

Applicant:	Db Symmetry (Bicester Reid) Ltd		
Proposal:	14,200 sq m of logistics floor space, within class B8, including ancillary class B1 (a) offices (929 sq m), erection of security gatehouse, security fence, sprinkler tank and pump house, with an access road and associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space including 10m green corridor with 3m foot path and cycle link to wider Bicester 12 and storm water drainage infrastructure and private sewage treatment plant		
Ward:	Bicester South And Ambrosden		
Councillors:	Cllr David Anderson Cllr Dan Sames Cllr Lucinda Wing		
Reason for Referral:	Major		
Expiry Date:	18 April 2018	Committee Date:	24 May 2018
Recommendation:	Approve		

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is located approximately 3.2km to the south east of Bicester town centre and 0.5km north of the village of Ambrosden and sits immediately adjacent to the A41. The site currently stands in open countryside, but will become part of the wider South East strategic allocation when this is finally built out. The application site is part of a larger B8 site and is currently agricultural land. The site was previously accessed via a track directly from the A41. The site is well defined along its boundaries to the north and south by existing hedgerows and the A41. The site forms part of the wider Bicester 12 allocation for mixed use development within the adopted Cherwell Local Plan 2011-2031. Immediately adjacent to the site to the east are 2 newly constructed B8 buildings which were granted consent in 2017 (16/00861/HYBRID) refers.
- 1.2. The application site extends to 5.47 hectares and has frontage to the A41 along the whole of its southern boundary. Further to the west along the A41 is a pair of two storey semi-detached cottages, known as Wretchwick Farm Cottages, and approximately 400m to the north of the site is Little Wretchwick Farm and associated farm buildings. Open agricultural land currently lies to the north of the site although this will eventually come forward for development as part of the strategic allocation under Policy Bicester 12. To the south of the site on the opposite side of the A41 are two Grade II Listed Buildings and Graven Hill is situated to the south west of the site.
- 1.3. Access to the M40 from the site is via the A41.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. In November 2016 outline planning permission was granted for the erection of B8 buildings on this site as part of a Hybrid application which also gave detailed planning permission for the erection of two smaller B8 units on part of the site (16/00861/HYBRID) refers. This application seeks full planning permission for the erection of a single B8 building of 15,155 square metres of logistics floor space with ancillary B1(a) offices. The application cannot be submitted as a reserved matter because the proposed building falls outside the approved parameter plans agreed at the outline stage. The proposed building measures 172m long and 85m wide and is proposed to be orientated side on to the A41 with the servicing at the rear and the car parking to the front. The design and appearance of the building will be similar to those already erected on the adjacent site. The proposed building differs from the previously approved parameter plans by being slightly larger in terms of footprint and 2.5m taller.
- 2.2. Vehicular access is proposed via the newly created access to the A41 which currently serves the adjacent new B8 units which lies just to the east of the Ambrosden turn. The offices are indicated to the front of the building overlooking the car park. The landscape buffer to the A41 is retained although it is reduced in width from the original outline proposal.
- 2.3. This unit is proposed to be constructed speculatively to promote the best prospect of securing early occupation. The application proposals include the construction of earth bunding with a scheme for landscape planting to the whole Zone 2 southern boundary/A41 frontage and to the western boundary adjacent to Wretchwick Farm cottages, as originally proposed within the Hybrid application.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
15/02316/OUT	Outline - Proposed development of up to 69,677sqm (750,000 sq feet) of logistics floorspace, within Class B8 of the Town and Country Planning use classes order of 1987, with ancillary Class B1(A) Offices, together with associated site infrastructure including lorry parking, landscaping and sustainable drainage with details of means of access included for approval.	Appeal lodged against non-determination but later withdrawn
16/00861/HYBRID	HYBRID – full planning permission for 18,394 sqm of logistics floor space within Class B*, access to A41 and outline planning permission for up to 44,314 sqm of logistics floor space within B8.	Application permitted
17/00055/DISC	Discharge of condition 21 (Geoenvironmental Ground Investigation) of 16/00861/HYBRID	Application Permitted

17/00235/DISC	Discharge of condition 13 (means of construction and drainage for the access between land and the highway) of 16/00861/HYBRID	Application Permitted
17/00264/DISC	Partial Discharge condition 40 (archaeological programme) of 16/00861/HYBRID	Application Permitted
17/00527/DISC	Discharge of condition 8 (Retained tree) of 16/00861/HYBRID	Application Permitted
17/02229/ADV	2 No fascia signs	Application Permitted
17/02369/F	Erection of sprinkler tank and pump house	Application Permitted
18/00009/SO	Screening opinion to 18/00091/F - 14,200 sq m of logistics floor space, within class B8 , including ancillary class B1 (a) offices (929 sq m), erection of security gatehouse, security fence, sprinkler tank and pump house, with an access road and associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space including 10m green corridor with 3m foot path and cycle link to wider Bicester 12 and storm water drainage infrastructure and private sewage treatment plant	ES submitted

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

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 08.03.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. 23 letters of objection have been received. The comments raised by third parties are summarised as follows:

- This increases the height of the structure from 15.5m to 18m. The developer is continuing to show scant regard for the original determination. Note that outline permission has been granted but this application by virtue of the increase in massing, volume, height, orientation and closeness to the boundary has a deleterious highways and visual impact, with significant encroachment into the landscape buffer at its narrowest point
- Extant enforcement complaints about the existing should be resolved before this application is determined
- Development is moved outside the agreed boundaries
- Towering ugly warehouses on the approach into Bicester. Had high hopes when Bicester was designated an eco-town but this is incredibly disappointing
- Currently a greenfield site which is a haven for wildlife
- Application overstates the number of jobs that will be created for B8 warehousing, however the construction of warehouses with a height of 18m indicates the purpose of these buildings is more suited to high bay warehousing
- Application does not give thought to the type of jobs that will be created. A small number of white collar salaried jobs, but the majority will be blue collar paying minimum wage. Professionals in the town will continue to commute to Oxford, London, Banbury and Milton Keynes
- Noise and disturbance from 24/7 operation
- No public transport links anywhere near the site, the nearest bus stop being in Ambrosden
- BREEAM very good is not the sustainability standard that should be set, should be BREEAM excellent
- Increased traffic and turning movements on A41
- The application is supported by documentation previously submitted in relation to 16/00861/HYBRID most of which is therefore out of date, erroneous and misleading and should be updated
- The traffic modelling should be updated in line with comments from OCC in respect of recent applications in Ambrosden and the Ploughley Road junction which shows severe congestion from 2023
- The submitted drawings are confusing and inconsistent. The section A-B wooded buffer zone refers to a location adjacent a building which does not form part of this application
- Fencing details are dominant and unsympathetic and damaging to the street scene and should be positioned inside the existing field hedge, not outside. No details of security gates
- Drawing 4036-B09-015 PO1 suggests the building will include a number of significant skylights which are not referred to in the proposals. This could give rise to significant light pollution and should be omitted

- Visual impact assessment is misleading as the scale of the recently constructed building is significantly more harmful than suggested and light pollution is not considered
- TA is dated 2015 and does not reflect the new proposal
- CMP is not fit for purpose as it conflicts with the footprint of Unit B
- Biodiversity report does not reflect current drawings
- FRA and drainage strategy have not been updated
- Framework Travel Plan is out of date and relies on services that no longer exist
- Object to increased height to 18m. Whilst I welcome the additional economic activity these buildings bring to Bicester, due attention needs to be paid to the residents of the cottages at Wretchwick and the further development of houses proposed nearby. The increase in height is unnecessary and an overdevelopment of the site

Langford Village Community Association object as follows:

- Increase in height from 15.5m to 18m which directly contradicts condition 26
- Footprint of Unit B also exceeds the outline consent by 360 square metres. This is a contentious site for Bicester residents and we consider any breach should NOT be allowed
- Proposed changes would greatly add to the visual impact of Unit B due to the increased height and reduction in landscape screening
- LVCA do support the link and green corridor between the A41 and Bicester 12
- The solar panels have not yet been completed on the first phase

CPRE Cherwell South District comment in summary as follows:

- Assumed the remainder of the warehouses would be similar to those already constructed. Never had a response from CDC as to why photovoltaic panels have not been installed. Expect a condition for reduction in energy as required by Bicester eco-town principles to be required
- Current warehouses are a massive, dominant eyesore and the developer has the audacity to plan this 2.5m higher and object in the strongest possible manner
- As these are speculative constructions there is no need to make this set any taller than the first. Having seen how intrusive the first lot are, these should be smaller. Buildings of this height will never be screened by trees
- In terms of sustainability, why has the applicant not taken the advice of their own consultants and designed modern systems, such as PV panels and ground source heat pumps into the proposal which can be incorporated relatively easily. CDC cannot be so cavalier in their attitude to 'global warming' and should not pass this

new application without seeing the designs changed to include the 'renewable energy' systems identified by their own consultants included

- Noted that the amount of original screening has been reduced
- Astounded by OCC's attitude regarding the acceptability of the access from the site onto the already congested and increasingly busy A41. A further serious accident occurred in the last week near the proposed development site entrance

Officer Note: Applicant's Agent responds to each of the third party responses as follows:

- *Details submitted with the previous Hybrid application in respect of the TA and FRA remain valid and have been discharged by condition. There has been no material change.*
- *Unit proposed is in keeping with the design of the first phase. Due to the irregular shape of the site and in order to respond effectively to current business requirements in the Bicester area, the unit marginally varies the approved parameter plan of the hybrid in the south east corner*
- *Material issues are built development equating to 360sqm outside approved parameter plan and increased building height of 2.5m to 18m. The proposal projects a maximum of 10m into the area of land identified as structural planting, green corridors and amenity space, retaining the minimum depth of 13m, some 3m more than Unit A1. The revised layout safeguards a substantial landscape buffer to the road with the SE corner of the unit sitting a considerable distance, 20.6m from the A41 and 17.3m from the edge of the footpath.*
- *ES concludes that there are no additional significant effects as a result of the proposed development and landscape officer as a consultee has not raised any concerns*
- *Not aware of enforcement complaints*
- *ES concludes the proposed development will not give rise to any significant environmental effects. TRICS assesses the potential transport impacts from commercial development on Gross Floor Area and the floor area proposed is still within the scope agreed and increase height has no impact on transport.*
- *The detailed landscape drawings are accurate for the development*
- *Fencing details are included and are consistent with those approved for A1 and A2.*
- *ES concludes no significant environmental effects*

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

6. 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. **Bicester Town Council** – no objection to this application but would request that in keeping with the ethos of the garden town, that solar panels are included as part of the design. The sewage treatment plant is welcomed and we would hope that other properties in the area would be approached for connection to the plant.

6.3. **Piddington Parish Council** – objects as follows:

- Whilst an outline has been approved, this application differs substantially and will have a significant visual impact on the area and considerable impact on A41 both visually and from increased traffic
- Supports and fully endorses the views expressed by OCC on the earlier application and believes that work to resolve the impact of increased traffic on the roads in the area is crucial, and would look for full mitigation measures to be completed should the application be approved
- Serious concerns about the visual impact of the proposal and agrees with Ambrosden Parish Council that the constructed building is significantly more harmful than was suggested both during daylight hours and even more at night due to light pollution which is not considered in this application. The proposed building will be taller and closer to the A41 than the recently constructed buildings
- Transportation report does not reflect the larger building and therefore greater capacity of goods and transport movements
- Appendix C – scoping report dated 2015 is out of date and does not reflect the larger building
- Appendix D – bus timetables are out of date and therefore not sustainable unless the applicant provides a subsidy to reinstate the buses
- Appendix F – traffic survey outputs are now 2.8 years out of date and should be repeated

6.4. **Ambrosden Parish Council** – objects as follows:

- Increase in height of build to 19m and proximity to boundary has a deleterious highways and visual impact with significant encroachment into landscape buffer at its narrowest point
- Closeness of build to A41, in particular Unit B which is only 13m to the boundary but 19m tall
- Lack of landscaping, particularly adjacent to Unit B
- Failure of the bund to continue along the whole frontage
- Outline included silos to screen the lorries, parking and exterior lighting to the western side of the lorry bays. These have been deleted from this proposal, increasing the risk of noise, light and visual pollution
- Light pollution
- Orientation of Units C1 and C2 which will funnel noise and light pollution towards Wretchwick End Cottages and the surrounding area

- In two of the most recent planning applications in Ambrosden the Highways department has advised that the junction of Ploughley Road to the A41 will soon be at capacity and not able to accommodate any additional traffic movements. As this is a full planning application, the developer of this major employment site should be required to find a solution and fund enhancements to this road junction. The Parish Council would support the creation of a roundabout or traffic lights. The application does not propose any improvements to the A41 Ploughley Road junction. The County Council have recently raised objections to two applications in Ambrosden
- Information submitted relates to the Hybrid application and is therefore out of date, erroneous and in many cases misleading
- Concerned that the application does not contain any proposals to address the large number of enforcement complaints. Application includes photographs of signage within the site which was erected without planning permission and details of signage is not included in this application
- Some of the application drawings are inconsistent and misleading
- Fencing details are dominant and unsympathetic and damaging to the street scene and should be inside the hedge not outside
- Application is accompanied by a visual impact assessment, the existing 15.5m building provides a baseline for assessment. The visual impact assessment is woefully misleading, the scale of the recently constructed building is significantly more harmful than suggested and does not include light pollution
- Transport report dates from 2015 and is out of date for a number of reasons

Ambrosden Parish Council has commissioned an independent Transportation Report by Paul Basham Associates to assess the current application in the light of OCC comments in relation to applications 16/02611/OUT and 16/02370/F, where OCC considered that the junction of the A41 and Ploughley Road will shortly be at capacity. The report also highlights that this application has been accompanied by highways reports utilising out of date datasets, and makes no allowance of the permitted growth in Bicester since 2014. The report is summarised as follows:

- The current proposals breach a number of conditions, most notably the development of 360m² outside the approved parameters plan and height of 18m. Although industry standard practice is to base the calculation of trip generation on GFA, the increased volume of space could result in additional trips being generated
- The present application is accompanied by a short Technical Note that relies on the same TA submitted in 2016. However, since that time several substantial residential planning applications have been submitted within the area of Ambrosden
- 16/02611/OUT – whilst refused, OCC only removed their objection once the applicant proposed a highways improvement scheme to mitigate the impact of the development at the A41/Ploughley Road junction
- 16/02370/F – was approved and a contribution towards a larger improvement scheme agreed

- From the review of these two applications it is evident that the local highway authority perceived grounds to request contributions/mitigation. It is strongly recommended that a similar contribution to the improvement of the Ploughley Road/A41 junction be requested from the developer to ensure the future safety and operation of the local road network in the vicinity of Ambrosden.

Comments on the above have been given by OCC. Whilst the application does propose to develop on 360sqm of floorspace outside of the permitted parameters plan, the overall floor area of Unit B in the current application is actually less than the floor area set out for unit B in the approved indicative site masterplan. Also as noted in the technical note, the industry standard practice is to base the calculation on GFA rather than the overall volume of the building. The additional roof height is unlikely to have any significant impact on trip generation. This, coupled with the reduction in GFA for the proposed development leads us to consider that the trip generation of the proposed development would be within that of the previously assessed outline application.

In terms of the cumulative impact on the local highway network of two recent planning applications for residential developments in the Ambrosden area, these concerns were raised in the context of Symmetry Park development being permitted.

The TA for the original Hybrid application has been resubmitted with the current application along with a 'Transport assessment Technical Note' which identifies the main differences between the current application and the approved outline. The signed Sec 106 Agreement for the hybrid application which is to be linked to the current application, included an obligation to pay an index linked contribution of £210, 742.56 towards the delivery of the south eastern perimeter road or similar scheme that would bring relief to the A41. Therefore the development is contributing towards a highway improvement scheme that will provide mitigation for the development's traffic impacts and will provide relief on the A41 which is a concern raised. To request further contributions on a development that has no greater impact than the approved scheme would not be reasonable.

STATUTORY CONSULTEES

- 6.5. **Thames Water** – in respect to sewerage infrastructure capacity have no objection and recommend an informative be attached to any permission relating to water pressure and the fact that there are large water mains crossing the proposed development. Thames water will not allow any building within 5m of them and will require 24 hours access for maintenance purposes. A condition is recommended in respect of piling.
- 6.6. **Environment Agency** – due to increased workload prioritisation we are unable to make a detailed assessment of this application. We have checked the environmental constraints and advise that the environmental risks in this area relate to pollution prevention, foul drainage/waste water and other consents.
- 6.7. **Natural England** – no comments on the application. In terms of green infrastructure, the proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaption and biodiversity enhancement. Natural England would encourage the incorporation of green infrastructure into this development.

NON-STATUTORY CONSULTEES

- 6.8. **Arboricultural Officer** – since this scheme is in the countryside, the planting should reflect its surroundings, so only native species should be used, so change the 3,439 *Alnus cordata*. There is a substantial expenditure on 39 *Pinus sylvestris* at £18,000, these will get overtaken by the woodland whip planting around them, only 4 oak trees proposed. No need to plant fastigiated trees as there is ample room for large broadleaf trees which will increase the canopy over and be more natural. Tree pit specification needs to be amended. Item 3 refers to making tree pit big enough for rootball, it should be at least 200mm larger in order to ensure that backfill can be firmed in by foot. Watering frequency should be set at every two weeks during the growing season for the first two years.
- 6.9. **BBOWT** – no comments received
- 6.10. **Business Support Unit** – no comments received
- 6.11. **Ecology Officer** – no comments received
- 6.12. **Environmental Protection Officer** – no comments to make relating to noise, contaminated land, air quality, odour or light.
- 6.13. **Landscape Services Manager** – EDP View 1/Landscape Mitigation Measures indicates the existing unit of zone 1 with intervening mature trees and hedgeline. The building of the unit in Zone 2 will provide, combined with unit/zone 1, an accumulation of visual and landscape harm. With comparison of this effect against unit B site landscape proposals it is apparent that the northern boundary does have enough landscape mitigation as indicated on the illustrative Landscape and Ecology (December 2017). However, the detailed landscape proposals, refer to Phase 2 – Soft Landscape Scheme (Sheet 2 of 7), do not indicate the same quantity of tree planting (and therefore landscape mitigation). I encourage EDP to revise the drawing to include additional native trees to the northern boundary. I recommend *Acer campestre* and *Betula pendula*.

Following the receipt of amended plans, Landscape Services Manager advises that the northern boundary of Unit B is now sufficiently well-treed for the future landscape mitigation of the northern elevation.

- 6.14. **Planning Policy** – no comments received
- 6.15. **OCC – Strategic Comments** – objection. No tracking drawings have been submitted showing how the required large vehicles can access the service yards. FRA does not consider increased volumes of runoff that will inevitably be produced by the development in excess of the greenfield situation. A concern has been raised by County Drainage Engineers about the capacity and condition of drainage infrastructure along the route to the final discharge point downstream. If despite OCC's objection permission is granted then OCC require all relevant planning conditions from the extant permission (16/00861/HYBRID) must be applied and the S106 agreement must be linked to the current application.
- 6.16. **OCC – Transport** – object as follows:
- No tracking drawings showing how the required large vehicles can access the service yards, turn and exit from the access road. This is needed to show how manoeuvres can be undertaken safely
 - Provision of 36 cycle spaces is below the minimum level required under the county council's cycle parking standards

- Recommend that the location of the cycle parking is reviewed so that the provision is closer to the main entrance to the building and that access to the cycle stores is segregated from vehicular movements within the car park
- Recommend that a footway is provided along the southern side of the new section of access road in order to provide a more direct route along pedestrian desire lines and limit the instances in which pedestrians will need to cross the access road
- The site benefits from an extant outline planning permission for B1/B8 development. A full application has been submitted due to a proposed increase in building height and the built development extending outside of the approved outline plan area. These variations will not alter the transport or traffic impacts of the development which have been assessed under application 16/00861/HYBRID
- Should permission be granted, the conditions and obligations applied under 16/00861/HYBRID must apply to the current application. This approach is also proposed in the Planning Statement accompanying the application.

Update – following the receipt of amended plans, OCC now raise no objections in transport terms.

6.17. OCC – Drainage – object as follows:

- The FRA does not consider increased volumes of runoff that will inevitably be produced by the development in excess of the greenfield existing situation as required by Standard ‘S4’ of the Defra non-Statutory Technical Standards. The drainage technical note accompanying this application on page 6 states that it is not practical to provide control of volumes at the site. Flood risk downstream will therefore increase.
- Concern about the capacity of the north-western ditch to accept flows from Zone 2 and carry them away, especially as it appears the drained developed area of Zone 2 is larger than the natural catchment that would drain to the outfall. Therefore an additional concern was raised about the capacity and condition of the infrastructure along the route to the final discharge point downstream

Update – following the receipt of amended plans, OCC as drainage authority maintain their objection. A further response from OCC is still awaited in this respect and a verbal update will be given at the meeting.

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:

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

- PSD1: Presumption in favour of sustainable development
- SLE1: Employment development
- SLE4: Improved transport and connections
- BSC2: Effective and efficient use of land
- 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
- Bicester 12: South east Bicester
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C31 – Compatibility of proposals
- TR10 – Heavy goods vehicles
- ENV1 – development likely to cause detrimental levels of pollution

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Bicester One Shared vision
- Planning Obligations SPD (February 2018)
- Design and Layout of Employment Sites – A Guide SPG 1996
- Cherwell Economic development Strategy 2011-2016
- Cherwell Annual Monitoring Report

8. APPRAISAL

8.1. The key issues for consideration in this case are:

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

8.2. Relevant Planning History

8.3. This application is part of a wider strategic allocation in the adopted Cherwell Local Plan 2011-2031 for mixed use development (Policy Bicester 12). This part of the site has been brought forward separately and in advance of the remainder of the allocation. An initial outline application submitted for B8 on this area of the site was submitted in December 2015 by the same applicant (15/02316/OUT refers). Following Officer concern regarding the quantum of development proposed and the height and scale of the buildings proposed, an appeal was lodged against non-determination. This appeal was subsequently withdrawn following the issuing of consent relating to a subsequent Hybrid application (16/00861/HYBRID refers).

8.4. The hybrid application sought to overcome the concerns raised in respect of the original outline application as follows and permission was granted in November 2016. Development has begun on site and the first two units have been constructed.

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

8.5. An outline application is currently under consideration for the vast majority of the remainder of the Policy Bicester 12 allocation by Redrow Homes and Wates Developments (16/01268/OUT refers). That application is the subject of on-going negotiations and is unlikely to be presented to Committee until August/September 2018.

8.6. Environmental Statement

- 8.7. The application is accompanied by an Environmental Statement (ES). The ES identifies significant impacts of the development on the environment and the locality and the mitigation considered necessary to make the development acceptable.
- 8.8. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Regulation 3 requires that local authorities shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless an EIA has been carried out in respect of that development.
- 8.9. The information in the ES and consultation responses received has been taken into account in considering this application and preparing this report. The ES has concluded that there will be no significant environmental effects that arise from the proposed development when assessed against the baseline established by planning permission (16/00861/HYBRID).

8.10. Planning Policy and the Principle of Development

- 8.11. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan Part 1 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission, the local planning authority shall have regard to the provisions of the development plan so far as is material to the application and to any other material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 also requires that if regard is to be had to the development plan for the purpose of any determination to be made under the plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.
- 8.12. The adopted Cherwell Local Plan 2011-2031 includes strategic allocation Policy Bicester 12 (SE Bicester) which consists of 155 hectares of agricultural land. It identifies SE Bicester as a mixed use site for employment and residential development of up to 1500 new homes and supporting infrastructure. This policy specifies that approximately 40 hectares shall be for employment use. This application seeks to part of that allocation for B8 employment use. The policy is comprehensive in its requirements and the consideration of this proposal against the requirements of Policy Bicester 12 will be carried through the assessment of this application.
- 8.13. The Development Plan also includes a number of other relevant policies to this application, including those related to sustainable development, transport, flood risk and sustainable drainage, sustainable construction, ecology, landscape and visual impact, environment and design. These policies are all considered in more detail within the appraisal below.
- 8.14. The adopted Cherwell Local Plan 1996 includes a number of policies saved by the adopted Cherwell Local Plan 2011-2031, most of which relate to detailed matters such as design and layout. The policies of the adopted Cherwell Local Plan 1996 are considered in more detail in the appraisal below.
- 8.15. As previously discussed, the principle of development on this site for B8 purposes has already been established by the granting of the outline and detailed planning permissions under the hybrid application (16/00861/HYBRID) refers. This is a material consideration in respect of this proposal which seeks to construct a building outside the already agreed parameter plans.

- 8.16. The purpose of the planning system is to contribute to the achievement of sustainable development. The National Planning Policy Framework (NPPF) sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development; contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 70). It also provides (paragraph 17) a set of core planning principles.
- 8.17. The NPPF at paragraph 14 states 'at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both planning and decision taking. It sets out three dimensions to sustainable development, those being economic, social and environmental. These are considered further below.
- 8.18. In relation to the economic role, the NPPF states that the planning system should do everything it can to support sustainable economic growth. In respect of this application proposal, the development is likely to encourage new businesses into the District, to provide jobs locally during the construction phase; and in the longer term will deliver and secure the provision of new jobs within Bicester and seek to help address the issues of the significant out-commuting in Bicester at present. Objections have been raised by third parties that the B8 building will only predominantly provide jobs for blue collar workers rather than the much needed white collar professional positions. The provision of new businesses will help improve the local economy through business rates and local expenditure within the town centre etc.
- 8.19. The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing a supply of housing and employment opportunities to meet the needs of present and future generations. A high quality built environment and accessibility to local services, housing and the town centre for employees is required as part of this function. This application proposal will provide local jobs and potentially attract new businesses to Bicester and the development will provide new footpath/cycle links to the edge of the development site for connection into the remainder of Bicester 12 and then on towards the town centre.
- 8.20. In terms of environmental, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. Objections from third parties have been received regarding the landscape and visual impact of the development and the effect on wildlife and biodiversity. The development does provide landscaping belts to the perimeter of the site and green infrastructure corridors to link with the wider Bicester 12 development.

8.21. Transport, Access and Highway Safety

- 8.22. The Transport Assessment for the original Hybrid application has been submitted with this current proposal alongside a 'Transport Assessment Technical Note' produced by 'Hydrock' which identifies the differences between the current application and the approved. The original TA based the traffic generation figures on the worst case scenario and the higher quantum of development that was submitted in respect of the first withdrawn outline application. The proposed development therefore remains within the accepted quantum of acceptable development in this respect. This has been assessed by OCC as Highway Authority who find this to be acceptable. A new vehicular access which has already been constructed as an un-signalised priority junction on the A41 approximately 250m east of the Ploughley Road junction will serve this development and the remainder of Phase 2 when that comes forward.

- 8.23. Ambrosden Parish Council has instructed Paul Basham Associates to assess the application in terms of the impact of the proposed development on the local road network, given the changes to their considered baseline situation since the previous application; these being the cumulative impact of new residential developments in Ambrosden and the requirements for improvements to the local network if they were to be considered acceptable by OCC. OCC have commented stating that while the original Transport Assessment had not been updated to take account of the permitted development of 85 dwellings at Blackthorn Road Ambrosden, the assessment of that application took account of the traffic generation of the permitted Symmetry Park. This is therefore not considered to be an issue in respect of this proposal.
- 8.24. Policy Bicester 12 requires that 'the development is well integrated, with improved, sustainable connections between the existing development and new development on this site' and also that 'new footpaths and cycle-ways should be provided for that link to existing networks in the wider area'. The unilateral undertaking linked to the extant permission for the site includes an obligation to provide 3m wide shared use pedestrian and cycle paths, to link into the wider Bicester 12 site, at the point of occupation of any unit in the Zone 2 area of the hybrid application site (in which the current application site is located). The location of these paths was agreed through the UU.
- 8.25. The application plans submitted include the provision of one of the paths in the agreed location, running north to south alongside the western boundary of the site. The second link is still shown indicatively on the remainder of the site and will come forward when that is developed. OCC raised a concern that no footway was shown along the south side of the new section of access road to the north of the building and therefore that pedestrians would have to cross the access road twice in order to access the wider Symmetry Park development sites to the west; and furthermore that no tactile crossing point was shown. The amended drawings now include the provision of a tactile crossing and this is welcomed by OCC.
- 8.26. In terms of cycle parking provision, the submission showed a total of 36 spaces which is below the minimum level required under OCC's Cycle Parking standards. For the combined B8 and B1 floor area proposed a minimum of 35 covered staff cycle parking spaces and 16 short-stay visitor spaces are required. Furthermore, the cycle shelters are shown located within the car park to the front of the building and around 60m from the main entrance to the building. Cyclists would therefore have to pass by the main entrance to the building and potentially through the car park to reach the shelters. The County Council's standards require cycle parking to be located in a convenient location and in close proximity to the main entrance of the building. The updated site plan (drawing number 4036-B09-008 revision P15) and indicative master plan (4036-B09-001 revision P20) show the provision of 52 cycle parking spaces as required and relocated closer to the building. This is now considered to be acceptable. The provision of 102 car parking spaces (including 7 disabled and 6 spaces for electric vehicles) is acceptable. The initial layout plan did not include tracking for HGV's. Subsequent vehicle tracking drawings demonstrate that the largest vehicles expected to require access to the site will be able to access, turn and exit the site safely in a forward gear.
- 8.27. The B8 floor area for the proposed development is above the threshold for the requirement of a specific travel plan for the proposed development. A Framework Travel Plan has been produced and implemented for the wider Symmetry Park site. This overarching travel plan will act as the basis for the individual travel plan which is required for the proposed development. The provision of a site-specific travel plan must be secured through a planning condition. A monitoring fee will also be

necessary which is included within the original Section 106 relating to the Hybrid application.

- 8.28. Having regard to the above therefore, the proposal is considered acceptable in highway terms and therefore in accordance with local plan policies and the NPPF in this respect.

8.29. Employment

- 8.30. Paragraph 17 of the NPPF sets out the core planning principles that should underpin both plan making and decision taking. Of particular relevance to this application in terms of employment use is to:

- 8.31. 'Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth....'

- 8.32. Section 1 of the NPPF – Building a strong competitive economy, advises at paragraph 18 that 'government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and meeting the twin challenges of global competition and of a low carbon future'.

- 8.33. Paragraph 19 advises 'the government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'.

- 8.34. Paragraph 20 advises 'to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st Century'.

- 8.35. Policy SLE1 of the adopted Cherwell Local Plan 2011-2031 sets out that new development sites have been identified to promote growth and increase the amount of employment land in the District in accordance with the requirements of the NPPF above, for commerce, engineering and manufacturing. This growth is focussed more at Bicester in order to match the growth in housing and make the town more sustainable. This policy also reflects the urban focus within the plan and to ensure that housing and employment are located in the same place.

- 8.36. Policy SLE1 also refers to the Council's flexible approach to employment generation with a number of strategic sites allocated for a mix of uses. At Bicester, there are 6 strategic sites where strategic employment uses are identified. Policy Bicester 12 is one of those strategic allocations for mixed use development, identifying approximately 40 hectares for employment use within a mix of B1, B2 and B8 uses, although it identifies B8 as the primary employment use. This land has been allocated taking account of the economic evidence base, matching growth in housing and to cater for company demand whilst ensuring a sufficient employment land supply. It emphasises that careful consideration must be given to locating housing and employment in close proximity to avoid harmful impacts upon the residential amenity of neighbouring properties. The identification of sites to meet the anticipated economic needs is in line with the guidance within the NPPF.

- 8.37. The Cherwell Local Plan is supported by a suite of evidence, including that relating to Economic development and the council has an Economic Development Strategy.

The Economic Analysis Study (August 2012) identifies the existing baseline conditions within the District which shows that the District has high economic activity but low growth with a relatively resilient economy. In terms of growth, the district appears to be underperforming, particularly in higher value sectors and it is identified that there is scope to improve 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. The commercial property market in Bicester over the last decade has not effectively operated to satisfy the needs of expanding businesses and inward investors which has delayed the implementation of the council's adopted economic development strategy and created a latent demand amongst a range of Bicester businesses. Neither has the construction of commercial premises matched the growth in the number of homes or the rate of household formation that has occurred and continues to occur in Bicester.

- 8.38. The Council's most recent Annual Monitoring Report (AMR) December 2017 (reported to the Executive in January 2017) identifies that there has recently been a considerable gain in employment floorspace with over 103,000 sqm completed and at 31st March 2017 there was over 408,000 sqm (net) of employment floorspace with planning permission but not constructed. The AMR states that in Bicester there have been net gains across the different B use class except for B1a which has a net loss of over 19,500 sqm of employment floorspace. Overall, there is a significant commitment of over 261,000 sqm of employment floorspace at Bicester, predominantly in B8 use class with B2 uses. Planning permissions have been given at a number of strategic allocations which are the main contributors to the employment commitments at Bicester, these being, graven Hill (Bicester 2), North West Bicester (Bicester 1), South East Bicester (Bicester 12) and land north of Skimmingdish Lane (Bicester 11). In terms of this site, Bicester 12, the first 2 units – A1 and A2 which gained consent under the hybrid application have now been constructed and taken up by new businesses, bringing new jobs to the area.
- 8.39. The Oxfordshire Local Enterprise Partnership (OxLEP) and partners have agreed, through the City Deal and Strategic Economic Plan to deliver significant levels of economic growth and delivering more apprenticeships. Oxfordshire has made progress through programmes including Oxfordshire Business Support, the Oxfordshire Apprentice Programme, Opportunities to Inspire which builds links between employers and education across Oxfordshire in order to inspire the future workforce, and Invest in Oxfordshire. Community Employments Plans (CEPs) provide an opportunity to more closely align the new jobs created from a major development, the local labour market and skills providers. Oxfordshire in general and Cherwell District in particular, are currently experiencing a large increase in construction to provide new homes and jobs in the area. However, there is a shortage of skilled construction workers to support the growth and the trend has generally been that apprenticeships are decreasing. The adopted Cherwell Local Plan 2011-2031 notes that relatively large numbers of people in Cherwell are without qualifications and basic skills and the level of education and training needs improving. The Plan contains five strategic objectives for developing a sustainable economy. Strategic Objective (SO3) aims, amongst other things, to support an increase in skills and innovation. Furthermore, paragraph B14 of the Plan states that the council will support proposals to strengthen the skills base of the local economy which will include the promotion of local training providers.
- 8.40. A number of objections received have raised concerns regarding the numbers and types of jobs that will be created by a B8 building. It should be noted that there is an extant outline planning consent for the erection of a B8 unit on this site which is a material consideration in respect of this proposal. It should also be noted that this site forms part of a strategic allocation for B1, B2 and B8 purposes, of which B8

should be the predominant use. The proposal is therefore in accordance with planning policy in this respect. In respect of the hybrid application, a Prologis Technical Note September 2011 submitted with that application revealed that, in consequence of the technical and administrative changes in the logistics sector that whilst the number of warehouse staff has fallen, there has generally been an increase in job opportunities in respect of administrative and support staff, managerial roles and IT, customer service, sales and engineering roles.

8.41. It is therefore considered that the application proposal will create a number of flexible and needed jobs in a sustainable location and that it will also be likely to help to boost the local economy generally by attracting new business to the area. This however is a speculative proposal, unlike Phase 1 where Unit A1 had an occupier already lined up at the time of determining the application.

8.42. The application proposal is therefore considered to be consistent with the principle of Policy Bicester 12 and the site has an important role to play in the delivery of new employment to the area, to secure economic growth and to support the growth in housing.

8.43. Landscape and Public Rights of Way

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

8.45. Paragraph 113 of the NPPF states that Local Planning authorities should set criteria based policies against which proposals for any development should be judged. The NPPF also advises that the open countryside should be protected for its own sake.

8.46. Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 states that new development proposals, amongst other things should: 'contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmark features or views...and to ensure new development is sensitively designed and integrated in accordance with advice within the NPPF and NPPG'. The Council's Countryside Design Summary identifies the site as being located within the Clay Vale of Otmoor which is characterised by generally flat low-lying land crossed by the meandering Rivers Ray and Cherwell, which drain into the Thames at Oxford.

8.47. The Environmental Statement submitted with the Hybrid application included a Landscape and Visual Impact assessment which has considered the effects of the proposed development on the landscape character of the area. The site itself is generally flat as is the countryside immediately around, however, just to the east of the application site the land rises quite steeply towards the village of Blackthorn. A number of public rights of way pass immediately adjacent or close to the site. An existing public right of way which passes along Blackthorn Hill offers views down towards the site. The landscape and visual impact from the proposed increase in building height of 2.5m may give rise to a significant effect and this has therefore been considered by the ES submitted with this application.

- 8.48. The application has been assessed by the Council's Landscape and Arboricultural Officers who raise no objection in principle but offer more specific advice in terms of the planting proposals. During the consideration of the hybrid application, concerns were raised in terms of the landscape impact of the development and lack of adequate mitigation in terms of landscaping. Numerous discussions and meetings were held with the applicant and agent to discuss the way forward. The outline planning permission granted for this part of the site included specific parameter plans which related to the height of the proposed buildings together with the extent of the built development and the extent and form of the structural landscape buffers around the site. The approved parameter plans showed a minimum landscape belt of 20m from the south east corner of the building and the edge of the site and 52m at the south west corner of the building to the edge of the site with the A41. This indicative landscape scheme also showed the provision of a bund to provide greater screening from the A41. This submission now proposes only 12m and 37m respectively. This is quite a considerable reduction in the overall area available for substantial planting. The planting buffer includes raised earth bunding and tree planting along the boundary with the A41 and to the Zone 2 western boundary to Wretchwick Cottages. These bunds will create planted screening to the building and compliment the landscaping recently completed along the Zone 1 southern boundary.
- 8.49. In terms of views of the site, these are actually relatively contained from the immediate locality and once the remainder of Bicester 12 comes forward for development will not appear as isolated as it does at present. The proposed building will be clearly visible from the A41 and when travelling from Ambrosden along the Ploughley Road towards the A41, however, again, once the remainder of the units are constructed and Bicester 12 is built out, they will be seen against a back drop of other buildings. Having regard to this I do not consider that the reduced landscape buffer to the A41 will be so significant in terms of visual impact and reduced mitigation here to justify refusal of the proposal.
- 8.50. Consideration of these changes must also be made having regard to the comments of the Landscape officer, who raises no objection, together with the need to ensure that the strategic sites are delivered in a timely manner to secure the economic future of the district and to attract new business to the area. Whilst the changes are regrettable, it is considered that on balance, a reason for refusal based on lack of landscaping and visual impact could therefore not be justified in this instance. In terms of the increased height of the building, again, this is regrettable, but I consider it would be difficult to justify at appeal that the increased height proposed, albeit quite significant at 2.5m, would be so discernible over and above that of the approved development great to cause such significant harm to justify refusal of this application.
- 8.51. To conclude therefore, having regard to the above, whilst the development will be visible, it would not be possible to hide buildings of such a scale easily, it is considered that the buffer remaining is sufficient to successfully and acceptably mitigate the visual and landscape impact of the development. The proposal is therefore considered to be in accordance with Policies Bicester 12, ESD13 and ESD15 of the adopted Cherwell Local plan 2011-2031 and government guidance within the NPPF in this respect.

8.52. Archaeological and Historic Environment

- 8.53. In terms of archaeology, the application is accompanied by a Written Scheme of Investigation which was prepared pursuant to the granting of the hybrid planning permission for the development of the site. A desk based assessment, a walkover survey and subsequent archaeological geophysical surveys were undertaken in

2015, followed by an archaeological evaluation in April 2016. There are also a number of listed buildings within proximity of the site.

- 8.54. Saved Policies C18 and C25 of the adopted Cherwell Local Plan 1996 are relevant to the proposal in terms of seeking to protect the setting of listed buildings and scheduled ancient monuments. Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 also seeks to protect such heritage assets and requires appropriate information and assessments to be included within an application submission to enable an assessment of the potential impact of a development upon them to be made.
- 8.55. Section 12 of the NPPF sets out the planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance.
- 8.56. The site is located in an area of archaeological potential along the line of the Roman Road from Alchester to Verulamium. Roman settlement has also been recorded 900m south west of the proposed site. Bronze Age barrows have been identified from aerial photographs 1km to the south west and west of the site. Further barrows have been recorded north of the site. The proposal must also be assessed in terms of the Scheduled Ancient Monument (SAM) a deserted medieval village located approximately 0.7km to the north west of the site. It is as a result of the SAM and the need to protect its setting that this part of the Bicester 12 allocation was considered most appropriate for employment purposes.
- 8.57. In terms of the impact of the proposal on the nearby listed buildings, the closest are those on the opposite side of the A41 behind an existing tree screen. It is considered that the increase in footprint of the building and height will not have any greater impact on the setting of these buildings than the approved proposal and is therefore considered acceptable in this respect and in accordance with the policies within the development plan and the NPPF.

8.58. Design, layout and appearance

- 8.59. Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that ‘good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute to making places better for people’.
- 8.60. The application proposal is at a key entry into Bicester along the A41 from Aylesbury and the east as well as nearby villages such as Ambrosden and Blackthorn and it is therefore important that the proposed development provides an appropriate ‘gateway setting’ both in terms of its design, scale and positioning of the buildings, parking and service areas and choice of materials.
- 8.61. Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the development. The adopted Cherwell local plan 1996 contains saved policy C28 which states that ‘control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of the development’. Policy ESD15 also advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation

and justification of the design principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement.

8.62. A Design and Access Statement has been included in the application documentation. The application design proposals for the Unit B building and the site layout have been developed from the outline approved indicative masterplan layout and parameters plan following further analysis of the logistics market sector requirements. The proposal seeks to increase the floor area of the building as well as increase the height from 15.5 to 18m. The proposed unit will incorporate a barrel-vaulted roof design to reduce the visual massing as much as possible with an associated clear height to haunch of 15m. The materials proposed are similar to those used on the recently constructed units A1 and A2.

8.63. The orientation and layout of the building has been designed in order to create a 'gateway' setting for the main access road onto the A41, with the offices fronting this elevation. The service area is located at the rear of the unit and will be secured by a gatehouse. Site security will be achieved by the erection of a 2.4m high colour coated paladin fence with anti-climb mesh fencing.

8.64. The car parking and access road will be surfaced with block paving with parking bays surfaced in a flexible bituminous material, to help alleviate a large expanse of black-top and to help control surface water run-off rates.

8.65. It is considered that the proposed building as submitted is acceptable in visual and design terms and because of the landscaping proposed to the A41 would not cause significant harm to the locality and is therefore in accordance with Policies Bicester 12 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved Policy C28 of the adopted Cherwell Local Plan 1996 and the NPPF which requires new development to be visually attractive and appropriate in terms of its context.

8.66. **Ecology**

8.67. The NPPF – Conserving and enhancing the natural environment requires at paragraph 109, that, 'the planning system should contribute to and enhance the natural and local environment by minimising impacts of biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.

8.68. Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 seeks to achieve biodiversity net gain through development by the protection and enhancement of biodiversity and the natural environment. The supporting text also requires all developments around Bicester to carry out surveys for the brown hairstreak butterfly as well as a consideration of the site's value as a wildlife corridor and the contribution it makes to ecological networks.

8.69. The ES submitted with the hybrid application included an ecological assessment of the site which found that the habitats within the site are generally of minimal ecological value, reflecting its agricultural use. This application is accompanied by a pre-commencement ecological walkover survey which was conducted on 13th February 2017 by a suitably qualified ecologist which confirmed that there had been no significant material changes to the type, extent or quality of habitats present within the site since the baseline assessment in 2015.

8.70. In terms of biodiversity enhancement, the proposed landscape proposals, and buffer planting will provide suitable areas for biodiversity net gain and it is therefore

considered that the proposal is in accordance with Policies Bicester 12 and ESD10 of the adopted Cherwell Local Plan 2011-2031 and the NPPF in this respect.

8.71. Flood Risk and Drainage

- 8.72. The application site is located entirely within Flood Zone 1. The NPPF – Meeting the challenge of climate change, flooding and coastal change advises that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of the flood risk, coastal change and water supply and demand considerations.
- 8.73. Policy ESD6 of the adopted Cherwell Local plan requires that flood risk assessments are included with development proposals such as the application site which should assess all sources of flood risk and demonstrate that there will be no increase in flood risk as a result of the development.
- 8.74. Policy ESD7 of the adopted Cherwell Local Plan 2011-2031 sets out the Council's approach to Sustainable Drainage Systems (SuDS) to ensure new developments are better adapted to predicted impacts of climate change in the South East which include more intense rainfall events and in order to prevent surface water run-off from increasing flood risk. Policy ESD7 is supported by the Flood and Water management Act 2010 which presumes that SuDS will be used for all new developments which seek to manage surface water as close to its source as possible. The policy states that 'all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.
- 8.75. The Environment Agency were consulted on the application but advised that due to increased workload prioritisation are unable to provide comments. The FRA and drainage strategy has been assessed by OCC as Lead Flood Authority. Field drains surround the site as a whole and the field drains to the north and west of the site appear to flow northwards towards the River Ray. An objection was received from OCC in respect of this submission on the grounds that the results of the soakage testing at the site demonstrate that SuDS infiltration will not be a viable solution. SuDS proposals include underground attenuation, a swale and a full retention hydrocarbon interceptor. It is advised that further details are required as the components are only very briefly described.
- 8.76. The FRA for the site (Peter Brett/32765-4001/December 2015) considered increased run-off rates produced by the development and provided mitigation for these increased rates. However, it did not consider increased 'volumes' of run-off that will inevitably be produced by the development in excess of the greenfield existing situation. This consideration is a requirement of Standard 'S4' of the Defra Non-Statutory Technical Standards. Policy ESD6 of the Cherwell local Plan also refers to this requirement and the policy appears to be more rigidly defined than the National Technical Standards in this respect. The drainage technical note accompanying this application on page 6 states that it is not practicable to provide controlled volumes at the site. Flood risk downstream will therefore increase. A discharge rate based on QBAR may be appropriate in this situation, where post and pre-development volumes of run-off generation cannot be exactly matched.
- 8.77. Condition 28 of the permission for the Hybrid application (16/00861/HYBRID) set out that the drainage scheme for the outline area for the site must demonstrate compliance with the Defra Non-Statutory Standards, however, this submission does not comply with this requirement and therefore OCC object to the proposal on this ground.

- 8.78. OCC also raise an objection about the capacity of the north-western ditch to accept the flows from Zone 2 and carry them away, especially so as it appears the drained developed area of Zone 2 is larger than the natural catchment that would drain to the outfall. Therefore an additional concern is raised about the capacity and condition of the infrastructure along the route to the final discharge point downstream. A SuDS management and Maintenance Plan is also required.
- 8.79. Following from the objections above, the applicant responded through the submission of a Technical Note 'Drainage Statement' prepared by Hydrock (c-08601-C Rev D), however, having assessed it, OCC remained of the view that the objection had not been resolved as OCC's objection concerned the 'volume' of surface water to be discharged from the development to the adjacent north-western field drain and also the capacity of the field drain (and downstream infrastructure) to receive this.
- 8.80. Previous responses from OCC (drainage) noted that the original FRA for this site did not address the need to control the volumes of surface water generated by the development. New development constructed on greenfield land results in an increase in the volume of surface water run-off generated as well as increasing run-off rates to flow to the watercourse. Without the provision of mitigation for both factors – 'rates and volumes', flood risk downstream can increase.
- 8.81. OCC (drainage) considers that the rate that does not 'adversely affect flood risk' referred to in NSTC Standard 'S6' is the greenfield 'QBAR' rate or 21/s/ha whichever is the greater. The proposal for discharge does not reflect this rate or comply with the Defra standards. This is therefore a reason for objection. OCC advised that the allowable discharge rate for Zone 2 is 2.9 litres per second per hectare which would translate to an allowable discharge rate for Unit B of approximately 8 l/s (2.66 ha). Discharging the surface water at this 'QBAR' rate to the field drain will ensure that the development mimics the greenfield response and would remove OCC's objection about the increase to flood risk downstream and alleviate concerns raised about the downstream infrastructure's capacity to receive the run-off from the site.
- 8.82. Following on from the above, confirmation is awaited from OCC as to whether the concerns above have yet been successfully addressed.

8.83. Sustainability

- 8.84. All applications for non-residential development are required in paragraph B.185 of the Cherwell Local Plan Part 1 2011-2031 to submit an energy statement demonstrating compliance with Policy ESD2 which will be demonstrated through the application of policies ESD3, ESD4 and ESD5. Policy ESD3 requires that non-residential developments should demonstrate that they have been designed to meet BREEAM 'very good' standard. Policy SED4 requires all applications for non-domestic development above 1000 sqm to be accompanied by a feasibility assessment for District Heating/Combined Heat and Power. Policy ESD5 requires that all such development proposals should also be accompanied by a feasibility assessment for on-site renewable energy provision.
- 8.85. The NPPF – 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 94 that 'local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations'.
- 8.86. Paragraph 96 advises that in determining planning applications, local planning authorities should expect new development to: (i) comply with adopted local plan policies on local requirements for decentralised energy supply unless it can be

demonstrated by the applicant having regard to the type of development involved in its design, that this is not feasible or viable; and (ii) take account of landform, layout and building orientation, massing and landscaping to minimise energy consumption.

- 8.87. The application is accompanied by an energy statement produced by Peter Brett Associates on behalf of the applicant in respect of the hybrid which confirms that the buildings were to be constructed to BREEAM 'very good' standard. It is proposed that this will also apply to this particular unit. A condition was imposed on the original hybrid application which requires the submission of an energy strategy to be submitted and approved. It is suggested that a similar condition is imposed in respect of this application.

8.88. Planning Obligation

- 8.89. The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. Policy INF1 of the adopted Cherwell local Plan states that: 'development proposals will be required to demonstrate that infrastructure requirements can be met, including the provision of transport infrastructure and improvements. Contributions can be secured via a Section 106 Agreement provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010.

- 8.90. The original Hybrid permission was the subject of a legal agreement to secure highway contributions and the monitoring and implementation of travel plans for each of the units, and a unilateral undertaking relating to the provision of footpath/cycle links through the site and into the remaining Bicester 12 development. This application will need to be the subject of a Deed of Variation of the original agreement that was entered into with the hybrid proposal.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The Council is committed to B8 development on this site through the strategic allocation of the site for mixed use development, including B1, B2 and B8 development in the adopted Cherwell Local Plan and Policy Bicester 12, together with the granting of outline planning permission on this part of the site for B8 use through the hybrid application (16/00861/HYBRID) refers. The consideration of this application therefore must only consider whether the slightly larger building footprint and therefore reduced landscape buffer and increased height are so significant to justify a refusal in this case.
- 9.2. Having regard to the above, it is considered that, on balance, the proposal will not have such significant visual and landscape impact over and above that of the approval scheme to justify refusal. The proposal is therefore considered to be in accordance with the Development Plan and Government advice within the NPPF.

10. RECOMMENDATION

That permission is granted, subject to (i) the applicant entering into an appropriate legal agreement and (ii) the following conditions:

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

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

- 2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, FRA dated December 2015 prepared by Peter Brett Associates and additional technical notes prepared by Hydrock dated March 2018 revision D.; Archaeological Evaluation Report MK 050/16 by CFA Archaeology Ltd; Design and Access Statement dated January 2018 by PHP Architects; Planning Statement dated January 2018; Biodiversity Method Statement and Management Plan dated March 2017 EDP2606-20d, Energy Statement dated September 2016 by Peter Brett Associates, Phase II Ground Investigation report dated May 2016 16.02.026; Environmental Statement dated January 2018 PF/9932; Transport Assessment dated April 2016 by Peter Brett Associates; Framework Travel Plan dated December 2016 by Peter Brett Associates and drawing numbers: 4036-B09-011 rev PO3 - Location Plan; 4036-B09-000 Rev PO5 Red Line Plan; 4036-B09-014 rev PO8- Parking details; 4036-B09-001 rev P20-Indicative site masterplan; 4036-B09-013 rev PO8-Fencing details; 4036-B09-008 rev P15-Site layout plan; EDP-2606-123i; 124k; 125i; 126i; 127j; 129c and 128i Soft Landscape Scheme sheets 1-7; 4036-B09-020 Rev PO6 Site Sections; EDP2606/50L illustrative ecology and landscape plan; 4036-B09-006 Rev PO6; 4036-B09-009 Rev P05-elevations and sections; 4036-B09-012 Rev P01-Gatehouse details; 4036-B09-015 Rev P01-Roof plan; 4036-B09-016 Rev P04-Parameter line comparison plan; 4036-B09-017 P03-Sprinkler installation; 4036-015 rev P20-Parameters plan; Drainage Plans by Hydrock: SYM-HYD-XX-XX-DR-C-0001 Rev P3; 0002 rev P3; 0003 Rev P2; 0004 Rev P1; 0005 Rev P3; 0006 Rev P1; 0007 Rev P1; 0120 rev P2; 0105 rev T2 and 0104 Rev T2 and vehicle tracking sheets 0009 P2; 0010 P3 and 0011.

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

- 3 Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the first occupation of the development hereby approved, a landscape

management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 6 All existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of the site and, following the completed planting of the landscaping scheme, shall be distributed throughout the completed planting areas.

Reason - To ensure the protection and conservation of the on-site top soil as a viable growing medium for the approved landscaping scheme and in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 7 The existing hedgerow along the northern and southern boundaries of the site shall be retained and properly maintained, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 8 No development shall take place [on any phase], including any works of demolition until a Construction Traffic Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a) The CTMP must be appropriately titled, include the site and planning permission number;
- b) The routeing of HGVs, construction traffic and delivery vehicles to and from the site and signed to the necessary standard/requirement, this includes means of access into the site;
 - details of and approval of any road closures needed during construction
 - details of any traffic management needed during construction
 - details of appropriate signing to accord with the necessary standards/requirements for pedestrians during construction works, including any footpath diversions
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development, including site compound;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - a regime for inspection and maintenance of all signing, barriers etc
 - contact details of the Project manager and Site Supervisor

use of appropriately trained, certified and qualified banksmen for guiding vehicles/unloading etc

details of parking for all those involved on the site

f) Wheel washing facilities/ road sweeping - to prevent mud etc, in vehicle tyres/wheels from migrating onto the adjacent highway;

g) Measures to control the emission of dust and dirt during construction;

h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;

i) Delivery, demolition and construction working hours which must be outside network peak and school peak hours;

j)

The approved Construction Traffic Management Plan shall be adhered to throughout the construction period for the development.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan, in the interests of highway safety and Government guidance contained within the National Planning Policy Framework.

- 9 Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall incorporate site specific details of the means of regulating the use of private cars related to the development in favour of other modes of transport and the means of implementation and methods of monitoring. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 10 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. This scheme shall include.....(see OCC)

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

- 11 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to surface water infrastructure, and the programme for the works), has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason - The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 12 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk assessment (FRA)(May 2016/32765/3006/Peter Brett), Drainage Design Statement (April 2016/32765/2006/001/Peter Brett), technical note 32765-2004-TN002 and the following mitigation measures detailed within the FRA statement:
- a) Limiting the surface water run-off generated by the 1 in 100 year critical storm to 5 litres per second so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site
 - b) Provision of underground storage tank and swale as shown on drawing number 32765-2006-001 Rev B
 - c) Provision of flood storage as shown on drawing number 32765-2006-001 rev B
 - d) Hydrocarbon interceptor and wastewater treatment centre as detailed in the Drainage design Statement (April 2016/32765/2006/001 Peter Brett) and technical note 32765-2004-TN002.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by the local planning authority.

Reason - To protect the development from increased risk of flooding and in order to comply with Government guidance contained within the National Planning Policy Framework.

- 13 Prior to the formation of the first slab level, a scheme for sustainable urban drainage (SUDS) shall be submitted to and approved in writing by the local planning authority in accordance with a SUDS maintenance and Management Plan for the development in Zone 1 in accordance with the approved Flood Risk assessment (FRA) (May 2016/32765/3006/Peter Brett), Drainage Design Statement (April 2016/32765/2006/001/Peter Brett), technical note 32765-2004-TN002. This shall include a comprehensive maintenance schedule; a site plan showing the location of SUDS features and details; maintenance areas, location of outfalls. Responsibility for the management and maintenance of each element of the SUDS scheme will be detailed within the Management Plan. A health and safety plan will be provided where risks are involved in any maintenance activity. The scheme shall be implemented in accordance with the approved details.

Reason - To ensure satisfactory drainage of the site and to avoid flooding and in order to comply with Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance within the national Planning Policy Framework.

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

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

- 15 Prior to the commencement of the development full details of the green infrastructure and footpath/cycle links from this site into the adjoining Bicester 12 site and to the A41 footpath shall be submitted to and approved in writing by the Local Planning Authority. This route shall be provided in accordance with the details so approved prior to the first occupation of the building hereby approved.

Reason - In the interests of sustainability and integration with the remainder of

Bicester 12 and by ensuring suitable footpath/cycle connections and to conserve and enhance biodiversity and habitat connections through green infrastructure links in accordance with policy C2 of the Adopted Cherwell Local Plan 1996, Policies ESD10 and Bicester 12 of the adopted Cherwell Local Plan 2011-2031 and Government Guidance with the National Planning policy Framework.

- 16 Cumulative noise output from any mechanical ventilation or fixed plant associated with the development shall be noise attenuated or mitigated so that it achieves the following levels at 1m from the nearest receptors (listed below):
- a) Daytime (0.700-23.00)
 - i) Wretchwick Farm Cottages and Wretchwick Farm: 43dB LAeq
 - ii) Little Wretchwick Farm: 34dB LAeq
 - b) Night time (23.00-07.00)
 - i) Wretchwick Farm Cottages and Wretchwick farm: 31dB LAeq
 - ii) Little Wretchwick Farm: 28dB LAeq

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

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

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

- 18 If contamination is found by undertaking the work carried out under condition 34, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

- 19 If remedial works have been identified in condition 20, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 20. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 21 Prior to any demolition on the site and the commencement of the development and following the approval of the first stage Written Scheme of Investigation produced by CFA Archaeology and submitted with this application, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

- 22 Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

- 23 No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings

or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

- 24 Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

- 25 Prior to the commencement of the development, including any demolition and any works of site clearance, full details of the role, responsibilities and operations to be overseen by a qualified supervising ecologist shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be overseen by the qualified ecologist in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

- 26 Prior to the first occupation of the building, a strategy shall be submitted to and agreed in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be provided during construction and by the occupiers of the unit. The strategy shall include details of the number of apprenticeships and training posts, over what period of time they may be employed, where the apprentices may be placed within the company and where the apprentices may be taken from. The strategy will be implemented in accordance with the approved details.

Reason - In the interests of ensuring appropriate and adequate apprenticeships are made available in accordance with Government guidance.

- 27 Prior to the commencement of any development on the site, a detailed Energy Strategy shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall include:
- o How climate change adaption measures will be incorporated
 - o How the development design will reflect fabric efficiency in its constructions
 - o Increased energy efficiency
 - o Sustainable construction
 - o District heating /combined heat and power feasibility study
 - o Renewable energy

The agreed energy strategy shall ensure that all buildings hereby approved are constructed to at least BREEAM 'Very Good' standard.
The development thereafter shall be carried out in accordance with the agreed strategy.

Reason - In the interests of sustainability and to comply with Policies ESD1-5 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

- 28 All buildings hereby approved shall be constructed to at least BREEAM 'Very Good' standard.

Reason - to ensure sustainable construction and reduce carbon emissions in accordance with Policies ESD 1-5 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

- 29 The building hereby approved shall provide electricity charging points for cars within the site, in accordance with the details hereby approved, prior to the first occupation of the building on the development. The development shall be carried out in accordance with the approved details and thereafter retained and maintained in accordance with the approved plans.

Reason - In the interests of sustainable development, and to comply with Policies ESD1-5 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

PLANNING NOTES

- 1 Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
- 2 The District Council, as local planning authority, in deciding to approve this proposal has taken into account the Environmental Statement submitted with the application and any relevant representations made about the likely environmental effects by the public or consultees.
- 3 The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
- 4 Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635

268881.

- 5 Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
- 6 Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

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