opportunities for biodiversity.
- 8.156 The application is not accompanied by a Water Cycle Study, however, upon requesting additional information with regard to how this site will contribute to water neutrality, a document has been submitted and providing information as to what could be considered at the future detailed design stage in order to contribute towards the aspiration for water neutrality. The following measures would be considered – features such as rainwater harvesting, low consumption water appliances to minimise water use, strategies for wastewater treatment and the use of SUDs across the site to contribute to improving water quality whilst managing surface water, ground water and local watercourses to prevent flooding. It is proposed to recommend a planning condition to require each reserved matters application be submitted with a scheme to demonstrate how the detailed scheme will contribute to the aspirations towards water neutrality. Water is also a BREEAM topic and so meeting the standards through a BREEAM assessment would provide an indication of the sustainability standards. On this basis, it is likely that the application can contribute to the aspirations towards water neutrality sought through the submission of further information in relation to detailed matters for consideration.

Flood Risk Management

- 8.157 The Eco towns PPS advises that the construction of eco towns should reduce and avoid flood risk wherever practical and that there should be no development in Flood Zone 3. The NPPF advises that inappropriate development in areas of flood risk should be avoided (para 100) and that development should not increase flood risk elsewhere (para 103). The Cherwell Local Plan policy ESD6 identifies that a site specific flood risk assessment is required and that this needs to demonstrate that there will be no increase in surface water discharge during storm events up to 1 in 100 years with an allowance for climate change and that developments will not flood from surface water in a design storm event or surface water flooding beyond the 1 in 30 year storm event. Policy ESD 7 requires the use of SUDs.
- 8.158 The NW Bicester SPD includes ‘Development Principle 11 – Flood Risk Management’, which requires the impact of development to be minimised by ensuring that the surface water drainage arrangements are such that volumes and peak flow rates leaving the site post development are no greater than those under existing conditions. The aim is to provide a site wide sustainable urban drainage system (SUDs) as part of the approach and SUDs should be integrated into the wider landscape and ecology strategy. Applications should demonstrate that the proposed development will not increase flood risk on and off the site and take into account climate change
- 8.159 The application is accompanied by a Site Specific Flood Risk Assessment. This concludes that the site is within flood zone 1 and that it is at limited risk of flooding, even in the future when climate change is taken into account. The broad principle

of the drainage strategy is to allow for restricting the flows to the ditch alongside Howes Lane to greenfield run off using on site swales/ ponds and retention tanks and be designed for a 1 in 100 year + 30% climate change storm event.

8.160 OCC do not object to the proposal in drainage terms, albeit note that limited information is provided at this outline stage. Nevertheless, it is considered that future surface water drainage strategies and subsequent applications for the site should confirm with the overall Masterplan Surface Water Drainage Strategy including its requirements and recommendations. A condition is recommended to secure full drainage details. It is therefore considered with suitable conditions, the application can be considered to comply with the PPS, NPPF and the Cherwell Local Plan policies with regard to flood risk.

8.161 Waste

8.162 The Eco Towns PPS advises that applications should include a sustainable waste and resources plan which should set targets for residual waste, recycling and diversion from landfill, how the design achieves the targets, consider locally generated waste as a fuel source and ensure during construction no waste is sent to landfill. The National Waste Policy identifies a waste hierarchy which goes from the prevention of waste at the top of the hierarchy to disposal at the bottom. The National Planning Practice Guidance identifies the following responsibilities for Authorities which are not the waste authority;

- promoting sound management of waste from any proposed development, such as encouraging on-site management of waste where this is appropriate, or including a planning condition to encourage or require the developer to set out how waste arising from the development is to be dealt with
- including a planning condition promoting sustainable design of any proposed development through the use of recycled products, recovery of on-site material and the provision of facilities for the storage and regular collection of waste
- ensuring that their collections of household and similar waste are organised so as to help towards achieving the higher levels of the waste hierarchy

8.163 The NW Bicester SPD includes 'Development Principle 12 – Waste', which sets out that planning applications should include a sustainable waste and resources plan covering both domestic and non-domestic waste and setting targets for residual waste, recycling and landfill diversion. The SWRP should also achieve zero waste to landfill from construction, demolition and excavation.

8.164 The application submission does not provide a detailed sustainable waste and resources plan or set relevant targets. However, it has been advised that a site waste management plan will be provided at the detailed design stage and that this will ensure the amount of waste to landfill and the location of the landfill is the solution that results in the lowest possible impact on the environment. It will also demonstrate that targets for residual waste levels and landfill diversion can be met. The application also commits to, where practical and viable, selecting materials having regard to their ability to be locally sourced, reclaimed, recycled and renewable in order to assist in reducing waste and the reduction of landfill materials. It is therefore important that a condition is used to require a site waste management plan that sets appropriate targets to ensure that the requirements of the PPS and the SPD can be achieved.

Masterplanning

- 8.165 The Eco Towns PPS sets out that 'eco-town planning applications should include an overall master plan and supporting documents to demonstrate how the eco-town standards set out above will be achieved and it is vital to the long term success of eco towns that standards are sustained.' The PPS also advises there should be a presumption in favour of the original, first submitted masterplan, and any subsequent applications that would materially alter and negatively impact on the integrity of the original masterplan should be refused consent.
- 8.166 The Cherwell Local Plan Policy Bicester 1 states 'Planning Permission will only be granted for development at North West Bicester in accordance with a comprehensive masterplan for the whole site area to be approved by the Council as part of a North West Bicester Supplementary Planning Document.'
- 8.167 The NW Bicester site identified in the adopted Cherwell Local Plan is large and it is important that development is undertaken in such a way as to deliver a comprehensive development. A masterplan is an important tool in achieving this particularly when there is not a single outline application covering the site as in this case. As referred to throughout this report, a Masterplan has been approved and is embedded within the NW Bicester SPD. This provides a framework for securing a comprehensive development. The application documents accompanying the current application align with the Masterplan and can be considered to comply with it. The application provides for the safeguarding of land for the strategic road and opportunities for connections throughout the rest of the site are identified. Notwithstanding this, it will be important that appropriate triggers are included within legal agreements to ensure that the development is linked to the provision of infrastructure, including the provision of the re-aligned road and tunnel to ensure that the wider development provides infrastructure at the right time and to support the masterplan approach to delivery.

Transition

- 8.168 The Eco Towns PPS advises that planning applications should set out;
- a) the detailed timetable of delivery of neighbourhoods, employment and community facilities and services – such as public transport, schools, health and social care services, community centres, public spaces, parks and green spaces including biodiversity etc
 - b) plans for operational delivery of priority core services to underpin the low level of carbon emissions, such as public transport infrastructure and services, for when the first residents move in
 - c) progress in and plans for working with Primary Care Trusts and Local Authorities to address the provision of health and social care
 - d) how developers will support the initial formation and growth of communities, through investment in community development and third-sector support, which enhance well-being and provide social structures through which issues can be addressed
 - e) how developers will provide information and resources to encourage environmentally responsible behaviour, especially as new residents move in

- f) the specific metrics which will be collected and summarised annually to monitor, support and evaluate progress in low carbon living, including those on zero carbon, transport and waste
- g) a governance transition plan from developer to community, and
- h) how carbon emissions resulting from the construction of the development will be limited, managed and monitored.

8.169 The timing of the delivery of community services and infrastructure has been part of the discussions that have taken place with service providers in seeking to establish what is necessary to secure, through legal agreements, to mitigate the impact of development. This has included working with Oxfordshire County Council on education provision and transport, NHS England, Thames Valley Police and CDC's Community Development Officer. Considerable work has been undertaken by others with regard to establishing a community management organisation (LMO).

8.170 The monitoring of the development is important and will allow the success of the higher sustainability standards to be assessed and inform future decision making. A monitoring schedule has been developed for the Exemplar development that is currently under construction which was secured through the legal agreement accompanying the application. A similar approach is proposed for the other applications across the NW Bicester site including the current site for commercial development.

8.171 The limiting of carbon from construction has been addressed on the Exemplar application by measures such as construction travel plans, work on reducing embodied carbon and meeting CEEQUAL (sustainability assessment, rating and awards scheme for civil engineering). It is proposed that this same approach would be taken on subsequent applications for the wider site and so this would be relevant for the current application. Conditions and/ or the legal agreement would seek to address this point.

8.172 The requirements for transition arrangements can therefore be met and secured as part of any planning permission that might be granted.

Community and Governance

8.173 The Eco Towns PPS advises that planning applications should be accompanied by long term governance structures to ensure that standards are met, maintained and evolved to meet future needs, there is continued community involvement and engagement, sustainability metrics are agreed and monitored, future development meets eco town standards and community assets are maintained. Governance proposals should complement existing democratic arrangements and they should reflect the composition and needs of the local community. Cherwell Local Plan Policy Bicester 1 requires the submission of proposals to support the setting up of a financially viable local management organisation.

8.174 The NW Bicester SPD includes 'Development Principle 13 – Community and Governance', which requires planning applications to show how they support the work to establish a Local Management Organisation (LMO) as the long term governance structure and seek to achieve a seamless approach across the site in terms of community led activities and facilities.

8.175 There is an approach to secure contributions from residential development across the NW Bicester site towards the setting up of the LMO and funding for it so it can be sustainable in the long term. As the current application site is purely for

commercial development, it would not be required to contribute to the LMO but it does form part of the S106 negotiations that are underway in relation to the adjacent residential area.

Environmental Matters

- 8.176 The proposal has attracted a number of public comments in respect of impacts from the commercial operations upon the residential amenity of nearby residential properties. The assessment therefore would need to take into account both existing and proposed residential properties. The ES has considered various environmental matters in detail.
- 8.177 The NPPF at para 109 identifies one of the roles of the planning system is 'preventing new or existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. The CLP ENV12 requires adequate measures to deal with any contaminated land whilst the NSCLP Policy EN5 advises that regard will be had to air quality, Policy EN6 seeks to avoid light pollution whilst Policy EN7 looks to avoid sensitive development in locations affected by high levels of road noise and Policy EN17 deals with contaminated land. CDC has identified that Kings End/ Queens Avenue in Bicester should be declared an Air Quality Management Area.
- 8.178 The Environmental Statement covers, and includes technical assessments within its appendix matters relating to light impacts, noise and vibration and air quality. These matters are summarised here along with the response from the Council's Environmental Protection Team.
- 8.179 With respect to Light Pollution, the ES identifies that light pollution during the construction phase is likely; however it is intended to assume good working practices, to be established through a CEMP which should reduce the significance of effects to sensitive receptors. At the operational stage, the conclusion reached is that providing best practice design measures are utilised, the development is not predicted to cause significant adverse effects to local sensitive receptors or to local sensitive ecological receptors. No adverse comments have been received from the Council's Environmental Protection Team in relation to this matter.
- 8.180 With respect to air quality, the ES finds that there is some potential for effects at the construction stage, although these are negligible effects. Additionally, a number of mitigation measures are identified to be established within a CEMP, which include dust, earthworks and construction management as well as communication with local residents. With mitigation, the environmental effects at the construction stage are considered to be acceptable. At the operational stage, the residual effects are predicted to be negligible to slight overall both in terms of nitrogen dioxide and particulate matter concentrations and therefore have a low environmental impact. Design mitigation measures for the completed development are suggested, including measures to promote public transport, walking and cycling and provision of infrastructure with links from the site. This links to the modal shift targets for the site and would assist in reducing air quality impacts from the site.
- 8.181 The Council's Environmental Protection Team recommend planning conditions relating to air quality to secure further information to ensure the risk from the development on local air quality is considered (it is noted that this approach is suggested and not an objection or the requirement, in this case for further information prior to a decision). The encouragement of low emission transport and its subsequent impacts on air quality are also noted and this links to the overall modal shift targets sought at the site.

8.182 With respect to noise and vibration, the ES finds that at the construction phase, noise levels are identified, however no receptor should exceed the baseline criteria, indicating no significant effects. A number of mitigation measures are suggested including best practice measures, to be established through a CEMP. With respect to the completed development, potential HGV movements are identified and no significant effects are predicted other than weekend nights where the noise level could exceed the background noise levels therefore requiring additional mitigation. HGV docking should also not cause significant effects other than at certain defined times, therefore indicating additional mitigation, albeit the assessment is carried out without the buildings that make up the development which are likely to screen receptors. The assessment also concludes that building services plant could be accommodated without exceeding background noise levels and therefore would have a negligible impact. No significant impacts are predicted from traffic noise associated with the completed development. The design and layout of the site are important in terms of assisting in reducing noise from site activities as the buildings on the scheme can offer the potential for acoustic screening. Additionally, acoustic barriers could be considered if necessary and service yard management plans could be included to establish best practice methods for reducing noise further.

8.183 As set out above, the Council's Environmental Protection team have not raised significant concern relating to noise, instead advising that noise control matters can be addressed through detailed design matters and through construction management. The issue of early consideration is important and as further design work is sought in advance of the submission of reserved matters, it is considered that the matters highlighted can receive early attention. Noise assessments at the reserved matters stage would also be important to relate to individual units to ensure that noise and service yard management adhere to best practice to minimise the environmental impacts.

8.184 With respect to all environmental considerations and those that could cause impacts to the amenity of residential properties, it will be necessary to carefully control the proposed development with conditions that control outdoor activities and storage and noise levels. Particularly as it is understood that the applicant seeks 24 hour operations to make the development a viable and marketable proposition. During the construction phase a Construction Environment Management Plan will be sought to control working activities to ensure that as far as possible environmental considerations are minimised.

Design

8.185 The NPPF advises 'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people' (para 56). The NPPF encourages consideration of the use of design codes, design review and advises great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. The Eco Towns PPS seeks the achievement of Building For Life as a measure of the quality of the development.

8.186 The ACLP policy ESD 15 on the character of the built and historic environment sets out 17 requirements for new development whilst Policy Bicester 1 has a further 33 design and place shaping principles. These requirements include contributing to the areas character, respect traditional patterns and integrate, reflect or re-interpret local distinctiveness, promote permeability, take a holistic approach to design, consider sustainable design, integrate and enhance green infrastructure, include best practice in overheating, enable low carbon lifestyles, prioritise non car modes and support sustainable transport, providing a well-designed approach to the urban

edge, respect the landscape setting, visual separation to outlying settlements, provision of public art.

- 8.187 The NW Bicester SPD includes guidance on design and character areas. It sets a number of design principles, including the need for sustainability to be a key driver in the design of the eco town, creating a character, being integrated into the site and the surrounding town and countryside, creating a legible place, with filtered permeability that allows for efficient movement within and around the place, utilises a townscape led approach and which responds to its landscape setting. It includes information as to what information should be demonstrated through each planning application and the design principles that need to be complied with.
- 8.188 The application is an outline proposal, therefore at this stage it is necessary to consider the Design and Access Statement and the principles established for the site to guide development moving forward to the reserved matters stage. The application is also accompanied by parameter plans to establish the parameters for the development to respond to both in terms of the land uses and the maximum height of the buildings. The development height parameter proposes 16m to the ridge for development on plot 2 (based on two plateau levels indicating development to the west will be higher than that to the east) and 14m to the ridge for development on plot 1 (based on one plateau level). This is a change to the parameters compared to the outline refused scheme which sought permission for ridge heights to be 16.75m and will aid in reducing the impact. Eaves height appears to remain the same as that provided for in the refused application at 13.7m taking into account the section drawings. The DAS suggests that a contemporary design approach would be appropriate, to be consistent with the aspirations of the proposed eco town which would incorporate a high quality and sustainable design. The proposal seeks to justify the height of the buildings as being necessary to meet the potential end user requirements, which suggests that in order to be commercially viable, height is required to suit the requirements of modern logistics companies. The application notes the gateway location of the site and considers this an opportunity for future end users therefore setting the intention to create a high quality development that complements the future surrounding development. The DAS explains how the orientation of the employment zones have been carefully considered to maximise passive solar gain and achieve shade contributing to the achievement of high BREEAM ratings.
- 8.189 The application is also accompanied by an illustrative masterplan which provides for one interpretation of how development could be accommodated and this pulls the building at the Middleton Stoney Road/ Howes Lane junction away from that area to enable the provision of a deeper landscape buffer to assist in the assimilation of the building with the wider landscape. The plan shows larger employment buildings accommodated on Plot 2 (4 in number identified) and smaller buildings on plot 1. Also submitted is a plan which shows how the approach to the architectural articulation of the elevations could be provided. These demonstrate that the form of development could be delivered to provide elements of active frontage on elevations fronting the strategic link road creating a high quality environment in this location. Whilst the scale of landscaping is questionable, the form of buildings identified demonstrate that there will be a degree of flexibility, particularly around the provision of office elements of the buildings, the design of this area and signage could create an appropriate form of development in this area.
- 8.190 With regard to the impact of the proposal upon the visual amenity of the area, the earlier section of this report considering the landscape and visual issues that arose from the ES assessment concludes that this site can accommodate the proposal without serious harm to the landscape. In visual impact terms, the buildings would be large and prominently situated on this corner of the site, however the site is

positioned close to existing and proposed residential development therefore it would not appear isolated, it would be set within a landscaped area and set back from both the Middleton Stoney Road and Howes Lane as well as from the western boundary with Himley Village (where a mixed use area is identified adjacent to this). Modern buildings to accommodate industrial and logistics operations have the potential to be large and bulky and the applicants have indicated a desire to be able to accommodate modern flexible buildings on this site, albeit limited in height to a maximum of 13.7m to eaves. Given the prominent frontages of the large commercial area, officers consider that there is the need for a high design quality, particularly at the corner of the site between Howes Lane and the Middleton Stoney Road, to ensure any buildings to respond to the prominent location at the entrance to the site. The submitted information and parameter plans provide a sufficient framework for the future development to evolve from to ensure the creation of a high quality business park in this location. Officers consider it very important that any future development on this site reflects that it is part of a wider eco town, recognises its prominent location and responds to its surroundings. Therefore it is recommended that planning conditions are used to seek an urban design framework that will ensure that the detailed designs on this site take account of the emerging proposals on the surrounding sites, including the building designs, linkages and landscaping. This would ensure that suitable design guidance is in place to support future development of detailed proposals and establish the framework for a development of the expected quality on this site.

- 8.191 Given the unique nature of the site it is proposed that a design review process is required for all detailed proposals going forward to make sure that they achieve high quality design as well as the high sustainability standards required. It is anticipated that sustainability will lead the design for the development and therefore it is likely to have a unique character. Never the less it will need to also be routed in the location and appropriate for the area.
- 8.192 It is also necessary to consider the potential visual impact upon the residential amenity of neighbouring properties, both existing off site and proposed both on the current application site and surrounding land as far as is possible at this stage. In response the applicant has submitted a series of section drawings demonstrating the extent of landscaping and open space proposed around the building, which forms a substantial buffer particularly between the site and homes that exist and which currently back onto Howes Lane.
- 8.193 It is clear from these sections that in relation to existing properties, even in the worst possible situation (i.e. with the buildings directly adjacent to the boundary of the employment zone and at the closest point to existing neighbouring properties) there is a considerable distance of around 76m between those homes and any building on the largest employment site. The distance is such that that buildings would not impact upon their residential amenity given these separation distances achieved.
- 8.194 The proposal also facilitates the realignment of Howes Lane as discussed and this also has long term benefits to residents whose rear gardens currently back onto Howes Lane and this proposal is supported by many of them. The design of the relocated Howes Lane includes avenue tree planning which will contribute to the landscaping and screening of new buildings.
- 8.195 Proposed residential development on adjoining sites, specifically to the west would be set at a slightly higher land level than the site (according to the land levels, the land slopes up to the west). Cross sections have been provided to show the relationship between the maximum building height on this site and the neighbouring land. Land to the west is identified for mixed use with a maximum height parameter

of 16m. It is considered that with care the design of the site can ensure that there is an acceptable relationship and landscaping between the employment uses and adjacent proposed uses.

- 8.196 The framework plan provides a sound basis, albeit at a high level, on which further detailed design can be based and the submitted information demonstrates that the proposal can be accommodated without causing serious harm to the residential amenity of neighbouring properties both in respect of existing and proposed residential properties. Design will need to be developed and this can be secured through the imposition of conditions to fulfil the requirements of the policies in the ACLP.

Conditions and Planning Obligations

- 8.197 Planning obligations need to meet the requirements of Community Infrastructure Levy (CIL) regulation 122 which states 'A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.'

- 8.198 In addition CIL Reg 123(3) limits the number of planning obligations to 5 that can be used to secure a project or type of infrastructure if that obligation is to be taken into account as a reason for approval. It is believed that the obligations identified in the Heads of Terms (to be circulated) all meet the Regulation 122 and, as far as relevant, the Regulation 123(3) tests and can be taken into account as part of the justification for the grant of consent.

- 8.199 The development will require a S106 legal agreement to secure the mitigation and infrastructure necessary to make the development acceptable. In order to secure the land for the strategic link road, it is proposed to require the applicant to safeguard land through both of their sites (17/00455/HYBRID and 17/01090/OUT) for the road. Alongside this, the site specific S106 is required in line with the Heads of Terms to be circulated. This application forms part of a large scale and complex site and the matters to be secured by planning obligation have been identified for the site as a whole with the proportionate requirement for each site identified. Discussions are currently underway with the applicant as to the Heads of Terms and progress upon drafting an agreement should have been made by the date of committee. The applicant has questioned some of the contributions and asked for further justification. Officers are in the process of providing this to satisfy their concerns.

- 8.200 Conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects (para 206). A list of planning conditions is recommended and will be circulated after this report as discussed and identified through this report. As discussed in the transport section of this appraisal, there is a need for a Grampian condition to restrict development on this site until the strategic realigned Howes Lane and tunnel are in place as there is highway capacity available to accommodate the level of development proposed by this application. Additionally, it is necessary for the assessed mix of development in terms of the quantum of B use classes to be the subject of a condition. As explained above, this is on the basis that whilst the application description is wide in its range, the assessment is

specific. An alternative form of development could have different impacts that have not been fully assessed.

Other Matters

- 8.201 The ES covers cumulative matters and does not predict significant impacts, either at the construction or operational phases particularly when mitigation measures, such as construction management are taken into account.
- 8.202 The Land Use parameter plan has been amended as described above. Other parameter plans have not been updated and therefore a planning note is recommended to highlight this matter.

Pre-application community consultation and engagement

- 8.203 The NPPF advises that 'early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre application discussion enables better coordination between public and private resources and improved outcomes for the community' (para 188).
- 8.204 The application is accompanied by a Statement of Community Involvement. Public consultation was undertaken in relation to earlier planning applications made by the applicant for the current application site. On the basis that the proposed scheme is not materially different to the proposals that were previously consulted upon, no further consultation has been undertaken. Nevertheless, the applicant has refined the scheme parameters and illustrative layout in response to concerns identified through the 2014 application in order to assist in the consideration of this application.

Financial Implications

- 8.205 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. This can include payments under Business Rates. The scheme has the potential to secure Business Rates of approximately £1,144,800 per annum under current arrangements for the Council. Officers recommend that this is given no weight in decision making in this case given that the payments would have no direct relationship to making this scheme acceptable in planning terms. Government guidance in the PPG states that it is not appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the Development Plan unless material considerations indicate otherwise. The overall purpose of the Planning system is to seek to achieve sustainable development as set out within the Framework. The three dimensions of sustainable development must be considered, in order to balance the benefits against the harm in order to come to a decision on the acceptability of a scheme.
- 9.2. The principle of commercial development on this site as proposed complies with Policy Bicester 1 of the Development Plan and the Masterplan for North West Bicester and is therefore considered to be acceptable. The application proposes a significant employment opportunity on a site which is set aside for employment purposes within the NW Masterplan and Policy Bicester 1. The type of employment

proposed is, on balance considered to be acceptable in this location. It will provide a significant number of employment opportunities in a range of types and has the potential to accommodate logistics companies which are identified as a key sector for the area. The small employment area provides the potential for accommodation for small businesses and start up business space. The information submitted also demonstrates that the design parameters and principles can accommodate an acceptable form of development in a way that will not cause significant harm in landscape or visual impact terms and in respect of design. Additionally, technical environmental matters have been considered and again, it can be concluded that the development, with mitigation can be accommodated without causing serious harm.

- 9.3. The proposal has been assessed against the high standards sought at NW Bicester in order to achieve a zero carbon development as required by Policy Bicester 1, the Masterplan and the Eco Towns PPS. Subject to the use of obligations/ conditions to secure additional detailed information, it is considered that this development can meet these high standards in terms of being zero carbon, adapting to climate change and highly energy efficient. This would contribute to the environmental role of sustainability by helping to mitigate and adapt to climate change including moving to a low carbon economy.
- 9.4. In transport terms, the proposal can be accommodated without causing a severe highway impact, both in the long term and short term albeit with a restriction of the level of development on the commercial site until the strategic link road and tunnel are provided. Additionally, the proposal contributes towards the land required to provide the long term strategic link road (and other land will be required to be made available through a legal agreement to secure the land for the route of the whole road through land within the applicant's control). The proposal would also be required, through the imposition of condition/ legal agreement obligation to contribute towards the achievement of securing sustainable travel measures offsite and on site to the wider NW Bicester site.
- 9.5. The proposal has also been demonstrated to comply with other required criteria, including the achievement of a net biodiversity gain, without causing an impact upon existing biodiversity, the provision of 40% green infrastructure, being close to local services and the ability to be designed to promote healthy communities, in an area of low flood risk, with it possible to accommodate drainage in a suitable way and by making a contribution to the aspiration to water neutrality and the sustainable management of waste.
- 9.6. The current application does not cover the whole of the NW site and as such it is necessary to consider whether it is capable of delivering comprehensive development. Due to the position of this site adjacent to the built edge of Bicester, as well as its proximity to infrastructure that would be provided elsewhere on site, it is considered that the proposal would contribute towards a sustainable neighbourhood. Through the use of conditions and agreements, it is considered that a comprehensive approach to development can be secured and as such the harm that would arise from piecemeal development can be addressed.
- 9.7. Subject to the completion of a satisfactory S106 agreement to secure mitigation resulting from the impact of the development both on and off site, and a set of conditions it is therefore concluded that overall the development represents sustainable development, complies with the policies identified through this report and is recommended for approval.

Environmental Impact Assessment Determination

- 9.8. 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—

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

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

10. **RECOMMENDATION**

That permission is granted, subject to

- a) Delegation of the negotiation of a satisfactory S106 agreement to include securing the construction through the application site, and the ability to construct the Strategic Road through land within the control of Albion Land (within application sites 17/00455/HYBRID and 17/01090/OUT) to Officers and; further in accordance with the summary of the Heads of Terms (to follow) and subsequent completion of S106 agreement
- b) The following conditions with delegation provided to the Development Services Manager to negotiate final amendments to the wording of conditions:

Conditions to follow

CASE OFFICER: Caroline Ford

TEL: 01295 221823